

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON FEBRUARY 23, 2015 AT 401 SEVENTH AVENUE, 18TH 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 6:00 p.m. and the following were in attendance:

Robert Lynn Cox III, Mayor
John A. Zaccaro Jr, Trustee
Frank Wolf, Trustee
Ann Connolly, Trustee
Mario Posillico, Administrator & Clerk
Donna Lyudmer, Village Treasurer
And approximately 5 other attendees

and the following were in attendance at the Saltaire location

Georgine Posillico - Video Operator
And 2 other attendees

and approximately 19 observed through internet audio/video connection.

APPROVAL OF MINUTES

Draft copies of the minutes of the meetings of January 7, 2015 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 with minor non-substantive corrections. The motion was seconded by Trustee Connolly, and the motion was carried according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Connolly

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Connolly

Against: None

STATUS – SALTAIRE MARKET REDEVELOPMENT

Administrator Posillico gave a brief overview of the status of the planned construction of a building to house a new Saltaire Market at 100 Broadway, and as an additional option to construct a multi-purpose municipal building on the same site. Administrator Posillico stated that the Village recently received the Suffolk County Department of Health permit, but that installation of the foundation and sanitary systems were still being delayed due to the unusually cold weather which has resulted in frozen ground and a frozen bay, which has halted all freight delivery. He further stated that the architect/engineer modified the construction documents so that they were specific for an off-site modular construction, and that the construction documents were out for public bid with a bid opening of March 10, 2015. He stated the plans for the municipal building were modified based on the feasibility study of the potential renovation of the second floor of the existing Village Hall, and in consultation with the ad-hoc design review team, for a single story, open span floor plan. He further reported that the current schedule allows for sufficient time to review the bid results, and modify the design and/or construction methodology if necessary if the bid results did not come in as anticipated, all for an anticipated construction start of October 2015. Discussion ensued about the options available for temporary solutions to provide some limited form of market services to the residents of the Village for 2015, and Administrator Posillico stated that he would investigate options with the

Whitney family and as well as, as included on the agenda, with other Vendors pursuant to an RFP process if approved by the Board.

ARRIVAL OF TRUSTEE CHEFETZ

Trustee Chefetz arrived and thereafter fully participated at the meeting at 6:10 PM

FIMP UPDATE

Administrator Posillico reported on the status of the FIMP Project. He stated that based on the most current update from the County, the low-bidder for the western project scheduled to begin at Robert Moses State Park has not been awarded the contract because they have not submitted the requisite mobilization schedule demonstrating that they have the assets in place to complete the project in the time frame required. He further stated that with typical dredging production rates, the likelihood of any contractor reaching the communities of Kismet and Saltaire before the end of the project season in early April is rapidly diminishing. He added that the easement and property acquisition phase of the project, which is required to be complete before the contractor can place any sand in any community, is proceeding very slowly. The requisite appraisals are still under review by the County, State and Army Corps, and pending the completion of that review, they will be delivered to the ocean front property owners. He stated that given that approaching project close of early April for this off-season, there may not be enough time to process all of that easement and acquisition documentation even if the contractor can reach the communities. He state that the likelihood of an autumn 2015 project start in the communities becomes more and more likely with each passing day.

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. 8B in the amount of \$232,362.40

After discussion and opportunity for questions, Trustee Wolf 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 Chefetz, and the motion was carried according to the following:

Motion: Trustee Wolf

Seconded: Trustee Chefetz

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz, 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. 9A in the amount of \$542,010.43

After discussion and opportunity for questions, Trustee Wolf 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 Chefetz, and the motion was carried according to the following:

Motion: Trustee Wolf

Seconded: Trustee Chefetz

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz, 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:

General Checking No. 9A in the amount of \$205,021.99

After discussion and opportunity for questions, Trustee Wolf 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 Chefetz, and the motion was carried according to the following:

Motion: Trustee Wolf

Seconded: Trustee Chefetz

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz, Trustee Connolly

Against: None

AUTHORIZATION FOR PUBLIC HEARING TO CONSIDER REVISIONS TO CHAPTER 48

Mayor Cox stated that the Board will shortly undertake the budget review and adoption process for the 2015/16 fiscal year, and, although unlikely, it was undetermined at this point if the budget will require a tax increase and if so to what extent. The Board has the option to waive the State mandated tax cap limit of a maximum 2% increase, which would have to be adopted as a local law. The adoption of such a local law would not require that the Board adopt a tax increase above the State minimum increase, but rather that it just provides the flexibility to do so if necessary to balance the budget. After discussion, Trustee Chefetz made a motion to consider the amendment of Chapter 48 of the Village Code at a public hearing scheduled for the same date as the next scheduled Board of Trustee meeting. The motion was seconded by Trustee Connolly, and the motion was carried according to the following:

Motion: Trustee Chefetz

Seconded: Trustee Connolly

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz, Trustee Connolly

Against: None

AUTHORIZATION FOR PUBLIC HEARING TO CONSIDER REVISIONS TO CHAPTER 55

Mayor Cox stated that Suffolk County Planning Committee has reviewed the Board's proposed comprehensive modifications to Chapter 55 (which regulates zoning in the Village) and has determined that it is a matter of local determination; and that FINS has also reviewed the draft and have offered no objections. These were the last steps required for the Village of consider adoption of the proposed modifications that were two years in the making. The proposed draft has been distributed at numerous meetings and has been posted on the Village website, along with a summary overview of the major changes. After discussion, and all having a chance to be heard, Trustee Wolf made a motion to consider the amendments of Chapter 55 of the Village Code at a public hearing scheduled for the same date as the next scheduled Board of Trustees meeting. The motion was seconded by Trustee Connolly, and the motion was carried according to the following:

Motion: Trustee Wolf

Seconded: Trustee Connolly

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz, Trustee Connolly

Against: None

AUTHORIZATION TO SEEK PUBLIC BIDS FOR BOARDWALK RECONSTRUCTION

Administrator Posillico stated that pursuant to the plan to reconstruct all boardwalks damaged by Sandy in a coordinated fashion, the final phase is scheduled to begin September 15, 2015, which will include approximately 3,000 feet of boardwalk that has been approved and obligated, and hopefully additional walks that have been requested to be approved and currently under review by FEMA. After discussion, Trustee Chefetz made the following motion:

WHEREAS, the Village of Saltaire had all of its 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,

THEREFORE BE IT RESOLVED that the Village Administrator be 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, and further,

BE IT RESOLVED, that the Village Administrator be authorized to seeks bids for the entirety of the boardwalks 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 as may need to be modified and adjusted to meet any unique conditions of any particular walk section.

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

Motion: Trustee Chefetz

Seconded: Trustee Connolly

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz and Trustee Connolly

Against: None

AUTHORIZATION TO SOLICIT PROPOSALS FOR BOAT STORAGE IN BAY SHORE LOT

Administrator Posillico reported that the that the Town of Islip Planning Committee has recommended approval of the Village of Saltaire's application to rezone its Bay Shore Parking Lot from a Business 1 to a Business 3, and to issue Special Permits for Ferry and Parking operations as well as for Off-season Boat Storage. He further stated that the Town of Islip Town Board would consider the formal adoption of the recommendation at its February 26th meeting, which all parties anticipate will be approved. After discussion, Trustee Chefetz made a notion to authorize Administrator Posillico to solicit Request for Proposals for consideration by the Board for utilization of the Saltaire Terminal in Bay Shore for outside storage of boats for a fee for the 2015/16 off-season. The motion was seconded by Trustee Wolf, and on call it was approved according to the following action:

Motion: Trustee Chefetz

Seconded: Trustee Wolf

In Favor: Trustee Zaccaro, Trustee Chefetz, Trustee Wolf, Trustee Connolly

Against: None

AUTHORIZATION TO SOLICIT PROPOSALS FOR TEMPORARY FOOD SERVICES

Administrator Posillico stated that the investigation of providing a temporary pre-fabricated building space for Market Services in 2015 to be located on the to-be-built foundation was proving to very costly and logistically difficult. He further stated that less expensive options were available for, and that there were potential vendors interested in delivery of food services that would utilize pre-outfitted food trucks that could be situated on Village property. After discussion, Trustee Connolly made a motion to authorize Administrator Posillico to solicit Request for Proposals for consideration by the Board for the provision of food services for the 2015 summer season. The motion was seconded by Trustee Zaccaro, and on call it was approved according to the following action:

Motion: Trustee Connolly

Seconded: Trustee Zaccaro

In Favor: Mayor Cox, Trustee Zaccaro, Trustee Connolly

Against: Trustee Wolf, Trustee Chefetz

INSPECTORS OF ELECTION

Trustee Chefetz made a motion to appoint the following Saltaire residents as Inspectors of Election for the 2015 Saltaire election:

Nancy Henriksen	Chairperson
Liv Hempel	Inspector
Roseanne Larson	Inspector
Georgine Posillico	Inspector

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

Motion: Trustee Chefetz

Seconded: Trustee Wolf

In Favor: Trustee Wolf, Trustee Zaccaro, Trustee Chefetz, Trustee Connolly

Against: None

APPROVAL OF 2015 DAY CAMP FEES

After discussion, Trustee Chefetz made a motion to approve the camp fee schedule for the 2015 camp season as presented, which will be at the same rates for all categories of enrollment that were in place for the 2014 camp season. 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 Wolf, Trustee Chefetz, Trustee Connolly

Against: Trustee Zaccaro

HEATING UPGRADE IN THE SALTIRE FIREHOUSE

Administrator Posillico presented a proposal for \$10,000 to repair and update the forced-hot-air heating system in the Firehouse, which has been under-performing in the last couple of years and has been keenly noticed in the extreme cold winter with frozen pipes and inoperable equipment. After discussion amongst the Board and those in attendance, it was agreed to table the discussion of the repair pending review and report by an HVAC engineer to investigate all options in addition to forced-hot-air to upgrade the heating system. Village Administrator Posillico stated that he would confer with an engineer and other experts to provide that report.

APPOINTMENT OF VILLAGE PROSECUTOR

Mayor Cox reported that the Court was down to one Prosecutor after the resignation of Jim McDonald. He stated that the Village Administrator and Court Clerk had recommended Jarrod Bernstein, who has indicated that he would be willing to accept the appointment. After discussion, Trustee Wolf made a motion to appoint Jarrod Bernstein to the position of Village Prosecutor. The motion was seconded by Trustee Connolly, and on call it was approved according to the following action:

Motion: Trustee Wolf

Seconded: Trustee Connolly

In Favor: Trustee Wolf, Trustee Zaccaro, Trustee Chefetz, Trustee Connolly

Against: None

ADOPTED UPDATED PROCUREMENT POLICY

Administrator Posillico reported that the State representatives who are overseeing the Village's lead of the Fire Island Reconstruction Zone under New York Rising have recommended amendments to the Village's procurement policy that are more consistent with HUD protocols and therefore removing that potential obstacle for reimbursement. Trustee Zaccaro recommended an additional change to attempt email verification of verbal quotes, which is included in the revised policy. After discussion, Trustee Chefetz made a motion to adopt the Village Procurement Policy as follows:

INCORPORATED VILLAGE OF SALTAIRE RESOLUTION OF THE BOARD OF TRUSTEES ADOPTING THE VILLAGE PROCUREMENT POLICY

WHEREAS, General Municipal Law 104-b requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and

WHEREAS the Village of Saltaire had previously adopted a procurement policy for the Village, which is reviewed annually, it is therefore;

RESOLVED, that the Village of Saltaire does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

PROCUREMENT POLICY FOR THE VILLAGE OF SALTAIRE

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once that determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to General Municipal Law §103: purchase contracts under \$20,000 and public works contracts under \$35,000; emergency purchases; certain municipal hospital purchases; goods purchased from agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and county contracts; and surplus and second-hand purchases from another governmental entity.

2. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations (whenever practical to be followed by email or other written form of confirmation), or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contracts over \$20,000 and public works contracts over \$35,000; goods purchased from agencies for the blind or severely handicapped pursuant to State Finance Law 175-b ; goods purchased from correctional institutions pursuant to Correction Law 186; purchases under State contracts pursuant to General Municipal Law 104; purchases under county contracts pursuant to General Municipal Law 103(3); or purchases pursuant to subdivision 6 of this policy.

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

Estimated Amount of Purchase Contract

Method

\$1,500 - \$7,499	2 verbal quotes
\$7,500 - \$19,999	3 written/fax quotes or written request for proposals

Estimated Amount of Public Works Contract	Method
\$1,500 - \$7,499	2 verbal quotes
\$7,500 - \$12,499	2 written/fax quotations
\$12,500 - \$34,999	3 written/fax quotes or written request for proposals

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.

5. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offeror. This documentation will include an explanation of how the award will achieve savings or how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.

6. Pursuant to General Municipal Law 104-b(2)(f), the procurement policy may contain circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality. In the following circumstances it may not be in the best interests of Village of Saltaire to solicit quotations or document the basis for not accepting the lowest proposal:

a. Professional services or services requiring special or technical skill, training or expertise. The individual or company must be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and the nature of these services are such that they do not readily lend themselves to competitive procurement procedures. The Village Administrator, at his discretion, may appoint a Selection Team to assist him or her in recommending for approval by the Board of Trustees a firm to provide Professional Services to the Village, whether or not pursuant to a formalized Request for Proposals process for those Services.

In determining whether a service fits into this category the Purchaser shall take into consideration the following guidelines: (a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individual and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer or architect engaged to prepare plans, maps and estimates; services of a state licensed trade with special knowledge or training, securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packaged software.

b. Emergency purchases pursuant to Section 103(4) of the General Municipal Law. Do to the nature of this exception, these goods or services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if time permits.

c. Purchases of surplus and second-hand goods from any source or goods purchased at auction. If alternate proposals are required, the Village of Saltaire is precluded from purchasing surplus and second-hand goods at auctions or through specific advertised sources where the best prices are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

d. Goods or services under \$1,500. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

e. Service contracts entered into through the New York State Office of General Services. In these instances, the State has already investigated and secured the lowest possible price for the municipality.

7. Conflict of Interest Avoidance: No employee, officer or agent of the Village of Saltaire shall participate directly or indirectly in the selection or in the award or administration of any contract if a conflict, real or apparent, would be involved. Such conflict would arise when a financial or other interest in a firm selected for award is held by:

1. An employee, officer or agent involved in making the award;
2. His/her relative including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepsister, half-brother, or sister;
3. His/her partner; or
4. An organization which employs, is negotiating to employ, or has an arrangement concerning prospective employment of any of the above.

8. Avoidance of unnecessary or duplicative purchase: The director or supervisor of each department or agency of the Village of Saltaire responsible for procurement of services, supplies, equipment, or construction obtained with Federal, State or Local funds shall review all proposed procurement actions to avoid the purchase of unnecessary or duplicative items. Such reviews shall consider consolidation or breaking out to obtain a more economical purchase or lease versus purchase alternatives. When determined appropriate by the director or supervisor, an analysis to determine which approach would be the most economical to be undertaken.

9. Protest Procedures: Any actual or prospective contractor may protest the solicitation or award of a contract for serious violations of the principles of this Statement. Any protest against solicitations must be received before the due date for receipt of bids or proposals, and any protest against the award of a contract must be received within ten calendar days after contract award, or the protest will not be considered. All bid protests shall be in writing, submitted to the Village Administrator, who may, at his/her discretion, suspend the procurement pending resolution of the protest, if warranted by the facts presented.

10. This policy shall go into effect upon adoption, will be reviewed annually, and will remain in effect until otherwise modified and adopted.

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

Motion: Trustee Chefetz

Seconded: Trustee Connolly

In Favor: Trustee Wolf, Trustee Zaccaro, Trustee Chefetz, Trustee Connolly

Against: None

APPROVAL OF POSTAL CONTRACT

Administrator Posillico reported that the US Postal Service has submitted an updated contract for Post Office services to reflect changes in their standard policies and procedures. Trustee Zaccaro suggested that the contract include explicit language for seasonal operation so that is clear as opposed to being implied. After discussion, Trustee Wolf made a motion to authorize Administrator Posillico to execute the Post Office contract as presented and modified as suggested. The motion was seconded by Trustee Connolly, and the motion was carried according to the following:

Motion: Trustee Wolf

Seconded: Trustee Connolly

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz, Trustee Connolly

Against: Trustee Zaccaro

PRESENTATION OF 2015/16 TENTATIVE BUDGET

The Village Administrator presented the 2015/2016 Tentative Budget to the Board of Trustees. He provided a brief overview of his projections for the remainder of the 2014/15 fiscal year, including the impacts of Hurricane Sandy restoration, 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 2015/16 budget in more detail at a public hearing still to be scheduled.

ADJOURN INTO EXECUTIVE SESSION

After the Board received and responded to questions from those in attendance, Trustee Wolf made a motion at 7:55 p.m. that the Board adjourn into Executive Session to discuss litigation strategy, contract and personnel issues. The motion was seconded by Trustee Chefetz, and on call it was approved according to the following action:

Motion: Trustee Wolf

Seconded: Trustee Chefetz

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz and Trustee Connolly

Against: None

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Wolf made a motion to re-adjourn into public session at 8:35 p.m. The motion was seconded by Trustee Chefetz, and on call it was approved according to the following action:

Motion: Trustee Wolf

Seconded: Trustee Chefetz

In Favor: Trustee Zaccaro, Trustee Chefetz, Trustee Wolf, Trustee Connolly

Against: None

The public meeting was called back into session by Mayor Cox at 8:35 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
Ann Connolly, Trustee
Mario Posillico, Administrator & Clerk
Donna Lyudmer, Village Treasurer
And 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 Connolly made a motion at 8:40 pm to close the meeting and to hold the next Board of Trustees meetings at 825 Third Avenue (At 50th Street), 6th Floor at 6:00 pm on March 11, 2015 for the purpose of conducting routine business but primarily to conduct a budget workshop to work in detail on the budget, and then at 401 Seventh Ave, New York, at 6:00 p.m. on April 1, 2015 for Public Hearings on Local Laws and the Presentation of the 2015/16 Budget followed by a Board of Trustee Meeting. The motion was seconded by Trustee Wolf, and the motion was carried according to the following action:

Motion: Trustee Connolly

Seconded: Trustee Wolf

In Favor: Trustee Zaccaro, Trustee Chefetz, Trustee Wolf, Trustee Connolly

Against: None