

MINUTES OF THE PUBLIC HEARING AND BOARD OF TRUSTEES MEETING HELD ON JANUARY 25, 2022 VIA REMOTE ATTENDANCE, PARTICIPATION AND OBSERVATION VIA AN AUDIO/VIDEO CONNECTION TO THE INTERNET.

Mayor Zaccaro called the Board of Trustees meeting to order at 5:00 p.m., and the following were in attendance:

John A. Zaccaro Jr, Mayor
Frank Wolf, Trustee
Hugh O'Brien, Trustee
Nat Oppenheimer, Trustee
Alex Chefetz, Trustee
Scott Rosenblum, Counselor to the Board
Village Attorney Joseph Prokop
Mario Posillico, Administrator & Clerk
Donna Lyudmer, Village Treasurer
Meagan Leppicello, Deputy Village Clerk Treasurer
And 0 attended in person
And 0 attendees observed through internet connection

ADJOURN INTO EXECUTIVE SESSION

Trustee Wolf made a motion at 5:01 p.m. that the Board adjourn into Executive Session to discuss one or more of the following: information relating to current and future investigation and or prosecution of offenses in the Village, litigation strategy in pending or future litigation, personnel matters as described in Public Officers Law Section 105(f), and the purchase or sale of real property. The motion was seconded by Trustee Chefetz and on call it was approved according to the following vote:

Motion: Trustee Wolf
Seconded: Trustee Chefetz
In Favor: Trustee Wolf, Trustee O'Brien, Trustee Oppenheimer, Trustee Chefetz
Against: None
Abstain: None

Village Attorney Prokop left the Executive Session at 5:50 p.m.

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Wolf made a motion at 5:59 p.m. to close the Executive Session and to re-adjourn into public session at 6:00 p.m. The motion was seconded by Trustee O'Brien and on call it was approved according to the following vote:

Motion: Trustee Wolf
Seconded: Trustee O'Brien
In Favor: Trustee Wolf, Trustee O'Brien, Trustee Oppenheimer, Trustee Chefetz
Against: None
Abstain: None

Mayor Zaccaro called the Public Hearing to order at 6:03 p.m. and the following were in attendance:

John A. Zaccaro Jr, Mayor
Frank Wolf, Trustee
Hugh O'Brien, Trustee
Nat Oppenheimer, Trustee
Alex Chefetz, Trustee
Scott Rosenblum, Counselor to the Board
Mario Posillico, Administrator & Clerk
Donna Lyudmer, Village Treasurer
Meagan Leppicello, Deputy Village Clerk Treasurer
And at times approximately 47 attendees observed through internet connection

PUBLIC HEARING: LOCAL LAW MODIFICATION – CHAPTER 38 PEACE AND GOOD ORDER – TO REGULATE SMOKING AND ALCOHOL USE IN PUBLIC PLACES

Deputy Mayor O'Brien outlined the proposed regulations in the draft local law to modify Chapter 38 to regulate the use and transport of smoking and alcohol products in public places. He stated that the Mayor had suggested clarifying language that would allow for typical transport or delivery of those products by family members or delivery services. Comments and questions were received from the members of the Board and those in attendance, and after all having a chance to be heard, Trustee O'Brien made a motion at 6:11 p.m. to adjourn the public hearing and have it remain open for further consideration. The motion was seconded by Trustee Wolf and on call the motion was carried according to the following vote:

Motion: Trustee O'Brien

Seconded: Trustee Wolf

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Oppenheimer, Trustee Chefetz

Abstain: None

Against: None

PUBLIC HEARING: LOCAL LAW MODIFICATION – CHAPTER 25 - REGULATION OF LOCATION AND IDENTIFICATION OF PROPANE TANKS

Deputy Mayor O'Brien outlined the proposed regulations in the draft local law to modify Chapter 25 to regulate the location and identification of propane tanks. He stated that he has been working with the Fire Company and the Village Attorney on the proposed regulations, and that although significant progress has been made toward the final draft, additional editing is required to incorporate all input toward a final version. Comments and questions were received from the members of the Board and those in attendance, and after all having a chance to be heard, Trustee O'Brien made a motion at 6:20 p.m. to adjourn the public hearing and have it remain open for further consideration. The motion was seconded by Trustee Wolf and on call the motion was carried according to the following vote:

Motion: Trustee O'Brien

Seconded: Trustee Wolf

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Oppenheimer, Trustee Chefetz

Abstain: None

Against: None

COVID UPDATE

Mayor Zaccaro provided the current statistics of the COVID pandemic in New York State and Suffolk County, and the impact of the Delta and Omicron variants on both vaccinated and unvaccinated people. He further reported that he, Trustee Wolf, Administrator Posillico and Village Attorney Prokop had met with the Medical Advisory Committee (MAC) in early January to assess the current public health situation and its impact on current and potential future Village policies to protect the public and staff. He stated that the discussion with the MAC centered around vaccination policies and potential mandates for Village employees and Saltaire Volunteer Fire Company (SVFC) members, as well as potential vaccine mandates for campers registering with the Saltaire Day Camp. He stated that it was decided to wait for a short period of time before making any final determinations about Saltaire Camp policy pending specific Department of Health policy on Camp operation. Mayor Zaccaro further stated that the MAC did recommend that the Board adopt a vaccine mandate policy pursuant to current regulatory authority to be implemented as soon as practical so all current and potential future employees and volunteers were made aware of the requirements of the policy and thus have sufficient time to meet those requirements before the start of the summer season. Discussion ensued first amongst the members of the Board, the members of the MAC and the public at large, and after all having a chance to be heard, Trustee Wolf made a motion to authorize Village Administrator Posillico to retain the services of Lamb & Barnoski to assist the Village to develop a vaccine mandate policy for employees and volunteers of both the Village and the SVFC, consistent with the recommendation of the MAC and also consistent with the current legal standards for mandatory vaccination policies, and that it be ready for review and consideration for adoption by the Board at its next regularly scheduled Board meeting. The motion was seconded by Trustee O'Brien, and on call it was approved according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee O'Brien

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Oppenheimer, Trustee Chefetz

Against: None

Abstain: None

DISCUSSION OF AUTHORIZING A PROPERTY TRANSFER TAX

Mayor Zaccaro stated that pursuant to authorization given at the previous Board meeting, he along with Trustee Wolf, Village Attorney Prokop and Administrator Posillico initiated informal discussions with State Senator Phil Boyle and his staff to gauge the likelihood of approval of a transfer tax at the State level, based on the following parameters: i) 2% tax rate; ii) 10-year authorization period; iii) buyer to pay the tax; and iv) funds to be designated for infrastructure improvements. He further reported that Senator Boyle indicated that there is a good likelihood of success for a property transfer tax in the State Legislature, and he even took the step to draft a legislative bill for the Village to review. Mayor Zaccaro stated that before the Board proceeds to make that formal request of the Legislature it should have a more robust discussion with the residents of the Village at a future Board meeting, after which it should solidify the parameters of the transfer tax. After discussion, and all having a chance to be heard, Trustee Wolf made a motion to table the matter for further discussion at future meetings where public comment is solicited and considered. In addition, the Board authorized the Village Administrator to advise Senator Boyle's office to hold off on making the formal request to the State Legislature until that public discussion with Saltaire residents is complete and official Board action is authorized. The motion was seconded by Trustee O'Brien, and on call it was approved according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee O'Brien

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Oppenheimer, Trustee Chefetz

Against: None

Abstain: None

REPORT AND DISCUSSION ABOUT A POSSIBLE VILLAGE-WIDE REASSESSMENT

Mayor Zaccaro stated that he tasked Trustee Chefetz to investigate the effectiveness of the Village's current assessment roll, as well as the cost, and possible advantages and disadvantages of updating the roll with current data and appraisals. Trustee Chefetz presented the findings of his investigation, and emphasized that the ultimate goal of a Village-wide reassessment would be to achieve better equity of valuations between all property owners based on more current data. He stated that, as mandated by State law, the entire process cannot result in any additional tax revenues. He further stated that if the Board decided that it was time to undertake a Village-wide reassessment with a consulting firm specializing in that work, the cost could range from \$100,000 to \$200,000 depending upon the type of property assessments that were specified. He also stated that the Village could, prior to making that hiring decision, begin the collection data-collection process that would be helpful in making that decision, as well as being beneficial in the reassessment process if authorized, the cost of which would be in the \$25,000 range. After discussion, and all having a chance to be heard, Trustee Oppenheimer stated that he would want to see how the latter, transitional data collection option would fit within the parameters of the 2022-23 budget which is currently being developed by the Village Administrator and scheduled to be delivered to the Board at the February meeting, and the Board agreed with suggestion.

Village Attorney Prokop rejoined the meeting at 7:20 p.m.

ELECTION DISCUSSION

At the request of Mayor Zaccaro, Village Attorney Prokop provided an update on two election matters that had been discussed at previous meetings. First, he reported that the New York State Attorney General's office, in response to a request by the Village, had issued an opinion about how to count votes on a ballot where votes are cast for a single candidate for two incompatible offices, i.e. offices that cannot be occupied by one person at the same time. He summarized that the Attorney General opinion stated that neither vote shall be counted for any person who had received votes for incompatible offices on the same ballot, while all other properly cast votes on that same ballot shall be counted.

He then discussed the form of resolution, previously distributed to the Board for review, that would need to be adopted if the Board wanted to change the date of the annual Village election. He stated such resolution would require that a mandatory referendum of the electorate of the Village be undertaken to vote on the change of election date, which could be approved by a simple majority vote. He further stated that the referendum to change the date of the Village election for 2023 and beyond could be included on the ballot of the 2022 general Village election if the resolution was adopted at the March 2022 meeting. After discussion and all having a chance to be heard, Mayor Zaccaro stated that he will leave it to the Trustees to decide if and when they want to make a motion to change the date of the annual Village election.

AUTHORIZATION TO SEEK PUBLIC BIDS FOR BULKHEAD REPAIR

Village Administrator Posillico stated that the low bulkhead behind the cut in the bayfront bulkhead located between Neptune and Pacific Walks has failed and is unsafe. He stated that either the bulkhead would have to be replaced, with a planning estimate of \$50,000, before the start of the summer season or be cordoned off to keep residents away from the unsafe area during the summer season. After discussion and all having a chance to be heard, Trustee Wolf made the following motion:

WHEREAS, the Board of Trustees would like to consider the replacement of the failed bulkhead located between Neptune and Pacific Walks, and

WHEREAS, the Board of Trustees would like to have a verified cost of installation in order to make an informed decision,

THEREFORE BE IT RESOLVED that the Village Administrator be authorized to retain engineering and environmental services to develop plans to obtain all necessary regulatory approvals and to solicit bids for the replacement of the failed bulkhead between Neptune and Pacific Walks.

The motion was seconded by Trustee Oppenheimer, and the motion was carried according to the following:

Motion: Trustee Wolf

Seconded: Trustee Oppenheimer

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Oppenheimer, Trustee Chefetz

Against: None

Abstain: None

AUTHORIZATION TO SOLICIT PROPOSALS FOR A NEW PLAYGROUND

Village Administrator Posillico reported that in consultation with the Saltaire Citizens' Association (SCA) he has finalized the Request for Proposal for new playground equipment as authorized at the previous Board meeting. After discussion and all having a chance to be heard, Trustee Wolf made a motion to authorize the Village Administrator to formally solicit proposals, utilizing the draft RFP developed in conjunction with the SCA, for Board consideration pursuant to Village procurement policy.

The motion was seconded by Trustee Oppenheimer and the motion was carried according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Oppenheimer

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Oppenheimer, Trustee Chefetz

Abstain: None

Against: None

APPLICATION STATUS FOR 104A PACIFIC WALK BUILDING PERMIT

Mayor Zaccaro recounted the history of the application for a building permit on the vacant Village property known as 104A Pacific Walk. The original application to the NYS Department of Environmental Conservation (DEC) was for a permit to place an historic, donated structure on the property. After the historic-structure donation was rescinded by the owner, the Village amended the original application to provide for the construction of a new house with the same footprint as the

proposed donated structure in the original application. He stated that the application process for the proposed new structure has slowed down considerably, partly because of staff shortages at the DEC due to COVID, and partly because the DEC has requested additional information from the Village. Mayor Zaccaro stated that in order to increase the chances of success, the application would have to include the removal or relocation, if the permit is granted, of the tire-swing playground equipment that encroaches onto the Pacific Walk property. Mayor Zaccaro stated that the SCA has modified the playground design parameters in the aforementioned RFP to account for the smaller footprint, with the understanding that the playground footprint could potentially increase in the future if the DEC application is not successful or withdrawn. Trustee Oppenheimer stated that he is in favor of having full knowledge of the regulatory constraints, if any, on the property before making final decisions on the utilization of the land, and therefore supports moving the application forward. After discussion and all having a chance to be heard, Trustee O'Brien made a motion to authorize the Village Administrator to provide the DEC with all necessary information so that they may continue their review of the application toward a final conclusion, and to further advise the Board when it appears that the DEC is close to issuing a decision, whether positive or negative, so the Board has the opportunity to take additional action to preserve future rights of the Village regarding the application.

The motion was seconded by Trustee Chefetz, and the motion was carried according to the following:

Motion: Trustee O'Brien

Seconded: Trustee Chefetz

In Favor: Trustee O'Brien, Trustee Oppenheimer, Trustee Chefetz

Against: Trustee Wolf

Abstain: None

AUTHORIZATION TO PURCHASE DISCOUNT FERRY TICKETS

Trustee Oppenheimer made a motion to authorize the purchase of 600 ferry ticket books at a discounted price of \$297 per book for a total of \$178,200. The purchase level was recommended by the Village Administrator and Village Treasurer as sufficient to meet public demand based on current inventory and 2022 expected usage levels, and in accordance with the terms of the contract with Fire Island Ferries. The ferry ticket books will be offered for sale and distribution to Village residents in 2022 at a price of \$304 per book while supplies last or unless a new rate is determined by the Board of Trustees. Trustee Wolf seconded the motion, and on call it was carried pursuant to the following vote:

Motion: Trustee Oppenheimer

Seconded: Trustee Wolf

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Oppenheimer, Trustee Chefetz

Abstain: None

Against: None

AUTHORIZATION FOR PUBLIC HEARING ON LOCAL LAW TO WAIVE OUT OF NEW YORK STATE MAXIMUM TAX CAP

Administrator Posillico stated that the Board will shortly undertake the budget process for the 2022/23 fiscal year, and that it is currently undetermined whether the budget will require a tax increase and if so to what extent. The Board has the option to waive the State-mandated tax cap limit, which is likely to be two percent (2.0%). The waiver can only be accomplished by adoption of a local law each year. The adoption of such a local law would not require that the Board adopt a tax increase above the State

minimum increase, but rather would provide the flexibility to do so if necessary to balance the budget. After discussion and all having a chance to be heard, Trustee Oppenheimer made a motion to consider such an amendment of Chapter 48 of the Village Code at a public hearing scheduled for the same date as the next scheduled Board of Trustees meeting.

The motion was seconded by Trustee Chefetz and the motion was carried according to the following:

Motion: Trustee Oppenheimer

Seconded: Trustee Chefetz

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Oppenheimer, Trustee Chefetz

Abstain: None

Against: None

AUTHORIZATION TO SEEK PUBLIC BIDS FOR ELEVATION AND RELOCATION OF 109A NEPTUNE WALK

Village Administrator Posillico stated that the Village has received the requisite environmental permits to elevate and relocate the Recreation Shed located at 109A Neptune Walk pursuant to the plans previously approved by the Board. After discussion and all having a chance to be heard, Trustee Chefetz made the following motion:

WHEREAS, the Board of Trustees would like to consider the elevation and relocation of 109A Neptune Walk, and

WHEREAS, the Board of Trustees would like to have a verified cost of installation in order to make an informed decision,

THEREFORE BE IT RESOLVED that the Village Administrator be authorized to retain engineering services to develop plans sufficient for bidding and to solicit bids for the elevation and relocation of 109A Neptune Walk.

The motion was seconded by Trustee O'Brien, and the motion was carried according to the following:

Motion: Trustee Chefetz

Seconded: Trustee O'Brien

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Oppenheimer, Trustee Chefetz

Against: None

Abstain: None

ADOPTION OF NEW SANITARY WORK PERMIT AND FEE SCHEDULE

Village Administrator Posillico stated that he and co-Building Inspector Leppicello had recently developed a separate building permit application for the installation or repair of on-site sanitary systems in order to better review and track that type of building work which now requires more stringent licensing and oversight by the Department of Health Wastewater Division. He also stated that they are recommending a graduated fee schedule based on the scope and cost of the work to cover the cost of administration of such work.

After discussion and all having a chance to be heard, Trustee Chefetz made a motion to authorize the Sanitary Permit Application and associated fee schedule as presented.

The motion was seconded by Trustee Wolf, and on call it was approved according to the following action:

Motion: Trustee Chefetz

Seconded: Trustee Wolf

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Oppenheimer, Trustee Chefetz

Abstain: None

Against: None

AUTHORIZATION FOR PUBLIC HEARING ON LOCAL LAW TO MODIFY SECTION 8 OF CHAPTER 18 OF THE VILLAGE CODE

Administrator Posillico stated that the Village Attorney had recommended that building permit applications should be signed by the homeowner as well as the contractor to assure that the homeowner is fully aware of the applications being made on their behalf. Administrator Posillico stated that section 18-8 of the Village Code provided that either the homeowner or contractor was authorized to sign a building permit application, and that a modification of that code section would be necessary to require the homeowner to sign the application. After discussion and all having a chance to be heard, Trustee O'Brien made a motion to consider such an amendment of Chapter 18 of the Village Code at a public hearing scheduled for the same date as the next scheduled Board of Trustees meeting.

The motion was seconded by Trustee Chefetz and the motion was carried according to the following:

Motion: Trustee O'Brien

Seconded: Trustee Chefetz

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Oppenheimer, Trustee Chefetz

Abstain: None

Against: None

APPROVAL OF MINUTES

Draft copies of the minutes of the Board of Trustees meeting of December 14, 2021 had previously been presented to the Board and posted in draft form on the Village website. Following discussion, Trustee O'Brien made a motion to adopt the minutes as presented with minor non-substantive corrections. The motion was seconded by Trustee Oppenheimer and on call it was carried according to the following action:

Motion: Trustee O'Brien

Seconded: Trustee Oppenheimer

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Oppenheimer, Trustee Chefetz

Abstain: None

Against: None

AUDIT AND APPROVAL OF ABSTRACTS

Mayor Zaccaro stated that the following Abstracts, having been distributed to the Board and posted on the Village website, were presented for approval by the Village Administrator and the Village Treasurer:

General Fund Checking No. 7B in the amount of \$34,656.45

General Fund Checking No. 8A in the amount of	\$110,942.28
Capital Fund Checking No. 8A in the amount of	\$7,172.50
Trust & Agency Checking No. 8A in the amount of	\$8,000.00

After discussion and opportunity for questions, Trustee Chefetz made a motion that the above-listed abstract(s) be approved as presented and that the Mayor be authorized to execute the warrant(s). The motion was seconded by Trustee Oppenheimer, and on call it carried according to the following vote:

Motion: Trustee Chefetz

Seconded: Trustee Oppenheimer

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Oppenheimer, Trustee Chefetz

Abstain: None

Against: None

ADJOURN INTO EXECUTIVE SESSION

Trustee Wolf made a motion that the Board adjourn into Executive Session to discuss one or more of the following: information relating to current and future investigation and or prosecution of offenses in the Village, litigation strategy in pending or future litigation, personnel matters as described in Public Officers Law Section 105(f), and the purchase or sale of real property. The motion was seconded by Trustee O'Brien and on call it was approved at 9:03 p.m. according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee O'Brien

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Oppenheimer, Trustee Chefetz

Abstain: None

Against: None

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Chefetz made a motion to re-adjourn into public session at 9:21 p.m. The motion was seconded by Trustee O'Brien and on call it was approved according to the following vote:

Motion: Trustee Chefetz

Seconded: Trustee O'Brien

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Oppenheimer, Trustee Chefetz

Abstain: None

Against: None

The public meeting was called back into session by Mayor Zaccaro at 9:21 p.m. and the following were in attendance:

John A. Zaccaro Jr, Mayor
Frank Wolf, Trustee
Hugh O'Brien, Trustee
Nat Oppenheimer, Trustee
Alex Chefetz, Trustee
Scott Rosenblum, Counselor to the Board
Joseph Prokop, Village Attorney

Mario Posillico, Administrator & Clerk
Donna Lyudmer, Village Treasurer
Meagan Leppicello, Deputy Village Clerk Treasurer
And 0 attendee observed through internet connection
And 0 attended in person

CLOSE OF MEETING

After all having had a chance to be heard and there being no further business before the Board, Trustee Oppenheimer made a motion at 9:22 p.m. to close the meeting and to hold the next Board of Trustees meetings according to the following schedule:

- February 23, 2022 at 5:00 p.m. with remote connection, which will include any Public Hearings.
- March 8, 2022 at 5:00 p.m. with remote connection, which will include any Public Hearings or a Budget Workshop

The motion was seconded by Trustee Wolf and on call it was approved according to the following vote:

Motion: Trustee Oppenheimer

Second: Trustee Wolf

In Favor: Trustee Wolf, Trustee O'Brien, Trustee Oppenheimer, Trustee Chefetz

Abstain: None

Against: None