

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON AUGUST 26, 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 8:02 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
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 Wolf 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 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 8:59 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 9:15 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
And at times up to approximately 7 persons attended in-person and at times up to 20 other attendees observed through internet connection

NOTIFICATION OF ELECTED OFFICIALS AND SWEARING INTO OFFICE

The Village Clerk announced the results of the 2023 Village election. He noted that Lawrence Shire, who had been certified as elected to the office of Village Justice for a four-year term had taken his oath of office the previous day. He then notified Anna Kovner and Nat Oppenheimer of their certified elections to the office of Trustee, each for a two-year term, starting September 4, 2023, as well as the requirement of filing an oath of office with the Village Clerk within 30 days. Trustees Kovner and Oppenheimer then undertook the required oath of office for their respective offices.

APPOINTMENT AND SWEARING-IN OF ASSOCIATE VILLAGE JUSTICE

Mayor O'Brien recommended to the Board that outgoing Village Justice Frank Markus be appointed the new Associate Justice starting September 4, 2023. After all having had a chance to be heard, Trustee Wolf made a motion to appoint Frank Markus to the position of Associate Village Justice for the statutory one-year term to commence September 4, 2023. The motion was seconded by Trustee Skerritt, and 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

Mayor O'Brien then thanked outgoing Village Justice Markus for his years of service to the Village in many capacities, and asked Trustee Kovner to read out loud the following scroll that was presented to Justice Markus, which was then followed by a round of applause:

*The Mayor and Board of Trustees of the Incorporated Village of Saltaire
are proud to honor*

Frank Markus

*for his decades of service to the
residents of our community.*

Since settling in Saltaire more than forty years ago, Frank has devoted himself to the betterment of the Village. As befits an individual of innate kindness and generosity, Frank has worked to enhance the "Saltaire experience" for everyone, without fanfare and

disclaiming any credit for himself. Be it his four years as a Village Trustee (working to improve recreation, finances and accountable government), sixteen years as Village Justice (displaying an even-handed approach to his duties that safeguarded the rights of defendants as well as the public), many years as overseer of the SCAA's website, over twenty years as an Auxiliary Member of the Saltaire Volunteer Fire Company (whose meetings he attended regularly and at which he offered sound advice), his photography of community events, contributing toward multiple environmental and public health initiatives, and, not least, more than two decades posing as "Mr. Halloween" (complete with plastic horns glued to his head), Frank has been at the forefront of improving both the civic and personal enjoyment of Saltaire.

In particular, Frank has been devoted to Saltaire's children, doing all he can to assure that they too share in the joys of summer.

Frank Markus has not yet finished with his labors on behalf of the Village, but we wish to take this opportunity, upon his retirement as Village Justice, to thank him for both his past and continuing services to his friends, the people of Saltaire.

*Hugh A. O'Brien,
Mayor, Village of Saltaire
August 26, 2023*

ELECTION UNDERTAKING RESOLUTION

Trustee Skerritt made a motion that the Board of Trustees, confirming the long-standing practice of the Village of Saltaire regarding the filing requirements for elected officials, resolves that officials elected in the 2023 Village of Saltaire election shall not be required to file an undertaking as a requisite for assuming duly-elected office. The motion was seconded by Trustee Wolf, and the motion was 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

SETTING THE DATE OF THE ORGANIZATIONAL MEETING

Trustee Wolf made the following motion:

WHEREAS the Mayor and Board of Trustees of the Incorporated Village of Saltaire are empowered to set the date of the 2023-24 organizational meeting of the Village of Saltaire, it is therefore;

RESOLVED that the 2023-24 Organizational Meeting of the Village of Saltaire shall be held on September 14, 2023, at 7:00 PM in Room 8A at 1180 Sixth Avenue, New York City.

The motion was seconded by Trustee Kovner, and 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

APPROVAL OF FIRE COMPANY LINE OFFICERS

Mayor O'Brien reported on the election of the following line officers by the Saltaire Volunteer Fire Company (SVFC), and stated that the elected members were certified by the Executives of the SVFC as meeting all the qualifications for holding the positions for which they were elected. After discussion, and all having a chance to be heard, Trustee Wolf made a motion to approve the following elected line officers:

Chief	Josh Raeben
1 st Asst Chief	Jarrod Bernstein
2 nd Asst Chief	Theodore Weinrib
3 rd Asst Chief	Douglas Kunreuther

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

Abstain: None

Against: None

Mayor O'Brien recognized and thanked the Chiefs, as well as outgoing President Emily Mason, and incoming President David Basche, incoming Secretary Jack Lally and returning Treasurer James McDonald, for their service.

CONSIDERATION OF LOCAL LAW TO REGULATE COMMERCIAL VEHICLES

Mayor O'Brien stated that although the proposed local law to regulate parking of residential and commercial vehicles in the Village was eligible for adoption at the August meeting, it was not the intent of the Board to do so at this meeting but rather to hear the concerns and suggestions of the citizenry regarding the subject matter. Mayor O'Brien then opened the floor for discussion, first to the members of the Board and then the public in attendance, and after all having a chance to be heard, he stated that the Board would consider all comments in the still-ongoing process of editing the proposed local law, the final version of which will be reconsidered at a future Public Hearing.

AWARDING OF CONTRACTS FOR RECONSTRUCTION OF 14 BAY PROMENADE

Trustee Oppenheimer provided an overview of the planned reconstruction of 14 Bay Promenade, the building which houses the medical clinic, the Post Office and the Public Safety office, as well as a review of the existing facility and the option and cost to renovate it, and other versions for reconstruction which had been previously considered. Village Administrator Posillico had previously announced, distributed and posted on the Village's website the results of the public bids opened on July 13, 2013 to reconstruct 14 Bay Promenade pursuant to the approved plans and specifications of Graham Associates Planning and Design with the last revision date of May 18, 2023. The bids were structured into four different phases of the work to be completed, specifically for General

Construction, Electrical, Plumbing and Mechanical. The combined total of the four low bidders for each phase was \$1,478,154.00. Village Administrator Posillico reported that the Village had completed its due diligence on each of the low bidders for all four phases of the project and it has been determined that each of the contractors is qualified to complete the work as specified.

The Board and those in attendance discussed the costs and benefits of the reconstruction option outlined in the four public bids, as well as the financial implications for both the annual debt service and future operational budgets. There was also discussion of the option to do a renovation of the existing structure, the cost of which (including a potential grant of \$250,000 to cover the cost of reposting and elevating the building) might by one estimate be as low as one-third of the total of the bids received for reconstruction. After discussion of both options, and all having a chance to be heard, Trustee Oppenheimer indicated that he was prepared to make a motion to award all four contracts for the reconstruction of 14 Bay Prom as specified in the public bids and authorize the necessary spending to complete the project.

Prior to this action, Trustee Oppenheimer made the following motion:

RESOLUTION ADOPTING LEAD AGENCY STATUS, TYPING A PROJECT AS AN UNLISTED ACTION AND ADOPTION OF A NEGATIVE DECLARATION FOR PURPOSES OF SEQRA WITH REGARD TO THE POTENTIAL AWARDED OF A PUBLIC WORKS CONTRACTS FOR RECONSTRUCTION OF 14 BAY PROM

WHEREAS the Village of Saltaire competitively bid the four construction phases of general construction, electrical, plumbing and mechanical for the reconstruction of 14 Bay Prom, and

WHEREAS the Board of Trustees has reviewed the contract work and contracts and completed the short form EAF and accompanying materials for the required SEQRA review with respect to the contracts and the contract work; it is therefore

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with respect to the four construction phases of general construction, electrical, plumbing and mechanical for the reconstruction of 14 Bay Prom, and further be it

RESOLVED that the Board of Trustees hereby determines that the contracts and contract work for the four construction phases of general construction, electrical, plumbing and mechanical for the reconstruction of 14 Bay Prom is an Unlisted Action for purposes of SEQRA, and further be it

RESOLVED that the Board of Trustees of the Village of Saltaire hereby determines that the contracts for the four construction phases of general construction, electrical, plumbing and mechanical for the reconstruction of 14 Bay Prom:

- Will not create a material conflict with an adopted land-use plan or zoning regulations; and
- Will not result in a change in the use or intensity of the use of land; and
- Will not impair the character or quality of the existing community; and
- Will not have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area; and
- Will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkways; and
- Will not cause an increase in the use of energy or fail to incorporate reasonably available energy conservation or renewable-energy alternatives; and
- Will not impact existing public or private water supplies; and
- Will not impact existing public or private wastewater treatment facilities; and

Will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources; and

Will not result in an adverse change to natural resources such as wetlands, water bodies, groundwater, air quality, flora and fauna; and

Will not result in an increase in the potential for erosion, flooding or drainage problems; and

Will not create a hazard to environmental resources or human health; and that it is therefore

RESOLVED that a Negative Declaration is hereby adopted for purposes of SEQRA.

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

Motion: Trustee Oppenheimer

Second: Trustee Wolf

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

Abstain: Trustee Skerritt

Against: None

Trustee Oppenheimer then made the following motion:

WHEREAS the Village of Saltaire solicited bids pursuant to Board resolution and in compliance with the procurement policies of the Village of Saltaire for the four construction phases of general construction, electrical, plumbing and mechanical for the reconstruction of 14 Bay Prom, pursuant to the approved plans and specifications of Graham Associates Planning and Design with the last revision date of May 18, 2023, and

WHEREAS sealed bids were publicly opened at 11:00 a.m. EDT on July 13, 2023, and LoDuca Associates Inc. having been qualified by the Village Administrator as meeting all of the requirements of the bidding documents, is the certified low bidder for the General Construction portion of the project as specified in the bid documents and meets all the requirements stipulated in the bid; and

WHEREAS sealed bids were publicly opened at 11:00 a.m. EDT on July 13, 2023, and Eric Muller Inc. having been qualified by the Village Administrator as meeting all of the requirements of the bidding documents, is the certified low bidder for the Electrical portion of the project as specified in the bid documents and meets all the requirements stipulated in the bid; and

WHEREAS sealed bids were publicly opened at 11:00 a.m. EDT on July 13, 2023, and KG Mechanical Inc. having been qualified by the Village Administrator as meeting all of the requirements of the bidding documents, is the certified low bidder for the Plumbing portion of the project as specified in the bid documents and meets all the requirements stipulated in the bid; and

WHEREAS sealed bids were publicly opened at 11:00 a.m. EDT on July 13, 2023, and Traditional Air Conditioning Inc. having been qualified by the Village Administrator as meeting all of the requirements of the bidding documents, is the certified low bidder for the Mechanical portion of the project as specified in the bid documents and meets all the requirements stipulated in the bid;

THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Saltaire hereby authorizes the Village Administrator to declare LoDuca Associates Inc. as the certified low bidder for the general construction portion of the reconstruction of 14 Bay Prom pursuant to the approved plans and specifications of Graham Associates Planning and Design with the last revision date of May 18, 2023, and further,

BE IT RESOLVED that the Board of Trustees of the Village of Saltaire hereby authorizes the Village Administrator to declare Eric Muller Inc. as the certified low bidder for the electrical portion of the reconstruction of 14 Bay Prom pursuant to the approved plans and specifications of Graham Associates Planning and Design with the last revision date of May 18, 2023, and further,

BE IT RESOLVED that the Board of Trustees of the Village of Saltaire hereby authorizes the Village Administrator to declare KG Mechanical Inc. as the certified low bidder for the plumbing portion of the reconstruction of 14 Bay Prom pursuant to the approved plans and specifications of Graham Associates Planning and Design with the last revision date of May 18, 2023, and further,

BE IT RESOLVED that the Board of Trustees of the Village of Saltaire hereby authorizes the Village Administrator to declare Traditional Air Conditioning Inc. as the certified low bidder for the mechanical portion of the reconstruction of 14 Bay Prom pursuant to the approved plans and specifications of Graham Associates Planning and Design with the last revision date of May 18, 2023, and further

BE IT RESOLVED that the Board of Trustees of the Village of Saltaire hereby authorizes the Village Administrator to execute the necessary contract documents with LoDuca Associates Inc. for the contract amount of \$1,291,964.00 minus any negotiated reductions that the Village may achieve in negotiating the final contract plus the cost of any necessary change orders that the Mayor deems necessary and reasonable; and further

BE IT RESOLVED that the Board of Trustees of the Village of Saltaire hereby authorizes the Village Administrator to execute the necessary contract documents with Eric Muller Inc. for the contract amount of \$58,240.00 minus any negotiated reductions that the Village may achieve in negotiating the final contract plus the cost of any necessary change orders that the Mayor deems necessary and reasonable; and further

BE IT RESOLVED that the Board of Trustees of the Village of Saltaire hereby authorizes the Village Administrator to execute the necessary contract documents with KG Mechanical Inc. for the contract amount of \$69,950.00 minus any negotiated reductions that the Village may achieve in negotiating the final contract plus the cost of any necessary change orders that the Mayor deems necessary and reasonable; and further

BE IT RESOLVED that the Board of Trustees of the Village of Saltaire hereby authorizes the Village Administrator to execute the necessary contract documents with Traditional Air Conditioning Inc. for the contract amount of \$58,000.00 minus any negotiated reductions that the Village may achieve in negotiating the final contract plus the cost of any necessary change orders that the Mayor deems necessary and reasonable; and further

BE IT RESOLVED that the funding for the project for the four approved contracts in the aggregate amount of \$1,478,154.00 shall initially be made from the general reserves, with the general reserves to be repaid in whole or in part by any grant proceeds that are awarded, and any remainder to be repaid in whole or in part out of Reserves or the issuance of Bonds or Bond or Revenue Anticipation Notes, as previously authorized or to be authorized in the future.

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

Motion: Trustee Oppenheimer
Second: Trustee Wolf

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

APPROVAL OF MINUTES

Draft copies of the minutes of the Board of Trustees meeting of July 30, 2023 had previously been presented to the Board and posted in draft form on the Village website. 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 Oppenheimer and on call it was carried according to the following action:

Motion: Trustee Skerritt
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:

Capital Fund Checking No. 3A in the amount of	\$600.00
General Fund Checking No. 3A in the amount of	\$159,672.06
Total Recreation Refunds in the amount of	\$9,720.00

After discussion and opportunity for questions, Trustee Skerritt made a motion that the above-listed abstract(s) and refunds be approved as modified by direction of Mayor O'Brien first by the removal of Check #13578 from GF No. 3A to be paid at a later date upon receipt of the signed voucher, and second by the correct renumbering of check # 13532 to check #13459, and that the Mayor be authorized to execute the warrant(s). The motion was seconded by Trustee Kovner, and on call it carried 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

CLOSE OF MEETING

Trustee Oppenheimer made a motion at 11:13 a.m. to close the meeting and to hold the next Board of Trustees meetings according to the following schedule:

- September 14, 2023 at 1180 Sixth Avenue, New York City with the public portion to start at 7:00 p.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