

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON JULY 26, 2013 AT 105 BROADWAY, SALTAIRE, NEW YORK.

Mayor Cox called the Board of Trustees meeting to order at 5:00 P.m. and the following were in attendance:

Robert Lynn Cox III, Mayor
John A. Zaccaro Jr, Trustee
Frank Wolf, Trustee
Alexander K. Chefetz, Trustee
Ann Connolly, Trustee
Mario Posillico, Administrator & Clerk
Donna Lyudmer, Treasurer
Joseph Prokop, Village Attorney
Joseph Harry Baker, Counselor to the Board
And approximately 40 other attendees

PLEDGE OF ALLEGIANCE

Mayor Cox led those in attendance in a pledge of allegiance to the flag of the United States.

CONTINUATION AND CLOSING OF PUBLIC HEARING ON PUBLIC PURPOSE AND POSSIBLE CONDEMNATION OF 100 BROADWAY

Mayor Cox stated that a public hearing was commenced on July 3, 2013 to consider the public purpose and importance of the commercial property at 100 Broadway and its possible acquisition by the Village to assure the continued operation of a retail market to serve the needs of the residents. He stated that the Board heard almost two hours of public opinion on the issue at the previous meeting, but that the record was still open and asked for comments from the members of the Board and then opened the floor for comments and discussion from all in attendance, which included the current owners of the property. After discussion and all having a chance to be heard, Trustee Wolf made a motion to close the public hearing on the public purpose determination of 100 Broadway, but to leave the record open to accept additional comment for another seven days. The motion was seconded by Trustee Connolly, and the motion was carried according to the following vote:

Motion: Trustee Wolf

Seconded: Trustee Connolly

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

Against: None

APPROVAL OF MINUTES

Draft copies of the minutes of the meetings of June 22, 2013, July 3, 2013, the morning meeting of July 13, 2013 and afternoon meeting of July 13, 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 Chefetz made a motion to adopt the minutes as presented. The motion was seconded by Trustee Connolly, and the motion was carried according to the following vote:

Motion: Trustee Chefetz

Seconded: Trustee Connolly

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

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. 2B in the amount of \$235,170.20

After discussion and opportunity for questions, Trustee Wolf made a motion that General Checking Abstract 2B 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 Wolf

Seconded: Trustee Chefetz

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

Against: None

BOARD APPOINTMENTS

Mayor Cox stated that Jon Lindsey has indicated that time constraints would limit his ability to effectively serve as Chairman of the Zoning Board of Appeals (ZBA) and Mayor Cox stated that Scott Rosenblum has agreed to serve in that capacity and he felt that he would be an excellent Chairman of the ZBA. Trustee Chefetz made a motion to affirm Mayor Cox's appointment as presented. 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 Connolly

Against: None

Mayor Cox stated that Seth Lesser would make an excellent alternate to the ZBA for those instances where one of the other members are unavailable, and he has indicated a willingness to serve on the ZBA. Trustee Wolf made a motion to affirm Mayor Cox's appointment as presented. The motion was seconded by Trustee Connolly, and the motion was carried according to the following:

Motion: Trustee Wolf

Seconded: Trustee Connolly

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

Against: None

SETTING DATE FOR PUBLIC HEARING FOR CHAPTER 55 MODIFICATION

Mayor Cox stated that the Board has made significant progress on the comprehensive review of Chapter 55, Zoning, and would like to consider it at a public hearing before the end of the summer. After discussion of the requirements for notice and publication, Trustee Chefetz made a motion to consider the modifications at a public hearing for a local law change on August 31,

2013 at 9:00 am in the Village of Saltaire. 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 and Trustee Connolly

Against: None

AUTHORIZATION TO DEVELOP AND FUND A LOCAL WATERFRONT REVITALIZATION PLAN

Administrator Posillico requested authorization to submit an application to undertake the process to develop a Local Waterfront Revitalization Plan, and to submit applications necessary to assist in the development and implementation of the Plan. After discussion and questions, Trustee Wolf made a motion to authorize Administrator Posillico to take all steps necessary to develop and fund a LWRP and to seek funding to assist with development and implementation of the Plan. 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 Wolf, Trustee Chefetz and Trustee Connolly

BEACH SCRAPING AUTHORIZATION

Administrator Posillico reported that the latest beach profiles show beach conditions that do not meet the minimum requirements that would allow for beach scraping. He further stated that there is still time for the beach to accrete sand to meet the profiles, but that would leave very little time before the end of the permit period to implement the project. He stated that after review of Green Room Industries proposal and discussions with them regarding their equipment and labor availability, and the length of time they would need to complete a project, it was clear to him that they are not qualified to complete the project in sufficient time.

Trustee Wolf moved adoption of the following resolution:

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 AWARDED OF CONTRACT FOR BEACH SCRAPING

WHEREAS the Village of Saltaire is reviewing the possibility awarding a public works contract for BEACH SCRAPING, 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.

And Further,

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 beach scraping, and

Whereas sealed bids were publicly opened at 11:00 a.m. EST on July 3, 2013, and Green Room Industries was the low bidder as specified; and

Whereas the Village Administrator investigated Green Room Industries labor and equipment availability, and their experience in Beach Scraping work, and has determined that they are not qualified and capable of performing on the work in the time allotted,

THEREFORE,

Be it resolved that the Board of the Trustees of the Village of Saltaire hereby authorizes the Village Administrator to declare Green Room Industries as not qualified to perform on the 2013 Beach Scraping specifications, and to notify Green Room Industries of its status as a non-qualified bidder, and further

Be it resolved that the Board of the Trustees of the Village of Saltaire hereby authorizes the Village Administrator to declare Metcalf Carting as the qualified low bidder for 2013 Beach Scraping and to notify Metcalf Carting of its status as qualified 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 Metcalf Carting for 2013 Beach Scraping according to the plans and specifications of the bid documents for the contract amount pursuant to the unit bid amounts multiplied by the actual measured quantities, subject to meeting the requisite permit conditions for performing the project, for a projected total contract amount of \$40,478, and further,

Be it resolved that the funding for the project shall initially be made from the general reserves.

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 and Trustee Connolly

Against: None

ADJOURN INTO EXECUTIVE SESSION

After the Board received and responded to questions from those in attendance, Trustee Wolf made a motion at 6:05 p.m. that the Board adjourn into Executive Session to discuss litigation strategy, contract and personnel issues. The motion was seconded by Trustee Chefetz , and on call it was approved according to the following action:

Motion: Trustee Wolf

Seconded: Trustee Chefetz

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

Against: None

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Connolly made a motion to re-adjourn into public session at 6:28 p.m. The motion was seconded by Trustee Chefetz, and on call it was approved according to the following action:

Motion: Trustee Connolly

Seconded: Trustee Chefetz

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

Against: None

The public meeting was called back into session by Mayor Cox at 6:28 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
Alexander K. Chefetz, Trustee
Ann Connolly, Trustee
Mario Posillico, Administrator & Clerk
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 Chefetz made a motion at 6:30 pm to close the meeting and to hold a Board of Trustees meeting inclusive of a public hearing at 9:00 a.m. on August 31, 2013 to consider the adoption of modifications to Chapter 55, Zoning of the Village Code to be advertised as Local Law #5 of 2013, and further to hold a special Board of Trustees meeting on August 24, 2013 at 9:00 am to consider the condemnation through eminent domain of 100 Broadway, both meetings located in the Village of Saltaire at either 103 or 105 Broadway. The motion was seconded by Trustee Wolf and on call it was approved according to the following action:

Motion: Trustee Chefetz

Seconded: Trustee Wolf

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

Against: None