

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON JANUARY 23, 2014 AT 401 SEVENTH AVENUE, LOWER LOBBY, 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
Alexander K. Chefetz, Trustee
Frank Wolf, Trustee
Ann Connolly, Trustee
Mario Posillico, Administrator & Clerk
Donna Lyudmer, Village Treasurer
Joseph Prokop, Village Attorney
Dennis Foley, Chief of Security
And approximately 60 other attendees

and the following were in attendance at the Saltaire location

Video Operator
And 3 other attendees

and approximately 60 observed through internet audio/video 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 December 14, 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 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, 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:

Capital Checking No. 8A in the amount of \$413,715.00

After discussion and opportunity for questions, Trustee Chefetz made a motion that General Checking Abstract 8A be approved as presented 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 Chefetz

Seconded: Trustee Connolly

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. 8A in the amount of \$131,950.81

After discussion and opportunity for questions, Trustee Wolf made a motion that General Checking Abstract 8A 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, Trustee Connolly

Against: None

VILLAGE MARKET

Mayor Cox provided an overview of the current status of the property located at 100 Broadway, inclusive of the history and status of the owners' attempt to procure a building permit and the Building Inspector's insistence upon the submission of construction documents that sufficiently define the scope and construction details of the work, and verified to be in compliance with all relevant building, fire and health regulations. He also provided a summary of the history leading up to Board's decision to initiate the Eminent Domain proceeding against the property as a last resort to make possible a municipal solution to provide a grocery store in a safe and compliant structure as a result of the failure of a private solution, and the litigation surrounding that proceeding. He also stated that in the owners' most recent posting on their website, that they offered an opportunity to meet with the Village to discuss the issues and seek a resolution. Mayor Cox stated that he welcomed that opportunity and looked forward to arranging a meeting with the owners and their consultants at their earliest convenience. Mayor Cox then opened the floor for discussion first to those in attendance and then to the members of the Board. After all having a chance to be heard, Mayor Cox closed the discussion and moved onto the remainder of the agenda.

AUTHORIZATION FOR PUBLIC HEARING TO CONSIDER REVISIONS TO CHAPTER 55

Mayor Cox stated that the ad-hoc committee that Trustees Wolf and Zaccaro convened to finalize the comprehensive modifications to Chapter 55 (which regulates zoning in the Village) reached consensus on the remaining issues primarily relating to the zoning impacts of the elevation of structures to FEMA and NYS required levels. Trustee Zaccaro provided a brief overview of the agreed-upon concepts, and stated that the language was being drafted to reflect that consensus view, and should be shortly ready for distribution and discussion at a public hearing. 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 Zaccaro, and the motion was carried according to the following:

Motion: Trustee Wolf

Seconded: Trustee Zaccaro

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 2014/15 fiscal year, and 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 Zaccaro 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 Trustees meeting. 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, Trustee Connolly

Against: None

RENTAL OF 104B NEPTUNE WALK FOR THE 2014 SUMMER SEASON

Trustee Connolly made a motion to allocate 104B Neptune for rental purposes for the 2014 summer, and to authorize the Village Administrator to accept the offer of rental of 104B Neptune from May 15, 2014 to September 15, 2014 for what in his discretion is the best available price, and for the 2014-15 off-season as the real estate market dictates, and to enter into a lease agreements as necessary. The motion was seconded by Trustee Zaccaro, and the motion was carried according to the following:

Motion: Trustee Connolly

Seconded: Trustee Zaccaro

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

Against: None

FIRE ALARM SYSTEM

Mayor Cox reported that the Fire Company had modified its position regarding the Board's expressed desire to, 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. Trustee Wolf stated that the Fire Company has no objection if the Village wants to switch from a Fire Horn to a Fire Siren, which might alleviate a great part of the nighttime disturbance. That was confirmed by 1st Assistant Chief McDonald, although he did reiterate the Fire Company's recommendation to always have an audible alarm of some sort for all fire and rescue calls regardless of the season. After discussion, the Mayor asked

Trustee Wolf to continue to work 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.

ADDITION TO THE RECRATION PROGRAM

Trustee Zaccaro stated that many residents have expressed to him their desire to have special nighttime activities for young families for the July 4th holiday. He stated that many that have donated to the fireworks celebration fund would actually prefer the fireworks show to be on July 4th instead of August 2nd as the Board decided, and therefor would appreciate something being coordinated for families and young children at night for the Independence holiday. After discussion, it was agreed to include such an outdoor evening beach activity on the Recreation schedule, perhaps one that includes a fire and food in celebration of the holiday, and for the Village to coordinate with the recreation directors and the Fire Company for the event. The Village Administrator stated that he would coordinate the planning of the event.

AUTHORIZATION TO PURCHASE NEW MAINTENANCE VEHICLE

Mayor Cox stated that the Village has received from FEMA an obligation of approximately \$100,000 for repayment of the post-construction monitoring for the 2008 beach replenishment project; and that the Village had postponed in the previous budget cycle due to lack of funds the purchase of a replacement for the 1999 Dodge pick-up truck that is beyond reasonable repair. After discussion, Trustee Zaccaro made a motion to authorize the Village Administrator to solicit public bids pursuant to the Village's procurement policies, and upon conclusion of that process to purchase from the lowest responsible bidder a pick-up truck with dump body and plow attachment based upon specifications developed in consultation with the Maintenance Foreman and Equipment Manager, for a total price not to exceed \$42,500.00. The motion was seconded by Trustee Wolf, and on call was approved according to the following vote.

Motion: Trustee Zaccaro

Seconded: Trustee Wolf

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

Against: None

AUTHORIZATION TO PURCHASE DISCOUNT FERRY TICKETS

Trustee Wolf made a motion to authorize the purchase of 900 discount ferry tickets according to the terms of the contract with Fire Island Ferries, for re-sale and distribution to the residents of the Village. Trustee Chefetz seconded the motion, and on call it was carried pursuant to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Chefetz

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

Against: None

ADJOURN INTO EXECUTIVE SESSION

After the Board received and responded to questions from those in attendance, Trustee Connolly made a motion at 8:50 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 Connolly

Seconded: Trustee Zaccaro

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

Against: None

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Connolly made a motion to re-adjourn into public session at 9:53 p.m. 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 Wolf, Trustee Chefetz, Trustee Connolly

Against: None

The public meeting was called back into session by Mayor Cox at 9:53 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
Joseph Prokop, Village Attorney
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 10:00 pm to close the meeting and to hold a Board of Trustees meeting on February 27, 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 Zaccaro, and the motion was carried according to the following action:

Motion: Trustee Connolly

Seconded: Trustee Zaccaro

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

Against: None