

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON OCTOBER 6, 2012 AT 105 BROADWAY, SALTAIRE, NEW YORK.

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

Robert Lynn Cox III, Mayor  
John A. Zaccaro Jr, Trustee  
Alexander K. Chefetz, Trustee  
Hugh A. O'Brien, Trustee  
Frank Wolf, Trustee  
Joseph Harry Baker, Counselor to the Board  
Mario Posillico, Administrator & Clerk  
Donna Lyudmer, Treasurer  
Joseph Prokop, Village Attorney  
Dennis Foley, Chief of Security  
And approximately 40 other attendees

PLEDGE OF ALLEGIANCE

Mayor Cox led the Board and all attendees in the Pledge of Allegiance.

APPROVAL OF MINUTES

Draft copies of the minutes of the meeting of September 1, 2012, 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 O'Brien and on call without objection was unanimously approved.

ABSTRACT AUDIT

Mayor Cox stated that the following Abstracts were presented for approval by the Village Administrator and the Village Treasurer:

General Checking No. 4A in the amount of	\$589.26
General Checking No. 5A in the amount of	\$212,967.97
Capital Checking No. 5A in the amount of	\$2,143.80

After discussion and opportunity for questions, Trustee Zaccaro made a motion that General Checking Abstracts 4A and 5A be approved as presented and that the Mayor be authorized to execute the warrants. Trustee O'Brien seconded the motion and on call without objection it was unanimously approved.

After further 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. Trustee Wolf seconded the motion and on call without objection it was unanimously approved.

#### POTENTIAL AGREEMENT WITH SUFFOLK COUNTY WATER AUTHORITY

Mayor Cox reported that after more than a year of discussion and negotiation with the Suffolk County Water Authority (SCWA) on the cooperative project to install a new water main under Lighthouse Promenade and rebuild the walkway, the SCWA Board officially voted against the project, despite its being endorsed by the Chief Operating Officer. Mayor Cox reported that the project came in over the original budget due to high mobilization and barging costs associated with doing work on Fire Island, which may have been a factor in their decision. He stated that the Board will now analyze the feasibility of proceeding alone on the project for the 2013/14 off-season, and will periodically reach out to SCWA to see if their position changes over time. He further stated that in the meantime, the Board will patch and repair the worst slabs along Lighthouse as necessary.

#### APPLICATION FOR CHANGE OF ZONE

Mayor Cox reported that the Town of Islip and the Village have made progress on finalizing the draft language of potential covenants and restrictions that would be filed along with the proposed change of the Saltaire ferry terminal in Bay Shore from a Business 1 to Business 3 zone. He also stated that the issue of a drainage mitigation plan for Maple Avenue, and the Village's participation in the cost of the mitigation, are still unresolved and are pending further discussion and review.

#### ZONING REVIEW

Mayor Cox stated that the Board continues its review of the Village's zoning ordinance to make sure that it remains relevant in light of the current building environment. Trustee O'Brien, who has been assigned the lead on the task, provided an overview of two of the items that are currently under review. One is the Village's structural height limit, currently set at a maximum of twenty-three feet from the finished first floor to the peak of the roof. He stated that with the current trend to maximum building volume, there has been a greater tendency toward boxier, flat roofed structures, so the Board is considering modifications that would allow increased height in exchange for reduced building volume. The other issue is somewhat related as it has to do with maximum enclosed space area, and how that is apportioned between different levels within the structure. The proposed modification would allow for more area on the first floor provided the building is within the existing setback requirements, in consideration of reduced area on the higher floor. Mayor Cox stated that the Board will request that the Architectural Review Committee review the proposed concepts and modifications, and provide an opinion on the potential positive and negative impacts on the character of the Village.

#### FIRE ALARM HORN

Trustee Wolf stated that he has had discussions with the Saltaire Fire Company regarding the modification of the audible fire and rescue alarm horn during the summer months with the hopes of maintaining adequate notification to the members of the Fire Company while at the same time mitigating the disturbance to the community at large. He stated that based on the Fire Company's position, he offered the following proposal for consideration by the Board: that the fire alarm retain its current horn sound so as to distinguish it from Fair Harbor's and Kismet's sirens, and

that for the summer season (Memorial Day to Labor Day) the number of blasts be reduced to one set of four blasts for medical calls, regardless of the time of day; and that for fire calls, it would remain at two sets of five blasts. Discussion ensued about the advantages and disadvantages of this summer modification, including the additional cost to modify the pager system to accommodate that change. After everyone had a chance to be heard, Trustee Wolf agreed to table the proposal pending further investigation of the cost implications and to address the concerns raised by Trustee Zaccaro and others that the reduction being proposed did not adequately resolve the nighttime disturbance issue, and that residents have become dismissive of the alarm horn because of its frequent use.

#### PEACE OFFICER INVESTIGATION

Mayor Cox reported that the Village Attorney continues to investigate the legal implications of stricter code enforcement of the Village's vehicle and traffic code that would be associated with creating peace-officer positions for one or two key staff in the Security Department. One of the key factors in determining the enforcement authority for vehicle code violations within the Village is the status of the Village walkways as public roads. The Village Attorney stated that he is researching past legal cases regarding that status, and will report back to the Board when completed.

#### FIRE COMPANY TRAINING – INDEMNIFICATION AGREEMENT

Mayor Cox reported that a resident of the Village, who has decided to demolish his house, has offered the building to the Fire Company for a training exercise prior to demolition. As a condition of the offer, the homeowner requested that he be indemnified against any personal injuries sustained by any persons during the course, or as a result, of such training. An indemnification agreement had been drawn up by the Village Attorney and was before the Board. Trustee Zaccaro stated he was in favor of the drill, but thought it was premature to have the drill until all the utilities were disconnected, the oil tank removed and the residents given proper notice. After discussion, Trustee Wolf made a motion to authorize the Village Administrator to execute the indemnification agreement, and to authorize the Saltaire Fire Chief to conduct training exercises for his Company and its mutual aid partners at his discretion based on the condition of the site and building at the time of the exercise. The motion was seconded by Trustee Chefetz, and on call the motion was carried according to the following vote:

Mayor Cox	Yea
Trustee Wolf	Yea
Trustee Chefetz	Yea
Trustee Zaccaro	Nay
Trustee O'Brien	Abstain

Trustee O'Brien stated that he recused himself due to his membership in the Fire Company, and anticipated participation in the exercise.

#### ACCEPTANCE OF BID FOR BOARDWALK FOUNDATION

Mayor Cox reported that the Village will commence reconstruction of Pacific Walk on the remaining older sections on October 15, with completion planned before the 2013 summer season. The Village Administrator reported that he conducted a public bid process soliciting contracts for

the foundation understructure for the approximately 1,250-foot section of Pacific Walk. Relating to that process Trustee Chefetz made the following motion:

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 AWARDING 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 ore 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.

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

Trustee Wolf then made a motion to adopt the following resolution:

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 installing piles and girders for boardwalk construction, and

Whereas sealed bids were publicly opened at 11:00 a.m. EST on August 4, 2012, and Kahler Contracting 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 Kahler Construction as the certified low bidder for the installation of piles and girders for boardwalk construction and to notify Kahler Construction 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 Kahler Construction for the installation of piles and girders for boardwalk construction according to the plans and specifications of the bid documents.

The motion was seconded by Trustee Chefetz, and on call without objection, the motion was unanimously so approved.

#### TRUSTEE REPORTS

Each Trustee provided a report on his area of responsibility.

#### APPLICATION FOR A FIREWORK DISPLAY PERMIT

Trustee Zaccaro reported that he believes there to be enough community support to privately fund a fireworks show for either the SCAA Music and Arts picnic or the Fire Company's July 4<sup>th</sup> parade in the summer of 2013. The Village Administrator reported that such a fireworks display on navigatable waters will require a federal permit from the US Coast Guard. After discussion, Trustee Zaccaro made a motion to authorize the Village Administrator to make all necessary applications to obtain all necessary permits to host a fireworks display on the Saltaire bay front.

The motion was seconded by Trustee Wolf, and on call without objection the motion was unanimously so approved.

#### VILLAGE PROCLAMATION

The Village Administrator reported that Ed Mooney has announced his retirement from Fire Island Ferries, with ownership and management to remain completely intact. Mayor Cox instructed the Village Administrator to issue to Mr. Mooney an appropriate Proclamation of Thanks for providing decades of safe and reliable ferry service to the Village of Saltaire. The Board concurred that such a Proclamation should be conveyed.

#### ADJOURN INTO EXECUTIVE SESSION

After the Board received and responded to questions from those in attendance, and all having a chance to be heard, Trustee Chefetz 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 12:42 p.m.

#### RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Zaccaro made a motion to re-adjourn into public session at 2:08 p.m. The motion was seconded by Trustee O'Brien, and on call without objection was unanimously so approved. The public meeting was called back into session by Mayor Cox at 2:08 p.m. and the following were in attendance:

Robert Lynn Cox III, Mayor  
John A. Zaccaro Jr, Trustee  
Alexander K. Chefetz, Trustee  
Hugh A. O'Brien, Trustee  
Frank Wolf, Trustee  
Joe Prokop, Village Attorney  
Mario Posillico, Administrator & Clerk  
And 3 other attendees

#### ASSIGNMENT OF VILLAGE HOUSING

Trustee Zaccaro made the following motion:

WHEREAS, the Village of Saltaire is located on Fire Island, a barrier island which is geographically separated from the mainland of Long Island and to which vehicle access is severely limited by federal and local regulations, and to which ferry service is severely limited or nonexistent between the months of September through May each year; and,

WHEREAS, the Village of Saltaire is primarily a summer community, consisting mostly of residents whose homes are not winterized and are closed up for most of the calendar year, and of only a small number of residents who reside in the Village on a year-round basis; and

WHEREAS, the Board of Trustees has determined that it is necessary to require certain key employees to reside in the Village or to continue to reside in the Village as previously

required by prior Boards in order to provide a necessary or desired level of service to both the summer and year-round community, to oversee and maintain the public infrastructure, and to guard and protect private and public property on a continuing basis;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees does hereby require the following employee as a condition or continuing condition of employment to reside or to continue to reside in the Village of Saltaire, allowing for short periods of lapses in residency for personal reasons upon notification of supervisor, for the duration of his employment whether seasonal or annual, or until such time that employment ends or a determination is made by the Board of Trustees by separate resolution that residency is no longer required for the employee, and designates and offers the following Village property for occupancy by the specified employee shown, and his family if applicable, in order to fulfill such requirement of residency, according to the terms of the housing license required to be executed by the employee and filed with the Village Clerk:

Matthew Nelson

Seasonal

106 Neptune

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

#### 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 O'Brien made a motion to close the meeting, with the next meeting to be held on November 17, 2012, at 9:00 a.m. at 103 or 105 Broadway, Saltaire, New York. The motion was seconded by Trustee Chefetz, and on call without objection it was unanimously so approved to close the meeting at 2:15 p.m.