

MINUTES OF THE PUBLIC HEARING TO CONSIDER LOCAL LAW #2 OF 2013 HELD ON MARCH 9, 2013 AT 103 BROADWAY, SALTAIRE, NEW YORK.

Mayor Cox called the Board of Trustees meeting to order at 10:38 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
Mario Posillico, Administrator & Clerk
Joseph Harry Baker, Counselor to the Board
Donna Lyudmer, Village Treasurer
Dennis Foley, Chief of Security
And approximately 10 other attendees

Mayor Cox stated that the purpose of Local Law No. 2 of 2012 is to allow the Village to opt out of the New York State-mandated maximum tax levy increase for local governments. New York State adopted legislation that limited the annual increase in the tax levy that a local government can assess. In the case of Saltaire, that was set at a 1.9 percent increase for the next fiscal year starting June 1, 2013. The Mayor stated that although that it is still unclear at these early stages of budget development what the extent of a tax increase, if any, will be, the adoption of this local law would provide the flexibility for the Board to set the tax rate as necessary to meet its budget requirements and any unforeseen circumstances. He stated many municipalities across the state have chosen to opt out of the State maximum, most for the same purpose of providing flexibility. After discussion amongst the members of the Board and those in attendance, and after all having had a chance to be heard, Trustee Zaccaro made a motion to close the Public Hearing to consider Local Law # 2 of 2013. The motion was seconded by Trustee O'Brien, and on call without objection was unanimously so approved at 10:45 a.m.

Motion: Trustee Zaccaro

Seconded: Trustee O'Brien

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

Against: None

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON MARCH 9, 2013 AT 103 BROADWAY, SALTAIRE, NEW YORK.

Mayor Cox called the Board of Trustees meeting to order at 10:45 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
Mario Posillico, Administrator & Clerk
Joseph Harry Baker, Counselor to the Board
Donna Lyudmer, Village Treasurer
Dennis Foley, Chief of Security
And approximately 10 other attendees

APPROVAL OF MINUTES

Draft copies of the minutes of the meeting of February 25, 2013, having been previously presented to the Board and posted in draft form on the Village web site, were presented for adoption. Trustee O'Brien presented non-substantive language changes to the Village Clerk. After discussion, and all having a chance to be heard, Trustee O'Brien made a motion to adopt the minutes as presented and modified as discussed.

Motion: Trustee O'Brien

Seconded: Trustee Zaccaro

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

Against: None

ABSTRACT AUDIT

Mayor Cox stated that the following Abstract was presented for approval by the Village Administrator and the Village Treasurer:

General Checking No. 10A in the amount of \$134,709.49

After discussion and opportunity for questions, Trustee Zaccaro made a motion that General Checking Abstract 10A be approved as presented and that the Mayor be authorized to execute the warrants.

Motion: Trustee Zaccaro

Seconded: Trustee Chefetz

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

Against: None

VERIZON UPDATE

Mayor Cox stated that the Board's official complaint with the NYS Public Service Commission about Verizon's shortcomings, both pre-and post-storm, and its inability to deliver the required services pursuant to their mandated responsibilities as a utility, seems to have produce the desired impact on Verizon. In addition to their coordinating a Fire Island-wide meeting to discuss phone service issues island-wide, Verizon is prepared to install a wireless system, termed DAS, to take the place of the copper wire system for phone service in Saltaire. Mayor Cox stated that the Board continues to look into the advantages and disadvantages of the DAS system over the old technology will discuss those in greater detail later in the meeting.

PRESENTATION OF 2013/14 TENTATIVE BUDGET

The Village Administrator presented the 2013/2014 Tentative Budget to the Board of Trustees. He provided a brief overview of his projections for the remainder of the 2012/13 fiscal year, including the impacts of Hurricane Sandy restoration, and its comparison to the budget, and provided a summary overview of the tentative budget presented, and its potential impacts on tax rates and level of reserves. Discussion ensued and questions received, and those in attendance were advised that the Board would present the 2013/14 budget in more detail at a public hearing scheduled for April 9, 2013.

SALTAIRE CLEAN-UP DAY

Village resident Ann Azzinaro reported that she, with the assistance of Mary Posillico who is working with her as part of a school community service project, has arranged for a Village clean-up day on April 13, 2013, with a rain date of April 14, 2013. The purpose of the volunteer effort, which is being sponsored by the Keep Islip Clean organization, is to clear the Village of the smaller debris items, such as paper, bottles, cans, etc., left behind in the wake of Hurricane Sandy. After discussion, Mayor Cox asked the Village Administrator to post notices on the Village website, and to send out an email notice so all are aware of the program. He further encouraged all to volunteer for this worthwhile effort if possible, and thanked Ms Azzinaro for spearheading it.

ADOPTION OF LL #1 OF 2013 – §48-23 – TAX CAP WAIVER

Trustee Zaccaro made the following motion as a prelude to adoption of the proposed revisions to §48-23 of the Village Code, in the form presented at the earlier public hearing, to be adopted as Local Law #1 of 2013.

RESOLUTION ADOPTING LEAD AGENCY STATUS, TYPING AN ACTION AS AN UNLISTED ACTION AND ADOPTION OF A NEGATIVE DECLARATION FOR PURPOSES OF SEQRA WITH REGARD TO THE POTENTIAL ADOPTION OF A LOCAL LAW

WHEREAS the Village of Saltaire is reviewing the possibility of modifying a section or sections of the Village Code, 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 adoption of a local law, and it is further;

RESOLVED that the Village of Saltaire hereby determines the adoption of the local law is listed as an Unlisted action, and it is further;

RESOLVED that the Village of Saltaire hereby determines the adoption of the local law will not have a significant negative impact on the environment in the action, and;

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 or 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.

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

Trustee Zaccaro then made a motion to adopt the proposed revisions to §48-23 of the Village Code, in the form presented at the earlier public hearing, to be adopted as Local Law #1 of 2013.

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

RENTAL OF 104B NEPTUNE WALK FOR THE 2013 SUMMER SEASON

Trustee O'Brien made a motion to allocate 104B Neptune for rental purposes for the 2013 summer, and to authorize the Village Administrator to accept the offer of rental of 104B Neptune from May 15, 2013 to September 15, 2013 for \$22,000 and to enter into a lease agreement for that rate and time period.

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

ADJOURN INTO EXECUTIVE SESSION

After the Board received and responded to questions from those in attendance, Trustee Zaccaro made a motion at 12:00 p.m. that the Board adjourn into Executive Session to discuss litigation strategy, contract and personnel issues.

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

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Chefetz made a motion to re-adjourn into public session at 12:47 p.m.

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

The public meeting was called back into session by Mayor Cox at 12:47 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
Mario Posillico, Administrator & Clerk
And 0 other attendees

AUTHORIZATION OF AGREEMENT WITH VERIZON

Trustee Chefetz stated that in light of the damaged and inadequate phone infrastructure in the Village, the fast-approaching summer season, and the necessary lead time for Verizon to undertake repairs or installation of a new system, he felt that the Board needs to act quickly on a decision about the equipment upgrades proposed by Verizon. After discussion, Trustee O'Brien proposed the following motion as a prelude to a motion authorizing the Mayor to enter into an agreement with Verizon.

SEQRA RESOLUTION REGARDING THE APPROVAL OF VERIZON INFRASTRUCTURE IMPROVEMENT AND THE POSSIBLE INSTALLATION OF ADDITIONAL UTILITY POLES IN THE VILLAGE

WHEREAS a resolution is proposed for adoption by which the Board of Trustees would grant authorization to Mayor Cox to negotiate and in his sole discretion execute an agreement with either or both Verizon Inc. and Verizon Wireless. Inc., or any of their approved contractors for the repair of the existing copper-based landline technology or the installation of a new technology, including but not limited to a distributed antenna system (DAS), or a combination of existing technology and new technology, which may include adding utility poles and other equipment in existing utility easements or new utility easements in the Village in order to restore and maintain a telephone system in the Village of Saltaire for the Village and the Verizon customers in the Village, and;

WHEREAS the Board of Trustees of the Village of Saltaire has duly considered the obligations of the Village of Saltaire and the Board of Trustees with regard to SEQRA, it is therefore;

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with regard to the approval of the proposed resolution; and it is further;

RESOLVED that the Board of Trustees hereby determines that the adoption of the proposed resolution is an Unlisted Action for purposes of SEQRA, and it is further;

RESOLVED that the Board of Trustees of the Village of Saltaire hereby determines that the adoption of the proposed resolution:

Will not have a significant negative impact on the environment in the action, and;

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 or two or 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.

Motion: Trustee O'Brien

Seconded: Trustee Zaccaro

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

Against: None

Trustee O'Brien then made a motion to authorize Mayor Cox to negotiate and in his sole discretion execute an agreement or memorandum of understanding, subject to final review by the Village Attorney, with either or both Verizon Inc. and Verizon Wireless. Inc., or any or their approved subcontractors, for the repair of the existing copper-based landline technology or the installation of a new technology, including but not limited to a distributed antenna system (DAS), or a combination of existing technology and new technology, which may include adding utility poles and other equipment in existing utility easements or new utility easements in the Village in order to restore and maintain a telephone system in the Village of Saltaire for the Village and the Verizon customers in the Village.

Motion: Trustee O'Brien

Seconded: Trustee Zaccaro

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

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 O'Brien made a motion at 12:50 p.m. to close the meeting, with a Budget Workshop to be held at 1330 Avenue of the Americas – 28th Floor – NY, NY 10019 at 6:00 p.m. on April 2, 2013 for the purpose of working on the budget and any other such matters that may properly come before the Board, which will be followed by the next regularly scheduled meeting to be held on April 9, 2013, at 6:00 p.m. at 401 Seventh Avenue, New York City, both meetings with a video/audio link to 103 or 105 Broadway, Saltaire, New York.

Motion: Trustee O'Brien

Seconded: Trustee Zaccaro

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

Against: None