

MINUTES OF THE PUBLIC HEARING AND BOARD OF TRUSTEES MEETING HELD ON MAY 13, 2023 AT 103 BROADWAY, SALTAIRE, NEW YORK, WITH A REMOTE ATTENDANCE OPTION VIA AN AUDIO/VIDEO CONNECTION TO THE INTERNET.

Mayor O'Brien called the Board of Trustees meeting to order at 9:35 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 (Attendance - Remote)  
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 9:36 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 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 10:01 a.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 10:02 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 (Attendance - Remote)  
Scott Rosenblum, Advisor to the Board  
Joseph Prokop, Village Attorney  
Mario Posillico, Administrator & Clerk  
Donna Lyudmer, Village Treasurer  
And at times up to 7 persons attended in-person and at times up to 11  
other attendees observed through internet connection

**PUBLIC HEARING ON CONSIDERATION OF LOCAL LAW TO AMEND CHAPTERS 25 AND  
50 TO REGULATE THE USE AND STORAGE OF LITHIUM BATTERIES**

Mayor O'Brien stated that the Board was in the process of developing draft legislation to regulate the safe use and storage of lithium batteries, which included input from the Saltaire Volunteer Fire Company and others, and that the current draft was still evolving and not ready for consideration at this meeting. After further discussion amongst the members of the Board and those in attendance, and after all having had a chance to be heard, Trustee Oppenheimer made a motion at 10:07 a.m. to adjourn until June 17, 2023 the Public Hearing on proposed local law to regulate the use and storage of lithium batteries. The motion was seconded by Trustee Skerritt, and 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

**AUTHORIZING THE VILLAGE ADMINISTRATOR TO SUBMIT A GRANT APPLICATION TO  
THE SUFFOLK COUNTY WATER QUALITY PROTECTION AND RESTORATION PROGRAM  
AND LAND STEWARDSHIP INITIATIVES, FOR FUNDING FOR SANITARY  
IMPROVEMENTS TO 14 BAY PROMENADE, AND TO SET-ASIDE LAND FOR  
ENVIRONMENTAL STEWARDSHIP AND RECHARGE AREA FOR 104A PACIFIC WALK,  
SALTAIRE, NEW YORK.**

Trustee Oppenheimer made the following motion:

WHEREAS, the Village of Saltaire is desirous of submitting a grant application to the Suffolk County Water Quality Protection and Restoration Program and Land Stewardship Initiatives, for funding for sanitary improvements to 14 Bay Promenade, Saltaire, New York; and

WHEREAS, the reconstruction and upgrade of the facilities located at 14 Bay Promenade, Saltaire, which house the community Medical Clinic, Public Safety office and the Post Office is vital to the operation of the Village; and

WHEREAS, the reconstruction and upgrade of the facilities located at 14 Bay Promenade, Saltaire, includes the replacement of the existing old-style Fire Island Sanitary system with a much-improved IA system approved by the Suffolk County Department of Health; and further

WHEREAS, the Village of Saltaire is desirous of submitting a grant application to the Suffolk County Water Quality Protection and Restoration Program and Land Stewardship Initiatives, for funding to set-aside and dedicate as a nature park and water recharge area a parcel of Village-owned land located at 104A Pacific Walk, Saltaire, New York also known as SCTM# 503-01-02-68.1 that is zoned for a variety of municipal-based purposes, and for which there is current plan and application to the regulatory agencies for construction of a single-family residential use, and

WHEREAS, the withdrawal of the current application for construction of a single-family residential use at 104A Pacific Walk in order to dedicate that land for use as a Village park which will incorporate nature walks and landscaping that will assist in stormwater recharge in that vital location that is in the path of storm water intrusion during northeast storms that will help the Village manage storm water runoff in an environmentally sustainable manner, and will further decrease the area density and sanitary flow in that environmentally sensitive area, and

WHEREAS, under the grant requirements, the Village of Saltaire is required to incur the total projected cost of the above-listed environmental projects in the approximate amount of \$573,258.90 and thereafter seek reimbursement under the grant award for the budgeted expenditures in the approximate amount of \$284,250.00; thereby resulting in a \$289,008.90 budgeted net cost to the Village to be funded initially out of general reserves and upon further approval of the Board of Trustees if deemed necessary by proceeds from Serial Bonds.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Saltaire, that Village Administrator is hereby authorized to submit a grant application to the Suffolk County Water Quality Protection and Restoration Program and Land Stewardship Initiatives, for funding for water quality improvements to the downtown area of the Village that include sanitary improvements to 14 Bay Promenade, Saltaire, New York, and for funding to set-aside and dedicate as a nature park and water recharge area a parcel of Village-owned land located at 104A Pacific Walk, Saltaire, New York; and be it further

RESOLVED that the Village Administrator is hereby authorized to sign any and all necessary documents to participate in the aforementioned program and is empowered and directed to take all actions necessary and appropriate to effectuate the terms of this Resolution; and be it further

RESOLVED, that the Board of Trustees that the Village of Saltaire, as Lead Agency, has determined that pursuant to 6 New York Codes, Rules and Regulations Part 617.5(c)(26) and (33) the proposed action is deemed to be a Type II Action and will have no significant impact to the environment.

After discussion, and all having a chance to be heard, the motion was seconded by Trustee Wolf, and 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

**CLOSE OUT SALTAIRE MARINA BULKHEAD REPAIR CAPITAL PROJECT**

Trustee Skerritt made the following motion:

WHEREAS the Board of Trustees of the Village of Saltaire had created a capital project to design the repair/restoration of the east bulkhead wall of the Saltaire Ferry Terminal on Maple Avenue in Bay Shore in anticipation of grant proceeds for the project that were ultimately declined by the Board, and to date expended \$33,645.77 from general fund reserves to fund the design of the capital project that was ultimately not used for the final repair;

BE IT RESOLVED that the Board of Trustees hereby closes out the Bayshore Marina Repair Capital Design, and authorizes the necessary accounting entries be made to effect said closeout and to transfer \$33,645.77 from the General Fund to the Capital Fund to eliminate the capital fund balance deficit.

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

Motion: Trustee Skerritt

Seconded: Trustee Oppenheimer

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

Abstain: None

Against: None

#### AUTHORIZATION FOR TITLE SEARCH AND SURVEY

Village Attorney Prokop reported that he needs to order a title search and report, and possibly a survey, to support required work that he is doing as part of a review of Village owned property which he estimated would not exceed \$5,000.00. After discussion, and all having a chance to be heard, Trustee Oppenheimer made to authorize the Village Attorney to procure the services of a title company and/or survey for an amount not to exceed \$5,000.00 to complete his review of status of certain Village-owned property.

The motion was seconded by Trustee Wolf, and 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

#### APPROVAL OF MINUTES

Draft copies of the minutes of the Board of Trustees meeting of April 11, 2023 had previously been presented to the Board and posted in draft form on the Village website. Following discussion, Trustee Wolf made a motion to adopt the minutes as presented with the minor non-substantive corrections discussed. The motion was seconded by Trustee Oppenheimer and on call it was carried according to the following action:

Motion: Trustee Wolf

Seconded: Trustee Oppenheimer

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. 11B in the amount of \$33,833.96  
General Fund Checking No. 12A in the amount of \$176,370.33  
Capital Fund Checking No. 12A in the amount of \$625.00

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 Oppenheimer, and on call it carried according to the following vote:

Motion: Trustee Skerritt

Seconded: Trustee Oppenheimer

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

Abstain: None

Against: None

## ADJOURN INTO EXECUTIVE SESSION

Trustee Wolf made a motion at 10:44 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 Wolf

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 Oppenheimer made a motion at 11:51 a.m. to close the Executive Session and to re-adjourn into public session. The motion was seconded by Trustee Skerritt and on call it was approved according to the following vote:

Motion: Trustee Oppenheimer

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 Meeting to order at 11:51 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 (Attendance - Remote)  
Scott Rosenblum, Advisor to the Board  
Mario Posillico, Administrator & Clerk  
Donna Lyudmer, Village Treasurer  
And 0 persons attended in-person and 0 other attendees observed through internet connection

#### AUTHORIZATION FOR VILLAGE ATTORNEY TO FILE A MOTION TO INTERVENE ON A PRIVATE PROPERTY DISPUTE

Pursuant to a request by the Village Attorney, Trustee Skerritt made a motion to authorize Village Attorney Prokop to file a motion for the Village of requesting to join the lawsuit as an intervener in a court case between two private property owners in the Village in order to assure preservation the Village's rights in its own property that may be included in the dispute. 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

#### CLOSE OF MEETING

Trustee Oppenheimer made a motion at 12:00 p.m. to close the meeting and to hold the next Board of Trustees meetings according to the following schedule:

- June 17, 2023 at 103 Broadway, Saltaire, New York to start at 9:00 a.m., with remote connection, which will include any Public Hearings.

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

Against: None

Abstain: None