

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON OCTOBER 1, 2018 AT 1180 AVENUE OF THE AMERICAS, 8TH FLOOR, NEW YORK, NEW YORK AND VIA VIDEO/AUDIO LINK TO 103 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 5:00 p.m. at 1180 Avenue of the Americas, New York, 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 O'Brien made a motion at 5:00 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 O'Brien
Seconded: Trustee Oppenheimer
In Favor: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer
Abstain: None
Against: None

Trustee O'Brien recused himself and left the Executive Session at 5:p.m.and returned at 5:15 p.m.

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee O'Brien made a motion to re-adjourn into public session at 5:59 p.m. The motion was seconded by Trustee Wolf and on call it was approved 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

Mayor Zaccaro called the Board of Trustees meeting back to order at 1180 Avenue of the Americas, New York at 6:05 p.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 10 other attendees
And 10 observed through internet audio/video connection

PUBLIC HEARING FOR PROPOSED MODIFICATIONS TO CHAPTER 25 OF THE VILLAGE CODE ADVERTISED AS LOCAL LAW #4 OF 2018

Mayor Zaccaro stated that the purpose of the proposed Local Law No. 4 of 2018 is to codify the Board of Trustee's authority to act in the capacity of the Board of Fire Commissioners, as has been the Board's long-standing practice. After discussion amongst the members of the Board and those in attendance, and after all having had a chance to be heard, Trustee O'Brien made a motion to close the public hearing to consider the proposed local law to modify Chapter 25 as presented. The motion was seconded by Trustee Richard, and the motion carried according to the following vote:

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

ADOPTION OF PROPOSED MODIFICATIONS TO CHAPTER 25 OF THE VILLAGE CODE ADVERTISED AS LOCAL LAW #4 OF 2018

Trustee Richard stated that in anticipation of a motion to consider adoption of the proposed local law advertised as Local Law #4 of 2018, she 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 ADOPTION OF A LOCAL LAW.

WHEREAS the Board of Trustee of the Village of Saltaire may consider adoption of the proposed local law advertised as Local Law #4 of 2018, and

WHEREAS the Board of Trustees has reviewed the short form EAF and accompanying materials for the required SEQRA review with respect to the possible adoption of the proposed local law advertised as Local Law #4 of 2018; it is therefore

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with respect to the possible adoption of the proposed local law advertised as Local Law #4 of 2018, and further be it

RESOLVED that the Board of Trustees hereby determines that the possible adoption of the proposed local law advertised as Local Law #4 of 2018 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 possible adoption of the proposed local law advertised as Local Law #4 of 2018:

- 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 Oppenheimer, and the motion was 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 discussion amongst the members of the Board and those in attendance, and after all having had a chance to be heard, Trustee Wolf then made a motion to adopt the proposed revisions to various sections of §25 of the Village Code, in the form presented at the earlier public hearing, to be adopted as Local Law #3 of 2018. The motion was seconded by Trustee O'Brien and the motion was carried according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee O'Brien

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

Abstain: None

Against: None

AWARD OF CONTRACT FOR ADDITIONAL WORK FOR WATER IMPROVEMENTS

Mayor Zaccaro reported that the Board of Trustees, under a previous resolution, had awarded the contract for the reconstruction of Lighthouse Promenade and the installation of a new 12 Inch Water Main to Chesterfield Associates Inc. Part of that bid proposal for that project required the inclusion

of bid pricing for additional or alternate work which may be included at the sole discretion of the Village in the contract or in a separate contract for the prices bid or negotiated lower. He initiated discussion about the cost and benefits about each of the four items included as possible additional work. After discussion amongst the Board and with the Village Administrator and amongst those in attendance, and after all having a chance to be heard, 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 Reconstruction of Lighthouse Promenade and other associated work, and

WHEREAS the Board of Trustees has already undertaken a SEQRA review process for the entire project and had resolved that a Negative Declaration was adopted for purposes of SEQRA , and

WHEREAS the Board of Trustees had previously resolved to award Chesterfield Associates Inc. the contract for work for all phases of the base bid plus any bid alternates that may be accepted by the Village in the future as specified in the bid documents;

THEREFORE, 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 Chesterfield Associates Inc. for the Bid Alternate #2, (Water Main Extension of Richards Walk) for a maximum price of \$58,000, and for Bid Alternate #3 (6 Inch Branch Line Extensions) for a maximum price of \$283.00 per foot of water main for an estimated total length of 950 feet, with the specific length to be determined by the Village Administrator in consultation with the Mayor, and which shall include the installation of a hydrant at the termination of each of the eight branch lines indicated in the plans for this Alternate Option included in the Unit Price, 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 any grant proceeds that may be awarded, 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

CAPITAL PROJECT OVERVIEW

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

- Lighthouse Promenade: He reported that the Contractor has mobilized to the project area, and that the actual construction work is anticipated to start something in mid-October. He also reported that the means and methods of the work, the traffic control plan and logistics are still being finalized with the Contractor. He stated that the contractor will make every effort to complete the project in one off-season, but plans are in effect to transition the new walk to the existing walk if the entire project can't be complete in one off-season.
- Village Hall: He reported that the Village office staff is in the process of relocating operation to a temporary location of Neptune Walk, and that the Contractor anticipates mobilizing to the project by mid-October to commence work shortly thereafter.

- 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. Trustee Oppenheimer requested that Butler Engineering present a cross section of the space under the building in order for the Board to better assess the need and impacts of the internal staircase. Mayor Zaccaro stated that he will instruct the engineer to provide that sketch for review.
- Potential House Donation: He reported that both sites that are part of this potential historic house donation require permit approval from both the Department of Health (DOH) and the Department of Environmental Conservation, requirements which are creating significant pressure on the schedule. Architect Eric Schiller made a presentation to the Board regarding the progress on and potential obstacles for procuring the DOH permits for the donors' proposed new home. He also requested assistance from the Board to allow use of a small amount of Village property for grading purposes adjacent to the project site in order to facilitate the DOH approval. The Mayor advised Mr Schiller that the Board would consider his request after it had an opportunity to consider the potential property impacts and precedents involved, and asked Mr. Schiller to pursue other options available for relief and advise the Board how those other avenues impact his project scope and schedule.

EXTENSION OF TIME FOR SUB-DIVISION APPLICATION

Deputy Mayor Richard reported that the legal representative of the Village People LLC has requested an additional ninety-day period to submit all required documentation and approvals as conditioned by the Board of Trustees's approval of their application. Village Attorney Prokop stated that the delay in delivery was in large part due to matters out of the applicant's control regarding other agency regulatory approvals, and that the granting of one or more time extensions is common practice due to the time necessary to complete all filings. After discussion, and all having chance to be heard, Trustee Wolf made a motion to grant the ninety-day extension as requested by the Village People LLC, and to consider the application to be current for the remainder of the extension period. 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: Trustee Wolf, Trustee O'Brien, Trustee Richard, Trustee Oppenheimer

Recused: Mayor Zaccaro

Abstain: None

Against: None

AUTHORIZATION TO PURCHASE REAL PROPERTY

Mayor Zaccaro stated that certain vacant property on Navy Walk between Bay Prom and Harbor Prom is being offered for sale by Suffolk County in October of 2018 pursuant to auction notice and procedures duly published, with a minimum upset price of \$5,000. He stated that it appears that the property in question is located within the jurisdiction of both the Tidal and Freshwater Wetlands of the State of New York, which may impact its development rights. He further stated that the Village may have interest in that property at a certain value to use for proprietary purposes or to assure that it remains in a natural state, whichever the Board of Trustees now or in the future determines is in the best interest of the Village.

After discussion and all having a chance to be heard, Trustee Wolf made the following motion:

WHEREAS the property located in the Village of Saltaire is currently owned by the County of Suffolk, and said property is being auctioned for sale in October of 2018 pursuant to auction notice and procedures duly published, with a minimum upset price of \$5,000, and

WHEREAS the Board of Trustees of the Village of Saltaire has interest in acquiring the property being auctioned by Suffolk County under terms and conditions so approved by the Board of Trustees;

THEREFORE, BE IT RESOLVED that the Village Administrator Mario Posillico or Village Treasurer Donna Lyudmer be authorized to take all necessary steps to register for the auction being held by Suffolk County in October of 2018, and to bid on real property located within the boundaries of the Village identified as 503-001-03-020 on behalf of the Village of Saltaire pursuant to direction separately provided by the Board of Trustees, and further

BE IT RESOLVED that the Village Administrator Mario Posillico or Village Treasurer Donna Lyudmer, in consultation with the Village Attorney, be authorized to take all necessary steps to accept the transfer of such property identified as 503-001-03-020 to the Village of Saltaire if Suffolk County determines that the Village of Saltaire has won the bid on the property.

The motion was seconded by Trustee O'Brien, and the motion 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

INDEMNIFICATION AGREEMENT FOR FIRE DRILL

Mayor Zaccaro stated that a property owner has offered his house located at 306 Surf Walk, which is scheduled to be demolished, for training purposes by the Saltaire Volunteer Fire Company (SVFC), and requested an indemnification agreement to protect the interests of all parties. Changes to the originally presented agreement were made, and after discussion and all having a chance to be heard, Trustee Wolf made a motion to authorize Village Administrator Posillico, in consultation with the Village Attorney, to execute the requisite indemnification contract to cover the SVFC's use of the property. 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: Mayor Zaccaro, Trustee Wolf, Trustee Richard,

Recuse: Trustee Oppenheimer, Trustee O'Brien

Abstain: None

Against: None

APPROVAL OF MINUTES

Draft copies of the minutes of the meetings of August 26, 2018 and September 1, 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:

General Checking No. 4B in the amount of \$93,522.31

Capital Fund Checking No. 5A in the amount of \$10,813.63

General Checking No. 5A in the amount of \$44,940.63

Trust & Agency Checking No. 5A in the amount of \$3,000.00

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 Richard, and on call it carried 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

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 Oppenheimer and on call it was approved at 7:32 p.m. 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 Oppenheimer made a motion to re-adjourn into public session at 8:23 p.m. The motion was seconded by Trustee O'Brien and on call it was approved 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

The public meeting was called back into session by Mayor Zaccaro at 8:23 p.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.

AUTHORIZATION FOR TAX GRIEVANCES FOR VILLAGE PROPERTY

Village Attorney Prokop reported that the he and the Village Administrator have for the last 6 years filed tax grievances on various Village Properties, and as a result the Village has received a settlement offer for all of the properties involved. After discussion, and all having a chance to be heard, Trustee Oppenheimer made a motion to authorize the Village Administrator, in consultation with the Village Attorney, to negotiate the final settlement for all of the tax grievances, and to file all necessary documents to finalize that final negotiated settlement.

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

AUTHORIZATION TO NEGOTIATE FERRY AND PARKING CONTRACTS

Mayor Zaccaro stated that pursuant to its Request for Proposal process, the Village received one proposal each for passenger ferry service, freight ferry service, and parking services. After discussion, and all having a chance to be heard, Trustee Richard made a motion to authorize the Mayor and/or his designees to commence negotiates on all 3 potential contracts with the sole bidders for each service, and to bring final contract terms for each service back to the Board for review and possible approval as soon as possible, preferably by the next scheduled Board meeting if scheduling allows.

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 O'Brien, Trustee Richard, Trustee Oppenheimer
Abstain: None
Against: None

CLOSE OF MEETING AND SCHEDULE OF NEXT MEETINGS

After all having had a chance to be heard, and there being no further business before the Board, Trustee Wolf made a motion at 8:30 p.m. to close the meeting and to hold the next Board of Trustees meetings according to the following schedule:

- 5:00 p.m. on November 12, 2018, at 1180 Avenue of the Americas, New York
- 5:00 p.m. on December 11, 2018, at 1180 Avenue of the Americas, New York.

The motion was seconded by Richard 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