

MINUTES OF THE PUBLIC HEARING AND BOARD OF TRUSTEES MEETING HELD ON FEBRUARY 23, 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 5:03 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
Village Attorney Joseph Prokop
Mario Posillico, Administrator & Clerk
Donna Lyudmer, Village Treasurer
And 0 attended in person
And 0 attendees observed through internet connection

ADJOURN INTO EXECUTIVE SESSION

Trustee Oppenheimer made a motion at 5:03 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 Wolf and on call it was approved according to the following vote:

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

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Wolf made a motion at 5:55 p.m. to close the Executive Session and to re-adjourn into public session at 6:00 p.m. for another Public Hearing. 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
Village Attorney Joseph Prokop
Mario Posillico, Administrator & Clerk
Donna Lyudmer, Village Treasurer
And at times up to 59 attendees observed through internet connection

PUBLIC HEARING: LOCAL LAW MODIFICATION – CHAPTER 18 BUILDING AND CONSTRUCTION – TO REGULATE BUILDING PERMIT APPLICATIONS

Mayor Zaccaro outlined the proposed regulations in the draft local law to modify Chapter 18 to regulate the requirements for proper submission of a building permit application. He stated that the current requirements of Chapter 18 allow the application to be signed by either the contractor or the homeowner, and that the purpose of this amendment is to require that both the homeowner and the contractor so sign the permit to assure that both are certifying the scope of work of the permit. 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 Wolf made a motion at 6:07 p.m. to adjourn the public hearing and have it remain open for further consideration at a later time or date. The motion was seconded by Trustee Chefetz, and on call the motion was carried according to the following vote:

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

ADOPTION OF MODIFICATION TO CHAPTER 18 BUILDING AND CONSTRUCTION TO REGULATE BUILDING PERMIT APPLICATIONS

Mayor Zaccaro asked if any Trustee was prepared to make a motion regarding the local law modification to regulate the form of a Building Permit application. After Trustee O'Brien indicated that he was prepared to make a motion for adoption, Village Attorney Prokop advised that the Board should adopt a resolution in compliance with the State Environmental Quality Review Act (SEQRA) requirements.

Trustee Wolf made a motion for the Village of Saltaire to assume Lead Agency status regarding the adoption of the proposed local law, and that it has determined that the proposed adoption of the local law to be a Type II action and therefore no other action or review is required pursuant to the State Environmental Quality Review Act. 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

Comments and questions were then 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 to adopt the local law to modify Chapter 18 of the Village Code as presented. The motion was seconded by Trustee Wolf, and on call it was approved according to the following vote:

Motion: Trustee O'Brien

Seconded: Trustee Wolf

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

Against: None

Abstain: None

PUBLIC HEARING: LOCAL LAW MODIFICATION – CHAPTER 48 TAXATION – TAX CAP WAIVER

Mayor Zaccaro re-opened the Public Hearing at 6:10 pm to consider the proposed amendment to Chapter 48 – Taxation. He stated that the purpose of the proposed local law is to allow the Village to opt out of the New York State-mandated maximum tax levy increase for local governments. New York State adopted legislation that limited the annual increase in the tax levy that a local government can assess. For the next fiscal year starting June 1, 2022 that tax cap would likely be set at 2%. He further stated that the adoption of this local law provides the flexibility for the Board to meet the budget requirements and any future unforeseen circumstances, if necessary. 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 Oppenheimer made a motion at 6:15 p.m. to adjourn the public hearing and have it remain open for further consideration at a later time or date. The motion was seconded by Trustee Chefetz, and on call the motion was carried according to the following vote:

Motion: Trustee Oppenheimer

Seconded: Trustee Chefetz

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

Abstain: None

Against: None

ADOPTION OF MODIFICATION TO CHAPTER 48 TAXATION TO WAIVE OUT OF THE NEW YORK STATE TAX CAP

Mayor Zaccaro asked if any Trustee was prepared to make a motion regarding the local law to opt-out of the New York State-mandated tax cap limit. After Trustee Chefetz indicated that he was prepared to make a motion for adoption, Village Attorney Prokop advised that the Board should adopt a resolution in compliance with the SEQRA requirements.

Trustee Chefetz made a motion for the Village of Saltaire to assume Lead Agency status regarding the adoption of the proposed local law, and that it has determined that the proposed adoption of the local law to be a Type II action and therefore no other action or review is required pursuant to the State Environmental Quality Review Act. The motion was seconded by Trustee Oppenheimer, and on call it was approved according to the following vote:

Motion: Trustee Chefetz

Seconded: Trustee Oppenheimer

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

Comments and questions were then received from the members of the Board and those in attendance, and after all having a chance to be heard, Trustee Chefetz made a motion to adopt the local law to modify Chapter 48 of the Village Code as presented. The motion was seconded by Trustee Oppenheimer, and on call it was approved according to the following vote:

Motion: Trustee Chefetz

Seconded: Trustee Oppenheimer

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

Against: None

Abstain: None

COVID UPDATE & EMPLOYEE VACCINATION POLICY

Mayor Zaccaro provided the current statistics of the COVID-19 pandemic in New York State and Suffolk County. He stated that over the last month, the infection rates have fortunately dropped dramatically, from a high of over 30% both regionally and state-wide to approximately 2%. He stated that while currently buoyed by the improved statics, the Board must continue to develop policies and procedures that protect the health and safety of residents and their guests, employees and first responders during the still fluid and risky pandemic. He reported that the Board and staff have been meeting with the Medical Advisory Committee (MAC) since early January to asses the current public health situation to help inform the Board's policies to protect the public and staff for the remainder of 2022. He stated that the MAC has and continues to recommend a policy that would mandate that all Village employees and members of the Saltaire Volunteer Fire Company (SVFC) be vaccinated, except as exempted for religious or medical reasons. Mayor Zaccaro stated that based on discussions with Village staff, it is hoped that the number of unvaccinated employees is and will remain very low, and the Board must find the right balance in its policy maximizing the percentage of vaccinated staff as well as developing policies and procedures for those that will be legally exempted and those who choose not be vaccinated. 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 the following motion:

WHEREAS, the Board of Trustees of the Village of Saltaire desires to minimize the health risks associated with the COVID-19 virus as much as practicably possible for the employees, residents, first responders and guests to the Village for the remainder of 2022; and

WHEREAS the Board of Trustees, in consultation with the Medical Advisory Committee and its department heads, has considered the various options that are available to the Village of Saltaire and the Board of Trustees to minimize those risks; therefore

BE IT RESOLVED that, effective immediately, the Village Administrator or his designee(s) shall be authorized to solicit the COVID-19 vaccination status of current and potential future paid Village employees as a requirement for continued or future employment by the Village; and to solicit the COVID-19 vaccination status of all active members of the Saltaire Volunteer Fire Company as a requirement for continued or future active-membership, pursuant to a procedure developed in consultation with Village Counsel in order to be consistent with the current legal standards and procedures for the collection of such information; and

BE IT FURTHER RESOLVED that the Village Administrator shall be authorized to retain the services of the law firm of Lamb & Barnoski to develop for the Village a vaccine mandate policy for employees and volunteers of both the Village and the Saltaire Village Volunteer Fire Company whereby each employee and volunteer is mandated to be either fully vaccinated with the initial series of any of the FDA approved COVID-19 vaccines, or to be subject to periodic testing requirements and masking protocols, such policy also to be consistent with the current legal standards for vaccination policies and testing procedures; and that the so-described policy shall be ready for review

and consideration for adoption by the Board of Trustees at the next regularly scheduled meeting of the Board of Trustees.

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

Motion to Adopt: Trustee Wolf

Seconded: Trustee Chefetz

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

Against: None

Abstain: None

CLAM POND COVE PROJECT UPDATE & AUTHORIZATION

Mayor Zaccaro reported that recent action by Congress has authorized the use of an emergency funding allocation to begin the restoration of the beaches on the west end of Fire Island that were damaged by storm activity. He further stated that the funding authorization opens up commencement of FIMP activities in the area of emergency restoration, which may begin as early as the autumn of 2022; and since the dredges will be in the area of Saltaire during that work, they can be used to dredge sand for the Clam Pond Cove restoration project. He continued that the approval process for the design of the Clam Pond Cove Project has not been finished, and the Village is working with the Army Corps to collaborate on the design and to expedite the timeframe for approval so the project is ready to commence when the dredges are in the area. He further stated that it would be beneficial to the Village to have its environmental consultant, Land Use Environmental, assist the Village when collaborating with the Army Corps on the final design. After discussion, and all having a chance to be heard, Trustee O'Brien made a motion to authorize the Village Administrator to engage Land Use Environmental to assist the Village as the Administrator deems necessary during the collaborative design process with the Army Corps on the Clam Pond Cove project.

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

Motion to Adopt: Trustee O'Brien

Seconded: Trustee Wolf

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

Against: None

Abstain: None

Village attorney Prokop left the meeting at 6:45 p.m.

DISCUSSION OF THE RECONSTRUCTION OF 14 BAY PROM AND AUTHORIZATION TO PROCEED TO DESIGN DOCUMENTS

Mayor Zaccaro reported that the Village had in December of 2019 put out to public bid the then-approved design for the reconstruction of 14 Bay Prom which had been developed by the Village's building engineer Jeff Butler in collaboration with Village resident Nicholas Petschek R.A., the latter on a pro-bono basis for the Village. He stated that the bid amount for the project came in above \$2,000,000.00, which was above the anticipated budget for the project; and although there were clear opportunities to modify the design to achieve cost reductions, those potential savings would be mitigated to an uncertain degree by the recent spike in the cost of building materials and construction.

He stated that in the intervening period of analysis and discussion about the project, Trustee Oppenheimer had developed an alternate design, with a gross floor area of 912 square feet, from which floor-plan options were developed by engineer Glenn Graham and posted on the Village website. Floor plans and renderings of the original 2019 design with a gross floor area of 1,755 square feet were also posted on the Village website in a side-by-side comparison so residents could review the layouts and functionality of both designs.

Mayor Zaccaro asked Trustee Oppenheimer to present and lead a discussion with the Board and the residents about his alternate design, which Trustee Oppenheimer labeled Plan B. He presented the design concept with the assistance of graphics to demonstrate how both designs would fit onto the site, and how the floor plan of Plan B performed functionally to serve the intended uses of the building, which included a Post Office, a Medical Office, and a Public Safety Office, with a back deck that could be developed in the future for interior use. He also presented cost comparison projections between the two designs, and presented an estimated budget of \$1,100,000.00 for Plan B.

Mayor Zaccaro then asked Nicholas Petschek to present and lead a discussion with the Board and the residents about the original 2019 design. He presented the design concept with the assistance of graphics and renderings to demonstrate how the design would fit onto the site, and how the floor plan performed functionally to serve the uses of the building, which included a Post Office, a Medical Office, a Public Safety Office, and a Meeting Room. Mr. Petschek did not present any cost projections.

Mayor Zaccaro thanked Trustee Oppenheimer and Mr. Petschek for all of their work throughout the process and for their presentations. Mayor Zaccaro commented that any cost projections and comparisons were very tenuous given the current hyperinflated construction market and the different design features and construction materials in each option. Mayor Zaccaro and the Trustees discussed and debated the merits of the design options presented, and then opened the discussion to all in attendance.

Village Attorney returned to the meeting at 7:45 p.m.

After all having a chance to be heard, Trustee Oppenheimer made a motion that the Board adopt Plan B as the new design concept for the building to be considered for development at 14 Bay Promenade; and that the target for the commencement of construction for the preferred Plan B design be the autumn of 2023; that in order for the Village to be able to publicly bid the preferred Plan B design, that it authorize the Village Administrator to accept the proposal of Glenn Graham P.E. [Clerk's Note: dated December 15, 2021] to complete the schematic design, to prepare construction drawings and specifications including mechanical, electrical and plumbing, and to coordinate regulatory approvals from the Departments of Health (DOH) and Environmental Conservation (DEC) for a total cost not to exceed \$60,000.00

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

Motion to Adopt: Trustee Oppenheimer

Seconded: Trustee Wolf

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

Against: Mayor Zaccaro

Abstain: Trustee Chefetz

UPDATE ON DEC APPLICATION FOR 104A PACIFIC WALK

Mayor Zaccaro reported that the Village's environmental consultant, Land Use Environmental, had submitted the requested information to the DEC regarding its application to develop a single-family residence at 104A Pacific Walk, commonly known as the "Tree Farm" property. He stated the official response was supported by documentation and narrative arguments provided by the Village, and that as of yet no responsive communication from the DEC has been received. Trustee Wolf asked that the minutes reflect that the statement he had made at the previous meeting that there had not been prior Board authorization to make an application to the DEC for 104A Pacific was incorrect, and that indeed the Board had approved the application at a meeting in 2019 and that the submission was authorized and appropriate.

FEASIBILITY STUDY FOR ON-SITE EXPANSION OF THE SALTAIRE FIREHOUSE

Mayor Zaccaro stated that the Village and the Fire Company had engaged Jeff Butler P.E. to examine the feasibility of expanding the existing firehouse located at 105 Broadway for the purpose of finding additional storage, training and member space to meet the SVFC's expanding membership and operational responsibilities. Mayor Zaccaro stated that the work done by Mr. Butler focused on the most difficult hurdle of an on-site expansion - compliance with DOH regulations for waste water management. The study identified a path for DOH compliance that would involve relocating the drainage system under the ballfield, requiring elevation of the ballfield that would be prohibitively expensive and compromise the functionality of the field. Assistant Chief Bernstein, who was in attendance, responded that he agreed with the findings of the report and the conclusion of the Mayor that an on-site expansion would be so cost-prohibitive as to render that option not feasible; but he also stated that the SVFC's need for more space is real and continuing, and that he hopes the Board will continue to work with the SVFC to find alternative off-site solutions. The Mayor assured him that the Board will work cooperatively with the SVFC and that their stated need for additional space would be part of future planning and building utilization analysis undertaken by the Village.

AUTHORIZATION FOR PUBLIC HEARING ON A LOCAL LAW TO MODIFY CHAPTER 18 TO REGULATE SPRINKLER SYSTEMS FOR SINGLE-FAMILY RESIDENCES

Mayor Zaccaro stated that the New York State Codes Division had recommended some language modifications to the Village's recently adopted Sprinkler Code that would focus the applicability of the law specifically and solely for single-family residences, which was the Board's intent. The proposed modification would also make the request before the Codes Counsel clearer and more focused. After discussion and all having a chance to be heard, Trustee Wolf made a motion to consider modification to Section 27 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 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

Abstain: None

Against: None

DISCUSSION OF AUTHORIZING A PROPERTY TRANSFER TAX

Mayor Zaccaro stated that pursuant to authorization given at a 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 Village transfer tax at the State level. He further reported that Senator Boyle stated that the State Legislature has approved similar legislation for other municipalities and that he is willing to sponsor a bill for Saltaire, and he even took the step to draft the language for the Village to review. Mayor Zaccaro stated that before the Board proceeds to make that formal request of the Legislature, he wanted to provide the members of the Board as well as the residents of the Village additional opportunities to fully discuss and debate the issue. Discussion amongst the Board members and those in attendance ensued. After discussion, and all having a chance to be heard, Trustee Wolf made a motion to authorize Village Attorney Prokop, in consultation with the Mayor, to review and edit the draft legislation presented by Senator Boyle so that the Board's intent to tax only sales of real property where the buyer and seller act independently of each other, and not as part of an estate transfer or intergenerational family planning effort, is realized; and according to 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; and further that it be ready for review and adoption no later than the April 2022 Board meeting. The motion was seconded by Trustee Oppenheimer, and on call it was approved according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Oppenheimer

In Favor: Trustee Wolf, Trustee Oppenheimer, Trustee Chefetz

Against: Trustee O'Brien, Mayor Zaccaro

Abstain: None

REPORT AND DISCUSSION ABOUT A POSSIBLE VILLAGE-WIDE REASSESSMENT

Trustee Chefetz reported that Village Administrator Posillico had solicited a proposal from Michael Haberman Associates Inc. to guide and assist the Village with data-collection efforts for its assessment roll, and to assist the Board in deciding if a Village-wide revaluation is warranted and advisable, and if so, how to best undertake the effort. The proposal had previously been distributed, and the scope of work identified an estimated 15 to 20 hours of work. After all having a chance to be heard, Trustee Chefetz made a motion to authorize the Village Administrator to accept the proposal of Michael Haberman Associates [Clerk's Note: dated February 9, 2022] to provide assessment-related services for a total cost not to exceed \$5,000.00

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

Motion to Adopt: Trustee Chefetz

Seconded: Trustee Wolf

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

Against: None

Abstain: None

MID-YEAR SALARY ADJUSTMENTS

Village Administrator Posillico reported that two employees recently became certified as Grade D Water Operators, which provides benefit to the Village for its public water operations, and that a non-binding salary adjustment schedule had previously been developed in order to encourage such post-

employment training and certifications. Village Administrator Posillico recommended that salary adjustment increases of \$2,500 to each employee pursuant to the salary adjustment certification schedule is warranted and should be given. After discussion, and all having a chance to be heard, Trustee Wolf made the following motion:

WHEREAS, it is in the best interest of the Village to encourage continuing education for all of its Public Works employees,

WHEREAS, Sean Loughran and Ben Cherveney have each attained Grade D Water Operator Certification status, which enhances the current and future ability of the Village to manage its Public Water operations;

THEREFORE BE IT RESOLVED that the Village Administrator be authorized to increase the base salaries for Sean Loughran and Ben Cherveney by \$2,500 each, to be paid proactively on a pro-rata basis for each pay period for the remainder of the fiscal year.

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

Motion: Trustee Wolf

Seconded: Trustee O'Brien

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

Against: None

Abstain: None

PRESENTATION OF 2022/23 TENTATIVE BUDGET

The Village Administrator and Village Treasurer presented the 2022/2023 Tentative Budget to the Board of Trustees. The Tentative Budget had previously been distributed to the Board electronically and will be posted on the Village's website. Those in attendance were advised that the Board would work through the 2022/23 budget in more detail at a Budget Workshop on March 8, 2022 and then present it at a public hearing to be held at the Board of Trustees Meeting scheduled for a date in April as yet to be confirmed.

APPROVAL OF MINUTES

Draft copies of the minutes of the Board of Trustees meeting of January 25, 2022 had previously been presented to the Board and posted in draft form on the Village website. Following discussion, Trustee Oppenheimer made a motion to adopt the minutes as presented with minor non-substantive corrections. The motion was seconded by Trustee O'Brien and on call it was carried according to the following action:

Motion: Trustee Oppenheimer

Seconded: Trustee O'Brien

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. 9A in the amount of \$347,011.07

After discussion and opportunity for questions, Trustee Oppenheimer 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 Chefetz, and on call it carried according to the following vote:

Motion: Trustee Oppenheimer

Seconded: Trustee Chefetz

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

Abstain: None

Against: None

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 9:18 p.m. to close the meeting and to hold the next Board of Trustees meetings according to the following schedule:

- March 8, 2022 at 5:00 p.m. with remote connection, which will include any Public Hearings and the Budget Workshop

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

Motion: Trustee Oppenheimer

Seconded: Trustee Chefetz

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

Abstain: None

Against: None