

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON DECEMBER 14, 2013 AT 103 BROADWAY, SALTAIRE, NEW YORK.

Mayor Cox called the Board of Trustees meeting to order at 10:00 a.m. and the following were in attendance:

Robert Lynn Cox III, Mayor
John A. Zaccaro Jr, Trustee
Alexander K. Chefetz, Trustee
Frank Wolf, Trustee
Mario Posillico, Administrator & Clerk
Dennis Foley, Chief of Security
Joseph Prokop, Village Attorney
Joseph Harry Baker, Counselor to the Board
And 1 other Attendee
(Trustee Connolly was not present at 103 Broadway but was connected to the meeting via audio and video computer connection

PLEDGE OF ALLEGIANCE

Mayor Cox led those in attendance in a pledge of allegiance to the flag of the United States.

APPROVAL OF MINUTES

Draft copies of the minutes of the meetings of November 16, 2013 having been previously presented to the Board and posted in draft form on the Village web site, were presented for adoption. After discussion, and all having a chance to be heard, Trustee Wolf made a motion to adopt the minutes as presented. The motion was seconded by Trustee Zaccaro, and the motion was carried according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Zaccaro

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz

Concur: Trustee Connolly

Against: None

ABSTRACT AUDIT

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

General Checking No. 7A in the amount of \$108,548.71

After discussion and opportunity for questions, Trustee Wolf made a motion that General Checking Abstract 7A be approved as presented and that the Mayor be authorized to execute the warrants. The motion was seconded by Trustee Zaccaro, and the motion was carried according to the following:

Motion: Trustee Wolf

Seconded: Trustee Zaccaro
In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz
Concur: Trustee Connolly
Against: None

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

Capital Checking No. 7A in the amount of \$294,643.10

After discussion and opportunity for questions, Trustee Zaccaro made a motion that Capital Checking Abstract 7A 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:

Motion: Trustee Zaccaro
Seconded: Trustee Wolf
In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz
Concur: Trustee Connolly
Against: None

VILLAGE MARKET

Mayor Cox stated that the after numerous attempts to work out an amicable resolution to the situation with the Saltaire Market property, which has been vacant and unused since Sandy, the Village commenced Eminent Domain proceedings in November. He further stated that unfortunately the property owners have challenged the proceedings, which will add an undetermined amount of time to a resolution to the proceeding. He stated that the Village has submitted a motion to dismiss the property owners' legal action for, among other things, failure to properly serve the challenge. Mayor Cox stated that the Village's counsel remains confident in a positive outcome to the Eminent Domain proceeding in the Village's favor, but also that the legal challenge negatively impacts the schedule for having an operating market to serve the needs of the residents of the Village. He stated that Trustee Connolly's committee is looking into providing alternatives in the very likely event that the property remains unavailable for the 2014 season.

FIMP UPDATE

Mayor Cox gave a brief update on progress made toward the implementation of the Army Corps of Engineers' (ACE) Fire Island phase of the Fire Island to Montauk Point Reformulation Project (FIMP). He stated that the federal government shut-down and other bureaucratic procedural delays have rendered it unlikely that the project will result in any sand being placed on Saltaire's beach during the current off-season. He stated that the project may proceed to the point of re-nourishing county and federal beaches this off-season, which is at least a start in the right direction, and allows time for the communities to deal with acquisitions, relocations and easements required.

VERIZON UPDATE

Mayor Cox stated that Verizon has made significant progress on its roll-out of the fiber optic network on Fire Island, and should be finished in Saltaire by the end of January. Once the installation

is completed and tested, Verizon will be able to install the equipment in those homes that have committed to the service for the 2014 summer season as early as March of 2014. Verizon is encouraging those who plan to request the service for the summer of 2014 to commit to the service as soon as possible to avoid the May rush.

AUTHORIZATAION TO EXECUTE CONTRACT WITH SUFFOLK COUNTY POLICE

Mayor Cox reported that Village's contract with the Suffolk County Police Department (SCPD) is set to expire on December 31, 2013. He stated that the contract has proven beneficial to both parties, and that it is in the best interest of the Village for that arrangement to continue, and that SCPD has informed the Village that it also wishes to renew pursuant to the basic terms of the current agreement. After discussion, and all having a chance to be heard, Trustee Chefetz made the following motion:

WHEREAS, the County maintains and operates the Suffolk County Police Department (SCPD), and the monies necessary to operate the SCPD come, in part, from a uniform tax upon real estate within the County Police District subject to taxation, which funds are allocated to an account referred to as the "Police District Fund" or "115 account," and, in part, by another tax upon real estate located within the County subject to taxation, which funds are allocated to an account referred to as the "General Fund" or "001 account," and the latter funds are expressly reserved to pay expenses of specific functions of the SCPD which serve the entire County; and

WHEREAS, the Village is entitled, without separate charges, to the use of SCPD boats; and the resources and services which are provided under the "001 account", which shall include, but not be limited to, the Suffolk County Aviation Section, Major Crimes Bureau, Special Services Bureau, Office of Homeland Security, Medical Evaluation, Recruitment and Community Outreach, Communications Bureau, and all other services and resources provided under the "001 account."

WHEREAS, the Village is not a part of the County Police District, and sometimes both it and its residents and guests are in need of assistance from and the use of the resources and services of the SCPD that are funded from the 115 account; and

WHEREAS, the Suffolk County Police Commissioner and the Board of Trustees of the Village have deemed that the public interest is best served when that SCPD services and resources funded by the 115 account are made available to the Village on a fee-for-services basis, and desire to equitably set forth the means to calculate those costs and reimburse the County for them; and

WHEREAS, the Suffolk County Charter Section C13-7 authorizes the provision of police services to a town or village which is not a party of the County Police District pursuant to contract, and

THEREFORE BE IT RESOLVED THAT, The Mayor of the Village of Saltaire is authorized to execute the proposed contract based on the existing agreement with Suffolk County which shall control the delivery and obligation of "115 account" police services provided by the SCPD to the Village of Saltaire, and the obligation of the Village of Saltaire to pay for those services rendered, and

BE IT FURTHER RESOLVED THAT, The Mayor of the Village of Saltaire, upon consultation with the Village Attorney is authorized to make any contract revisions that he deems necessary to execute the final contract with the County of Suffolk.

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

Motion: Trustee Chefetz

Seconded: Trustee Wolf

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz

Concur: Trustee Connolly

Against: None

AUTHORIZATAION TO EXECUTE KISMET PROTECTION AGREEMENT

Mayor Cox reported that Village's contract with the Saltaire Volunteer Fire Company (SVFC) and the Kismet Fire District (KFD) is set to expire on December 31, 2013. Village Administrator Posillico reported that the SVFC has indicated a desire to continue the agreement pursuant to the basic terms, as has the KFD. After discussion, and all having a chance to be heard, Trustee Zaccaro made a motion to authorize Mayor Cox to execute the proposed agreement with the SVFC and KFD pursuant to the basic terms of the current agreement and with any modifications that he and the Village Attorney feel are in the best interest of the Village or otherwise deem necessary. 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

Concur: Trustee Connolly

Against: None

ACCEPTANCE OF COURT AUDIT

Administrator Posillico reported that the Village auditors, Cullen and Danowski had undertaken the annual audit of the Village Justice Court, as is required by New York State law, and that a copy of the audit had been presented to the Board of Trustees. Trustee Chefetz made a motion to accept the 2012/13 annual audit as prepared by Cullen and Danowski and that the same be filed with the State of New York Unified Court System. The motion was seconded by Trustee Wolf, and the motion was carried according to the following:

Motion: Trustee Chefetz

Seconded: Trustee Wolf

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz

Concur: Trustee Connolly

Against: None

ACCEPTANCE OF BID FOR BOARDWALK RECONSTRUCTION: PHASE 3

Trustee Wolf moved adoption of the following resolutions:

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 AWARDDING OF CONTRACT FOR BOARDWALK CONSTRUCTION

WHEREAS the Village of Saltaire is reviewing the possibility awarding a public works contract for boardwalk construction, and;

WHEREAS the awarding of the public works contract by the Village of Saltaire is an Action as defined by the regulations adopted in Part 6 NYCRR 617 under Article 8 of the Environmental Conservation Law of State of New York, and;

WHEREAS the awarding of the public works contract is not listed as a Type I action under 6 NYCRR 617.4 or as a Type II action under 6 NYCRR 617.5, and is therefore an unlisted action for purposes of SEQRA, and;

WHEREAS the Village of Saltaire is required to complete a short form EAF pursuant to 6 NYCRR 617.6(a)(3), and;

WHEREAS the Village of Saltaire has completed a short form EAF and the short form EAF indicates that there will be no significant negative impact to the environment that will be created by the awarding of the public works contract, and ;

WHEREAS there is no involved agency in this matter other than the Village of Saltaire, and the Village of Saltaire is required to adopt lead agency status and undertake review of this action for purposes of SEQRA for that reason, it is therefore:

RESOLVED that the Village of Saltaire hereby adopts lead agency status with regard to the awarding of the public works contract, and it is further;

RESOLVED that the Village of Saltaire hereby determines that the awarding of the public works contract is an Unlisted Action for purposes of SEQRA, and it is further;

RESOLVED that the Village of Saltaire hereby determines that awarding of the public works contract will not have a significant negative impact on the environment in the action;

Will not result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, substantial increase in solid waste production, a substantial increase in potential for erosion, flooding, leaching or drainage problems, and;

Will not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on habitats, or other significant adverse impact on natural resources, impairment of a critical environmental area and;

Will not result in the creation of a material conflict with a community's current plans or goals, and;

Will not result in the creation of a hazard to human health, and;

Will not result in a substantial change in land use, and;

Will not encourage or attract an additional large number of people to a place for more than a few days, and;

Will not result in the creation of a material demand for other actions, and;

Will not result in changes in two or more elements of the environment, each of which is not significant but when reviewed together are significant two or more related actions each of which is not significant but when reviewed together are significant, and that it is therefore;

RESOLVED that a Negative Declaration is hereby adopted for purposes of SEQRA, and further that

Whereas the Village of Saltaire solicited bids according to the laws of the State of New York for public works and according to the plans and specifications therein, for the purpose of reconstruction of Phase 3 of the boardwalk reconstruction plan, and

Whereas sealed bids were publicly opened at 11:00 a.m. EST on December 12, 2013, and LoDuca 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 LoDuca Associates as the certified low bidder for the reconstruction of Phase 3 of the boardwalk reconstruction plan and to notify LoDuca 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 LoDuca Associates for the reconstruction of Phase 3 of the boardwalk reconstruction plan according to the plans and specifications of the bid documents for the contract amount pursuant to the unit bid amounts multiplied by the actual measured quantities, for a projected total contract amount of \$1,433,440, 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 the issuance of Bonds or Bond or Revenue Anticipation Notes, as previously authorized, the final amount of which is anticipated to be mitigated by receipt of disaster assistance funding from the Federal Emergency Management Agency.

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

Motion: Trustee Wolf

Seconded: Trustee Zaccaro

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz

Concur: Trustee Connolly

Against: None

AUTHORIZATION TO SEEK PUBLIC BIDS FOR BROADWAY RECONSTRUCTION

Administrator Posillico presented to the Board his plan and schedule for completing the reconstruction of the Village boardwalks that were damaged as a result of Hurricane Sandy. The engineering modifications necessary for the reconstruction of Broadway from Bay Prom to Lighthouse Prom are nearly complete, and will allow for reconstruction to begin September 15, 2014. After discussion, Trustee Zaccaro made the following motion:

WHEREAS, the Village of Saltaire had nearly all of boardwalk system substantially damaged as a result of Hurricane Sandy, and

WHEREAS, the Village of Saltaire has received Public Assistant funding FEMA for the reconstruction of those damaged walks, which grant funds have certain time limits for completion, and

WHEREAS, the Village Administrator has already been authorized to solicit bids for the reconstruction of the entirety of the boardwalks damaged by Sandy, in phases and in a schedule that in his best judgment in consultation with the Mayor can be most efficiently, expeditiously and safely implemented,

THEREFORE BE IT RESOLVED, that the Village Administrator be authorized to seek bids for the reconstruction of Broadway damaged by Sandy pursuant to the design parameters that had been established and adopted in 2011 by the Village as the new design standard for all boardwalks, and modified as necessary to accommodate Broadway's larger widths and spans and as may otherwise need to be modified and adjusted to meet any unique conditions of that walk section.

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

Motion: Trustee Zaccaro

Seconded: Trustee Chefetz

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz

Concur: Trustee Connolly

Against: None

TRUSTEE REPORTS

Each Trustee presented a brief report on his or her areas of responsibilities, and received and responded to questions from the other Board members and those in attendance.

FIRE ALARM SYSTEM

Trustee Wolf reported that the Fire Company has issued a letter requesting delay of and additional discussion regarding the Board's proposed modification to the Village-wide audible fire alarm system that currently sounds for all emergency situations. The Board's proposed modification would, for the summer season only, reserve the audible alarm for fires situations only, and use the pager and cell phone system notification for medical emergency calls. Under the Board's proposed modification, the audible alarm would sound for all emergency calls during the off-season, and the adjustment would only occur for the summer season. After discussion, the Mayor asked Trustee Wolf to confer again with the Fire Company to determine what redundant silent notification systems they would need in place to become comfortable with implementation of the Board's preferred plan by the summer of 2014.

RESOLUTION ADOPTING REQUIREMENTS FOR CERTAIN CONTRACTOR INSURANCE WHICH WILL BE SUBSEQUENTLY CODIFIED

Administrator Posillico reported that there is currently no provision in the Village code that would require home relocation contractors to carry any specific insurance unless they are also prime contractor requesting the permit from the Village. He identified this as a weakness in the coverage limits, especially in light of the fact this activity is a complicated, potentially dangerous and costly construction activity could be going on in the Village without protection to the Village,

the homeowner and the workers provided by proper insurance. After discussion, and all having a chance to be heard, Trustee Zaccaro made the following motion:

WHEREAS, it is in the best interest of the Village, homeowners and workers doing work in the Village that all primary and large contractors be properly insured, and

WHEREAS, the current code of the Village does not specifically state that house moving contractors or sub-contractors performing house-moving services in the Village are required to carry and provide certificates of any insurance,

THEREFORE BE IT RESOLVED THAT, effective immediately that the all contractors performing house moving or relocations activities, as so determined at the sole discretion of the Village Building Inspector, whether as the permitting contractor or as a sub-contractor, be required to must have in force, at the start of such activities and maintained throughout the period that the permit is in effect or extended:

- (1) Public liability insurance for house moving activities, sometime commonly known in the insurance industry as “Cargo Insurance”, which insurance shall name the owner as an insured, in minimum limits as follows:
 - (a) Personal injury, five hundred thousand dollars (\$500,000) per injured person and seven hundred and fifty thousand dollars (\$750,000) per accident;
 - (b) Property damage, five hundred thousand dollars (\$500,000) per accident.
- (2) Workmen's compensation and disability benefits insurance as required by the laws of the State of New York.
- (3) A valid Home Improvement license from the Licensing Bureau of the Suffolk County Division of Consumer Affairs.
- (4) The name of the insurance carrier or carriers and policy number or numbers shall be stated on the application for a building permit and certificates of coverage filed with the application. Such insurance policies must provide for notice to the Village prior to cancellation thereof, and must name the Village of Saltaire as Additional Insured on the policy.

AND FURTHER BE IS RESOLVED THAT, the Village Clerk be authorized to advertise for a public hearing to modify Chapter 18 of the Code of the Village of Saltaire to codify the modifications made in this resolution whenever such draft local law language is ready for consideration at a public hearing.

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

Concur: Trustee Connolly

Against: None

ADJOURN INTO EXECUTIVE SESSION

After the Board received and responded to questions from those in attendance, Trustee Wolf made a motion at 12:14 p.m. that the Board adjourn into Executive Session to discuss litigation strategy, contract and personnel issues. The motion was seconded by Trustee Zaccaro, and the motion was carried according to the following:

Motion: Trustee Wolf

Seconded: Trustee Zaccaro

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz

Concur: Trustee Connolly

Against: None

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Chefetz made a motion to re-adjourn into public session at 12:29 p.m. The motion was seconded by Trustee Wolf, and the motion was carried according to the following action:

Motion: Trustee Chefetz

Seconded: Trustee Wolf

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz

Concur: Trustee Connolly

Against: None

The public meeting was called back into session by Mayor Cox at 12:29 p.m. and the following were in attendance:

Robert Lynn Cox III, Mayor

John A. Zaccaro Jr, Trustee

Frank Wolf, Trustee

Alexander K. Chefetz, Trustee

Mario Posillico, Administrator & Clerk

Joseph Prokop, Village Attorney

Joseph Harry Baker, Counselor to the Board

And 0 other attendees

(Trustee Connolly was not present at 103 Broadway but was connected to the meeting via audio and video computer connection)

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 at 12:30 pm to close the meeting and to hold a Board of Trustees meeting on January 23, 2014, at 6:00 p.m. at a New York City location with a video/audio link to 103 or 105 Broadway, Saltaire, New York. 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 Wolf, Trustee Chefetz

Concur: Trustee Connolly

Against: None

