

MINUTES OF THE PUBLIC HEARING AND THE BOARD OF TRUSTEES MEETING HELD ON MAY 28, 2018 AT 105 BROADWAY, SALTAIRE, NEW YORK, WITH REMOTE OBSERVATION VIA AN AUDIO/VIDEO CONNECTION TO THE INTERNET.

Mayor Zaccaro called the Board of Trustees meeting to order at 8:00 a.m. at 105 Broadway and the following were in attendance:

John A. Zaccaro Jr, Mayor  
Hillary Richard, Deputy Mayor  
Frank Wolf, Trustee  
Hugh O'Brien, Trustee  
Nat Oppenheimer, Trustee  
Scott Rosenblum, Counselor to the Board  
Joseph W. Prokop, Village Attorney  
Donna Lyudmer, Village Treasurer  
Mario Posillico, Administrator & Clerk  
And 0 other attendees  
And 0 observed through internet audio/video connection.

ADJOURN INTO EXECUTIVE SESSION

Trustee Wolf made a motion at 8:00 p.m. that the Board adjourn into Executive Session to discuss litigation strategy, contract negotiations and personnel issues. 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 O'Brien, Trustee Richard, Trustee Oppenheimer  
Abstain: None  
Against: None

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee O'Brien made a motion to re-adjourn into public session at 8:58 a.m. The motion was seconded by Trustee Oppenheimer and on call it was approved according to the following vote:

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

Mayor Zaccaro called the Board of Trustees meeting back into to order at 105 Broadway at 9:00 a.m. and the following were in attendance:

John A. Zaccaro Jr, Mayor  
Hillary Richard, Deputy Mayor  
Frank Wolf, Trustee  
Hugh O'Brien, Trustee

Nat Oppenheimer, Trustee  
Scott Rosenblum, Counselor to the Board  
Joseph W. Prokop, Village Attorney  
Donna Lyudmer, Village Treasurer  
Mario Posillico, Administrator & Clerk  
And approximately 75 other attendees  
And approximately 5 observed through internet audio/video  
connection at various times.

#### MOMENT OF SILENCE

Mayor Zaccaro led those in attendance in a moment of silence for observance of Memorial Day for all of those service men and women who have given their lives in defense of and service to the United States and the freedoms that all citizens enjoy; and for the victims of the recent tragedies of gun violence; and for the recently deceased residents of the Village of Saltaire.

#### NOTIFICATION OF ELECTED OFFICIALS AND SWEARING INTO OFFICE

The Village Clerk announced the election results of the 2018 Village election and notified John Zaccaro Jr. of his election to the office of Mayor, and Frank Wolf and Hillary Richard of their elections to the office of Trustee, each for a two-year term. The oath of office was administered to each for their respective offices. Mayor Zaccaro extended his gratitude to the staff of the Village who have all worked extremely hard for the Village on many fronts during his first term as Mayor. All in attendance concurred with a round of applause.

#### PUBLIC HEARING FOR PROPOSED MODIFICATIONS TO CHAPTER 55 OF THE VILLAGE CODE ADVERTISED AS LOCAL LAW #3 OF 2018

Mayor Zaccaro stated that the purpose of Local Law No. 3 of 2018 is to codify the Village's authority to regulate boundary line changes within the boundaries of the Village, and to formalize and streamline the application process for boundary line changes. After discussion amongst the members of the Board and those in attendance, and after all having had a chance to be heard, Trustee Richard made a motion to adjourn the Public Hearing at 9:05 a.m.. The motion was seconded by Trustee Wolf, and the motion was carried according to the following vote:

Motion: Trustee Richard

Seconded: Trustee Wolf

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

Abstain: None

Against: None

#### CONSIDERATION OF LOCAL LAW #3 OF 2018

After discussion amongst the Board, and questions from those in attendance, Trustee O'Brien made a motion to table the discussion on adoption of the local law until the next scheduled meeting in

order that all questions can be answered. The motion was seconded by Trustee Wolf, and the motion was carried according to the following vote:

Motion: Trustee O'Brien

Seconded: Trustee Wolf

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

Abstain: None

Against: None

## REPORT ON THE FINANCIAL CONDITION OF THE VILLAGE

Mayor Zaccaro provided a summary of the financial condition of the Village, which included the current AAA bond rating, the level of reserves, and the tax structure, all of which indicated that the Village was on extremely sound footing as it addressed its needs for the future.

## CAPITAL PROJECT OVERVIEW

Mayor Zaccaro provided a brief overview and status report of the following capital projects:

- Butler Engineering is working on the 14 Bay Promenade design as a reasonably-sized traditional-styled structure that meets the stated functions of the building, as well as regulatory requirements, and can be brought to final construction documents ready for bidding as soon as is practical. Renderings were posted at the meeting and discussion ensued about the floor plans and elevations.
- The final floor plans and elevations for the planned renovation of Village Hall were posted at the meeting and online, and Mayor Zaccaro stated that Butler Engineering is developing construction documents for bidding purposes, which will hopefully result in certified bid results by the early summer.

## LIGHTHOUSE PROMENADE WALKWAY AND WATER MAIN RECONSTRUCTION

Mayor Zaccaro stated that the Village had received bids as required by FEMA for their consideration of alternate materials for the reconstruction of Lighthouse Promenade as both a concrete walkway as well as a timber walkway, both options inclusive of replacement of the water main. He stated that the post-bid analysis of the timber version identified certain engineering adjustments that might result in potential cost-savings while maintaining the structural requirements of the walkway. He further stated the Board's review of the concrete version was affected by a legal claim by one contractor regarding the validity of another contractor's bid. Partly as a result of both of these situations, the Board at its May 16, 2018 meeting rejected all bids for both timber and concrete, and both have been advertised for rebidding with all bids due on June 26, 2018.

He further stated that at the May 16, 2018 meeting, a Village resident asked the Board to investigate the possibility of utilizing Recycled Plastic Lumber (RPL) as a component of the design for the walkway for the primary purpose of speed control. Trustee Wolf, who was assigned the task, presented a report of his research regarding the use of the RPL. The Mayor stated that the Board would continue to research the material options as part of the matrix of options for Lighthouse Promenade after the underlying bids were received.

Trustee Wolf then stated that his review of the official bid documents of timber and concrete showed that the liquidated damages provisions were not the same for each option. After discussion, and all having a chance to be heard, Trustee Wolf made a motion to modify the liquidated damages provisions of both the concrete and timber bids to be \$1,000 per day for each design. The motion was seconded by Trustee Richard, and the motion was carried according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Richard

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

Abstain: None

Against: None

#### MEMORIALIZING RESOLUTION REGARDING THE NATIONAL OUTER CONTINENTAL SHELF OIL AND GAS LEASING PROGRAM

Mayor Zaccaro made the following motion:

WHEREAS, the United States Government, by its Department of the Interior, has established a new five-year National Outer Continental Shelf Oil and Gas Leasing Program (the "Program"), and

WHEREAS, such Program would potentially allow for virtually unfettered exploration of waters off the coast of Long Island for Oil and Gas natural resources, and

WHEREAS, such unfettered exploration poses inherent risks to the ecology of the waters and, should those risks come to fruition, resulting in the displacement of economics for the Long Island workforce including, but not limited to the fisheries and tourism industries, and

WHEREAS, the waters off the coast of the State of Florida have previously been granted an exemption from such program for similar reasons; now, therefore, it is

RESOLVED that the Village of Saltaire hereby memorializes its support of the Executive Board of the Suffolk County Village Officials Association in its support of New York State's application for an exemption from the Program for the waters adjacent to the coastline of the State of New York, and places particular emphasis on the risks to the waters adjacent to the coastline of Long Island.

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

Motion: Mayor Zaccaro

Seconded: Trustee Oppenheimer

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

Abstain: None

Against: None

#### CONSIDERATION OF CREATION OF A CHARITABLE TRUST TO ACCEPT PAYMENTS IN LIEU OF REAL ESTATE TAXES.

Mayor Zaccaro stated that New York State has recently developed the legal framework that would allow municipalities in the State to create and accept payments into a Charitable Trust Fund and to provide Real Estate Tax credits to any resident who makes a payment into the Charitable Trust. He stated that this was in response to the recent federal tax law that limited the deductibility of state and local taxes, and would theoretically allow a resident to deduct the charitable contribution in lieu of taxes. He also stated that the IRS has issued a statement that would indicate that the federal government would deny the deductibility of the charitable contribution in lieu of real estate taxes. After discussion, the consensus was to not take any action on such a program for the current fiscal year, and to see how the state and federal governments react to the evolving tax law regarding the deductibility of state and local taxes, and/or charitable contributions in lieu of local real estate taxes.

#### SETTING THE DATE FOR THE ORGANIZATION MEETING

Trustee O'Brien 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 2018 organizational meeting of the Village of Saltaire, it is therefore;

RESOLVED that the 2018 Organizational Meeting of the Village of Saltaire shall be held on June 30, 2018, at 9:00 a.m.

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

Motion: Trustee O'Brien

Seconded: Trustee Oppenheimer

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

Abstain: None

Against: None

#### WAGON STORAGE

Mayor Zaccaro stated that over the course of the winter the Village had replaced the two rows of wagon storage racks on the dock with one longer row that can accommodate from 80 to 100 wagons. He stated that the new design allows more room for safer passage in and around the wagons for ferry riders and for two larger public safety vehicles and also allows for greater access and flexibility for emergency vehicles in case of marine rescue transport. He stated that more wagons would have to be stored at the foot of the dock to create this space on the main dock, and that the Board is working to develop a procedure for allocation of both areas of wagon storage and in the new 14 Bay building design. He further stated that he and Board would be open to suggestions on how to best allocate the available space, or for a better wagon design at both locations.

#### UNDERTAKING RESOLUTION

Trustee O'Brien 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 elected officials of the Village of Saltaire shall not be required to file an undertaking as a requisite for

assuming duly elected office. The motion was seconded by Trustee Oppenheimer, and the motion was carried according to the following vote:

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

#### APPROVAL OF MINUTES

Draft copies of the minutes of the meeting of April 10, 2018 and May 16, 2018 had previously been presented to the Board and posted in draft form on the Village website. Following discussion, Trustee O'Brien made a motion to adopt the minutes as presented with minor non-substantive corrections. The motion was seconded by Trustee Wolf, and on call it was carried according to the following action:

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

#### ABSTRACT AUDIT

Mayor Zaccaro stated that the following Abstracts, having been distributed to all in attendance and posted on the Village website, were presented for approval by the Village Administrator and the Village Treasurer:

General Fund Checking No. 12B in the amount of	\$68,274.91
Trust and Agency No. 12B in the amount of	\$2,000.00

After discussion and opportunity for questions, Trustee Oppenheimer made a motion that the above-listed abstracts be approved as presented and that the Mayor be authorized to execute the warrants. The motion was seconded by Trustee O'Brien, and on call it carried according to the following vote:

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

#### ADJOURN INTO EXECUTIVE SESSION

Trustee Wolf made a motion that the Board adjourn into Executive Session to discuss litigation strategy, contract negotiations and personnel issues. The motion was seconded by Trustee Richard and on call it was approved at 11:29 a.m. according to the following vote:

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

#### RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Oppenheimer made a motion to re-adjourn into public session at 11:50 a.m. The motion was seconded by Trustee Richard and on call it was approved according to the following vote:

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

The public meeting was called back into session by Mayor Zaccaro at 11:50 a.m. and the following were in attendance:

John A. Zaccaro Jr, Mayor  
Hillary Richard, Deputy Mayor  
Frank Wolf, Trustee  
Hugh O'Brien, Trustee  
Nat Oppenheimer, Trustee  
Scott Rosenblum, Counselor to the Board  
Joseph W. Prokop, Village Attorney  
Donna Lyudmer, Village Treasurer  
Mario Posillico, Administrator & Clerk  
And 0 other attendees  
And 0 observed through internet audio/video connection.

#### NEXT BOARD MEETINGS & 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 11:50 p.m. to close the meeting and to hold the next Board of Trustees meetings according to the following schedule:

- 9:00 a.m. on June 30, 2018, 103 or 105 Broadway, Saltaire, New York.
- 9:00 a.m. on August 5 2018, 103 or 105 Broadway, Saltaire, New York.

The motion was seconded by Trustee O'Brien and on call it was carried according to the following vote:

Motion: Trustee Oppenheimer  
Seconded: Trustee O'Brien  
In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Abstain: None  
Against: None