

MINUTES OF THE PUBLIC HEARINGS AND BOARD OF TRUSTEES MEETING HELD ON AUGUST 6, 2022 AT 103 BROADWAY, SALTAIRE NEW YORK AND VIA REMOTE ATTENDANCE, PARTICIPATION AND OBSERVATION VIA AN AUDIO/VIDEO CONNECTION TO THE INTERNET.

Mayor O'Brien called the Board of Trustees meeting to order at 8:02 a.m., and the following were in attendance via video or phone connection:

Hugh O'Brien, Mayor  
Frank Wolf, Deputy Mayor, Trustee  
Nat Oppenheimer, Trustee  
Susan Skerritt, Trustee  
Anna Kovner, Trustee  
Scott Rosenblum, Advisor to the Board  
Joseph Prokop, Village Attorney  
Mario Posillico, Administrator & Clerk  
Donna Lyudmer, Village Treasurer  
Meagan Leppicello, Deputy Village Clerk Treasurer  
And 0 persons attended in-person and 0 other attendees observed through internet connection

ADJOURN INTO EXECUTIVE SESSION

Trustee Skerritt made a motion at 8:02 a.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 Oppenheimer and on call it was approved according to the following vote:

Motion: Trustee Skerritt  
Seconded: Trustee Oppenheimer  
In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner  
Against: None  
Abstain: None

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Kovner made a motion at 8:59 a.m. to close the Executive Session and to re-adjourn into public session after a short break. The motion was seconded by Trustee Skerritt and on call it was approved according to the following vote:

Motion: Trustee Kovner  
Seconded: Trustee Skerritt  
In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner  
Against: None  
Abstain: None

Mayor O'Brien called the Public Hearing to order at 9:05 a.m. and the following were in attendance:

Hugh O'Brien, Mayor  
Frank Wolf, Deputy Mayor, Trustee  
Nat Oppenheimer, Trustee  
Susan Skerritt, Trustee  
Anna Kovner, Trustee  
Scott Rosenblum, Advisor to the Board  
Joseph Prokop, Village Attorney  
Mario Posillico, Administrator & Clerk  
Donna Lyudmer, Village Treasurer  
Meagan Leppicello, Deputy Village Clerk/Treasurer  
And at times up to 25 attendees observed through internet connection  
and approximately 15 attended in person.

**PUBLIC HEARING: LOCAL LAW MODIFICATION – CHAPTER 52 WALKS, BEACHES AND PUBLIC PLACES – TO REGULATE PRIVATE USE OF PUBLIC SPACES.**

Mayor O'Brien outlined the goals of the draft local law to regulate private use of public property, and stated that Board members have received comments from the public and there is a consensus amongst the Board that the draft should be streamlined and simplified. After discussion and all having a chance to be heard, Trustee Wolf made a motion at 9:17 a.m. to adjourn the public hearing. The motion was seconded by Trustee Skerritt, and on call the motion was carried according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Skerritt

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Abstain: None

Against: None

**PUBLIC HEARING: LOCAL LAW MODIFICATION – CHAPTER 32 MEDICAL SERVICES.**

Mayor O'Brien outlined the proposed modification to Chapter 32, which he stated still needed further editing. After discussion and all having a chance to be heard, Trustee Wolf made a motion at 9:20 a.m. to adjourn the public hearing. The motion was seconded by Trustee Kovner, and on call the motion was carried according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Kovner

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Abstain: None

Against: None

**ADOPTION OF HYBRID MEETING PROCEDURES**

Administrator Posillico stated that as required by the recently adopted amendment to Chapter 34 of the Village Code which authorized the use of hybrid Board meetings where up to two of the Trustees could attend remotely, the Board was required to adopt a policy of procedures under those circumstances. After further discussion and all having a chance to be heard, Trustee Kovner made a motion to approve and adopt the following:

WHEREAS, by adopting Local Law #6 of 2022 (Section 4 of Chapter 34), the Village of Saltaire authorized the members of the Board of Trustees and other village boards and committees of the Village of Saltaire to attend meetings by videoconferencing and other virtual means under certain and extraordinary circumstances; and

WHEREAS, Section 34-4 A(1) of the Saltaire Village Code provides that the Board of Trustees of the Village of Saltaire shall adopt procedures governing member and public attendance at virtual meetings conducted pursuant to Section 34-4 which Section authorizes the use of videoconferencing to conduct a virtual open public meeting under certain circumstances, and allows for virtual and hybrid meetings by requiring that a minimum number of members are present to fulfill the public body's quorum requirement in the same physical location or locations where the public can attend; and

WHEREAS, Section 34-4 requires that members be physically present at any such meeting unless such member is unable to be physically present at any such meeting location due to extraordinary circumstances including disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting; and

WHEREAS, Section 34-4 provides that the public must be permitted to attend the meeting and participate at a location where a member of a board or committee attends the meeting, if authorized, and in any meeting by videoconference when a member of the board or committee attends by videoconference and participates in the meeting and/or is included in the number of members present for purposes of a quorum; THEREFORE

BE IT RESOLVED, that the Village of Saltaire authorizes the members of the Board of Trustees and the members of the other public boards and committees of the Village who experience an extraordinary circumstance, as described above, pursuant to the written procedures hereinafter adopted, to attend meetings by videoconference provided: (i) as long as a quorum of the members attend in-person at one or more locations open to the public; (ii) as long as the member can be seen, heard, and identified while the open portion of the meeting is being conducted; and (iii) as may be otherwise permitted under Section 34-4 of the Saltaire Code.

### **Procedures for Member Videoconferencing Pursuant to Section 34-4 of the Saltaire Code**

1. The members of the Board of Trustees and the other public board or committees of the Village of Saltaire shall be physically present at any meeting unless such member is unable to be physically present at one of the designated public meeting locations due to extraordinary circumstances.

2. For purposes of these procedures, the term "extraordinary circumstances" includes disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member's physical attendance at such meeting.

3. If a member of a board or committee is unable to be physically present at one of the designated public meeting locations and wishes to participate in a hybrid or virtual meeting by videoconferencing from a private or other location due to extraordinary circumstances, the member must notify the Village Clerk by email no later than three business days prior to the scheduled meeting in order for proper notice to be given to the public. If the extraordinary circumstances present themselves on an emergent basis within three business days of a meeting, the Village Clerk shall

update the meeting notice as soon as practicable to include that information. If it is not practicable for the Village Clerk to update the meeting notice, the board or commission may reschedule its meeting.

4. If there is a quorum of members participating at a physical location(s) open to the public, the board or committee may properly convene a virtual or hybrid meeting. A member who is participating from a remote location that is not open to in-person physical attendance by the public shall not count toward a quorum of the Board or Commission but may participate and vote if there is a quorum of members at a physical location(s) that are open for attendance by the public.

5. Except in the case of executive sessions conducted pursuant to the Open Meetings Law and any other relevant law, the board or committee shall ensure that its members can be heard, seen, and identified while the meeting is being conducted, including but not limited to any motions, proposals, resolutions, and any other matter formally discussed or voted upon. This shall include the use of first and last name placards physically placed in front of the members or, for members participating by videoconferencing from private locations due to extraordinary circumstances, such members must ensure that their full first and last name appears on their videoconferencing screen.

6. The public notice for a virtual or hybrid public meeting held pursuant to Section 34-4 of the Saltaire Village Code shall inform the public: (i) that due to extraordinary circumstances videoconferencing will (or may) be used, (ii) the locations where the public can view and/or participate in such meeting, (iii) where required documents and records will be posted or available, and (iv) the physical location(s) for the meeting where the public can attend in person.

7. If one or more members of the board or commission are authorized to participate by videoconferencing from other locations due to extraordinary circumstances, the board or committee shall provide the opportunity for the public to view such meeting in person at the designated locations, and by video, and to participate in proceedings by videoconference in real time, during the portions of the meeting where public comment or participation is authorized.

8. These procedures shall be conspicuously posted on the Village of Saltaire website.

The motion was seconded by Trustee Skerritt, and after all having a chance to be heard, the motion was carried according to the following vote:

Motion: Trustee Kovner

Seconded: Trustee Skerritt

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Abstain: None

Against: None

#### DESIGNATING VILLAGE WALKWAY AND DOCK ENGINEER

Administrator Posillico stated that both of the engineers from the firm of Savik and Murray who had provided engineering services to the Village had recently left the firm, and he therefore recommended that Dan Falasco, P.E. be authorized to serve as the designated Village Engineer for docks and walks. After further discussion and all having a chance to be heard, Trustee Oppenheimer made a motion to approve and adopt the following:

WHEREAS the Mayor and Board of Trustees of the Incorporated Village of Saltaire have found it to be in the best interest of the Village to retain the services of an engineering consulting firm to advise the Village on design, engineering and maintenance of the docks, boardwalks and concrete walkways of the Village, and;

WHEREAS the Mayor and Board of Trustees of the Incorporated Village of Saltaire are desirous of retaining the services of Dan Falasco, PE, as the engineering consultant to advise the Village on design, engineering and maintenance of the docks, boardwalks and concrete walkways of the Village of Saltaire for the 2022/23 fiscal year and beyond until resolved otherwise, it is therefore,

RESOLVED that Dan Falasco, PE is hereby appointed as the dock, concrete and boardwalk (inclusive of adjacent and impacted water mains) engineering consultant of the Village of Saltaire, subject to further agreement of engagement to be submitted by that firm for review and approval by the Village Administrator.

The motion was seconded by Trustee Wolf, and after all having a chance to be heard, the motion was carried according to the following vote:

Motion: Trustee Oppenheimer

Seconded: Trustee Wolf

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Abstain: None

Against: None

#### AUTHORIZATION TO RETAIN THE SERVICES OF LICENSED ELECTRICIANS AND PLUMBERS

Administrator Posillico stated that for smaller routine or emergency electrical and plumbing repair work it is often difficult to procure licensed professionals who are willing to come to the area and perform the work in a timely and efficient manner. After further discussion and all having a chance to be heard, Trustee Oppenheimer made a motion to approve and adopt the following:

WHEREAS the Mayor and Board of Trustees of the Incorporated Village of Saltaire have found it to be in the best interest of the Village to have routine electrical and plumbing preventative maintenance and repair work performed on the various Village-owned buildings and facilities, and;

WHEREAS, since the Village does not have either a licensed electrician or plumber on staff to perform routine electrical and plumbing work, the Village will need from time to time to retain the services of independent licensed plumbers and electricians to perform this required work on an emergency basis or otherwise, and

WHEREAS, since such routine electrical or plumbing repair work is typically performed on a time-and-material basis, it is therefore difficult to obtain fixed pricing to quote and compare from multiple vendors, a process made additionally difficult by the limited access to Fire Island; it is

THEREFORE RESOLVED that the Village Administrator is hereby authorized to retain the services of licensed electricians and plumbers for routine preventative maintenance and repair work to Village-owned buildings and facilities on a time-and-materials basis without the need to obtain a fixed price quote, so long as 1) the labor component of all such authorized work in any fiscal year is less than ten thousand dollars to any one licensed professional or related entity, 2) the materials, except for incidentals, used for the work are purchased directly by the Village or passed on at cost by

the licensed professional to the Village, and 3) the charge for the work performed by all labor must be equal to the NYS published prevailing wage rate for that service that is in effect at the time of the work being performed.

The motion was seconded by Trustee Skerritt, and after all having a chance to be heard, the motion was carried according to the following vote:

Motion: Trustee Oppenheimer

Seconded: Trustee Skerritt

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Abstain: None

Against: None

#### APPOINTMENTS OF VILLAGE OFFICIALS TO BOARDS AND COMMISSIONS

Mayor O'Brien stated that, after consultation with his fellow Board members and others, he was prepared to recommend the following slate of appointments for approval or ratification for the terms so indicated:

Zoning Board of Appeals	
Jeff Murphy	August 31, 2025
Alternate : Robert Cox	August 31, 2023
Board of Assessment Review	
Alex Chefetz	August 31, 2025
Planning Commission	
Carol Cappelletti	August 31, 2025
Carolyn Wise	August 31, 2025
LaNette Hodge (filling seat vacated by Trustee Kovner)	August 31, 2024
Architectural Review Committee	
Alison Williams	August 31, 2025
Medical Advisory Committee	
Christine Schiff	August 31, 2025
Village Prosecutors	
Meagan Chung	August 31, 2023

Trustee Wolf made a motion to approve and/or ratify the proposed appointees for their respective terms, as indicated. The motion was seconded by Trustee Kovner, and after all having a chance to be heard, the motion was carried according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Kovner

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Abstain: None

Against: None

## ACCEPTANCE OF DONATIONS

Administrator Posillico reported that the Village has received offers of donation of \$500.00 from each of the eight softball league teams to assist in paying for the infield clay replenishment this past off-season. After discussion, and all having a chance to be heard, Trustee Kovner made a motion to accept the \$500.00 donation from the representatives of each of the eight softball teams, for a total of \$4,000.00. The motion was seconded by Trustee Oppenheimer, and after all having a chance to be heard, the motion was carried according to the following vote:

Motion: Trustee Kovner

Seconded: Trustee Oppenheimer

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Abstain: None

Against: None

Mayor O'Brien expressed that gratitude of the Board of Trustees to the league commissioner Alex Chefetz and all the teams for their generosity.

## AUTHORIZATION FOR A PUBLIC HEARING ON A LOCAL LAW TO MODIFY CHAPTERS 5 AND 10 OF THE VILLAGE CODE

Trustee Wolf made a motion to consider modification to Chapters 5 and 10 of the Village Code to modify restrictions on dogs on beaches and dogs on bicycles, respectively, at duly noticed public hearings. The motion was seconded by Trustee Skerritt, and on call it was approved according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Skerritt

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Abstain: None

Against: None

## PUBLIC BUILDING INFRASTRUCTURE PLAN

Trustee Oppenheimer reported that rather than give a status report solely on the progress of 14 Bay Prom, which is anticipated to start construction in the 2023-24 off-season, he would rather present a more comprehensive infrastructure plan and report at the October meeting that includes planning consideration and potential scheduling for various infrastructure projects. He stated that this will allow 14 Bay Prom to be viewed as part of an overall capital and financial plan for the future needs of the Village.

## AUTHORIZATION TO SUSPEND DEC APPLICATION

Trustee Wolf stated that in light of the pending comprehensive review of capital infrastructure needs, and the current planning underway for the renovation of the playground, he felt that the Village's application to the DEC for a new house at 104A Pacific would be best put on hold while that review and planning is taking place. After discussion and all having a chance to be heard, Trustee Wolf made a motion to authorize the Village Administrator to suspend the application for a new house at the property owned by the Village at 104A Pacific, also known as the Tree Farm property, until further instruction by the Board.

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: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Abstain: None

Against: None

#### PLAYGROUND PLANNING FUNDING

Trustee Oppenheimer stated that one of the considerations in the planning process for the new playground is the possible expansion of the Recreation Shed and the location of a new sanitary system associated with that possible expansion; and that he felt it would be beneficial to have a concept sanitary plan developed by a licensed engineer to get a better sense of scope and location and its potential future impact on the playground. After discussion, and all having a chance to be heard, Trustee Oppenheimer made a motion to authorize the expenditure of up to \$2,000 to develop a concept sanitary plan for the possible expansion of 109A Neptune Walk, also known as the Recreation Shed. The motion was seconded by Trustee Wolf, and carried according to the following vote:

Motion: Trustee Oppenheimer

Seconded: Trustee Wolf

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

Against: Trustee Skerritt, Trustee Kovner

Abstain: None

#### OFFICIAL NOTICE TO VERIZON OF DANGEROUS CONDITIONS

Village Administrator Posillico stated that the Village had made several attempts to coordinate with Verizon for the removal of the abandoned overhead copper lines that were once used for the analog phone service in the Village. He stated that the attempts were prompted by the increasingly degraded state of the abandoned wires placing untenable weight on the poles that carry them, causing the poles to lean over and the wires to loop close to the ground in many areas of the Village. He also stated that there were numerous incidents of equipment hitting the overhead lines, causing damage to the poles that carry them, as well as disturbance to the electrical lines that share those poles. By previous Board resolution, the Village attorney had drafted for review by the Board a letter to the administration of Verizon as well as the Public Service Commission, putting them on notice of the dangerous condition created by the abandoned copper wires, and to demand that they be removed forthwith. That draft document was distributed to the Board and linked to the agenda on the Village website. After discussion and all having chance to be heard, Trustee Skerritt made a motion to authorize the Village Administrator to send the notice of unsafe conditions and a demand for removal of the abandoned copper wires in the Village to both Verizon and the Public Service Commission. The motion was seconded by Trustee Wolf, and carried according to the following vote:

Motion: Trustee Skerritt

Seconded: Trustee Wolf

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Against: None

Abstain: None

## TRUSTEE REPORTS

Each Trustee gave a brief overview report on their areas of respective oversight responsibilities.

## APPROVAL OF MINUTES

Draft copies of the minutes of the Board of Trustees meeting of June 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 Skerritt and on call it was carried according to the following action:

Motion: Trustee Oppenheimer

Seconded: Trustee Skerritt

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Against: None

Abstain: None

## AUDIT AND APPROVAL OF ABSTRACTS

Mayor O'Brien 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. 2A in the amount of \$164,953.72

General Fund Checking No. 3A in the amount of \$77,020.18

General Fund Checking No. 3A had been reduced after discussion by the Board by \$21,525.00 from the amount of \$98,545.18 originally presented for further consideration of the invoice associated with check number 12908.

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

Motion: Trustee Skerritt

Seconded: Trustee Wolf

In Favor: Mayor O'Brien, Trustee Wolf, Trustee Oppenheimer, Trustee Skerritt, Trustee Kovner

Abstain: None

Against: None

Trustee Kovner left the meeting at 10:54 a.m.

## CLOSE OF MEETING

After all having had a chance to be heard and there being no further business before the Board, Trustee Skerritt made a motion at 11:21 a.m. to close the meeting and to hold the next Board of Trustees meetings according to the following schedule:

- September 10, 2022 at 103 Broadway, Saltaire with the executive session scheduled to begin at 8:00 a.m. and the public portion anticipated to start at 9:00 a.m., with remote connection, which will include any Public Hearings.

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

Motion: Trustee Skerrit

Second: Trustee Oppenheimer

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

Abstain: None

Against: None