

MINUTES OF THE PUBLIC HEARING AND BOARD OF TRUSTEES MEETING HELD ON NOVEMBER 15, 2016 AT 401 SEVENTH AVE, NEW YORK CITY, GLOBETROTTER ROOM, NEW YORK, NEW YORK AND VIA VIDEO/AUDIO LINK TO 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 5:00 p.m. and the following were in attendance:

John A. Zaccaro Jr, Mayor  
Hillary Richard, Deputy Mayor  
Frank Wolf, Trustee  
Hugh O'Brien, Trustee  
Donna Lyudmer, Village Treasurer  
Mario Posillico, Administrator & Clerk  
And approximately 0 other attendees  
And 0 observed through internet audio/video connection.

ADJOURN INTO EXECUTIVE SESSION

Trustee Richard 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 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 and Trustee Richard  
Against: None

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Richard made a motion to re-adjourn into public session at 6:00 p.m. 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 and Trustee Richard  
Against: None

Mayor Zaccaro called the Board of Trustees meeting back into to order at 6:00 p.m. and the following were in attendance:

John A. Zaccaro Jr, Mayor  
Hillary Richard, Deputy Mayor  
Frank Wolf, Trustee  
Hugh O'Brien, Trustee  
Donna Lyudmer, Village Treasurer  
Mario Posillico, Administrator & Clerk  
And approximately 10 other attendees

And 20 observed through internet audio/video connection.

#### PUBLIC HEARING LOCAL LAW #5 OF 2016 – RENTAL REGULATIONS

Mayor Zaccaro provided an overview of the proposed local law that would set minimum lengths of rentals, maximum number of rentals, and requirements for registration of tenants. Comments were made and questions were taken from the members of the Board and those in attendance, and after all having a chance to be heard, Trustee Richard made a motion to adjourn the public hearing at 6:40 p.m. The motion was seconded by Trustee O'Brien and on call the motion was carried according to the following vote:

Motion: Trustee Richard

Seconded: Trustee O'Brien

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

Against: None

#### PUBLIC HEARING LOCAL LAW #6 OF 2016 – RENAMING SALTAIRE SECURITY TO SALTAIRE PUBLIC SAFETY

Mayor Zaccaro provided an overview of the proposed local law that would rename the Saltaire Security Department to the Saltaire Public Safety Department. Comments were made and questions were taken from the members of the Board and those in attendance, and after all having a chance to be heard, Trustee O'Brien made a motion to adjourn the public hearing at 6:50 p.m. The motion was seconded by Trustee Wolf and on call the motion was carried according to the following vote:

Motion: Trustee O'Brien

Seconded: Trustee Wolf

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

Against: None

#### REPORTS AND UPDATES

The following reports and updates were given by the Mayor, Trustees and/or Administrator:

- The Mayor has charged the Planning Commission with the task of submitting a report to the Board with recommendations for modifications and/or enhancements to amenities on the Bay Front such as bikes racks, wagon racks, finger docks, benches and paddleboard/kayak/sailboat launches.
- The Village will be accepting bids on November 28, 2016 or a new pumper as requested and specified by the Saltaire Volunteer Fire Company.
- The Village will be accepting bids on November 28, 2016 for water main replacement adjacent to approximately 800 feet along Bay Promenade.

#### CONSIDERATION OF AWARDING CONCRETE DEMOLITION TO BOARDWALK RECONSTRUCTION CONTRACT – BAY PROMENADE

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 AWARDING OF A CONTRACT FOR CONCRETE DEMOLITION AND BOARDWALK RECONSTRUCTION – PHASE VII.

Trustee O'Brien moved adoption of the following resolution:

WHEREAS the Village of Saltaire competitively bid the contracts for concrete demolition and boardwalk reconstruction - Phase VII, and the Board is considering awarding the contracts and executing the contract for the reconstruction of boardwalk damaged by Superstorm Sandy know as Phase VII with Chesterfield Associates, and

WHEREAS the Board of Trustees has reviewed the contract work and contracts and the completed the short form EAF and accompanying materials with respect to 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 contracts and contract work for the demolition of concrete and the reconstruction of boardwalk damaged by Superstorm Sandy know as Phase VII with Chesterfield Associates, and further be it

RESOLVED that the Board of Trustees hereby determines that the contracts and contract work for the reconstruction of boardwalk damaged by Superstorm Sandy know as Phase VII with Chesterfield Associates 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 and contract work for the demolition of concrete and the reconstruction of boardwalk damaged by Superstorm Sandy know as Phase VII with Chesterfield Associates;

- 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 fails to incorporate reasonably available energy a 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 Richard, and the motion was carried according to the following:

Motion: Trustee O'Brien

Seconded: Trustee Richard

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

Against: None

Trustee Wolf 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 Housing and Urban Development Agency, which in part is providing funding for the project, and according to the plans and specifications therein, for the reconstruction of boardwalk damaged by Superstorm Sandy know as Phase VII, and

Whereas sealed bids were publicly opened at 11:00 a.m. EST on October 31, 2016, and Chesterfield Associates was the certified low bidder as specified and met all the requirements stipulated in the bid;

THEREFORE, Be it resolved that the Board of the Trustees of the Village of Saltaire hereby authorizes the Village Administrator to declare Chesterfield Associates as the certified low bidder for the reconstruction of concrete damaged by Superstorm Sandy to be replaced by boardwalk know as Phase VII, for the base bid and all bid alternates, pursuant to the plans and specification and requirements of the bid documents, and to notify Chesterfield Associates of its status as low bidder, and further

Be it resolved that the Board of the Trustees of the Village of Saltaire hereby authorizes the Village Administrator to execute the necessary contract documents with Chesterfield Associates for the reconstruction of concrete walks damaged by Superstorm Sandy and to be replaced by boardwalks know as Phase VII 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 and all bid alternates for a projected total contract amount of \$1,252,300.00 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 from the proceeds of FEMA reimbursement 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 Wolf

Seconded: Trustee O'Brien

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

Abstain: None

Against: None

## ARRIVAL OF TRUSTEE CHEFETZ

Trustee Chefetz arrived at the meeting at 6:52 PM, after which the following were in attendance:

John A. Zaccaro Jr, Mayor  
Hillary Richard, Deputy Mayor  
Alexander K. Chefetz, Trustee  
Frank Wolf, Trustee  
Hugh O'Brien, Trustee  
Donna Lyudmer, Village Treasurer  
Mario Posillico, Administrator & Clerk  
And approximately 10 other attendees  
And 20 observed through internet audio/video connection.

## CAPITAL PROJECT PLANNING AND AUTHORIZATION

Mayor Zaccaro reported that the Village has been advised by the New York State Department of Homeland Security, the agency that administers FEMA projects in New York, that the Village is entitled to approximately \$2.6M in funds that had been allocated to the beach restoration project, which was recently completed by the Army Corps of Engineers, for use in restoration of other critical facilities within the Village. He stated that he has engaged the Ad-hoc committee that had assisted with the Market and other buildings in the Village, to begin design programming for the Village Hall and 14 Bay Prom, the building currently used for Security and the Doctor's office. Mayor Zaccaro stated that the Ad-Hoc Committee has narrowed their focus on a renovation plan for Village Hall and a reconstruction of 14 Bay Prom that will house the vital Village functions of the Post Office, Public Safety, Lifeguards, and the Saltaire Clinic; and that both concept designs have progressed to the point where the Village Administrator was able to develop rough budgets for both buildings. The Board then discussed the potential capital projects being considered for submittal to FEMA for the \$2.6M of available alternate funding. The first three projects on the project list presented by the Village Administrator were the renovation of Village Hall, the reconstruction of 14 Bay Promenade and the replacement of approximately 800 feet of water main along Bay Prom, the aggregate budget cost of which accounted for more than 87% of the available funding. Village Administrator Posillico stated that the Village will be responsible for 12.5% of the eventual cost of the projects implemented under this funding program. After discussion amongst the Board and those in attendance about project priority for the available funding, and all having a chance to be heard, Trustee Wolf made a motion to authorize Mayor Zaccaro in consultation with the Village Administrator to timely submit to the New York State Department of Homeland Security the prioritized list of capital projects eligible for reimbursement at 87.5% of the cost of the project, to be generally guided by the priority of projects as previously presented and discussed.

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

Motion: Trustee Wolf

Seconded: Trustee Richard

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

Abstain: None

## WAIVER OF LAND-USE TRAINING FOR 2016

Trustee Chefetz moved the adoption of the following resolutions regarding land-use training for 2016

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 2016.

### 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 2016.

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

Motion: Trustee Wolf

Seconded: Trustee Richard

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

Abstain: None

Against: None

### AUTHORIZATION TO SEEK PERMITS AND CONTRACT FOR 2017 FIREWORKS

Administrator Posillico reported that if the Village wanted to continue with the Fireworks celebration for the summer of 2017, he would need to contract for the program and begin the permitting procedures. He also stated that the SCAA had committed to undertake a fund-raising

campaign for the cost as they have in the past. After discussion, Trustee Richard made a motion to authorize the Village Administrator to expend up to \$18,500 inclusive of fireworks, permitting, barging and insurance cost for a 2017 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 Wolf, and the motion was carried according to the following action:

Motion: Trustee Richard

Seconded: Trustee Wolf

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

Abstain: None

Against: None

#### 2017 MARINA FEES

Administrator Posillico stated that the 2017 Marina applications are scheduled to be sent out to potential applicants in December, and presented a fee schedule that represented a 1.3% increase for all slip widths and lengths based on the current CPI data. After discussion, Trustee Chefetz made a motion to authorize the 2017 Marina fees with a 1.3% increase, which is the current CPI index, above the 2016 Marina fees.

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

Motion: Trustee Chefetz

Seconded: Trustee Richard

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

Abstain: None

Against: None

#### TAX DELINQUENCY FORECLOSURE

Trustee Wolf reported that after numerous attempts since 2013 to resolve the real property tax delinquency at 208 Atlantic Walk, the property remains in arrears in excess of ten thousand dollars. After discussion, and all having a chance to heard, Trustee Wolf made a motion to authorize the Village Attorney to take all necessary action to commence a tax foreclose proceeding against the property located at 208 Atlantic Walk.

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 Chefetz, Trustee O'Brien and Trustee Richard

Abstain: None

Against: None

#### HOUSING ALLOCATION RESOLUTION

Trustee Wolf initiated discussion about optimal allocation of Village housing based on current and anticipated future needs. After discussion, and all having a chance to be heard, the Trustee Wolf made a motion to instruct the Village Attorney to prepare a resolution to reassign 106 Neptune

Walk for purposes other than currently used to match the needs of the Village for requisite residency for key employees.

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 Wolf, Trustee Chefetz, Trustee O'Brien and Trustee Richard

Abstain: None

Against: None

#### APPROVAL OF LOCAL LAW #3 OF 2016 – AMENDING AND RENUMBERING CHAPTER 47 TO CHAPTER 44

After further discussion on the proposed modification to Chapter 47, which included renumbering the current Chapter 47 to 44 as suggested by Trustee O'Brien to maintain alphabetical consistency, and all having a chance to be heard, Trustee Chefetz made a motion to adopt the proposed revisions to the new Chapter 44 in the form presented and amended at the earlier public hearing, to be adopted as Local Law #3 of 2016. The motion was seconded by Trustee Richard and the motion was carried according to the following vote:

Motion: Trustee Chefetz

Seconded: Trustee Richard

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

Abstain: None

Against: None

#### APPROVAL OF MINUTES

Draft copies of the minutes of the meeting of October 15, 2016 had previously been presented to the Board and posted in draft form on the Village website. Following discussion, Trustee Wolf made a motion to adopt the minutes as presented with minor non-substantive corrections. The motion was seconded by Trustee Chefetz, and the motion was carried according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Chefetz

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

Abstain: None

Against: None

#### ABSTRACT AUDIT

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

General Fund Checking No.5B in the amount of \$35,494.91

General Fund Checking No.6A in the amount of \$49,682.81



Capital Fund Checking No.6A in the amount of \$43,193.91

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 Wolf, and the motion was carried according to the following vote:

Motion: Trustee Chefetz

Seconded: Trustee Wolf

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

Abstain: None

Against: None

#### ADJOURN INTO EXECUTIVE SESSION

After the Board received and responded to questions from those in attendance, Trustee Chefetz made a motion at 7:40 p.m. that the Board adjourn into Executive Session to discuss litigation strategy, contract negotiations and personnel issues. The motion was seconded by Trustee Wolf and on call it was approved according to the following vote:

Motion: Trustee Chefetz

Seconded: Trustee Wolf

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

Abstain: None

Against: None

#### RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Wolf made a motion to re-adjourn into public session at 7:50 p.m. The motion was seconded by Trustee Chefetz and on call it was approved according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Chefetz

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

Abstain: None

Against: None

The public meeting was called back into session by Mayor Zaccaro at 7:50 p.m. and the following were in attendance:

John A. Zaccaro Jr, Mayor  
Hillary Richard, Deputy Mayor  
Alexander K. Chefetz, Trustee  
Frank Wolf, Trustee  
Hugh O'Brien, Trustee  
Donna Lyudmer, Village Treasurer  
Mario Posillico, Administrator & Clerk  
And approximately 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 O'Brien made a motion at 7:55 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 13, 2016 at 401 Seventh Ave, Manhattan
- 5:00 p.m. on January 24, 2017 at 401 Seventh Ave, Manhattan
- 5:00 p.m. on February 28, 2017 at 401 Seventh Ave, Manhattan

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

Motion: Trustee O'Brien

Seconded: Trustee Richard

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

Abstain: None

Against: None