

MINUTES OF THE PUBLIC HEARING AND BOARD OF TRUSTEES MEETING HELD ON FEBRUARY 24, 2016 AT 401 SEVENTH AVE, NEW YORK CITY, 6<sup>TH</sup> 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 Cox called the Board of Trustees meeting to order at 6:05 p.m. and the following were in attendance:

Robert Lynn Cox III, Mayor  
John A. Zaccaro Jr, Trustee  
Alexander K. Chefetz, Trustee  
Frank Wolf, Trustee  
Hugh O'Brien, Trustee  
Joseph W. Prokop, Village Attorney  
Donna Lyudmer, Village Treasurer  
Mario Posillico, Administrator & Clerk  
And approximately 50 other attendees

and the following were in attendance at the Saltaire location

Audio Operator  
And 5 other attendees

and 24 observed through internet audio/video connection.

#### PLEDGE OF ALLEGIANCE

Mayor Cox led those in attendance in the Pledge of Allegiance to the United States of America.

#### PUBLIC HEARING FOR PROPOSED MODIFICATIONS TO CHAPTER 48, SECTION 23 OF THE VILLAGE CODE ADVERTISED AS LOCAL LAW #2 OF 2016

Mayor Cox stated that the purpose of Local Law No. 2 of 2016 is to allow the Village to opt out of the New York State-mandated maximum tax levy increase for local governments. New York State adopted legislation that limited the annual increase in the tax levy that a local government can assess. In the case of Saltaire, that was set at below 1% for the next fiscal year starting June 1, 2016. The Mayor stated that although that it is still unclear at these early stages of budget development what the extent of a tax increase, if any, will be, the adoption of this local law would provide the flexibility for the Board to set the tax rate as necessary to meet its budget requirements and any unforeseen circumstances. 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 Local Law # 2 of 2016. The motion was seconded by Trustee Chefetz, and the motion was carried according to the following vote:

Motion: Trustee O'Brien

Seconded: Trustee Chefetz

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz, Trustee O'Brien

Against: None

#### BOARD OF TRUSTEES MEETING.

Mayor Cox called the meeting of the Board of Trustees to order at 6:10 p.m.

## APPROVAL OF MINUTES

Draft copies of the minutes of the meeting of January 18, 2016, had previously been presented to the Board and posted in draft form on the Village website. Trustee Zaccaro stated that he did not believe the minutes accurately reflected his true vote on the equipment purchase for the Saltaire Market, and he objected that the minutes did not adequately reflect the discussion on design options for the reconstruction of Lighthouse Promenade. Following discussion, Trustee Chefetz made a motion to adopt the minutes as presented with minor non-substantive corrections. The motion was seconded by Trustee O'Brien, and the motion was carried according to the following vote:

Motion: Trustee Chefetz

Seconded: Trustee O'Brien

In Favor: Trustee Chefetz, Trustee Wolf, Trustee O'Brien

Against: Trustee Zaccaro

## ABSTRACT AUDIT

Mayor Cox 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. 8B in the amount of	\$15,603.75
Capital Fund Checking No.8B in the amount of	\$34,084.17
General Checking No. 9A in the amount of	\$250,186.52
Capital Fund Checking No.9A in the amount of	\$1,234,950.82

After discussion and opportunity for questions, Trustee Chefetz made a motion that the above listed vouchers be approved as presented and that the Mayor be authorized to execute the warrants. The motion was seconded by Trustee O'Brien, and the motion was carried according to the following action:

Motion: Trustee Chefetz

Seconded: Trustee O'Brien

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz, Trustee O'Brien

Against: None

## STATUS – SALTIRE MARKET REDEVELOPMENT

Administrator Posillico gave a brief overview of the status of the construction schedule of the Saltaire Market at 100 Broadway. He presented and described progress reports on the mechanical, electrical, plumbing, elevator, general construction, decking and equipment installation contractors. He also presented his current cost projections for the project, which resulted in a total project cost of \$5.4M inclusive of land acquisition, design/engineering/regulatory fees, development costs and equipment outfitting costs. He stated that the cost projections have increased due to the inclusion of past legal fees into the acquisition cost, and necessary change orders to complete the project. Discussion ensued and questions were asked from the members of the Board and those in attendance about the schedule and the cost of the project.

## FIMI UPDATE

Village Administrator Posillico reported on the status of the FIMI beach repair fortification project. He stated that that dredging and beach-fill operations in Saltaire are complete. He further reported that dune grass was being planted in Saltaire, and at the time of the report the Army Corps' contractor was approximately 50% complete, and demolition of the house at 309 Pacific was scheduled to commence within a few days, and the installation of the dune-access crossovers shortly thereafter. Discussion ensued and questions were asked from the members of the Board and those in attendance about the status of the FIMI project.

## RECONSTRUCTION OF LIGHTHOUSE PROMENADE

Mayor Cox reported that the Village is in the process of going out to bid for the reconstruction of Bay Promenade as a boardwalk, and that the Board is now in discussion with its engineering consultants, interested members of the community and amongst itself regarding the optimum width of a new Lighthouse Promenade, measures to reduce vehicle speeds along the Promenade, location of the Lighthouse water main that will by necessity of the walk reconstruction also have to be replaced, and the walk material to be utilized, i.e., as a concrete walk as currently exists or as a boardwalk. Discussion ensued amongst the Board members and those in attendance regarding the advantages and disadvantages of all of the design options on financial, scheduling, safety and flood mitigation concerns; after which, in discussing the various merits and problems of each potential material, it was noted that the opinion of the Village's engineering consultant regarding a boardwalk design is that given the level of flooding along Lighthouse Promenade, even during moderate storms, a boardwalk design similar to what has been installed on Broadway, would greatly mitigate the risk of future damage to Lighthouse Promenade due to storm activity that can disturb the substrata under which concrete slabs are placed and by which they are supported. The engineer's recommended boardwalk design has a foundation that is supported 10 to 15 feet below the surface with pilings, and that system will provide greater stability even if the substrata are compromised from storm action, and therefore provides much greater flood resistance protection. The merits of a poured-in-place concrete walk were also discussed. The relative merits of various "calming" measures designed to impede the speed of vehicles along Lighthouse, and how these might be effected in terms of the materials used, were also discussed. Following discussion, Mayor Cox then stated that the previous Board's most recent decision on reconstruction of Lighthouse Promenade retained its width to the prevailing existing width of 8 feet. He asked if any Trustees wished to make a motion to modify that previous determination, and no motions were presented. Mayor Cox then instructed the Village Administrator to direct RMS Engineering to complete the plans and specifications to be ready for bid as an 8 foot wide concrete walkway, and in the meantime to investigate the financial, scheduling and logistic feasibility of modifying the structure to a boardwalk design for better flood mitigation.

## ADJOURN PUBLIC HEARING ON AMENDMENT OF CHAPTER 50 – MOBILITY DEVICES

Trustee O'Brien presented the most recent version of the proposed modifications to Chapter 50 regulating motorized mobility devices. After discussion, and all having a chance to be heard, Trustee O'Brien made a motion to adjourn the consideration of this modification, to be taken up at a later time. The motion was seconded by Trustee Wolf, and the motion was carried according to the following action:

Motion: Trustee O'Brien

Seconded: Trustee Wolf

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz and Trustee O'Brien  
Against: None

**RESOLUTION DECLARING REAL PROPERTY OWNED BY THE VILLAGE OF SALTAIRE AS SURPLUS AND NOT NECESSARY FOR MUNICIPAL PURPOSES**

Trustee Wolf made the following motion:

WHEREAS the Incorporated Village of Saltaire has acquired and developed the property located at 100 Broadway in the Village of Saltaire for municipal purposes, and has incurred and is expected to further incur significant expenses in the acquisition and development of the 100 Broadway property for Village municipal purposes; and

WHEREAS the Village of Saltaire previously acquired one or more properties in the Village which when acquired contained covenants and restrictions against the development or improvement of those properties; and

WHEREAS the Village of Saltaire through the actions of the grantors of those properties, and the expenditure of legal fees and other professional fees and costs was able to have the covenants against the development or improvements of those properties lifted and removed, thereby creating two buildable lots in desirable locations for development in the Village of Saltaire; and

WHEREAS the Village of Saltaire through the acquisition of the 100 Broadway property and other properties owned by the Village maintains a significant inventory of real property in the Village that is available for municipal purposes when and as may be necessary; and

WHEREAS the properties identified by Suffolk County Tax Map numbers 503-2-6-19.000 and 503-2-6-2.001 are no longer necessary for municipal purposes for the reasons stated herein; and

WHEREAS the Board of Trustees of the Village of Saltaire has determined that it is in the best interest of the Village of Saltaire and its residents and property owners that the properties identified by Suffolk County Tax Map numbers 503-2-6-19.000 and 503-2-6-2.001 be declared as surplus property; and it is therefore

RESOLVED that the Board of Trustees of the Village of Saltaire hereby declares the properties identified by Suffolk County Tax Map numbers 503-2-6-19.000 (AKA 307 Pacific Walk) and 503-2-6-2.001 (AKA 303 Neptune Walk) as surplus property that is no longer required for municipal purposes.

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

Motion: Trustee Wolf

Seconded: Trustee Chefetz

In Favor: Trustee Wolf, Trustee Chefetz and Mayor Cox

Against: Trustee Zaccaro and Trustee O'Brien

#### COORDINATION OF YACHT CLUB AND MARKET SERVICE RAMPS

Mayor Cox reported that the Yacht Club has requested to combine the service ramps of both the Market and Club buildings into one service ramp in an effort to reduce the amount of structures on the north side buildings. A sketch of the proposed single ramp was presented by the Yacht Club. Bernard McElhone of the Yacht Club was present and stated the Club would indemnify the Village in writing to the satisfaction of the Village for any Club use of Village facilities, and would agree to remove the connection at the sole discretion of the Village if the Village determined the combined use negatively impacted the operation of the Market or presented other problems. After discussion amongst the Board and those in attendance, Mayor Cox instructed the Village Administrator to discuss the proposed plan with the Village Concessionaire for his views, and if acceptable to him, to come back to the Board with a design and plan for consideration.

#### SALTAIRE CLINIC PROPOSAL

Mayor Cox reported that the Village had been approached by the Northwell Health System (formerly North Shore LIJ Hospital System), who proposed to establish an urgent care clinic in Saltaire, similar to what they have established in both Ocean Beach and Cherry Grove. Northwell made their presentation at a meeting with various Village officials, including Dr. James Ferguson, the Chairman of the Saltaire Medical Committee. Dr. Ferguson had issued an initial report to the Board, but as of this meeting the Committee had not been able to submit a full comprehensive report to the Board. Mayor Cox stated that given the fact that Northwell needs a decision on the Clinic by early March in order to have a Clinic up and operating for the summer of 2016, it appeared that the Village would proceed with its traditional medical provider plan with Dr. Robert Furey for 2016 and look further into the proposal for 2017 or beyond.

#### DESIGNATION OF CAPITAL IMPROVEMENT GRANT FUNDS

Administrator Posillico reported that the Village of Saltaire, through the efforts of State Senator Phil Boyle, has secured a \$100,000 grant from New York State for the purposes of public works or fire/rescue capital improvements. He stated that the grant must be obligated by a contract with the State of New York, the process for which commences with the selection by the Village of the specific project to be funded, along with a commitment to fund the balance of the project with Village funds. After discussion of possible capital projects that could be funded with the grant, including water improvement and fire/rescue improvement initiatives, which were outlined by Chief McDonald who was present at the meeting, Trustee Zaccaro made a motion to commit the \$100,000 grant funds toward the purchase of a new Fire Pumper, as has been identified in the long-term capital plan of the Fire Company, and to authorize the Village Administrator to commence the 6-month-long process to contract execution with the State of New York which will include a commitment that the Village will fund the remaining balance of the purchase.

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

Motion: Trustee Zaccaro

Seconded: Trustee Wolf

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz, Trustee O'Brien

Against: None

#### RECONSTRUCTION OF PILOT WALK

Administrator Posillico reported that Chesterfield Associates is progressing according to schedule on the reconstruction of all remaining boardwalks in the Village, to the point that Pilot Walk south of Lighthouse Prom is getting closer to commencement. He stated that Pilot Walk is approximately 4 feet wide, which is substandard according to the Village policy of having all wooden boardwalks supported on a minimum 8-foot-wide flood resistant understructure design with greenheart decking surface, and thus that section of Pilot Walk is slated to be reconstructed according to that current Village standard. He also reported that a PSEG pole will have to be relocated in order to accommodate the new apron, and that this will be an additional cost for that work. Trustee O'Brien made the following motion:

Whereas the Village of Saltaire is reconstructing all of its boardwalks as a result of destruction by Superstorm Sandy, and

Whereas Chesterfield Associates has been awarded the contract for the work according to certain lump sum and unit prices contained therein; and

Whereas, the Village of Saltaire has a long-standing policy to construct all new and reconstructed boardwalks according to the Village's design standard of a minimum 8-foot-wide flood resistant understructure design with greenheart decking surface, and

THEREFORE, Be it resolved that the Board of Trustees of the Village of Saltaire hereby authorizes the Village Administrator to direct Chesterfield Associates to reconstruct Pilot Walk south of Lighthouse Promenade pursuant to the previously adopted minimum design standard for boardwalks to be supported on a minimum 8-foot-wide flood resistant understructure design with greenheart decking surface, and further

Be it resolved that the Board of the Trustees of the Village of Saltaire hereby authorizes the Village Administrator to incur costs necessary to direct PSE&G to relocate a utility pole to accommodate the new walk.

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

Motion: Trustee O'Brien

Seconded: Trustee Chefetz

In Favor: Trustee Zaccaro, Trustee Chefetz, Trustee Wolf, Trustee O'Brien

Against: None

#### ADOPTION OF LOCAL LAW #1 OF 2016 – CHAPTER 48: TAXATION

Trustee O'Brien made a motion to adopt the proposed revisions to various sections of §48 of the Village Code, in the form presented at the earlier public hearing, to be adopted as Local Law #1 of 2016. 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 Chefetz, Trustee O'Brien

Against: Trustee Zaccaro

#### PRESENTATION OF 2015/16 TENTATIVE BUDGET

The Village Administrator presented the 2016/2017 Tentative Budget to the Board of Trustees. He provided a brief overview of his projections for the remainder of the 2015/16 fiscal year, including the impacts of future capital projects funding, and its comparison to the budget, and provided a summary overview of the tentative budget presented, and its potential impacts on tax rates and level of reserves. Discussion ensued and questions received, and those in attendance were advised that the Board would present the 2016/17 budget in more detail at a public hearing to be held on April 12, 2016.

#### ADJOURN INTO EXECUTIVE SESSION

After the Board received and responded to questions from those in attendance, Trustee Wolf made a motion at 9:55 p.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 action:

Motion: Trustee Wolf

Seconded: Trustee O'Brien

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz and Trustee O'Brien

Against: None

#### RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee O'Brien made a motion to re-adjourn into public session at 10:45 p.m. The motion was seconded by Trustee Zaccaro and on call it was approved according to the following action:

Motion: Trustee O'Brien

Seconded: Trustee Zaccaro

In Favor: Trustee Zaccaro, Trustee Chefetz, Trustee Wolf, Trustee O'Brien

Against: None

The public meeting was called back into session by Mayor 10:35 p.m. and the following were in attendance:

Robert Lynn Cox III, Mayor  
John A. Zaccaro Jr, Trustee  
Alexander K. Chefetz, Trustee  
Frank Wolf, Trustee  
Hugh O'Brien, Trustee  
Joseph W. Prokop, Village Attorney  
Donna Lyudmer, Village Treasurer  
Mario Posillico, Administrator & Clerk  
And 0 other attendees

#### AUTHORIZATION TO RETAIN LEGAL SERVICES – ZBA ACTION

Village Attorney Prokop reported that the Village has been served with an Article 78 proceeding challenging a decision made by the Saltaire Zoning Board of Appeals on a variance application by the owners of 21 Bay Promenade. After discussion and all having a chance to be heard, Trustee Chefetz made a motion to authorize Mayor Cox to retain the firm of Maxon, Hamburg and Yaffee to defend the Saltaire ZBA in this proceeding, and to further authorize Village Attorney Prokop to challenge the decision of the Village Insurance Carrier denying coverage for the defense of the proceeding. The motion was seconded by Trustee O'Brien and on call it was approved according to the following action:

Motion: Trustee Chefetz

Seconded: Trustee O'Brien

In Favor: Trustee Zaccaro, Trustee Chefetz, Trustee Wolf, Trustee O'Brien

Against: None

#### AUTHORIZATION TO ENTER INTO AN AGREEMENT FOR TRANSFER OF LAND

Village Attorney Prokop reported that Mayor Cox had been previously authorized by Board resolution to enter into an agreement with Village resident Richard Pavasaris to transfer sections of property on and adjacent to the Pennant Walk Right of Way in order to correct certain encumbrances by Mr. Pavasaris's property onto Village property and to resolve all legal actions between the two parties regarding the issue. He further stated that the execution has stalled because of certain title issues, as well as a separate legal action by one of the neighbors. He stated that the title issues had been resolved to the satisfaction of both parties via a stipulation agreement. After discussion and all parties having a chance to be heard, Trustee Chefetz made a motion to reaffirm the previous resolution and authorize Mayor Cox to execute the stipulation agreement according to the terms of the previous settlement agreement and with approval of language by the Village Attorney.

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

Motion: Trustee Chefetz

Seconded: Trustee O'Brien

In Favor: Trustee Zaccaro, Trustee Chefetz, Trustee Wolf, Trustee O'Brien

Against: None

#### HOUSING ALLOCATION

Administrator Posillico had reported to the Board on the likelihood of Chief Foley's return to service in time for preparation for and management of the 2016 summer security season. He reported that his assigned housing of 104A Neptune had not been utilized by Chief Foley since his hospitalization in November. After discussion, and all having a chance to be heard, Trustee Chefetz made a motion to allocate 104A for Village purposes other than the housing of Chief Foley until such time the Village is advised that Chief Foley will be returning to full employment with the Village, and to further advise any family members still occupying the residence of the reallocation of use which will commence on or about March 15, 2016.

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



Motion: Trustee Chefetz

Seconded: Trustee O'Brien

In Favor: Trustee Zaccaro, Trustee Chefetz, Trustee Wolf, Trustee O'Brien

Against: None

#### APPOINTMENT OF ACTING CHIEF

Trustee Wolf reported that Administrator Posillico had recommended the appointment of current security staff member Robert Rittenhouse to the position of Acting Chief until Chief Foley is able to return to full employment. After discussion and all having a chance to heard, Trustee Wolf made a motion to appoint Robert Rittenhouse to the position of Acting Chief as a full-time employee at a rate of \$45,000 per year effective March 1, 2016, with benefits associated with full-time employment pursuant to the Village Employment Policy, until such time that Chief Foley can return to full employment with the Village, or until such time that the Board as it may become appropriate to appoint a permanent replacement for Chief Foley.

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

Motion: Trustee Wolf

Seconded: Trustee O'Brien

In Favor: Trustee Zaccaro, Trustee Chefetz, Trustee Wolf, Trustee O'Brien

Against: None

#### SOLICITATION FOR THE POSITION OF SECURITY SERGEANT

Trustee Wolf reported that now-Acting Chief Rittenhausen has already been working to fill the remaining staff schedule for the projected tours for the 2016 summer season. After discussion and all having a chance to heard, Trustee Wolf made a motion to authorize the Village Administrator to solicit for a second full time position with the Security Department for a person qualified with both a New York State Security Guard license and Advanced Life Support certification.

The motion was seconded by Trustee Zaccaro and on call it was approved according to the following action:

Motion: Trustee Wolf

Seconded: Trustee Zaccaro

In Favor: Trustee Zaccaro, Trustee Chefetz, Trustee Wolf, Trustee O'Brien

Against: None

#### NEXT BOARD MEETING & CLOSE OF MEETING

After all having had a chance to be heard, and there being no further business before the Board, Trustee Zaccaro made a motion 10:45 p.m. to close the meeting and to hold the next Board of Trustees meeting at 6:00 p.m. on March 15, 2016 for the purposes of a Budget Workshop and on April 12, 2016 for the purposes of conducting the Public Hearing for the Presentation of the 2016/17 Budget and other business. The motion was seconded by Trustee Wolf, and the motion was carried according to the following action:

Motion: Trustee Zaccaro

Seconded: Trustee Wolf

In Favor: Trustee Zaccaro, Trustee Chefetz, Trustee Wolf, Trustee O'Brien

Against: None