

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON NOVEMBER 6, 2019 AT 1180 AVENUE OF THE AMERICAS, 8<sup>TH</sup> FLOOR, 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  
Joseph W. Prokop, Village Attorney  
Scott Rosenblum, Counselor to the Board  
Mario Posillico, Administrator & Clerk  
And 0 other attendees  
And 0 attendees observed through internet connection

ADJOURN INTO EXECUTIVE SESSION

Trustee Wolf made a motion at 5:01 p.m. that the Board adjourn into Executive Session to discuss information relating to current and future investigation and or prosecution of offenses in the Village, litigation strategy in pending or future litigation, and personnel matters as described in Public Officers Law Section 105(f). The motion was seconded by Trustee O'Brien and on call it was approved 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

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Richard made a motion to re-adjourn into public session at 6:07 p.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

Mayor Zaccaro called the Board of Trustees meeting back to order at 1180 Avenues of the America, New York at 6:07 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  
Mario Posillico, Administrator & Clerk  
And approximately 10 other attendees  
And approximately 7 observed through internet audio/video connection

## CAPITAL PROJECT OVERVIEW

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

- Proposed Pennant Walk South of Bay Prom: Village Administrator Posillico reported that the Village has made initial contact with the DEC regarding the proposed project, and in response to the DEC comments is investigating options to meet their requirements of having a 50% clear opening in the decking, which would allow for a smaller offset mitigation for the disturbance to the wetlands.
- Lighthouse Promenade: Mayor Zaccaro stated that the contractor is battling with numerous beach-closure periods which has restricted their progress on both the Lighthouse water main and boardwalk components. He further stated that during the beach closure periods the contractor has concentrated on the ancillary branch lines away from Lighthouse Prom and on Beacon Walk. He also stated that this side work is coming close to completion and therefore it is imperative that the beach conditions improve shortly for the project not to fall significantly behind schedule.

## 14 BAY PROMENADE PROPOSED NEW BUILDING

Mayor Zaccaro reported that the public bids for the proposed new building at 14 Bay Promenade for the approved design were opened on November 5, 2019, and that the low bid of the two bids submitted was \$2,143,430, which was substantially above the original budget of \$1,200,000. He further stated that since the total bid was more than \$1,500,000, by law the project is now subject to the provisions of Wicks Law, which will require that it be bid in at least four separate prime contracts; and he further stated that if the Village rebid the project into smaller project components than just the four required by Wicks Law that there might be opportunity for significant cost savings due to the reduction of contractor overhead and profit since the Village could act in a construction manager capacity. He felt that these savings combined with value engineering and the possible elimination of the fire sprinkler system which is not required by building code, the project cost could be brought down to the \$1,500,000 range.

Discussion ensued regarding the options available to the Village, including rebidding with value engineering on the current design with the Village acting in a construction manager capacity, a possible redesign of the proposed building at the 14 Bay Prom location, and the possibility of moving the proposed uses to a new building located south of the Market to take advantage of the existing sanitary capacity. After all having a chance to be heard, Trustee Richard made a motion to authorize the Village Administrator to reject all bids; and be further authorized to rebid as soon as practical the current design at 14 Bay Prom in as many components as he deems practical to maximize cost savings and to comply with Wicks Law.

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

Trustee O'Brien then stated that the Saltaire Fire Company's request to use the existing building for training purposes in advance of the demolition contemplated with the new building will have to be tabled until a clear direction is achieved and stated that he would advise them of the circumstances.

#### NORTHWELL CONTRACT

Trustee Wolf stated that during his conversation with Northwell earlier in the summer, he broached the possibility that the new building not being ready for the 2020 season, and that they expressed a willingness to commence service for the 2020 summer season in the existing space.

Mayor Zaccaro stated that the proposed contract with Northwell has progressed to the point that the Board could be prepared to authorize its adoption subject to final language modifications suggested by Trustee O'Brien, which now must include the probable delay of the new building until the 2021 season. After discussion and all having a chance to be heard, Trustee Wolf made a motion to authorize Mayor Zaccaro to execute the contract with Northwell Health Services or its affiliates to utilize 14 Bay Prom to operate a medical clinic pursuant to the basic terms and conditions of the contract presented at the meeting with language modifications presented by Trustee O'Brien and to include language to consider the potential delay in delivery of the new building, all subject to the review and concurrence of the Village Attorney.

The motion was seconded by Trustee O'Brien, and the motion was carried according to the following action:

Motion: Trustee Wolf

Seconded: Trustee O'Brien

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

Abstain: None

Against: None

#### 2020 MARINA FEES

Administrator Posillico stated that the 2020 Marina applications are scheduled and ready to be sent out to potential applicants; and presented a fee schedule that represented a 1.5% increase for all slip widths and lengths based on the current CPI data. After discussion, Trustee Wolf made a motion to authorize the 2020 Marina fees as presented, which represents a 1.5% increase above the 2019 rates.

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

Motion: Trustee Wolf

Seconded: Trustee Oppenheimer

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

Abstain: None

Against: None

SETTING THE DATE AND TIME FOR THE GENERAL ELECTION & PERSONAL REGISTRATION

Trustee O'Brien made the following motions:

WHEREAS, the annual Village election for the Village of Saltaire for the year 2020 is scheduled to be held, consistent with long-standing tradition, on the Friday before Memorial Day, and

WHEREAS, there are by law three positions to be filled at the general Village election, and

NOW THEREFORE BE IT RESOLVED that the Board of Trustees does hereby declare the following positions vacant at the expiration of their respective indicated terms:

Mayor – two years

Trustee - two years

Trustee - two years

AND FURTHER BE IT RESOLVED THAT the next general Village election of one Mayor and two Trustees of the Inc. Village of Saltaire shall be held on May 22, 2020 between the hours of 12 noon and 9 P.M. at the Village Hall, 103 Broadway, Saltaire, New York.

And further,

WHEREAS, the next general Village election of one Mayor and two Trustees of the Inc. Village of Saltaire will be held on May 22, 2020 and,

WHEREAS, no person shall be entitled to vote at any Village election whose name does not appear on the register of the Village, and

WHEREAS, it is the duty of the Inspectors of Election to prepare such register of qualified voters;

NOW, THEREFORE, BE IT RESOLVED

1. That the Inspectors of Election shall meet on the 12<sup>th</sup> day of May 2020 in the Village Hall to commence the preparation of the register for the forthcoming general election.
2. Personal registration for the Village shall be held on Sunday, May 10, 2020 between the hours of 9 A.M. and 5 P.M. and on Tuesday, May 12, 2020, between the hours of 12 noon and 5 P.M. at the Village Hall, 103 Broadway, Saltaire, New York.
3. Election day for the Village shall be held on Friday, May 22, 2020 between the hours of 12 noon and 9 P.M. at the Village Hall, 103 Broadway, Saltaire, New York.

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

Motion: Trustee O'Brien

Seconded: Trustee Oppenheimer

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

Abstain: None

Against: None

WAIVER OF LAND-USE TRAINING FOR 2019

Trustee Oppenheimer moved the adoption of the following resolutions regarding land-use training for 2019

Resolution Waiving Training Requirement for Members of the  
Zoning Board of Appeals

WHEREAS Section 7-712 (7) (A) of the Village Law provides that the members of the Zoning Board of Appeals of the Village of Saltaire are required to take four hours of training on an annual basis, and;

WHEREAS Section 7-712(7-c) of the Village law provides that the Board of Trustees may adopt a resolution which waives the training requirement of Section 7-712(7-a) for members of the Zoning Board of Appeals when the Board of Trustees determines that it is in the best interests of the Village to do so, it is therefore;

RESOLVED that the Board of Trustees hereby determines that it is in the best interests of the Village for the Board of Trustees to adopt this resolution and waive the training requirements of Section 7-712(7-a) of the Village Law, and the Board of Trustees hereby further resolves that the training requirement of Section 7-712(7-c) of the Village Law is hereby waived for the year 2019.

Resolution Waiving Board Member Training Requirements For Members of the  
Planning Commission and Board of Trustees

WHEREAS Section 7-718(7-A) of the Village Law provides that the members of the Village Planning Commission and the members of the Village Planning Board are required to take four hours of training on an annual basis, and;

WHEREAS Section 7-718(7-c) of the Village law provides that the Board of Trustees may adopt a resolution which waives the training requirement of Section 7-712(7-a) for members of the Village Planning Commission and the Village Planning Board when the Board of Trustees determines that it is in the best interests of the Village to do so, and;

WHEREAS in the Village of Saltaire the Board of Trustees performs the function of the Village Planning Board and the Trustees are therefore subject to the training requirements for a planning board pursuant to Section 7-718 (7-a) of the Village Law, it is therefore;

RESOLVED that the Board of Trustees hereby determines that it is in the best interests of the Village for the Board of Trustees to adopt this resolution and waive the training requirements of Section 7-712(7-a) of the Village Law, and the Board of Trustees hereby further resolves that the training requirement of Section 7-712(7-c) of the Village Law is hereby waived for 2019.

The motion was seconded by Trustee O'Brien and on call without objection it was unanimously so approved.

Motion: Trustee O'Brien

Seconded: Trustee Oppenheimer

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

Abstain: None

Against: None

## AUTHORIZATION FOR TREASURER TO SIT ON CLASS BOARD OF GOVERNORS

Trustee Oppenheimer made the following motion:

WHEREAS Article 3-A of General Municipal Law enacted as part of Chapter 623 of the Laws of 1998 regarding cooperative investing requires the formation of a governing board, comprised of fiscal officers nominated by the Participants they represent; and

WHEREAS the Village of Saltaire has joined the NYCLASS cooperative investment program to invest and protect its reserve funds,

Now, therefore, be it

RESOLVED that The Board of Trustees of the Village of Saltaire hereby nominates Donna Lyudmer, Treasurer, for Board membership for the NYCLASS cooperative investment program.

The motion was seconded by Trustee O'Brien and on call without objection it was unanimously so approved.

Motion: Trustee O'Brien

Seconded: Trustee Oppenheimer

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

Abstain: None

Against: None

## AUTHORIZATION TO SEEK PERMITS AND CONTRACT FOR 2020 FIREWORKS

Administrator Posillico reported that if the Village wanted to continue with the Fireworks celebration for the summer of 2020, he would need to contract for the program and begin the permitting procedures. He also stated that the SCA had committed to a contribution of \$18,500 toward the 2020 firework program. After discussion, Trustee Wolf made a motion to authorize the Village Administrator to expend up to \$19,500 inclusive of fireworks, permitting, bargaining and insurance cost for a 2020 summer-fireworks show, and to be authorized to contract with the selected vendor for the show for a total cost not to exceed \$18,500.

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

Motion: Trustee Wolf

Seconded: Trustee Richard

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

Abstain: Trustee Wolf,

Against: None

## SURPLUS EQUIPMENT

Administrator Posillico reported that the Market Concessionaire has advised the Village that it has identified a piece of equipment owned by the Village that is surplus to his needs. He further stated that since the Village has no alternate uses for the identified equipment, that it is therefore also surplus to the Village's needs.

Trustee Richard made a motion to adopt the following resolution:

WHEREAS, the Village of Saltaire owns and is in possession of the following equipment:

- Hobart Mixer

AND WHEREAS, the equipment is surplus to the Village's municipal needs and the Village is desirous of selling property that is surplus to its needs;

NOW, THEREFORE, BE IT RESOLVED that the Village hereby declares the equipment no longer of use to the Village for municipal purposes and declared as surplus to the Village's municipal needs, and it is further;

RESOLVED that the Village Administrator is authorized to sell the surplus equipment and may utilize any reasonable method to realize the fair-market value for the property for any amount that exceeds \$5,000.00.

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

#### EXTENSION OF THE MARKET & LIQUOR STORE CONCESSION AGREEMENT

Mayor Zaccaro stated that the Village's concession agreement with Broadway Bay Restaurant Inc, for the Saltaire Market and Sun Spirit Inc. for the Saltaire Liquor Store will terminate on November 15, 2019; and reported that the current agreement allows for an extension of the agreement for additional periods, which upon advice of the Village Attorney can be for periods in total that do not exceed four additional years. Mayor Zaccaro asked Trustee Richard, who has oversight responsibilities for the Market, to provide an overview of current operations, and to advise whether the current operators are willing to continue operating under an extension period. Trustee Richard made her report on operations, and further stated that the operators are willing to renew at the same terms and conditions with one new provision that would protect them in the event of unusually long periods of bad weather or other unforeseen circumstances that allows for a rent concession not to exceed \$15,000 annually if the combined gross revenues of both stores fall by more than 12% under the base year gross revenues of 2019 for any year of the extension period.

Discussion ensued about the Saltaire Market and Liquor Stores operations, and after all having a chance to be heard, Trustee Richard made the following motion:

WHEREAS Broadway Bay Restaurant Inc, and Sun Spirit Inc. have been the operators of the Saltaire Market and Saltaire Liquors respectively since 2016; and

WHEREAS the combined contract for both operations allows the for an extension of the terms of the agreement for a period not to exceed four years by mutual written consent, and

WHEREAS the Board of Trustees determines that it is in the best interest of the Village to maintain the consistency of service provided by the current operators;

Now, therefore, be it

RESOLVED that The Board of Trustees of the Village of Saltaire hereby authorizes Mayor Zaccaro to negotiate and execute a contract extension with Broadway Bay Restaurant Inc, and Sun Spirit Inc. under the same terms and conditions of the current contract which may include a new provision to protect the operators in the event of unusually long periods of bad weather or other unforeseen circumstances that allows for a rent concession not to exceed \$15,000 annually if the combined gross revenues of both stores fall by more than 12% under the base year gross revenues of 2019 for any year of the extension period, for an extension term which may at the discretion of the Mayor be comprised of a series of option periods that in total will extend to November 15, 2023.

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

#### APPROVAL OF MINUTES

Draft copies of the minutes of the meeting of October 7, 2019, 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 Oppenheimer and on call it was carried according to the following action:

Motion: Trustee O'Brien

Seconded: Trustee Oppenheimer

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

Abstain: None

Against: None

#### ABSTRACT AUDIT

Mayor Zaccaro presented the Abstracts for approval prepared by the Village Administrator and the Village Treasurer, and after discussion, Trustee Wolf stated that he wanted to discuss voucher for a legal bill in Executive Session.

#### ADJOURN INTO EXECUTIVE SESSION

Trustee O'Brien made a motion that the Board adjourn into Executive Session to discuss 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 Richard and on call it was approved at 7:47 p.m. according to the following vote:



Motion: Trustee O'Brien  
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-adourn into public session at 9:06 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 9:06 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  
Mario Posillico, Administrator & Clerk  
And 0 other attendees  
And 0 observed through internet audio/video connection.

#### 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. 5B in the amount of	\$45,504.19
Capital Checking No. 4B in the amount of	\$634,109.52
General Fund Checking No. 6A in the amount of	\$113,504.68
Trust & Agency Checking No. 6A in the amount of	\$4,000.00

After discussion and opportunity for questions, Trustee Wolf 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 Oppenheimer, and on call it carried 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

## RESOLUTION EXTENDING CONTRACT AGREEMENT

Trustee O'Brien made the following motion:

WHEREAS Wetherall Carting Ltd. and its principal Barry Wetherall have provided cartage and rubbish removal concession services for the Village of Saltaire and its residents under various contract agreements for approximately fifty (50) years; and

WHEREAS Wetherall Carting Ltd. is presently performing services of carting and rubbish removal for the Village of Saltaire and its residents pursuant to an agreement that was entered after a public Request for Proposal (RFP) process in which Wetherall Carting was the sole submitter and which the current contract expires on December 31, 2019; and

WHEREAS the Village of Saltaire is in the process of undertaking several major infrastructure projects, most impactful of which on the cartage operations is the reconstruction of Lighthouse Promenade, the primary east-west thoroughfare of the Village of Saltaire and which work is expected to be done by December 31, 2020, and which work will impact and complicate the provision of services under a Cartage Concession Services agreement during that construction phase, and

WHEREAS the Village of Saltaire is also investigating the feasibility of removal of the rubbish generated by the Village to the mainland of Long Island via a waterborne system as opposed to using the roadways and bridges to the mainland of Long Island as currently utilized by Wetherall Carting Ltd., which will require significantly different operational standards and equipment requirements, and

WHEREAS the factors create uncertainty for any bidder and the Village if the Cartage Concession Services agreement were to be re-bid in 2019 for services provided in 2020 and 2021 if the work is ongoing; and

WHEREAS Wetherall Carting Ltd. is willing to take on the uncertainty of a one or two year extension of the existing Cartage Concession Services Agreement; it is therefore

RESOLVED that the Board of Trustees hereby approves an extension of the Cartage Concession Services Agreement with Wetherall Carting Ltd., to end on December 31, 2020 if the Lighthouse Promenade project is complete by December 31, 2020, or to end on December 31, 2021 if any part of the Lighthouse Promenade project extends beyond December 31, 2020, under the same terms and conditions as the existing contract.

The motion was seconded by Trustee Richard and on call the motion was 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

## RENT ADJUSTMENT FOR THE 2019 MEDICAL SERVICES CONTRACT

Village Administrator stated that Dr. Robert Furey has agreed to leave behind certain personal possessions and furnishings in the residence located at 100 Neptune for Village ownership and use, and that he feels that the value of these furnishings is approximately \$1,500, which the Village would have to expend if the items were removed to adequately prepare the residence for Northwell Health. After discussion, and all having a chance to be heard, Trustee Richard made a motion to authorize the Village Administrator to purchase the home furnishings owned by Dr. Furey, including but not limited to mattresses, a television and kitchenware, which can be used as an offset to any remaining rents due from Dr. Furey. The motion was seconded by Trustee Oppenheimer and on call the motion was carried according to the following vote:

Motion: Trustee Richard

Seconded: Trustee Oppenheimer

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

Against: None

Abstain: None

## CLOSE OF MEETING AND SCHEDULE OF NEXT MEETING(S)

After all having had a chance to be heard, and there being no further business before the Board, Trustee Oppenheimer made a motion at 9:15 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 December 11, 2019, at 1180 Avenue of the Americas, 8<sup>th</sup> Floor, New York
- 5:00 p.m. on January 22, 2019, at 1180 Avenue of the Americas, 8<sup>th</sup> Floor, New York

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