

MINUTES OF THE PUBLIC HEARING AND BOARD OF TRUSTEES MEETING HELD ON SEPTEMBER 1, 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 Richard made a motion at 8:00 a.m. that the Board adjourn into Executive Session to discuss litigation strategy, contract negotiations and personnel issues. The motion was seconded by Trustee O'Brien and on call it was approved according to the following vote:

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

Trustee O'Brien left the Executive Session at 8:45 a.m.

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Richard made a motion to re-adjourn into public session at 8:59 a.m. The motion was seconded by Trustee Wolf and on call it was approved according to the following vote:

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

Mayor Zaccaro called the Board of Trustees meeting back to order at 105 Broadway, Saltaire, New York 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 35 other attendees  
And 4 observed through internet audio/video connection

#### CONTINUATION OF 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 adopt the proposed local law to modify Chapter 55 as presented. The motion was seconded by Trustee O'Brien, and the motion failed to carry according to the following vote:

Motion: Trustee Richard

Seconded: Trustee O'Brien

In Favor: Trustee Richard

Against: Trustee Wolf, Trustee O'Brien, Trustee Oppenheimer

Abstain: None

#### CAPITAL PROJECT OVERVIEW

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

- Lighthouse Promenade: A pre-contract meeting was held with Chesterfield Associates Inc. pursuant to the Notice of Award provided to them to discuss and approve the project schedule, the sub-contractor list, means and methods of construction, and traffic control. He stated that the meeting was very productive, that Chesterfield demonstrated their experience, knowledge and ability to undertake the project, and that a contract was executed with them for both the reconstruction of Lighthouse Prom as a timber walkway and for the installation of a new 12 inch water main. Mayor Zaccaro also stated that the Village Administrator and Treasurer have received from FEMA a 3 year time extension to complete the work and also requested full funding for the Lighthouse Promenade Project as a Flood Mitigation project and for upgrades for Codes and Standards. He stated that the work is anticipated to take two years to complete, and that homeowners will be kept apprised of progress and access limitations via periodic email communications from the Village office.
- 14 Bay Promenade: Mayor Zaccaro stated that an application is pending with the Suffolk County Department of Health for an approximately 1,600 square foot, one story structure with storage under the building, and given the anticipated approval time and other off-season workload that this project would not likely start until the 2019 off-season. Discussion ensued about the internal configuration of the most recent design, and Mayor Zaccaro stated that there may still be tweaking to the design before final approval, and that there is not as much pressure to complete that process given the projected commencement date, although he still expressed a desire to have it finalized as soon as possible.

#### CONSIDERATION OF AWARDING CONTRACTS FOR RENOVATION OF VILLAGE HALL

Mayor Zaccaro stated that the Village had received public bids from four separate trades pursuant to the approved design plans and Wicks Law requirements for the renovation of the Village Hal, for a combined total cost of approximately \$2,650,000. Mayor Zaccaro stated that funding for this project would partly come from FEMA grants for Alternate Projects, and that this level of project cost was contemplated in the long term planning forecasts discussed at previous Board meetings. Discussion continued about the Village Hall Renovation Project, and Trustee Oppenheimer moved adoption of the following resolution:

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 CONTRACTS FOR THE RENOVATION OF VILLAGE HALL.

WHEREAS the Village of Saltaire competitively bid a project for the renovation of Village Hall under four separate phases as required by Wick's Law and the Board is considering awarding the contracts and executing the contracts for the renovation of Village Hall with the qualified low bidders, 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 renovation of Village Hall, and further be it

RESOLVED that the Board of Trustees hereby determines that the contracts and contract work for the renovation of Village Hall with the qualified low bidders 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 renovation of Village Hall with the qualified low bidders for all four phases of the work:

- 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

Seconded: Trustee O'Brien

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

Against: None

Abstain: None

After further discussion, Trustee Richard then made the following motion:

WHEREAS the Village of Saltaire solicited bids according to its procurement policy for public works and to be in compliance with the procurement policies of the Village of Saltaire for renovation of Village Hall, and

WHEREAS sealed bids were publicly opened at 11:00 a.m. EST on August 27, 2018, and Atlantic Construction Company LLC submitted a sealed envelope for the General Contracting bid of the project, and that sealed envelope did not contain any of the required proposal forms required by the bid documents;

THEREFORE, BE IT RESOLVED that the submittal of Atlantic Construction Company LLC for the General Contracting bid for the renovation of Village Hall is deemed non-responsive to the bid documents.

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

Motion: Trustee Richard

Seconded: Trustee Oppenheimer

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

Against: None

Abstain: None

After further discussion, Trustee Oppenheimer then made the following motion:

WHEREAS the Village of Saltaire solicited bids according to its procurement policy for public works and to be in compliance with the procurement policies of the Village of Saltaire for renovation of Village Hall, and

WHEREAS sealed bids were publicly opened at 11:00 a.m. EST on August 27, 2018, and LoDuca Associates Inc. has been qualified by the Village Engineer, Village Attorney and Village Administrator as meeting all of the requirements of the bidding documents, and is therefore the certified low bidder for the General Construction phase of the work as specified in the bid documents and met 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 General Construction phase of the renovation of Village Hall, pursuant to the plans and specifications and requirements of the bid documents, and to notify Loduca Associates Inc. of its status as low bidder, 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

General Construction phase of the renovation of Village Hall according to the plans and specifications of the bid documents for the lump sum and unit prices specified therein, for the contract amount pursuant to the unit bid amounts multiplied by the actual measured quantities, if any, for the base bid for a projected total contract amount of \$2,296,430.00 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 shall initially be made from the general reserves, with the general reserves to be repaid in whole or in part from the proceeds of FEMA reimbursement, and any remainder to be repaid in whole or in part out of 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 O'Brien, and the motion carried according to the following:

Motion: Trustee Oppenheimer

Seconded: Trustee O'Brien

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

Against: None

Abstain: None

After further discussion, Trustee Richard then made the following motion:

WHEREAS the Village of Saltaire solicited bids according to its procurement policy for public works and to be in compliance with the procurement policies of the Village of Saltaire for renovation of Village Hall, and

WHEREAS sealed bids were publicly opened at 11:00 a.m. EST on August 27, 2018, and JNS Heating Services Inc. has been qualified by the Village Engineer, Village Attorney and Village Administrator as meeting all of the requirements of the bidding documents, and is therefore the certified low bidder for the Mechanical phase of the work as specified in the bid documents and met 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 JNS Heating Services Inc. as the certified low bidder for the Mechanical phase of the renovation of Village Hall, pursuant to the plans and specifications and requirements of the bid documents, and to notify JNS Heating Services Inc. of its status as low bidder, 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 JNS Heating Services Inc. for the Mechanical phase of the renovation of Village Hall according to the plans and specifications of the bid documents for the lump sum and unit prices specified therein, for the contract amount pursuant to the unit bid amounts multiplied by the actual measured quantities, if any, for the base bid for a projected total contract amount of \$161,000.00 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 shall initially be made from the general reserves, with the general reserves to be repaid in whole or in part from the proceeds of FEMA reimbursement, and

any remainder to be repaid in whole or in part out of 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 O'Brien, and the motion carried according to the following:

Motion: Trustee Richard

Seconded: Trustee O'Brien

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

Against: None

Abstain: None

After further discussion, Trustee Oppenheimer then made the following motion:

WHEREAS the Village of Saltaire solicited bids according to its procurement policy for public works and to be in compliance with the procurement policies of the Village of Saltaire for renovation of Village Hall, and

WHEREAS sealed bids were publicly opened at 11:00 a.m. EST on August 27, 2018, and Eric Muller Inc. has been qualified by the Village Engineer, Village Attorney and Village Administrator as meeting all of the requirements of the bidding documents, and is therefore the certified low bidder for the Electrical phase of the work as specified in the bid documents and met 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 Eric Muller Inc. as the certified low bidder for the Mechanical phase of the renovation of Village Hall, pursuant to the plans and specifications and requirements of the bid documents, and to notify Eric Muller Inc. of its status as low bidder, 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 Electrical phase of the renovation of Village Hall according to the plans and specifications of the bid documents for the lump sum and unit prices specified therein, for the contract amount pursuant to the unit bid amounts multiplied by the actual measured quantities, if any, for the base bid for a projected total contract amount of \$123,200 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 shall initially be made from the general reserves, with the general reserves to be repaid in whole or in part from the proceeds of FEMA reimbursement, and any remainder to be repaid in whole or in part out of 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 Richard, and the motion carried according to the following:

Motion: Trustee Oppenheimer

Seconded: Trustee Richard

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

Against: None

Abstain: None

After further discussion, Trustee O'Brien then made the following motion:

WHEREAS the Village of Saltaire solicited bids according to its procurement policy for public works and to be in compliance with the procurement policies of the Village of Saltaire for renovation of Village Hall, and

WHEREAS sealed bids were publicly opened at 11:00 a.m. EST on August 27, 2018, and Cross Island P&H Inc. has been qualified by the Village Engineer, Village Attorney and Village Administrator as meeting all of the requirements of the bidding documents, and is therefore the certified low bidder for the Plumbing phase of the work as specified in the bid documents and met 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 Cross Island P&H Inc. as the certified low bidder for the Plumbing phase of the renovation of Village Hall, pursuant to the plans and specifications and requirements of the bid documents, and to notify Cross Island P&H Inc. of its status as low bidder, 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 Cross Island P&H Inc. for the Plumbing phase of the renovation of Village Hall according to the plans and specifications of the bid documents for the lump sum and unit prices specified therein, for the contract amount pursuant to the unit bid amounts multiplied by the actual measured quantities, if any, for the base bid for a projected total contract amount of \$67,835.00 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 shall initially be made from the general reserves, with the general reserves to be repaid in whole or in part from the proceeds of FEMA reimbursement, and any remainder to be repaid in whole or in part out of 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 Oppenheimer, and the motion carried according to the following:

Motion: Trustee O'Brien

Seconded: Trustee Oppenheimer

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

Against: None

Abstain: None

#### FEMA-FUNDED ALTERNATE PROJECTS

Administrator Posillico stated that, given the recently authorized project cost of the Village Hall Renovation, and the projected cost of 14 Bay Promenade, there will be no funding available under FEMA's Alternate Project program for the 14 Bay Promenade reconstruction project, as had been recently listed with FEMA. He also stated that by applying all remaining funding to the Village Hall renovation project will allow the funds to be reimbursed sooner because that project will be completed first. He stated that given the circumstances as described, he recommends submitting a revised Alternate Project schedule to FEMA reflecting only the Village Renovation building project in addition to the already completed and funded Bay Prom Water Main, and to remove the 14 Bay Prom building project from the funding list. After discussion and all having a chance to be heard, Trustee

Wolf made a motion to authorize Administrator Posillico to submit a revised Alternate Project list to FEMA which includes only the Village Hall renovation building project and the Bay Prom water main project, and to request the necessary time extension to complete all projects. The motion was seconded by Trustee O'Brien and the motion was carried according to the following:

Motion: Trustee Wolf

Seconded: Trustee O'Brien

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

Abstain: None

Against: None

#### CONSIDERATION OF ACCEPTANCE OF DONATION PURSUANT TO AN ESTATE BEQUEST

Mayor Zaccaro reported that the Village has been included as a beneficiary in the last Will and Testament of deceased resident Peter Hahn, in which the Village was named as a fifty percent beneficiary of the proceeds of the property located at 311 Crest Walk. Mayor Zaccaro stated that the Estate is currently in probate, and the Executor of the Estate is trying to expedite the probate, and to that end has asked for the Village to formally waive any objections to the bequest as a fifty percent beneficiary of proceeds of the sale of 311 Crest Walk.

After discussion of the subject, Trustee Richard made a motion to authorize Mayor Zaccaro, after a thorough review by the Village Attorney of all the facts and circumstances of the Will and the bequest, and upon advise of the Village Attorney that it is in the best interest of the Village to do so, to formally waive any objection to the bequest made in the last Will and Testament made by Peter Hahn.

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

Motion: Trustee Ricard

Seconded: Trustee Wolf

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

Abstain: None

Against: None

#### AUTHORIZATION FOR A PUBLIC HEARING FOR CONSIDERATION OF A LOCAL LAW TO CLARIFY AND CODIFY THE RIGHTS AND RESPONSIBILITIES OF THE BOARD OF TRUSTEES ACTING AS THE BOARD OF FIRE COMMISSIONERS

Mayor Zaccaro stated that in order to make clear the rights and responsibilities of the Board of Trustees in terms of managerial and financial oversight of the Saltaire Volunteer Fire Company in light of sometimes confusing and perhaps conflicting guidance provided by the New York State Attorney's General office and the Office of the State Comptroller in regard to the requirements of State regulations, the Village Attorney had drafted proposed local legislation that would provide both the Fire Company and the Board of Trustees better clarity on the required extent and scope of the oversight. After discussion, Trustee Oppenheimer made a motion to consider an amendment to the Village Code at a public hearing scheduled for the same date as the next scheduled Board of Trustees meeting to amend the Village Code to codify the rights and responsibilities of the Board of Trustees in terms of managerial and financial oversight of the Saltaire Volunteer Fire Company. The motion was seconded by Trustee Richard and the motion was carried according to the following:

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

#### BOARD OF TRUSTEE REPORTS

Each of the Trustees provided seasonal-ending reports on their particular areas of oversight responsibility.

#### APPROVAL OF MINUTES

Draft copies of the minutes of the meetings of August 5, 2018 had previously been presented to the Board and posted in draft form on the Village website. Following discussion, Trustee Richard made a motion to adopt the minutes as presented with minor non-substantive corrections. The motion was seconded by Trustee O'Brien and on call it was carried according to the following action:

Motion: Trustee Richard  
Seconded: Trustee O'Brien  
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:

Trust & Agency Checking No. 3A in the amount of	\$15,000.00
General Checking No. 3B in the amount of	\$86,974.67
Capital Fund Checking No. 4A in the amount of	\$35,750.00
General Checking No. 4A in the amount of	\$87,282.60

After discussion and opportunity for questions, Trustee O'Brien 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 Wolf, and on call it 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

#### ADJOURN INTO EXECUTIVE SESSION

Trustee Richard 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 Oppenheimer and on call it was approved at 11:17 a.m. according to the following vote:

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

#### RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Richard made a motion to re-adjourn into public session at 11:22 a.m. The motion was seconded by Trustee Oppenheimer and on call it was approved according to the following vote:

Motion: Trustee Richard  
Seconded: Trustee Oppenheimer  
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 11:22 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  
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 Wolf made a motion at 11:25 a.m. to close the meeting and to hold the next Board of Trustees meetings according to the following schedule:

- 9:00 a.m. on October 6, 2018, 103 or 105 Broadway, Saltaire, New York.
- 5:00 p.m. on November 7, 2018, 1180 Avenue of the Americas, New York.

The motion was seconded by Ricahrd and on call it was approved 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