

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON FEBRUARY 27, 2014 AT 401 SEVENTH AVENUE, 6TH 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
Ann Connolly, Trustee
Mario Posillico, Administrator & Clerk
Donna Lyudmer, Village Treasurer
Dennis Foley, Chief of Security
And approximately 15 other attendees

and the following were in attendance at the Saltaire location

Video Operator
And 1 other attendees

and approximately 23 observed through internet audio/video connection.

PUBLIC HEARING FOR PROPOSED MODIFICATIONS TO CHAPTER 48-23 OF THE VILLAGE CODE ADVERTISED AS LOCAL LAW #1 OF 2014

Mayor Cox stated that the purpose of Local Law No. 1 of 2014 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 below 2% for the next fiscal year starting June 1, 2014. 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. Trustee Zaccaro stated he didn't believe that the Village would exceed the State's maximum tax increase, and that if the Village did exceed it, that some residents who declare Saltaire as their primary residence would lose the option of receiving a state tax credit that has been tied to this program. After discussion amongst the members of the Board and those in attendance, and after all having had a chance to be heard, Trustee Wolf made a motion to close the Public Hearing to consider Local Law # 1 of 2014. 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, Trustee Connolly

Against: None

PUBLIC HEARING FOR PROPOSED MODIFICATIONS TO CHAPTER 55 OF THE VILLAGE CODE ADVERTISED AS LOCAL LAW #2 OF 2014

Mayor Cox stated that the purpose of Local Law No. 2 of 2014 was to discuss the continuing comprehensive review of the Village's zoning regulations of Chapter 55. He stated that the most recent round of revisions regarding elevations implications that are contemplated pursuant to the

recommendations made by resident design and construction experts are not yet finalized. He also stated that the most recent version is still posted on the Village website and asked if there were any questions or comments regarding those revisions. None were forthcoming, and after all having had a chance to be heard, Trustee Wolf made a motion to close the Public Hearing to consider Local Law # 2 of 2014. 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, Trustee Connolly

Against: None

APPROVAL OF MINUTES

Draft copies of the minutes of the meetings of January 23, 2014 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 Wolf, and the motion was carried according to the following vote:

Motion: Trustee Zaccaro

Seconded: Trustee Wolf

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

Against: None

VILLAGE MARKET

Mayor Cox provided an overview of the current status of the property located at 100 Broadway. He stated that as had been agreed at the previous Board meeting, the Village meet with the Whitneys to discuss a potential resolution of the issues surrounding the renovation of the market properties. That meeting took place on February 7th in Saltaire. The meeting focused on addressing the issues surrounding the code requirements and their ability to obtain a building permit for renovations. The Village was represented by - in addition to the Mayor - Trustee Zaccaro, the Building Inspector and an independent Code Enforcement official (brought to the meeting by the Village), who addressed any questions or concerns raised by the Whitneys, their engineer or their architect. He stated that there was a wide-ranging and thorough discussion of the current situation including the steps that would need to be addressed in any renovation plan. He further stated that after the meeting the Village was informed that the Whitneys would need some time to formulate a response, which was just received by Mayor. He stated that the Board would discuss the response in executive session as it impacted ongoing litigations. After discussion, and all having a chance to be heard, Mayor Cox moved onto the next item on the agenda.

ARRIVAL OF THE VILLAGE ATTORNEY

Village Attorney Joseph Prokop arrived at the meeting at 6:30 PM, after which the following were in attendance:

Robert Lynn Cox III, Mayor

John A. Zaccaro Jr, Trustee
Alexander K. Chefetz, Trustee
Frank Wolf, Trustee
Ann Connolly, Trustee
Mario Posillico, Administrator & Clerk
Joseph Prokop, Village Attorney
Donna Lyudmer, Village Treasurer
Dennis Foley, Chief of Security
And approximately 15 other attendees
and the following were in attendance at the Saltaire location
Video Operator
And 1 other attendees
and approximately 23 observed through internet audio/video connection.

FIRE ALARM SYSTEM

Mayor Cox asked Trustee Wolf to report on the status of the Board's desire to modify the audible alarm so it is not so disturbing to the neighbors. Trustee Wolf stated that the Board's original concept was, for the summer season only, to reserve the audible alarm for fires situations only, and use the pager and cell phone system notification for medical emergency calls during the summer season. Trustee Wolf stated that the Fire Company has no objection if the Village wants to switch from a Fire Horn to a Fire Siren, which might alleviate a great part of the nighttime disturbance. After discussion, and all having a chance to be heard. Trustee Wolf made a motion to authorize the expenditure, pursuant to the Village's purchasing policy, of up to \$7,500 for the replacement of the existing fire horn with a siren. 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 Wolf, Trustee Chefetz, Trustee Connolly

Against: Trustee Zaccaro

APPLICATION FOR RELAXATION OF DEED COVENANTS ON PRIVATE PROPERTY

Lark Shlimbaum, an attorney representing the property owners at 206 Broadway, requested guidance from the Board regarding how to make an official request to relax existing deed covenants on the property located at 206 Broadway. Ms. Shlimbaum gave a brief overview of the history of how the covenants were created, the hardship that they were imposing on the property owners for their reposting and renovation plans, her assessment of the acceptable impact on the neighbors and environment, and her assessment of the legal authority of the Board to grant such a relaxation. After discussion, and all having a chance to be heard, Trustee Zaccaro made a motion to hear an official request before the Board of Trustees at its next scheduled regular Board meeting (Clerk's Note: Subsequently determined to be April 9, 2014) pursuant to all of the notice and publication requirements that are required for applications before the Zoning Board of Appeals. 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 Wolf, Trustee Chefetz, Trustee Connolly

Against: None

PRESENTATION OF 2014/15 TENTATIVE BUDGET

The Village Administrator presented the 2014/2015 Tentative Budget to the Board of Trustees. He provided a brief overview of his projections for the remainder of the 2013/14 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 2014/15 budget in more detail at a public hearing scheduled for April 9, 2014.

APPROVAL OF 2014 DAY CAMP FEES

After discussion, Trustee Wolf made a motion to approve the camp fee schedule for the 2014 camp season as presented, which will be at the same rates for all categories of enrollment that were in place for the 2013 camp season. 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 Wolf, Trustee Zaccaro, Trustee Chefetz, Trustee Connolly

Against: None

INSPECTORS OF ELECTION

Trustee Zaccaro made a motion to appoint the following Saltaire residents as Inspectors of Election for the 2014 Saltaire election:

Nancy Henriksen	Chairperson
Liv Hempel	Inspector
Roseanne Larson	Inspector
Georgine Posillico	Alternate Inspector

The motion was seconded by Trustee Connolly, and on call it was approved according to the following action:

Motion: Trustee Zaccaro

Seconded: Trustee Connolly

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

Against: None

BIDS FOR RENOVATION FOR THE SALTIRE BALL FIELD

Administrator Posillico stated that the Village received two bids, pursuant to public bid process and based on approved design plans, for a total cost ranging from \$588,801 to \$611,440. Administrator Posillico stated that the FEMA approved obligation for that project was for approximately \$175,000, and that he would need additional time to confirm that the additional project cost would be funded under that obligation. After discussion, Trustee Chefetz made a motion to reject all of the bids, and to authorize the re-bid of the project after the level of FEMA funding has been confirmed. The motion was seconded by Trustee Zaccaro, and the motion was carried according to the following:

Motion: Trustee Chefetz

Seconded: Trustee Zaccaro

In Favor: Trustee Zaccaro, Trustee Wolf, Trustee Chefetz, Trustee Connolly
Against: None

AUTHORIZATION TO SUBMIT RECORDS GRANTS

After discussion, Trustee Chefetz made a motion to authorize the Village Administrator to submit a grant request to New York State Archives for a LGRMIF project to digitize valuable Village records, and to further authorize the Mayor and Administrator to execute all grant application necessary to be considered for the program. 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, Trustee Connolly

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:

General Checking No. 9A in the amount of \$314,053.29

After discussion and opportunity for questions, Trustee Zaccaro made a motion that General Checking Abstract 9A 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 Connolly

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. 9A in the amount of \$347,735.70

After discussion and opportunity for questions, Trustee Chefetz made a motion that Capital Checking Abstract 9A be approved as presented and that the Mayor be authorized to execute the warrants. The motion was seconded by Trustee Zaccaro, and the motion was carried according to the following:

Motion: Trustee Chefetz

Seconded: Trustee Zaccaro

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

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:

Trust and Agency No. 9A in the amount of \$2,000.00

After discussion and opportunity for questions, Trustee Chefetz made a motion that Trust and Agency Checking Abstract 9A 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 Connolly

Against: None

TRUSTEE REPORTS

Each of the Trustees gave reports on their respective area of responsibilities for oversight.

ADOPTION OF LL #1 OF 2014 – §48-23 – TAX CAP WAIVER

Trustee Connolly 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 2014.

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.

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

Motion: Trustee Connolly

Seconded: Trustee Chefetz

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

Against: None

Trustee Chefetz 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 2014. The motion was seconded by Trustee Wolf, and the motion was carried according to the following vote:

Motion: Trustee Chefetz

Seconded: Trustee Wolf

In Favor: Trustee Wolf, Trustee Chefetz, Trustee Connolly

Against: Trustee Zaccaro

ADJOURN INTO EXECUTIVE SESSION

After the Board received and responded to questions from those in attendance, Trustee Zaccaro made a motion at 7:59 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 the motion was carried according to the following:

Motion: Trustee Zaccaro

Seconded: Trustee Chefetz

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

Against: None

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Connolly made a motion to re-adjourn into public session at 9:29 p.m. The motion was seconded by Trustee Zaccaro, and the motion was carried according to the following action:

Motion: Trustee Connolly

Seconded: Trustee Zaccaro

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

Against: None

The public meeting was called back into session by Mayor Cox at 9:29 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
Ann Connolly, Trustee
Mario Posillico, Administrator & Clerk
Donna Lyudmer, Village Treasurer
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 Zaccaro made a motion at 9:35 pm to close the meeting and to hold a Board of Trustees meeting for the purpose of conducting a Budget Workshop and other routine business on March 10, 2014, at 6:00 p.m. at a 825 Third Avenue, 6th Floor, New York City, and then on April 9, 2014 for the purpose of presenting the 2014/15 Budget at a Public Hearing and to conduct other routine business at 6:00 p.m. at 401 Seventh Avenue, 6th Floor, both meetings with a video/audio link to 103 or 105 Broadway, Saltaire, New York. The motion was seconded by Trustee Wolf, and the motion was carried according to the following action:

Motion: Trustee Zaccaro

Seconded: Trustee Wolf

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

Against: None