

MINUTES OF THE PUBLIC HEARING ON LOCAL LAW # 6 OF 2013 AND THE BOARD OF TRUSTEES MEETING HELD ON OCTOBER 6, 2013 AT 103 BROADWAY, SALTAIRE, NEW YORK.

Mayor Cox called the Board of Trustees meeting to order at 10:05 a.m. and the following were in attendance:

Robert Lynn Cox III, Mayor
John A. Zaccaro Jr, Trustee
Frank Wolf, Trustee
Alexander K. Chefetz, Trustee
Ann Connolly, Trustee
Mario Posillico, Administrator & Clerk
Donna Lyudmer, Treasurer
Dennis Foley, Security Chief
Joseph Prokop, Village Attorney
Joseph Harry Baker, Counselor to the Board
And approximately 50 other attendees

PLEDGE OF ALLEGIANCE

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

PUBLIC HEARING FOR PROPOSED MODIFICATIONS TO CHAPTER 55 OF THE VILLAGE CODE

Mayor Cox opened the Public hearing and reported that although proper notice had been published for a public hearing for consideration of a local law to modify various sections of Chapter 55 (Zoning) of the Village Code, since revisions were still being made to the code, particularly attempting to deal with height and ramp issues for homes that will be elevated to the required two feet above FEMA level, the revised code was not ready for adoption at the October 6th meeting. The latest version had been distributed and was on the Village website. After all had a chance to be heard, and there being no other comments, Mayor Cox closed the discussion. Trustee Wolf made a motion to adjourn the Public Hearing to consider modifications to Chapter 55. 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 Zaccaro, Trustee Wolf, Trustee Chefetz and Trustee Connolly

Against: None

APPROVAL OF MINUTES

Draft copies of the minutes of the meetings of August 31, 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 Zaccaro made a motion to adopt the minutes as presented. The motion was seconded by Trustee Connolly, and the motion was carried according to the following vote:

Motion: Trustee Zaccaro

Seconded: Trustee Connolly

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

Against: None

ABSTRACT AUDIT

Mayor Cox stated that the following Abstracts, 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. 4A in the amount of	\$95,113.22
Capital Checking No. 5A in the amount of	\$149,623.50

After discussion and opportunity for questions, Trustee Chefetz pointed out that there was a duplicate payment made on Check #7469 in the General Checking Abstract, which was corroborated by Treasure Lyudmer as a mistake. All other vouchers were approved, so Trustee Wolf made a motion that General Checking Abstract 4A be approved as presented with the exception of check number 7469 which will be voided, and that the Mayor be authorized to execute the warrants. 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 and Trustee Connolly

Against: None

After discussion and opportunity for questions, Trustee Zaccaro made a motion that Capital Checking Abstract 5A 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 and Trustee Connolly

Against: None

VILLAGE MARKET

Mayor Cox stated that the Board has been attempting since Sandy to work out an amicable resolution with the Whitney family over the current disposition of the Saltaire Market property. He stated that the most recent attempts resulted in a meeting on September 20th at which Trustee Zaccaro was present, with subsequent follow-up communications. Trustee Zaccaro stated that the meeting was conducted pursuant to a confidentiality agreement signed by all parties, and therefore he could not provide any specifics to the discussions other than that they centered on the possibility of movement toward either an approved renovation, a private sale, or a negotiated sale with the Village. He stated that he did advise the Whitney's that Mayor Cox indicated a willingness to wait until the October 6th Board meeting to proceed with the notice and filing of the Eminent Domain action, which was authorized at the August 31 meeting, in order to provide time to see if an alternate resolution was forthcoming. Trustee Zaccaro stated that as of October 6th an acceptable application had not be resubmitted to the Building Inspector, nor were the parties anywhere close to a settlement agreement for a negotiated purchase. Mayor Cox opened the discussion first to Board members. Trustee Wolf stated that he felt that the Village has exhausted all avenues for an amicable solution, and encouraged Mayor Cox to proceed with all dispatch to acquire the property through Eminent Domain. Discussions ensued amongst the members of the Board and those in attendance, and after all having a chance to be heard, Mayor Cox closed the discussion and said he would take the issue of acquisition through Eminent Domain under advisement.

VERIZON UPDATE

Mayor Cox stated that thanks to the outrage voiced by Village residents and others, Verizon backed off its request before the Public Service Commission to abandon hard-wired phone service on Fire Island. They have now offered the installation of a fiber network as an alternative solution to the copper wire system that was in place prior to the storm. Mayor Cox stated that this was a positive move in the right direction but that he also remains cautious until the Verizon reveals its full plan. They have reported that they will offer phone and data services over the fiber network under a premium plan that is equivalent to the cost of those services on the mainland of Long Island. The system will have the capacity to provide television service as well, but it is unclear when or if they plan to offer that service as there are separate licensing restrictions that are at play. He stated that the Board will remain fully engaged and will keep the residents updated as the situation develops.

FIMP UPDATE

Mayor Cox reported 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 both New York State and Suffolk County are actively engaged and have committed to sign onto the project as the required non-federal and local project partners, respectively. The ACE is planning for implementation of the Fire Island emergency stabilization project in advance of the other more complicated components of the FIMP that will be implemented on the mainland of Long Island. He stated that this strategy might allow for the possibility that beach replenishment can commence later in this upcoming off-season, but also that there are still many hurdles to overcome.

He stated that some existing houses are currently south of the proposed dune alignment, and those situations will have to be resolved through buy-outs or relocations. The majority of those properties are in the eastern communities. For the rest of the oceanfront, easements will be required for all properties on which any sand will be placed - generally the front row of homes on the ocean. He stated that once the specific language is received and reviewed, the Village will meet with all impacted Saltaire property so that they are informed and prepared well in advance of when the schedule allows for execution of the easement documents.

APPROVAL OF FIRE COMPANY CONTRACT

Trustee Wolf reported that Village and the Fire Company were in the automatic six month extension period of their contract, which will end October 31, 2013. He stated that he and Fire Company president Catherine O'Brien have been working on the language modifications for a new two-year contract, the latest version of which has been presented to the Board and has been agreed to in principle by the Fire Company. He further stated that the basic terms of the current agreement remain in place. After discussion, and all having a chance to be heard, Trustee Wolf made a motion to authorize Mayor Cox to execute the proposed agreement with the Saltaire Fire Company as presented and subject to any further language modification that he deems necessary. 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 and Trustee Connolly

Against: None

SURPLUS EQUIPMENT

Administrator Posillico reported that due to storm related damage from Hurricane Sandy, there were various tools and equipment that have been deemed irreparable, or have otherwise since become surplus to the Village needs.

Trustee Zaccaro made a motion to adopt the following resolution:

WHEREAS, the Village of Saltaire owns and is in possession of the following equipment:

- One 1992 Kawasaki Mule
- One Set of Four 16.5 Inch Aluminum Rims
- Eleven Gamewell Fire Alarm Boxes
- One Sweepster Model HB 60
- One six unit Motorola Saber Charger with Radios
- One Single Motorola Radius P1225 Radio
- One Case Steer Loader Back Hoe Attachment

WHEREAS, the aforementioned equipment is surplus to the Village municipal needs and the Village is desirous of selling such property that is surplus to its needs,

NOW, THEREFORE, BE IT RESOLVED that the Village hereby declares the aforementioned equipment no longer of use to the Village for municipal purposes and declared as surplus to the Village municipal needs, and it is further;

RESOLVED that the Village Administrator is authorized to sell the surplus equipment utilizing any reasonable method to realize the fair market value for the property, or to dispose of it if unsold.

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

Motion: Trustee Zaccaro

Seconded: Trustee Connolly

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz and 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 12:10 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 1:33 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 Wolf, Trustee Chefetz and Trustee Connolly

Against: None

The public meeting was called back into session by Mayor Cox at 12:51 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
Alexander K. Chefetz, Trustee
Ann Connolly, Trustee
Mario Posillico, Administrator & Clerk
Joseph Prokop, Village Attorney
And 0 other attendees

AUTHORIZATON FOR APPRAISALS

Mayor Cox reported that there is a good chance that the Village will need certified real estate value appraisals for the Eminent Domain procedure for 100 Broadway, and for a potential house relocation onto 307 Pacific Walk as a result of the FIMP project. After discussion, Trustee Connolly made a motion to authorize the Village Administrator to procure appraisal of values for 100 Broadway and 307 Pacific from licensed real estate appraisers. 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: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz and Trustee Connolly

Against: None

AUTHORIZATION TO RETAIN ATTORNEYS

Trustee Connolly made a motion to ratify Mayor Cox's retention of the law firm of Hamburger, Maxson, Yaffe, Knauer & McNally, LLP to represent the Village, its officers and employees in the Article 78 proceeding filed by the owner of 100 Broadway. The motion was seconded by Trustee Chefetz and on call it was approved according to the following action:

Motion: Trustee Connolly

Seconded: Trustee Chefetz

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

Against: None

Trustee Wolf made a motion to authorize Mayor Cox to retain Mark Cuthbertson, Esq. to represent the Village, its officers and employees regarding the Eminent Domain action involving 100 Broadway. The motion was seconded by Trustee Zaccaro and on call it was approved according to the following action:

Motion: Trustee Wolf

Seconded: Trustee Zaccaro

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

Against: None

NEXT BOARD MEETING & CLOSE OF MEETING

After all having had a chance to be heard, and there being no further business before the Board, Trustee Connolly made a motion at 1:45 pm to close the meeting and to hold a Board of Trustees meeting 10:00 a.m. on November 17, 2013 located in the Village of Saltaire at either 103 or 105 Broadway. The motion was seconded by Trustee Chefetz and on call it was approved according to the following action:

Motion: Trustee Connolly

Seconded: Trustee Chefetz

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

Against: None