

MINUTES OF THE PUBLIC HEARING OF THE BOARD OF TRUSTEES TO PRESENT AND CONSIDER LOCAL LAW #1 of 2012, HELD ON JANUARY 26, 2012 AT 401 SEVENTH AVENUE, SIXTH FLOOR, NEW YORK, NEW YORK AND VIA VIDEO/AUDIO LINK TO 103 BROADWAY, SALTAIRE, NEW YORK.

Mayor Cox called the Public Hearing to order at 6:05 p.m. and the following were in attendance:

Robert Lynn Cox III, Mayor
Bruce A. Rich, Trustee
John A. Zaccaro Jr, Trustee
Alexander K. Chefetz, Trustee
Hugh A. O'Brien, Trustee
Mario Posillico, Administrator & Clerk
Joseph Prokop, Village Attorney
Dennis Foley, Chief of Security
And approximately 25 other attendees

and the following were in attendance at the Saltaire location

Donna Lyudmer, Treasurer
Joseph Harry Baker, Counselor to the Board
And 5 other attendees

Mayor Cox stated that the purpose of Local Law No. 1 would be 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 a 1 percent increase for the next fiscal year starting June 1, 2012. Mayor Cox stated that as the Board enters the budgeting process for the next fiscal year, he is setting the standard of a 0% tax increase, but the adoption of this local law would provide the flexibility for the Board to set the tax rate as necessary to meet its projections and any unforeseen circumstances. He stated that if adopted, Saltaire would join an overwhelming majority of municipalities in the state to have passed similar legislation. After discussion amongst the members of the Board and those in attendance, and after all having had a chance to be heard, Trustee Rich made a motion to close the Public Hearing to consider Local Law # 1 of 2012. The motion was seconded by Trustee Zaccaro, and on call without objection was unanimously so approved at 6:11 p.m.

MINUTES OF THE PUBLIC HEARING OF THE BOARD OF TRUSTEES TO PRESENT AND CONSIDER LOCAL LAW #2 of 2012, HELD ON JANUARY 26, 2012 AT 401 SEVENTH AVENUE, SIXTH FLOOR, NEW YORK, NEW YORK AND VIA VIDEO/AUDIO LINK TO 103 BROADWAY, SALTAIRE, NEW YORK.

Mayor Cox called the Public Hearing to order at 6:11 p.m. and the following were in attendance:

Robert Lynn Cox III, Mayor
Bruce A. Rich, Trustee
John A. Zaccaro Jr, Trustee
Alexander K. Chefetz, Trustee

Hugh A. O'Brien, Trustee
Mario Posillico, Administrator & Clerk
Joseph Prokop, Village Attorney
Dennis Foley, Chief of Security
And approximately 25 other attendees

and the following were in attendance at the Saltaire location

Donna Lyudmer, Treasurer
Joseph Harry Baker, Counselor to the Board
And 5 other attendees

Mayor Cox stated that as a result of the recent fires in neighboring Fire Island communities, members of the Saltaire Fire Company and others began to think about ways to improve fire prevention and safety for homes in Saltaire. Discussion focused on the difficulty of accessing and fighting fires in structures that are being built higher off of the ground and of materials that make access difficult if not impossible. The proposed local law would require the installation of sprinkler systems in all new and substantially improved residential buildings. After discussion amongst the members of the Board and those in attendance, Mayor Cox stated that the Board should continue to solicit opinions and refine the details of the requirements for consideration at a later meeting. After all having had a chance to be heard Trustee Rich made a motion to close the Public Hearing to consider Local Law # 2 of 2012. The motion was seconded by Trustee O'Brien, and on call without objection was unanimously so approved at 6:35 p.m.

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON JANUARY 26, 2012 AT 401 SEVENTH AVENUE, SIXTH FLOOR, NEW YORK, NEW YORK AND VIA VIDEO/AUDIO LINK TO 103 BROADWAY, SALTAIRE, NEW YORK.

Mayor Cox called the Board of Trustees meeting to order at 6:35 p.m. and the following were in attendance:

Robert Lynn Cox III, Mayor
Bruce A. Rich, Trustee
John A. Zaccaro Jr, Trustee
Alexander K. Chefetz, Trustee
Hugh A. O'Brien, Trustee
Mario Posillico, Administrator & Clerk
Joseph Prokop, Village Attorney
Dennis Foley, Chief of Security
And approximately 25 other attendees

and the following were in attendance at the Saltaire location

Donna Lyudmer, Treasurer
Joseph Harry Baker, Counselor to the Board
And 5 other attendees

APPROVAL OF MINUTES

Draft copies of the minutes of the meeting of November 20, 2011, having been previously presented to the Board and posted in draft form on the Village web site, were discussed. Trustee

O'Brien made a motion to adopt the minutes as presented, which was seconded by Trustee Chefetz and on call without objection, was unanimously approved.

ABSTRACT AUDIT

Trustee Rich presented the following abstracts for approval:

General Checking No. 7A in the amount of	\$64,483.34
General Checking No. 8A in the amount of	\$140,291.52
Trust and Agency No. 8A in the amount of	\$500.00

After discussion and opportunity for questions, Trustee Zaccaro made a motion that General Checking Abstracts 7A and 8A and Trust and Agency Abstract 8A be approved as presented and that the Mayor be authorized to execute the warrants. Trustee Rich seconded the motion and on call without objection it was unanimously approved.

OLD BUSINESS

POTENTIAL AGREEMENT WITH SUFFOLK COUNTY WATER AUTHORITY

Mayor Cox reported that the Village continues to negotiate with the Suffolk County Water Authority to finalize the terms of the agreement whereby SCWA will install a new twelve-inch water main under Lighthouse Promenade. The water main installation is being planned for an autumn 2012 construction start. The work will also encompass the reconstruction of all of Lighthouse Promenade. In the interim, the Village continues to work with its engineering advisors to incorporate design elements that will facilitate better control of both the volume and speed of traffic along Lighthouse Promenade, and to find workable solutions for the protection of the slab-edge and cosmetic improvements for the surface material. Mayor Cox stated that he hopes all of this work will be complete well in advance of the scheduled autumn 2012 construction start.

AUTHORIZATION TO EXECUTE AGREEMENT WITH KISMET FIRE DISTRICT

Mayor Cox reported that the Kismet Fire District and the Saltaire Volunteer Fire Company have reached tentative agreement on the terms of a protection contract whereby the SVFC will formally expand its ambulance district to cover Kismet. He stated that this agreement will formalize the long-standing practice whereby the Saltaire Volunteer Fire Company has responded to requests for mutual aid into the Kismet District, making the SVFC the primary responder. The agreement also provides for Kismet to pay a fee for the services rendered, which will help to offset the cost of the resources used to cover the Kismet protection district, as well as provide supplemental funding requested by the Saltaire Volunteer Fire Company for the Village to hire paid medical response personnel during the coming summer to supplement its volunteers and generally enhance its ability to respond to emergency calls. He stated that since the other parties have authorized execution of the agreement as presented, the Village, which is a necessary party to the agreement, must decide if it concurs that the agreement to be finalized. Discussion ensued about the potential impact of the agreement regarding financial, equipment, housing and personnel resources of the Saltaire Volunteer Fire Company and its ability to effectively respond to emergencies in both districts, the enhancement of the medical service in Saltaire, and the impact of paid emergency medical personnel on the operation of the Fire Company. After discussion amongst the Board,

and all having a chance to be heard, Trustee Chefetz made a motion to approve the agreement in principle as presented, and to authorize Mayor Cox to execute the agreement subject to final public notice provisions as directed by the Village Attorney for compliance with Section 209-b of the General Municipal Law, and subject also to such final non-substantive language modifications that Mayor Cox, in consultation with the Village Attorney, deems necessary. The motion was seconded by Trustee O'Brien, and on call, the motion was approved according to the following vote:

Trustee Rich	Yea
Trustee Zaccaro	Nay
Trustee O'Brien	Yea
Trustee Chefetz	Yea

AUTHORIZATION TO EXECUTE AGREEMENT WITH SALTAIRE V.F.C.

Mayor Cox stated that the just-authorized contract requires the Village and the Saltaire Volunteer Fire Company to enter into a separate agreement with each other in order to detail the obligations and responsibilities of each party in relation to the Kismet Protection Agreement, one of which is the disposition of the funds collected under that agreement. The Fire Company has requested that some of the funds be utilized to retain paid emergency medical response personnel with advanced life support certification. A draft agreement has been developed delineating those obligations and responsibilities, which was distributed to all Board members in advance of the meeting. After discussion amongst the Board, and all having a chance to be heard, Trustee Chefetz made a motion to approve the agreement in principle as presented, and to authorize Mayor Cox to execute the agreement subject to such final non-substantive language modifications that Mayor Cox, in consultation with the Village Attorney, deems necessary. The motion was seconded by Trustee O'Brien, and on call, without objection, the motion was unanimously so approved.

PASSENGER FERRY, FREIGHT FERRY AND PARKING PROPOSALS

Mayor Cox reported that the Village's contract with Fire Island Ferries for passenger ferry and freight services, and its contract with Fire Island Terminal for parking services, had both expired December 31, 2011. In the spring of 2011 the Village formally requested proposals from interested parties for parking, passenger ferry and freight ferry service for the next five-year period. The Board rejected the proposals for passenger and freight ferry service and authorized a second solicitation of those proposals. This second round resulted in the receipt of two proposals for passenger ferry service, one from the current provider, Fire Island Ferries, and one from New York Water Taxi. Mayor Cox also stated that there are currently two proposals for parking services, one from Maple Avenue Marina and one from Fire Island Terminal submitted as an addendum to Fire Island Ferries ferry proposal. Mayor Cox reported that Maple Avenue Marina proposal needed to be further researched to better understand and possibly address operational concerns with the proposal. After discussion about the parking service options, and after all having a chance to be heard, Trustee Zaccaro made a motion to authorize Mayor Cox to contact Maple Avenue Marina to discuss these operational concerns, and to come back to the Board with a final recommendation for a decision. The motion was seconded by Trustee O'Brien, and on call without objection it was unanimously so approved.

Mayor Cox reported that the proposal from New York Water Taxi provided interesting advantages from a service standpoint, but that the financial conditions make it a second choice at this time.

After discussion amongst the Board, and all having a chance to be heard, Trustee O'Brien made a motion to approve the agreement with Fire Island Ferries in principle as presented, and to authorize Mayor Cox to negotiate and enter into an agreement with Fire Island Ferries for passenger ferry and for freight service pursuant to the parameters of the proposals presented for each. The motion was seconded by Trustee Rich, and on call, without objection, was unanimously so approved.

POTENTIAL ACCEPTANCE OF A HOUSE FOR DONATION

Mayor Cox reported that the Board had analyzed the advantages, disadvantages and costs of the offer of donation of the house currently located at 18 Bay Promenade, in lieu of its demolition in preparation for the construction of a new house. He stated that after thorough investigation, the costs associated with accepting the house outweighed the potential benefits to the Village. After discussion and all having a chance to be heard, Trustee Rich made a motion to reject the offer of donation of the structures currently located at 18 Bay Promenade. The motion was seconded by Trustee O'Brien, and on call so approved pursuant to the following vote:

Trustee Rich	Yea
Trustee Zaccaro	Nay
Trustee O'Brien	Yea
Trustee Chefetz	Yea

NEW BUSINESS

INTRODUCTION OF MODIFICATION OF CODE SECTIONS 55-1 & 55-16

Mayor Cox reported that at the meeting of October 15, 2011 the Board had adopted a revisions to §55-1 and §55-16 of the Village Code relating to pre-existing non-conforming structures in the Village in order to correct some language ambiguities of those sections. Subsequent to that adoption, it came to light that there may have been a procedural deficiency in the required notice that was sent to the Suffolk County Planning Commission. Therefore it became necessary to readopt those sections to remove any doubt whether notice was properly sent, and Mayor Cox stated it was an opportune time to undertake a more thorough review of those regulations. The goal of the review is to permit renovations that do not expand the non-conformity and where feasible to encourage owners who under take renovations of pre-existing non-conforming structures to design their projects to bring those structures into or close to conformance. The draft language was circulated for comment to the Trustees, area contractors, area architects and the Architectural Review Committee. Discussion ensued, and comments were received by the Board regarding the draft presented, with a view of revising and presenting for approval at a subsequent meeting.

SUFFOLK COUNTY PLANNING COMMISSION RESOLUTION

Village Attorney Prokop reported that the Village has an opportunity to adopt a resolution that would provide the Village with blanket approval from the Suffolk County Planning Commission for many routine items that require a request for approval from the Commission, including area variances. Trustee O'Brien made a motion to adopt the resolution which was seconded by Trustee

Chefetz. Trustee Rich stated that since the resolution was not urgently needed, and since he has some language concerns, he would suggest it be tabled until the next meeting for review and possible further editing. Trustees O'Brien and Chefetz withdrew their motion and second, and the matter was tabled.

RULES OF PROCEDURE

Draft language for modification of the rules of procedure for Board meetings regarding the procedure for introduction of local laws was presented. After discussion, the Board decided to table the matter until the next scheduled Board meeting.

EXCHANGE OF PROPERTY AGREEMENT

Mayor Cox reported that the Village has for more than a decade been attempting to resolve long-standing property encroachments from 33 Bay Promenade onto the right-of-way of an unconstructed portion of Pennant Walk. He further reported that an agreement in principle has been reached with the owner of 33 Bay Promenade to transfer certain portions of the Pennant Walk right-of-way to the owner of 33 Bay Promenade in exchange for an approximately equally-sized property that the owner of 33 Bay Promenade owns east of the Pennant Walk right-of-way. The proposed exchange of property will resolve his encroachments and the Village will be provided with sufficient land to maintain a viable right-of-way for any future construction of Pennant Walk. The proposed contract was previously distributed to the Board members. Trustee Rich stated that he felt there was easement language in the agreement that needed to be refined, but otherwise he was prepared to authorize execution. After discussion amongst the Board, and all having a chance to be heard, Trustee Zaccaro made a motion to approve the agreement in principle as presented, and to authorize Mayor Cox to execute the agreement subject to final language modifications relating to easements made by Mayor Cox in consultation with the Village Attorney. The motion was seconded by Trustee Chefetz, and on call without objection it was unanimously so approved.

RESOLUTION TO AUTHORIZE PUBLIC HEARING FOR MODIFICATION OF §55-1 & 16.

Trustee O'Brien made a motion to authorize the Village Clerk to make all required preparations, including posting and publication of proper legal notices, to consider a proposed local law at a Public Hearing for the purpose of modifying §55-1 and §55-16 of the Village Code at the next scheduled Board meeting. The motion was seconded by Trustee Zaccaro, and on call without objection was unanimously approved.

CLOSE OUT CAPITAL PROJECTS

Trustee Rich moved the adoption of the following resolution to close out the following capital projects:

WHEREAS the Board of Trustees of the Village of Saltaire had created a capital project for a Beach Restoration Project and issued long-term bond obligations and received federal grant awards to fund all or part of the total cost to date of \$2,738,248.53;

BE IT THEREFORE RESOLVED that the Board of Trustees hereby closes out the Beach Restoration Project, and authorizes the necessary accounting entries be made to effect said

closeout and to transfer all remaining capital funds in the amount of \$219,567.58 to the General Fund to be dedicated to the exclusive purpose of paying the debt service incurred for the project; and

WHEREAS the Board of Trustees of the Village of Saltaire had created a capital project for the Well Tank Improvement Project and used general reserve funds to fund all or part of the total cost to date of \$24,225;

BE IT THEREFORE RESOLVED that the Board of Trustees hereby closes out the Well Tank Improvement Project, and authorizes the necessary accounting entries be made to effect said closeout and to transfer all remaining capital funds in the amount of \$24,225 to the General Fund.

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

AUTHORIZATION OF PURCHASE OF EQUIPMENT

Mayor Cox reported that the Village had received an anonymous donation from a Village resident as a thank-you to the Maintenance Department for their hard work before and after Hurricane Irene. The donor specifically requested the donation to be used for equipment upgrades for the Maintenance Department. Trustee Zaccaro stated that Maintenance Foreman Henriksen recommended purchase of a new electric utility cart to replace the current cart which is more than 15 years old. Trustee O'Brien made a motion to authorize the Village Administrator to expend up to \$10,000 for the purchase of a new electric utility cart for maintenance purposes. The motion was seconded by Trustee Rich, and on call without objection it was unanimously so approved.

DUNE GRASS PLANTING

Trustee Zaccaro reported that new dune fencing has been installed the entire length of the beachfront, capturing additional sand onto the dunes. He also reported that the final part of the dune-scraping project is the planting of dune grass, the cost of which has been approved by FEMA at the field level as reimbursable as part of disaster declaration number 4020 as a result of Hurricane Irene. Trustee Zaccaro made a motion to accept the bid of Barbato Landscaping as low bidder to supply 250,000 plugs of American Cape Beach Grass at a rate of \$0.125 per plug, with an installation cost of \$30,000, which is scheduled for March 2012. He also explained the importance of completing the planting of the dune grass this spring. The motion was seconded by Trustee O'Brien, and on call without objection it was unanimously so approved.

ADJOURN INTO EXECUTIVE SESSION

After the Board received and responded to questions from those in attendance, Trustee Rich made a motion that the Board adjourn into Executive Session to discuss litigation strategy, contract and personnel issues. The motion was seconded by Trustee O'Brien and on call without objection was so approved at 9:48 p.m.

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee O'Brien made a motion to re-adjourn into public session at 10:29 p.m. The motion was seconded by Trustee Zaccaro, and on call without objection was unanimously so approved. The public meeting was called back into session by Mayor Cox at 10:29 p.m. and the following were in attendance:

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

and the following were in attendance at the Saltaire location
0 other attendees

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 to close the meeting, with the next meeting to be held on March 1, 2012, at 6:00 p.m. at 401 Seventh Avenue, New York City with a video/audio link to 103 or 105 Broadway, Saltaire, New York. The motion was seconded by Trustee O'Brien, and on call without objection it was unanimously so approved to close the meeting at 10:30 p.m.