

MINUTES OF THE PUBLIC HEARING AND BOARD OF TRUSTEES MEETING HELD ON JANUARY 18, 2016 AT 401 SEVENTH AVE, NEW YORK CITY, 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
Alexander K. Chefetz, Trustee
Frank Wolf, Trustee
Hugh O'Brien, Trustee
Joseph W. Prokop, Village Attorney
Donna Lyudmer, Village Treasurer
Mario Posillico, Administrator & Clerk
And approximately 5 other attendees

and the following were in attendance at the Saltaire location

Audio Operator
And 2 other attendees

and 20 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.

PUBLIC HEARING OF ADVERTISED LOCAL LAW #1 OF 2016 – CHAPTER 50 – MOBILITY DEVICES

Mayor Cox reported that the Board had advertised a public hearing to consider adoption of modification of Chapter 50 to formalize in the Village Code the type of motorized mobility devices that residents with demonstrated disability will be authorized to use for travel around Saltaire. Village Attorney Prokop and Village Administrator Posillico presented the background behind and the current language of the proposed modification. They related that pursuant to federal regulations, absent ordinance by the local jurisdiction, the Village may lose control over the size and type of devices that can be used within its borders. After discussion amongst the members of the Board and those in attendance, and after all having had a chance to be heard, no action was taken and Mayor Cox asked Trustee O'Brien to meet with Village Attorney Prokop to review and modify the draft language in accordance with comments received. Trustee O'Brien then made a motion at 6:15 p.m. to close the Public Hearing to present and consider advertised Local Law #1 of 2016. The motion was seconded by Trustee Wolf, and the motion was carried according to the following action:

Motion: Trustee O'Brien

Seconded: Trustee Wolf

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

Against: None

BOARD OF TRUSTEES MEETING.

Mayor Cox called the meeting of the Board of Trustees to order at 6:15 p.m.

APPROVAL OF MINUTES

Draft copies of the minutes of the meeting December 12, 2015 having been previously presented to the Board and posted in draft form on the Village website, 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 Abstracts, having been distributed to all in attendance and posted on the Village website, were presented for approval by the Village Administrator and the Village Treasurer:

General Checking No. 8A in the amount of \$53,331.09

Capital Fund Checking No.8A in the amount of \$726,652.00

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 action:

Motion: Trustee Zaccaro

Seconded: Trustee Chefetz

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

Against: None

STATUS – SALTAIRE MARKET REDEVELOPMENT – RAMP LOCATION

Administrator Posillico gave a brief overview of the status of the construction schedule of the Saltaire Market at 100 Broadway. He presented and described progress reports on the mechanical, electrical, plumbing, elevator and general construction contractors. He further stated that bidding for the fixture, kitchen equipment, refrigeration and hoods had been received and were on the agenda for discussion and/or approval later in the meeting. Discussion ensued and questions asked from the members of the Board and those in attendance about the schedule and the cost of the project. Discussion then ensued about the configuration of the main entrance ramp, in response to the recommendations of the Ad-Hoc committee to move it from Broadway to the southern side of the Plaza. Administrator Posillico stated that the contract had been awarded for the ramp as originally designed, although the contractor has agreed to suspend mobilization for that component pending a decision by the Board to modify location and configuration. After discussion by the Board members and those in attendance, and all having a chance to be heard, Trustee Wolf made a motion to relocate the main entrance ramp from the front of the building on Broadway as originally designed and approved to the south so that it is directly adjacent to and enters upon the south side

of the main Plaza. The motion was seconded by Trustee O'Brien, and the motion was carried according to the following action:

Motion: Trustee Wolf

Seconded: Trustee O'Brien

In Favor: Trustee Wolf, Trustee O'Brien, Mayor Cox

Against: Trustee Zaccaro, Trustee Chefetz

FIMI UPDATE

Village Administrator Posillico reported on the status of the FIMI beach repair fortification project. He stated that that dredging and beach-fill activities had progressed from the west to approximately Beach Walk in Saltaire, but had stalled for almost 3 weeks due to a combination of bad weather and equipment breakdown. He stated that when the dredge equipment was repaired and returned to Saltaire, the dredging contractor would need approximately 9 working days to complete the balance of Saltaire. He stated that barring further unforeseen delays, the Saltaire phase should be complete by the end of January, 2016.

AUTHORIZATION TO SEEK PUBLIC BIDS FOR RECONSTRUCTION OF BAY PROM

Administrator Posillico stated that he, Maintenance Foreman Henriksen, Water Superintendent Slack and Trustee Zaccaro had recently met with the Village's walk engineer, RMS Engineering, to finalize plans and specifications for the reconstruction of Bay Promenade pursuant to the FEMA public assistance approval, which allowed for its reconstruction as a boardwalk. Trustee Zaccaro presented an overview of the design parameters. After discussion and questions, and all having a chance to be heard, Trustee Chefetz made the following motion:

WHEREAS, the Board of Trustees would like to consider the reconstruction of Bay Promenade in its entire length in a boardwalk design, and

WHEREAS, the Board of Trustees would like to have a verified cost of such work in order to make an informed decision,

THEREFORE BE IT RESOLVED that the Village Administrator be authorized to solicit bids for the reconstruction of Bay Promenade pursuant to the plans and specifications of RMS Engineering as reviewed and approved by the Village representatives at its recent meeting, as soon as they are finalized and ready for bidding. 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 and Trustee O'Brien

Against: None

AUTHORIZATION TO EXECUTE KISMET PROTECTION AGREEMENT

Mayor Cox reported that Village's contract with the Saltaire Volunteer Fire Company (SVFC) and the Kismet Fire District (KFD) expired December 31, 2015, although the agreement remains in full force and effect until it is cancelled in writing by any party to the agreement. Village Administrator

Posillico reported that the SVFC at its most recent meeting approved renewal of the agreement pursuant to the same terms. 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 SVFC and KFD pursuant to the existing basic terms of the current agreement and with any modifications that he and the Village Attorney feel are in the best interest of the Village or otherwise deem necessary. The motion was seconded by Trustee O'Brien, and the motion was carried according to the following:

Motion: Trustee Wolf

Seconded: Trustee O'Brien

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

Against: None

PARAMEDIC SERVICE

Trustee Wolf reported that Chief McDonald of the Saltaire Volunteer Fire Company has formally requested that the Village include in its budgetary and operational planning for the 2016 summer season the cost and housing for a full time paramedic, similar to the program implemented in 2012, for assistance on emergency medical rescue calls as well as for training and program-building purposes for the newer volunteer Emergency Medical Technicians joining the Fire Company. Chief McDonald was present and expressed the reasoning behind the Company's request. After discussion, and all having a chance to be heard, Trustee Wolf made a motion to authorize the Village Administrator to work with the Fire Company to implement a paramedic program under the same model as the program previously used in 2012 for the 2016 summer season to be available from approximately June 15 to Labor Day; and further to plan for allocation of costs and housing in the 2016/17 operational budget, the funding for which will be shared between the Village and Fire Company in an arrangement that will be determined prior to the adoption of the Village's budget. The motion was seconded by Trustee Zaccaro, and the motion was carried according to the following action:

Motion: Trustee Wolf

Seconded: Trustee Zaccaro

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

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 2016/17 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, which is likely to be below 1%. The waiver can only be accomplished by adoption of a local law each year. 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 O'Brien 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 Wolf, and the motion was carried according to the following action:

Motion: Trustee O'Brien

Seconded: Trustee Wolf

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

Against: None

EXTENSION OF DEADLINE FOR GARBAGE ENCLOSURES

Mayor Cox reported that residents and contractors have advised the Village that due to the projected completion in April and May of many of the wooden boardwalks throughout the Village, that it would be a practical hardship if not impossibility to complete all the garbage platforms in the Village by June 1, 2016 as prescribed by Chapter 55 of the Village Code. Village Attorney Prokop advised Mayor Cox that the Board could by resolution enact a waiver of enforcement of that particular section of the Village Code for a period of time due to the impracticability of the imposed deadline. After discussion, and all having a chance to be heard, Trustee Zaccaro made a motion to extend the deadline for the installation of garbage enclosures required by Chapter 55 of the Village Code, and to waive all enforcement authority on that particular section, until June 1, 2017. The motion was seconded by Trustee O'Brien, and the motion was carried according to the following action:

Motion: Trustee Zaccaro

Seconded: Trustee O'Brien

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

Against: None

CONSIDERATION OF AWARDING THE CONTRACT FOR THE INSTALLATION OF A WATER MAIN ON 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 THE INSTALLATION OF A WATER MAIN ON BROADWAY.

Trustee Chefetz moved adoption of the following resolution:

WHEREAS the Village of Saltaire competitively bid the contract for the installation of a water main on Broadway, and the Board is considering awarding the contract and executing the contract for the installation of a water main on Broadway with Bancker Construction, and

WHEREAS the Board of Trustees has reviewed the contract work and contract and completed the short form EAF and accompanying materials with respect to the required SEQRA review with respect to the contract 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 contract and contract work for the installation of a water main on Broadway with Bancker Construction, and further be it

RESOLVED that the Board of Trustees hereby determines that the contract and contract work for the installation of a water main on Broadway with Bancker Construction 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 contract and contract work for the installation of a water main on Broadway with Bancker Construction;

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 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.

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

Trustee Wolf then made the following motion:

Whereas the Village of Saltaire solicited bids according to its procurement policy for public works for the installation of a water main on Broadway, and

Whereas sealed bids were publicly opened at 11:00 a.m. EST on January 8, 2016, and Bancker Construction 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 Bancker Construction as the certified low bidder for the installation of a water main on Broadway, for the base bid and all bid alternates, pursuant to the plans and specification and requirements of the bid documents, and to notify Bancker 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 Bancker Construction for the installation of a water main on 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 \$588,150, 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 grant proceeds if applicable, or 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 O'Brien, and the motion carried according to the following:

Motion: Trustee Wolf

Seconded: Trustee O'Brien

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

Abstain: None

Against: None

CONSIDERATION OF AWARDING THE CONTRACT FOR THE SUPPLY AND DELIVERY OF MARKET FIXTURES AND EQUIPMENT AND FOR THE SUPPLY AND INSTALLATION OF KITCHEN HOODS

Trustee O'Brien made the following motion:

Whereas the Village of Saltaire solicited bids according to its procurement policy for the procurement of goods for the supply and delivery of market fixtures and equipment; and for a public works bid to supply and installation of kitchen hoods, both for the Saltaire Market, and

Whereas sealed bids were publicly opened at 11:00 a.m. EST on January 15, 2016, and All Island Blower and Sheet Metal Inc. was the certified low bidder as specified and met all the requirements stipulated in the bid for the installation of kitchen hoods; and

Whereas Ozone Refrigeration, Premium Supply and Wright Refrigeration all submitted bids for some or all of the approximately 75 bid items for various and sundry equipment, fixtures and refrigeration;

THEREFORE, Be it resolved that the Board of the Trustees of the Village of Saltaire hereby authorizes the Village Administrator to declare All Island Blower and Sheet Metal Inc. as the certified low bidder for the installation of kitchen hoods, for the base bid and all bid alternates, pursuant to the plans and specification and requirements of the bid documents, and to notify All Island Blower and Sheet Metal Inc. 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 All Island Blower and Sheet Metal Inc. for the installation of kitchen hoods 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 \$36,800, plus the cost of any necessary change orders that the Mayor deems necessary and reasonable, and further,

Be it resolved that Board of the Trustees of the Village of Saltaire hereby authorizes the Village Administrator to execute the necessary contract documents with the low bidder for each individual item as listed on the supply and delivery of market fixtures and equipment bid list, as either specified in the bid documents or for an alternate approved at the discretion of the Village Administrator, all in the best interest of the Village for the optimum combination of lowest price and highest quality, for a total contract amount for all items not to exceed \$335,999.70 for the items for which bids were received, plus the cost of any necessary additional items for which bids were not received that the Mayor deems necessary and reasonable to complete the buildout of the Saltaire Market Equipment and Fixtures, and further,

Be it resolved that the funding for the expenditures approved in this resolution shall initially be made from the general reserves, with the general reserves to be repaid from 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 Zaccaro, Trustee Chefetz, Trustee Wolf, Trustee O'Brien

Against: None

SALTAIRE CLINIC

Mayor Cox reported that the Village had been approached by the Northwell Health System (formerly North Shore LIJ Hospital System), who proposed to establish an urgent care clinic in Saltaire, similar to what they have established in both Ocean Beach and Cherry Grove. NorthWell made their presentation at a meeting with various Village officials, including Dr. Ferguson, the Chairman of the Saltaire Medical Committee. Dr. James Ferguson had issued an initial report to the Board, but the Board awaits a more comprehensive report from the Medical Committee. After discussion, and all having a chance to be heard, it was decided to table any decision until next meeting by which time the Board should have received and reviewed the full Medical Committee report.

ADJOURN INTO EXECUTIVE SESSION

After the Board received and responded to questions from those in attendance, Trustee O'Brien made a motion at 9:18 p.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 O'Brien

Seconded: Trustee Chefetz

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

Against: None

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Chefetz made a motion to re-adjourn into public session at 10:40 p.m. The motion was seconded by Trustee O'Brien and on call it was approved according to the following action:

Motion: Trustee Chefetz

Seconded: Trustee O'Brien

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

Abstain: None

Against: None

The public meeting was called back into session by Mayor 10:40 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
Joseph W. Prokop, Village Attorney
Donna Lyudmer. Village Treasurer
Mario Posillico, Administrator & Clerk
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 Zaccaro made a motion 10:45 p.m. to close the meeting and to hold the next Board of Trustees meeting at 6:00 p.m. on February 24, 2016, at 401 Seventh Avenue, 18th Floor, with a video/audio link to 103 or 105 Broadway, Saltaire, New York, and further to set tentative dates for the following meetings to be held on March 15, 2016 and April 12, 2016. The motion was seconded by Trustee O'Brien, and the motion was carried according to the following action:

Motion: Trustee Zaccaro

Seconded: Trustee O'Brien

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

Against: None