

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON OCTOBER 17, 2015 AT 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 10:15 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
Hugh O'Brien, Trustee
Mario Posillico, Administrator & Clerk
Donna Lyudmer, Village Treasurer
And approximately 15 other attendees
And 10 observed through internet audio/video connection.

PLEDGE OF ALLEGIANCE

Mayor Cox led those in attendance in the Pledge of Allegiance to the United States of America.

APPROVAL OF MINUTES

Draft copies of the minutes of the meetings of September 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 O'Brien, and the motion was carried according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee O'Brien

In Favor: Trustee Zaccaro, Trustee Chefetz, Trustee Wolf, Trustee O'Brien

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. 4B in the amount of \$252,085.50

After discussion and opportunity for questions, Trustee Zaccaro 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 O'Brien, and the motion was carried according to the following:

Motion: Trustee Zaccaro

Seconded: Trustee O'Brien

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz, Trustee O'Brien

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 Fund Checking No. 4B in the amount of \$31,308.03

After discussion and opportunity for questions, Trustee Zaccaro 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 Zaccaro

Seconded: Trustee Chefetz

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz, Trustee O'Brien

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 Fund Checking No. 5A in the amount of \$126,846.97

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

Motion: Trustee Chefetz

Seconded: Trustee O'Brien

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz, Trustee O'Brien

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. 5A in the amount of \$426,979.20

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

Motion: Trustee Chefetz

Seconded: Trustee Wolf

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz, Trustee O'Brien

Against: None

STATUS – SALTAIRE MARKET REDEVELOPMENT

Administrator Posillico gave a brief overview of the status of the construction schedule of the proposed Saltaire Market at 100 Broadway. He stated that the sanitary system and the foundation would be complete by the end of October, and that the modular units were slated to be installed on the foundation starting November 9th. He stated that the modular units were complete and awaiting delivery, which was scheduled for arrival in Bay Shore from October 21 through October 23. Administrator Posillico stated that this schedule was approximately 2 weeks behind what was originally anticipated, but still within the buffer built into the schedule which will allow the building to be delivered to the concessionaire by March 15, 2016 as long as all of the building trades of General Construction, Mechanical, Electrical and Plumbing could be awarded and mobilized before the building is set and closed-in.

Administrator Posillico then gave a summary of the bid results of those four trades that were opened publically on October 15, 2015. He reported that he did not receive any plumbing bid, and that it would be necessary to re-advertise for that trade for a bid opening in mid-November. He reported that he received 5 electrical bids, with the lowest three all very close to each other and the lowest bid from Commander Electric at \$374,374. He reported that he received one mechanical bid from Certified Climate Control at \$164,800. He reported that he received one general construction bid from LoDuca Construction, for a bid of \$876,293 for the building finish work, and for \$397,490 for the construction of the Plaza decking. Administrator Posillico stated that with the bid values for the trades received and anticipated for plumbing, all of the anticipated cost-savings hoped for with a modular construction would not be realized. He also stated that there might be an opportunity to realize some cost savings on the bids received either through direct negotiation with the low and/or sole bidders, some value engineering, and/or possibly rebidding one or more of the phases of the work. Discussion ensued about the bid-cost of each phase of the project and potential rebidding of work, and their impact on the overall budget and schedule for the project. After all having a chance to be heard, Mayor Cox stated that the Board would continue discussion of bid awards later in the meeting.

FIMI UPDATE

Mayor Cox reported that thanks to the persistence of the Village, advocacy from a number of political sources, and partly good fortune, the Army Corps of Engineers has been able to incorporate both Kismet and Saltaire as part of the Robert Moses State Park and Fire Island National Seashore beach replenishment project, known as Contract 2. He stated that the project is slated to commence in early November, and that piping and equipment has already mobilized to the area, and that depending upon their as-yet-to-be finalized construction logistics, sand will be placed on Saltaire's beaches anytime from the end of November to mid-January. Mayor Cox stated that regardless of the timing, he is grateful that Saltaire will not have to face one more winter season in a compromised state, and thanked everyone involved who stayed so diligent to make sure this plan came to fruition, even during times over the past few months when the prospects seemed so bleak.

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 2014/15 annual audit of the Village Justice Court 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 O'Brien, and the motion was carried according to the following:

Motion: Trustee Chefetz
Seconded: Trustee O'Brien
In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Connolly
Against: None

APPROVAL OF CONTACT WITH THE SALTAIRE FIRE COMPANY

Administrator Posillico reported that the Fire Company Executives have indicated a willingness to renew the contract with the Village under the same basic terms and conditions of the existing contract except that they request an increase of the annual fee from \$20,000 TO \$22,000 and to increase the term from two to three years. Trustee Wolf stated that he would also recommend that the contract be changed to a calendar year basis to better coordinate with other mutual aid contracts and protection contracts to which both the Village and Fire Company are parties. Chief McDonald, who was in attendance, concurred with all of the recommended changes. After discussion, and all having a chance to be heard, Trustee Zaccaro made a motion to authorize Mayor Cox to execute the service contract with the Saltaire Volunteer Fire Company as presented and with the changes discussed, which included an annual fee increase to \$22,000 and 3 year calendar term. 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 Chefetz, Trustee Wolf
Against: None
Abstain: Trustee O'Brien

APPROVAL OF HEATING REPAIR AND UPGRADE – FIREHOUSE

Administrator Posillico reported that he and Maintenance Foreman Henriksen had meet with a number of vendors, and had consulted engineers, and have developed a repair and upgrade plan for heating system in the Firehouse that would address the building's under-heating problem and also be adaptable in the future for air conditioning. Cost bids for the plan proposed were presented to the Board, with Wright Refrigeration And Air Conditioning having the lowest bid at \$18,000.00. After discussion, and all having a chance to be heard, Trustee Wolf made a motion to authorize Administrator Posillico to approve and execute the contract with the Wright Refrigeration as presented for \$18,000.00. 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 Chefetz, Trustee Wolf
Against: None
Abstain: Trustee O'Brien

ADJOURN INTO EXECUTIVE SESSION

After the Board received and responded to questions from those in attendance, Trustee Zaccaro made a motion at 11:59 a.m. that the Board adjourn into Executive Session to discuss litigation strategy, contract negotiations and personnel issues. The motion was seconded by Trustee Chefetz, and on call it was approved according to the following action:

Motion: Trustee Zaccaro
Seconded: Trustee Chefetz
In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz and Trustee O'Brien
Against: None

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Wolf made a motion to re-adjourn into public session at 12:30 p.m. The motion was seconded by Trustee O'Brien and on call it was approved according to the following action:

Motion: Wolf
Seconded: Trustee O'Brien
In Favor: Trustee Zaccaro, Trustee Chefetz, Trustee Wolf, Trustee O'Brien
Against: None

The public meeting was called back into session by Mayor Cox at 1:06 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
Hugh O'Brien, Trustee
Mario Posillico, Administrator & Clerk
And 0 other attendees

CONSIDERATION OF AWARDING THE ELECTRICAL CONTRACT FOR 100 BROADWAY

Trustee O'Brien moved adoption of the following resolution in anticipation of making a motion to award the Electrical Contract for 100 Broadway:

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 A CONTRACT FOR ELECTRICAL WORK FOR 100 BROADWAY

WHEREAS the Village of Saltaire competitively bid the contracts for electrical work for 100 Broadway, and the Board is considering awarding the contracts and executing the contract for electrical work at 100 Broadway, and

WHEREAS the Board of Trustees has reviewed the contract work and contracts and the completed the short form EAF and accompanying materials with respect to the required SEQRA review with respect to the contracts and the contract work; it is therefore

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with respect to the contracts and contract work for the electrical work for 100 Broadway, and further be it

RESOLVED that the Board of Trustees hereby determines that the contracts and contract work electrical work for 100 Broadway is an Unlisted Action for purposes of SEQRA, and further be it

RESOLVED that the Board of Trustees of the Village of Saltaire hereby determines that the contracts and contract work for the electrical work for 100 Broadway;

- Will not create a material conflict with an adopted land use plan or zoning regulations; and
- Will not result in a change in the use or intensity of the use of land; and
- Will not impair the character or quality of the existing community; and
- Will not have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area; and

- Will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkways; and

- Will not cause an increase in the use of energy or fails to incorporate reasonably available energy a conservation or renewable energy alternatives; and

- Will not impact existing public or private water supplies; and

- Will not impact existing public or private wastewater treatment facilities; and

- Will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources; and

- Will not result in an adverse change to natural resources such as wetlands, water bodies, groundwater, air quality, flora and fauna; and

- Will not result in an increase in the potential for erosion, flooding or drainage problems; and

- Will not create a hazard to environmental resources or human health; and that it is therefore

RESOLVED that a Negative Declaration is hereby adopted for purposes of SEQRA.

Trustee O'Brien then made the further following motion to be added to the resolution:

Whereas the Village of Saltaire solicited bids according to its procurement policy for electrical work for 100 Broadway

Whereas sealed bids were publicly opened at 11:00 a.m. EST on October 15, 2015, and Commander Electric 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 Commander Electric as the certified low bidder for the electrical work for 100 Broadway, for the base bid and all bid alternates, pursuant to the plans and specification and requirements of the bid documents, and to notify Commander Electric 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 Commander Electric for electrical work for 100 Broadway according to the plans and specifications of the bid documents for the lump sum and unit prices specified therein, for the contract amount pursuant to the unit bid amounts multiplied by the actual measured quantities, if any, for the base bid and all bid alternates for a projected total contract amount of \$374,374 plus the cost of any necessary change orders that the Mayor deems necessary and reasonable, 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 or to be authorized in the future.

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

Motion: Trustee O'Brien

Seconded: Trustee Wolf

In Favor: Trustee Chefetz, Trustee Wolf, Trustee O'Brien

Abstain: None

Against: Trustee Zaccaro

CONSIDERATION OF AWARDING THE MECHANICAL CONTRACT FOR 100 BROADWAY

Trustee O'Brien moved adoption of the following resolution in anticipation of making a motion to award the Mechanical Contract for 100 Broadway:

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 A CONTRACT FOR MECHANICAL WORK FOR 100 BROADWAY

WHEREAS the Village of Saltaire competitively bid the contracts for mechanical work for 100 Broadway, and the Board is considering awarding the contracts and executing the contract for mechanical work at 100 Broadway, and

WHEREAS the Board of Trustees has reviewed the contract work and contracts and the completed the short form EAF and accompanying materials with respect to the required SEQRA review with respect to the contracts and the contract work; it is therefore

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with respect to the contracts and contract work for the mechanical work for 100 Broadway, and further be it

RESOLVED that the Board of Trustees hereby determines that the contracts and contract work mechanical work for 100 Broadway is an Unlisted Action for purposes of SEQRA, and further be it

RESOLVED that the Board of Trustees of the Village of Saltaire hereby determines that the contracts and contract work for the mechanical work for 100 Broadway;

Will not create a material conflict with an adopted land use plan or zoning regulations; and
Will not result in a change in the use or intensity of the use of land; and
Will not impair the character or quality of the existing community; and
Will not have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area; and

Will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkways; and

Will not cause an increase in the use of energy or fails to incorporate reasonably available energy a conservation or renewable energy alternatives; and

Will not impact existing public or private water supplies; and

Will not impact existing public or private wastewater treatment facilities; and

Will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources; and

Will not result in an adverse change to natural resources such as wetlands, water bodies, groundwater, air quality, flora and fauna; and

Will not result in an increase in the potential for erosion, flooding or drainage problems; and

Will not create a hazard to environmental resources or human health; and that it is therefore

RESOLVED that a Negative Declaration is hereby adopted for purposes of SEQRA.

Trustee O'Brien then made the further following motion to be added to the resolution:

Whereas the Village of Saltaire solicited bids according to its procurement policy for mechanical work for 100 Broadway

Whereas sealed bids were publicly opened at 11:00 a.m. EST on October 15, 2015, and Certified Climate Control Systems 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 Certified Climate Control Systems as the certified low bidder for the mechanical work for 100 Broadway, for the base bid and all bid alternates, pursuant to the plans and specification and requirements of the bid documents, and to notify Certified Climate Control Systems 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 Certified Climate Control Systems for mechanical work for 100 Broadway according to the plans and specifications of the bid documents for the lump sum and unit prices specified therein, for the contract amount pursuant to the unit bid amounts multiplied by the actual measured quantities, if any, for the base bid and all bid alternates for a projected total contract amount of \$164,800 plus the cost of any necessary change orders that the Mayor deems necessary and reasonable, 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 or to be authorized in the future.

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

Motion: Trustee O'Brien

Seconded: Trustee Wolf

In Favor: Trustee Chefetz, Trustee Wolf, Trustee O'Brien

Abstain: None

Against: Trustee Zaccaro

CONSIDERATION OF AWARDING THE GENERAL CONTRACT FOR 100 BROADWAY

Trustee Zaccaro moved adoption of the following resolution in anticipation of making a motion to reject the General Contract bid for 100 Broadway:

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 A CONTRACT FOR GENERAL CONTRACT WORK FOR 100 BROADWAY

WHEREAS the Village of Saltaire competitively bid the contracts for work for 100 Broadway, and the Board is considering awarding the contracts and executing the contract for general contract work at 100 Broadway, and

WHEREAS the Board of Trustees has reviewed the contract work and contracts and the completed the short form EAF and accompanying materials with respect to the required SEQRA review with respect to the contracts and the contract work; it is therefore

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with respect to the contracts and contract work for the general contract work for 100 Broadway, and further be it

RESOLVED that the Board of Trustees hereby determines that the contracts and contract work general contract work for 100 Broadway is an Unlisted Action for purposes of SEQRA, and further be it

RESOLVED that the Board of Trustees of the Village of Saltaire hereby determines that the contracts and contract work for the general contract work for 100 Broadway;

- Will not create a material conflict with an adopted land use plan or zoning regulations; and
- Will not result in a change in the use or intensity of the use of land; and
- Will not impair the character or quality of the existing community; and
- Will not have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area; and

- Will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkways; and

- Will not cause an increase in the use of energy or fails to incorporate reasonably available energy a conservation or renewable energy alternatives; and

- Will not impact existing public or private water supplies; and

- Will not impact existing public or private wastewater treatment facilities; and

- Will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources; and

- Will not result in an adverse change to natural resources such as wetlands, water bodies, groundwater, air quality, flora and fauna; and

- Will not result in an increase in the potential for erosion, flooding or drainage problems; and

- Will not create a hazard to environmental resources or human health; and that it is therefore

RESOLVED that a Negative Declaration is hereby adopted for purposes of SEQRA.

Trustee Zaccaro then made the further following motion to be added to the resolution:

Whereas the Village of Saltaire solicited bids according to its procurement policy for general contract work for 100 Broadway

Whereas sealed bids were publicly opened at 11:00 a.m. EST on October 15, 2015,

THEREFORE, be it resolved that the Board of the Trustees of the Village of Saltaire hereby authorizes the Village Administrator to reject all bids general contract work for 100 Broadway, and further

Be it resolved that the Board of the Trustees of the Village of Saltaire hereby authorizes the Village Administrator to solicit new bids to be publically opened prior to November 15, 2015 for General Contracting for the building only at 100 Broadway pursuant to the plans and specifications, and further

Be it resolved that the Board of the Trustees of the Village of Saltaire hereby authorizes the Village Administrator to solicit new bids to be publically opened prior to November 15, 2015 for General Contracting for the Plaza Decking, Ramps and Staircases at 100 Broadway pursuant to the plans and specifications, and further,

Be it resolved that the Board of the Trustees of the Village of Saltaire hereby authorizes the Village Administrator to solicit new bids to be publically opened prior to November 15, 2015 for Plumbing at 100 Broadway pursuant to the plans and specifications.

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

Motion: Trustee Zaccaro

Seconded: Trustee Chefetz

In Favor: Trustee Zaccaro, Trustee Chefetz, Trustee Wolf, Trustee O'Brien

Abstain: None

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 Chefetz made a motion at 1:20 p.m. to close the meeting and to hold the next Board of Trustees meeting at 103 or 105 Broadway, Saltaire, NY at 10:15 a.m. on November 14, 2015. 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 Chefetz, Trustee Wolf, Trustee O'Brien

Against: None