

MINUTES OF THE PUBLIC HEARING AND BOARD OF TRUSTEES MEETING HELD ON FEBRUARY 28, 2023 WITH A REMOTE ATTENDANCE OPTION ONLY VIA AN AUDIO/VIDEO CONNECTION TO THE INTERNET PURSUANT TO MAYOR O'BRIEN'S LOCAL WEATHER EMERGENCY DECLARATION AS AUTHORIZED BY NEW YORK STATE AND VILLAGE OF SALTAIRE CODE AND REGULATIONS.

Mayor O'Brien called the Board of Trustees meeting to order at 5:03 p.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
And at times up to 0 persons attended in-person and 0 other attendees observed through internet connection

ADJOURN INTO EXECUTIVE SESSION

Trustee Skerritt 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 Skerritt

Seconded: Trustee Wolf

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

Against: None

Abstain: None

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Wolf made a motion at 6:01 p.m. to close the Executive Session and to re-adjourn into public session. 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

Against: None

Abstain: None

Mayor O'Brien called the Public Meeting to order at 6:03 p.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

And at times up to 0 persons attended in-person and at times up to 44 other attendees observed through internet connection

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

Mayor O'Brien opened the Public Hearing at 6:03 pm to consider the proposed amendment to Chapter 48 – Taxation. Village Administrator Posillico 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. For the next fiscal year starting June 1, 2023 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 6:07 p.m. to close the public hearing. The motion was seconded by Trustee Wolf, and on call the motion was carried according to the following vote:

Motion: Trustee Oppenheimer

Seconded: Trustee Kovner

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

Abstain: None

Against: None

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

After all having a chance to be heard, Trustee Skerritt made a motion to adopt the local law to modify Chapter 48 of the Village Code as presented. The motion was seconded by Trustee Kovner and on call it was approved according to the following vote:

Motion: Trustee Skerritt

Seconded: Trustee Kovner

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

Abstain: None

Against: None

DISCUSSION OF COVID VACCINATION POLICY FOR 2023

Mayor O'Brien asked Trustee Kovner to report on her research into whether it would be appropriate to continue some form of COVID vaccination mandate for the summer of 2023 that had been instituted in the Village in 2021 and 2022, and which had ended on December 31, 2022 pursuant to the original authorizing resolution. She reported that a fact page regarding her findings had been posted on the Village website, thanked the Medical Advisory Committee for the continuing

contribution in these efforts, and stated that they have recommended that the Village continue a vaccination requirement for the primary series, recommending but not mandating boosters, for both camp children and staff that interact directly with the public. She then provided a short summary of the facts presented on the website. She stated that, in light of the fact that a vast majority of staff and campers have already received the primary series, for most categories above 95% compliance, and that the data reflect a waning of the risk and incidence of transmission amongst the general population, that in her judgment the incremental public health benefit that would accrue to the Village and its residents to reinstitute a vaccination mandate would be marginal and not justifiable relative to the considerable cost to implement such a program. She further stated that all residents should take all steps necessary to protect themselves and their neighbors against COVID transmission, and that the best way to do that is to follow CDC guidelines and recommendations. After discussion, and all having a chance to be heard, the Board concurred with Trustee Kovner's assessment, and since the vaccination mandates of 2022 had already expired, no further action was required by the Board.

DISCUSSION OF LIFEGUARD AND PUBLIC SAFETY STAFFING LEVELS

Administrator Posillico stated that although the Board would make final staffing level and cost determinations across all departments as part of the budget approval process, it wanted to have a discussion of the staffing levels specifically envisioned for the Saltaire Lifeguard and Public Safety Departments in advance of the budget process so that the public has a better understanding of the costs involved for the level of services offered. Information regarding historical and proposed staffing levels was provided by Chief Lifeguard Rich Wilde and Administrator Posillico for both departments, and while final staffing decisions will be made as part of the budget process, the consensus of the Board members indicated that the proposed levels were reasonable and necessary for the continued safe operation of both departments.

APPROVAL OF TRANSFER OF DEVELOPMENT RIGHTS FOR THE FIREFLY SUBDIVISION APPLICATION

After a presentation by Phillip Butler, counsel representing Village resident Ivan Sacks regarding a proposed subdivision located at 303 East Walk, Trustee Oppenheimer moved adoption of the following resolution:

SEQRA RESOLUTION REGARDING GRANTING TRANSFER OF DEVELOPMENT RIGHTS FOR THE FIREFLY TRUST SUBDIVISION

Application of Firefly Trust
303 East Walk Subdivision
SCTM No. 0503-004.00-02.00-065.000

WHEREAS Firefly Trust, care of Ivan Sacks, Trustee, 210 West 70th Street, New York, New York 10023, previously made an application to the Board of Trustees of the Village of Saltaire for an approval of a subdivision of property located at 303 East Walk, Saltaire, being a total size of 20,400 square feet, into two lots of approximately 10,200 square feet each; and

WHEREAS the required minimum lot size for a single-family residential structure in the zone of the Village of Saltaire in which the Firefly Trust property is located is 10,000 square feet; and

WHEREAS the Suffolk County Department of Health Services (SCDOHS) has a minimum lot development size for single family residences that will contain the normal size and process of wastewater management of 20,000 square feet and therefore is requiring the applicant owner to acquire the wastewater development rights of a property in anywhere in Groundwater Management

Zone 6 of Suffolk County and to transfer the wastewater flow development rights from that property to the proposed subdivided properties to be located at the subdivided 303 East Walk; and

WHEREAS Firefly Trust has now made application to the Board of Trustees for approval of the transfer of SCDOHS wastewater flow development rights from property in the Suffolk County Groundwater Management Zone 6 to the two proposed subdivided lots at 303 East Walk; and

WHEREAS the Board of Trustees has reviewed this additional action of the granting of the transfer of development rights to a property in the Village of Saltaire for purposes of SEQRA review and determination and has determined that the review and consideration of the application is a unique circumstance; it is therefore

RESOLVED that the Board of Trustees hereby adopts Lead Agency status for purposes of SEQRA, and it is further;

RESOLVED that the Board of Trustees hereby determines that this application for an approval of the transfer of development rights is an Unlisted Action for purposes of SEQRA, and it is further;

RESOLVED that the Board of Trustees hereby determines that the approval of the application for a transfer of development rights;

Will not have a significant negative impact on the environment in the action, and;

Will not result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, substantial increase in solid waste production, a substantial increase in potential for erosion, flooding, leaching or drainage problems, and;

Will not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on habitats, or other significant adverse impact on natural resources, impairment of a critical environmental area and;

Will not result in the creation of a material conflict with a community's current plans or goals, and;

Will not result in the creation of a hazard to human health, and;

Will not result in a substantial change in land use, and;

Will not encourage or attract an additional large number of people to a place for more than a few days, and;

Will not result in the creation of a material demand for other actions, and;

Will not result in changes in two or more elements of the environment, each of which is not significant but when reviewed together are significant or two or more related actions each of which is not significant but when reviewed together are significant, and;

Will not have a significant negative impact on the environment due to the action.

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

Abstain: None

Against: None

Trustee Skerrit then moved adoption of the following:

RESOLUTION REGARDING GRANTING TRANSFER OF DEVELOPMENT RIGHTS FOR THE FIREFLY TRUST SUBDIVISION

Application of Firefly Trust
303 East Walk Subdivision
SCTM No. 0503-004.00-02.00-065.000

WHEREAS the owner Firefly Trust, care of Ivan Sacks, Trustee, 210 West 70th Street, New York, New York 10023, previously made an application to the Board of Trustees of the Village of Saltaire for an approval of a subdivision of property located at 303 East Walk, Saltaire, being a total size of 20,400 square feet, into two lots of approximately 10,200 square feet each; and

WHEREAS the required minimum lot size for a single-family residential structure in the zone of the Village of Saltaire in which the Firefly Trust property is located is 10,200 square feet; and

WHEREAS the SCDOHS has a minimum lot development size for single family residences that will contain the normal size and process of wastewater management of 20,000 square feet and therefore is requiring the applicant owner to acquire property in anywhere in Groundwater Management Zone 6 of Suffolk County and to transfer the wastewater flow development rights from that property to the properties located at the subdivided 303 East Walk; and

WHEREAS Firefly Trust has now made application to the Board of Trustees for approval of the transfer of SCDOHS wastewater flow development rights from Lot 0200-983.30-12.00-001.000 in the Suffolk County Groundwater Management Zone 6 to the two subdivided lots at 303 East Walk; and

WHEREAS the Board of Trustees has reviewed this application for the transfer of development rights and adopted Lead Agency Status, determined that the application is an unlisted action for purposes of SEQRA that will not have a significant negative impact on one or more aspects of the environment; and

WHEREAS the Board of Trustees in a review of the application for approval of the transfer of SCDOHS development rights from Lot 0200-983.30-12.00-001.000 in the Groundwater Management Zone 6 to the 303 East Walk subdivided properties is a matter of unique circumstances including but not limited to the size, configuration and location of the properties and that if approved this application will not serve as a precedent for other applications and subdivisions; it is therefore

RESOLVED that the Board of Trustees hereby approves the transfer of Suffolk County Department of Health Services development rights from Lot 0200-983.30-12.00-001.000 in the Groundwater Management Zone 6 property to the 303 East Walk properties that is necessary to support and obtain SCDOHS approval of the subdivision as a precondition of the Board's final consideration and approval of the subdivision of the property at 303 East Walk.

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

Motion: Trustee Skerritt
Seconded: Trustee Kovner

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

AUTHORIZATION FOR PURCHASE OF A TRANSPORT VEHICLE BY THE SALTAIRE VOLUNTEER FIRE COMPANY (SVFC)

Village Administrator Posillico reported that the membership of the SVFC had approved the purchase of a new four-wheel drive, eight-passenger Ford Explorer (or similar) transport vehicle for a total cost not to exceed \$65,000.00 for the purpose of transporting members to and from training sessions and emergency responses. He further stated that although the SVFC will be using its own funds, the Board of Trustees in its capacity as the Board of Fire Commissioners must also approve the purchase. Chief Josh Raeben and Assistant Chief Jarrod Bernstein spoke on behalf of the SVFC regarding the need and intended utilization and storage of the proposed vehicle. After discussion, and all having a chance to be heard, Trustee Wolf made a motion to authorize the purchase of a new four-wheel drive, eight-passenger Ford Explorer (or similar) transport vehicle for a total cost not to exceed \$65,000.00 using SVFC funds pursuant to the purchasing and procurement policy of the Village.

The motion was seconded by Trustee Kovner and on call it was approved 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

AUTHORIZATION FOR MODIFICATION TO THE FERRY CONTRACT FOR DISCOUNT TICKET BOOKS

Village Administrator Posillico provided a brief overview of the financial benefit derived from as well as the managerial time and cost to administer, the discount ferry purchase-and-redistribution program that is a contractual right and obligation of the current contract with Fire Island Ferries. Administrator Posillico stated that the Village, based on a five-year average, purchases 650 discount books per year, and that therefore the 10% discount provided by the contract results in savings of approximately \$37 per book to homeowners. He further stated that the cost to administer the program, inclusive of staff time and lost interest, brings the actual realized value of the program to homeowners down to \$11 per book. He stated that Fire Island Ferries has agreed to a one-year trial to suspend the requirement to purchase the minimum number of ferry books in exchange for the Village receiving 65 books for a \$1.00 per book for use for Village employee commutation. A copy of the draft amendment to the contract between the Village and Fire Island Ferries to suspend the minimum purchase requirement was linked to the agenda and discussed with the Village Attorney, who stated that it was ready for execution if approved by the Board. Administrator Posillico then distributed and discussed the schedule that Fire Island Ferries would institute for the sale of the discount books at the Bay Shore Terminals. After discussion, and all having a chance to be heard, Trustee Kovner made a motion to authorize Mayor O'Brien to execute the amendment to the contract as presented which would create a one-year modification of the contract to replace the discount ticket book program with the allocation of 65 books to be used for employee travel.

The motion was seconded by Trustee Skerritt and 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

PUBLIC BIDS FOR RENOVATION OF 109A NEPTUNE WALK (ART SHED)

Administrator Posillico presented the bid results from the February 16, 2023 public bid for the relocation, reposting and elevation of the Art Shed, also known as 109A Neptune Walk. He further presented the regulatory constraints on the site and the structural constraints of the building that set the parameters for the scope of renovation and expansion available. He also presented the cost and financial impacts of the scope of work options that are available to the Village for the renovation. After discussion, and all having a chance to be heard, Mayor O'Brien stated that since the bids for the project are valid until May 15, 2023 and the project is not slated to start until September 15, 2023, it would be prudent for the Board to take a few weeks to consider the alternative options and to hopefully make a final decision at the April 11, 2023 meeting.

AUTHORIZATION TO BID THE INSTALLATION OF THE PROPOSED PLAYGROUND

Administrator Posillico reported that the selected vendor for the proposed new playground, APE, has completed its revised design to the satisfaction of the Village's underwriter and for a proposed budget of approximately \$250,000.00 for the provision and delivery of the equipment. He further stated that the installation of the equipment would be the Village's responsibility, and that in order to obtain that budget, the Village should undertake a public bid for that phase of the project. After discussion and all having a chance to be heard, Trustee Kovner made a motion to authorize Administrator Posillico to undertake a public bid process pursuant to the Village procurement policy for the installation of the proposed playground designed by APE.

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

Motion: Trustee Kovner

Seconded: Trustee Skerritt

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

Abstain: None

Against: 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 January 25, 2023 had previously been presented to the Board and posted in draft form on the Village website. Trustee Skerritt advised of two non-substantive grammatical/language corrections. Following discussion, Trustee Skerritt made a motion to adopt the minutes as presented with the minor non-substantive corrections discussed. The motion was seconded by Trustee Wolf and on call it was carried according to the following action:

Motion: Trustee Skerritt

Seconded: Trustee Wolf

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. 9A in the amount of \$158,947.22

Capital Fund Checking No. 9A in the amount of \$1,000.00

After discussion and opportunity for questions, Trustee Skerritt 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 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

CLOSE OF MEETING

Trustee Wolf made a motion at 9:03 p.m. to close the meeting and to hold the next Board of Trustees meetings according to the following schedule:

- March 7, 2023 at 32 Old Slip, New York to start at 5:00 p.m., with remote connection, for the primary purpose of conducting a Budget Workshop for the 2023/24 Budget.
- April 11, 2023 at 1180 Sixth Avenue, New York to start at 6:00 p.m., with remote connection, which will include any Public Hearings.

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

Motion: Trustee Wolf

Second: Trustee Skerritt

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

Against: None

Abstain: None