

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON NOVEMBER 20, 2014 AT 401 SEVENTH AVENUE, 6<sup>TH</sup> 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  
And approximately 25 other attendees

and the following were in attendance at the Saltaire location

Georgine Posillico - Video Operator  
And approximately 4 other attendees

and approximately 25 observed through internet audio/video connection.

#### PLEDGE OF ALLEGIANCE

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

#### PUBLIC HEARING FOR PROPOSED MODIFICATIONS TO CHAPTER 55 OF THE VILLAGE CODE ADVERTISED AS LOCAL LAW #4 OF 2014

Mayor Cox stated that the purpose of Local Law No. 4 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 were pursuant to the recommendations made by resident design and construction experts, and that the draft was in the state of final editing before it would be sent to the Suffolk County Planning Commission and the Fire Island National Seashore for review and comment. 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. Comments and suggested modifications came first from the members of the Board and then members of the audience, and after all having had a chance to be heard, Trustee Wolf made a motion to close the Public Hearing to consider Local Law # 4 of 2014. 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, Trustee Connolly

Against: None

#### APPROVAL OF MINUTES

Draft copies of the minutes of the meetings of October 11, 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 with minor non-substantive corrections. 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

#### 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. 6A in the amount of                   \$226,517.63

After discussion and opportunity for questions, Trustee Connolly 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 Connolly

Seconded: Trustee Wolf

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. 6A in the amount of                   \$754,736.21

After discussion and opportunity for questions, Trustee Wolf 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 Wolf

Seconded: Trustee Chefetz

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

Against: None

#### STATUS – SALTAIRE MARKET REDEVELOPMENT

Mayor Cox gave a brief overview of the process that the Village had followed that lead to the solicitation and receipt of public bids for the construction of a building to house a new Saltaire Market at 100 Broadway, and as an additional option to construct a multi-purpose municipal building on the same site. Administrator Posillico then provided a summary of the low bids results for both structures, followed by a discussion of possible design modifications, reengineering and construction methodology options that could potentially result in cost reductions from the bid prices solicited. Trustee Zaccaro stated that he felt that the cost reduction savings would be significant if the Village focused on an off-site construction methodology, perhaps even greater than Administrator Posillico discussed, and felt the Village should focus on that aspect if the Board

decided to conduct a value engineering process. Trustee Connolly then presented the different financing options available to the Village (Asset Reallocation, Special Assessments and Long Term Debt), and the budget, tax and asset implications for each financing strategy individually and also used in concert with each other. She also presented different case scenarios based on certain cost assumptions and financing options. Mayor Cox then opened the floor for discussion, first from the members of the Board, and then those in attendance in person and online. After all having a chance to be heard, Mayor Cox closed the discussion and stated that the Board would consider how to proceed regarding the bids received later in the meeting, and then moved to the balance of the agenda.

A RESOLUTION AUTHORIZING THE VILLAGE OF SALTAIRE TO ENTER INTO THE REQUIRED SUB-RECIPIENT AGREEMENT WITH THE HOUSING TRUST FUND CORPORATION AS REQUIRED IN THE IMPLEMENTATION OF THE NY STATE COMMUNITY DEVELOPMENT BLOCK GRANT—DISASTER RECOVERY (CDBG-DR) PROGRAM; AND, TO AUTHORIZE THE VILLAGE OF SALTAIRE TO SIGN ANY AND ALL DOCUMENTS REQUIRED IN THE IMPLEMENTATION OF THE PROGRAM.

Trustee Zaccaro made the following motion:

WHEREAS, in the aftermath of Superstorm Sandy, the United States Congress, through Public Law passed the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, approved January 29, 2013), as amended (the “Act”), appropriating \$16 billion, later reduced to \$15.18 billion, to the U.S. Department of Housing and Urban Development (“HUD”) for Community Development Block Grant Disaster Recovery (“CDBG-DR”) funds for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure, and housing and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared due to Superstorm Sandy and other eligible events, including Hurricane Irene and Tropical Storm Lee, in calendar years 2011, 2012, and 2013 (the “Storms”), subject to the Federal statutes and regulations governing CDBG grants, as modified by exceptions and waivers previously granted and which may hereafter be granted by HUD; and,

WHEREAS, pursuant to the CDBG-DR Grant Program and Federal Register Notice (78 Fed. Reg. 14,329), published March 5, 2013, titled, “*Allocations, Common Applications, and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy* (as amended),” the State has received an allocation of CDBG-DR funds from HUD in the amount of \$1,713,960,000; and

WHEREAS, pursuant to the CDBG-DR Grant Program and Federal Register Notice (78 Fed. Reg. 69,104), entitled *Second Allocation, Waivers and Alternative Requirements for Grantees Receiving Community Development Block Grant (CDBG) Disaster Recovery Funds in Response to Hurricane Sandy* (as amended),” the State has received a second allocation of CDBG-DR funds from HUD in the amount of \$2,097,000,000; and

WHEREAS, HUD requires the State to spend 80% of all CDBG-DR funds so allocated within the counties of Nassau, Rockland, Suffolk, Westchester, Bronx, Kings, New York, Queens, and Richmond; and

WHEREAS, in accordance with HUD directive, the Village of Saltaire has been notified of its ability to participate in the NY State Community Development Block Grant--Disaster Recovery (CDBG-DR); and

WHEREAS, implementation of the CDBG-DR Recovery Program requires the execution of the Subrecipient Agreement between Village of Saltaire and the Housing Trust Fund Corporation, attached hereto and made a part hereof.

NOW, THEREFORE BE IT RESOLVED by the Board of Trustees on behalf of the Village of Saltaire that, Mayor Cox be hereby authorized to enter into the required Subrecipient Agreement with the Housing Trust Fund Corporation to secure Community Development Block Grant—Disaster Recovery (CDBG-DR) funds; and, to sign any and all documents required in the administration of the New York State CDBG-DR Recovery Program, and

BE IT FURTHER RESOLVED, that Mayor Cox is hereby authorized to execute the necessary Intra-Municipal Agreement with the Towns of Islip and Brookhaven and the Village of Ocean Beach that will authorize and govern the work that the Village performs within their jurisdictions, and will indemnify the Village of Saltaire in the event that reimbursement of the Village of Saltaire's expenses on their behalves is not made for any reason.

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

Motion: Trustee Zaccaro

Seconded: Trustee Connolly

In Favor: Trustee Zaccaro, Trustee Chefetz and Trustee Connolly

Abstain: Trustee Wolf

Against: None

#### ACCEPTANCE OF PROPERTY DONATION

Mayor Cox reported that Village resident Lyn Oliensis has offered to donate to the Village of Saltaire a six lot property that she owns on the south west corner of Harbor Promenade and West Walk, formally described on the Suffolk County Tax Map as Lot Number 0503-2.0-1.0-1.0. After discussion amongst the members of the Board and those in attendance, Trustee Connolly made a motion to accept the offer of property donation made by Lyn Oliensis as described above, and to authorize Mayor Cox, Administrator Posillico and Village Attorney Prokop, individually or collectively, to execute all the necessary documents to effect the transfer of property to the Village. The motion was seconded by Trustee Wolf, and the motion was carried according to the following:

Motion: Trustee Connolly

Seconded: Trustee Wolf

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

Against: None

#### WAIVER OF LAND-USE TRAINING FOR 2014

Trustee Wolf moved the adoption of the following resolutions regarding land-use training for 2014

Resolution Waiving Training Requirement for Members Of the  
Zoning Board of Appeals

WHEREAS Section 7-712 (7) (A) of the Village Law provides that the members of the Zoning Board of Appeals of the Village of Saltaire are required to take four hours of training on an annual basis, and;

WHEREAS Section 7-712(7-c) of the Village law provides that the Board of Trustees may adopt a resolution which waives the training requirement of Section 7-712(7-a) for members of the Zoning Board of Appeals when the Board of Trustees determines that it is in the best interests of the Village to do so, it is therefore;

RESOLVED that the Board of Trustees hereby determines that it is in the best interests of the Village for the Board of Trustees to adopt this resolution and waive the training requirements of Section 7-712(7-a) of the Village Law, and the Board of Trustees hereby further resolves that the training requirement of Section 7-712(7-c) of the Village Law is hereby waived for the year 2014.

Resolution Waiving Board Member Training Requirements For Members of the  
Planning Commission and Board of Trustees

WHEREAS Section 7-718(7-A) of the Village Law provides that the members of the Village Planning Commission and the members of the Village Planning Board are required to take four hours of training on an annual basis, and;

WHEREAS Section 7-718(7-c) of the Village law provides that the Board of Trustees may adopt a resolution which waives the training requirement of Section 7-712(7-a) for members of the Village Planning Commission and the Village Planning Board when the Board of Trustees determines that it is in the best interests of the Village to do so, and;

WHEREAS in the Village of Saltaire the Board of Trustees performs the function of the Village Planning Board and the Trustees are therefore subject to the training requirements for a planning board pursuant to Section 7-718 (7-a) of the Village Law, it is therefore;

RESOLVED that the Board of Trustees hereby determines that it is in the best interests of the Village for the Board of Trustees to adopt this resolution and waive the training requirements of Section 7-712(7-a) of the Village Law, and the Board of Trustees hereby further resolves that the training requirement of Section 7-712(7-c) of the Village Law is hereby waived for 2014.

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 Chefetz, Trustee Connolly

Against: Trustee Zaccaro

Mayor Cox thanked those on the Board of Trustee and the Zoning Board who made the effort to fulfill the 4 hour continuing education requirements, and stated that he would make a concerted effort to assure that all members from both Boards fulfilled the 4 hour requirement for continuing education for 2015 early in the year.

#### AUTHORIZATION TO SEEK PERMITS AND CONTRACT FOR 2015 FIREWORKS

Administrator Posillico reported that if the Village wanted to continue with the Fireworks celebration for the summer of 2015, he would need to contract for the program and begin the permitting procedures. He also stated that the 2014/15 budget contemplated an expenditure of funds for that purpose, and Village Treasurer Lyudmer gave a report of contributions received toward the program. After discussion, Trustee Zaccaro made a motion to authorize the Village Administrator to expend up to \$17,500 inclusive of fireworks, permitting, barging and insurance cost for a 2014 summer fireworks show, and to be authorized to contract with the selected vendor for the show for a total cost not to exceed \$17,500. The motion was seconded by Trustee Connolly, and the motion was carried according to the following:

Motion: Trustee Zaccaro

Seconded: Trustee Connolly

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

Against: None

#### 2015 MARINA FEES

Administrator Posillico stated that the 2015 Marina applications are scheduled to be sent out to potential applicants in December, and presented a fee schedule that represented a 1.2% increase for all slip widths and lengths. After discussion, Trustee Chefetz made a motion to authorize 2015 Marina fees with a 1.2% increase, which is the current CPI index, above the 2014 Marina fees. 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 Wolf, Trustee Chefetz and Trustee Connolly

Against: Trustee Zaccaro

#### SETTING THE DATE AND TIME FOR THE GENERAL ELECTION & AUTHORIZING PERSONAL REGISTRATION

Trustee Connolly made the following motion:

WHEREAS, the annual Village election for the Village of Saltaire for the year 2015 is scheduled to be held, consistent with long-standing tradition, on the Friday before Memorial Day, and

WHEREAS, there are by law three positions to be filled at the general Village election, and

NOW THEREFORE BE IT RESOLVED that the Board of Trustees does hereby declare the following positions vacant at the expiration of their respective indicated terms:

Village Justice – four years

Trustee - two years

Trustee - two years

AND FURTHER BE IT RESOLVED THAT the next general Village election for one Village Justice and two Trustees of the Inc. Village of Saltaire shall be held on May 22, 2015 between the hours of 12 noon and 9 P.M. at the Village Hall, 103 Broadway, Saltaire, New York, and further,

WHEREAS, the next general Village election for one Village Justice and two Trustees of the Inc. Village of Saltaire will be held on May 22, 2015 and,

WHEREAS, no person shall be entitled to vote at any Village election whose name does not appear on the register of the Village, and

WHEREAS, it is the duty of the Inspectors of Election to prepare such register of qualified voters;

NOW, THEREFORE, BE IT FURTHER RESOLVED

1. That the Inspectors of Election shall meet on the 12<sup>th</sup> day of May, 2015 in the Village Hall to commence the preparation of the register for the forthcoming general election.

2. Personal registration for the Village shall be held on Sunday, May 10, 2015 between the hours of 9 A.M. and 5 P.M. and on Tuesday, May 12, 2015, between the hours of 12 noon and 5 P.M. at the Village Hall, 103 Broadway, Saltaire, New York.

3. Election day for the Village shall be held on Friday, May 22, 2015 between the hours of 12 noon and 9 P.M. at the Village Hall, 103 Broadway, Saltaire, New York.

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

Motion: Trustee Connolly

Seconded: Trustee Wolf

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

Against: None

#### REJECTION OF BIDS FOR CONSTRUCTION OF BUILDINGS ON 100 BROADWAY

The members of the Board discussed the potential financial and scheduling benefits and risks associated with the option of accepting some or all of the bids for construction of a new Saltaire Market and a potential Municipal Building at 100 Broadway. After discussion and all having a chance to be heard, Trustee Wolf made a motion to reject all bids that were submitted for construction of buildings and associated structures at 100 Broadway pursuant to a public bid process conducted on November 14, 2014. 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

Mayor Cox directed the Village Administrator and the involved Board members to continue to work on design and bid modifications that will hopefully result in a reduction of costs for all proposed structures, with a planned construction start for the fall of 2015. He further stated that the focus of

the design modifications should focus on off-site construction of modules or panels since the initial analysis shows that off-site methods provides the most promise for cost reduction, although he did state that all forms of construction should be open for consideration in the design and bid refinement process. He also stated that the Board will look into the cost and service advantages for a temporary store for the summer of 2015, and will have further discussion regarding that option at future meetings.

#### ADJOURN INTO EXECUTIVE SESSION

After the Board received and responded to questions from those in attendance, Trustee Wolf made a motion at 9:24 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 Chefetz made a motion to re-adjourn into public session at 10:20 p.m. 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

Against: None

The public meeting was called back into session by Mayor Cox at 10:20 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  
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 Wolf made a motion at 10:20 pm to close the meeting and to hold the next Board of Trustees meetings at 401 Seventh Ave, New York, at 6:00 p.m. on January 7, 2014. 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

Against: None