

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON JANUARY 07, 2015 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 6:07 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 approximately 8 other attendees

and the following were in attendance at the Saltaire location

Georgine Posillico - Video Operator  
And 1 other attendees

and approximately 18 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.

#### APPROVAL OF MINUTES

Draft copies of the minutes of the meetings of November 20, 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 Wolf made a motion to adopt the minutes as presented with minor non-substantive corrections. 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

#### 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. 7A in the amount of \$58,095.10

After discussion and opportunity for questions, Trustee Chefetz 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 Chefetz

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. 7A in the amount of \$749,187.53

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

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. 8A in the amount of \$76,273.69

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. 8A in the amount of \$472,443.32

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

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 & Agency No. 8A in the amount of \$5,000

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 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

#### STATUS – SALTAIRE MARKET REDEVELOPMENT

Mayor Cox and Administrator Posillico gave a brief overview of the status of the planned 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 stated that the Village recently received the NYS DEC permit for the planned reconstruction, and that the Suffolk County Department of Health permit was pending but imminent. He stated that after the receipt of the DOH permit, the contractor will mobilize for the installation of the foundation and sanitary system for the market building, as previously authorized. He further stated that the architect and engineering team was in the process of the modifying the construction documents so that they were specific for an off-site modular construction, and that the construction documents would be ready to go out for public bid in the middle of February. Mayor Cox stated the architect was concurrently working on alternate design options for the option of a municipal building, and that based on the feasibility study also being conducted on the potential renovation of the second floor of the existing Village Hall, the design of the second building may be modified for a smaller two story building or a single story option. Discussion ensued about whether it was appropriate to also look into redesign options of the market space as well since the planned opening of the store would not be until 2016. Mayor Cox stated that although the opening of the building was delayed until 2016, the bidding, contract, delivery and construction requirements had to be pursued in a timely fashion in order to meet the still very tight scheduling demands, which was why the rebid was planned for so early in 2015, but also that the design team would consider any suggested changes that came from the Board that could be accommodated within that schedule.

#### AUTHORIZATION TO PURCHASE DISCOUNT FERRY TICKETS

Trustee Chefetz made a motion to authorize the purchase of 900 discount ferry tickets according to the terms of the contract with Fire Island Ferries, for re-sale and distribution to the residents of the Village. Trustee Connolly seconded the motion, and on call it was carried pursuant to the following vote:

Motion: Trustee Chefetz

Seconded: Trustee Connolly

In Favor: Trustee Zaccaro, Trustee Chefetz, Trustee Connolly

Abstain: Trustee Wolf (temporarily left the room)

Against: None

SEQRA RESOLUTION REGARDING AUTHORIZATION FOR MAYOR TO EXECUTE AGREEMENT TO ALLOW SAND TO BE PLACED ON VILLAGE-OWNED PROPERTY AS PART OF THE FIMI PROJECT

Trustee Connolly made the following motion:

WHEREAS the Village of Saltaire is interested in advancing the FIMI beach replenishment project, and

WHEREAS the project sponsors, namely the Army Corps of Engineers, the New York State Department of Environmental Conservation and Suffolk County, require that it enter into an agreement with the Village of Saltaire to allow the sponsors and their agents to enter upon and place sand on Village-owned properties; it is therefore

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with respect to the above; and it is further

RESOLVED that the Board of Trustees hereby determines that the above action 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 above action;

- 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 a 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 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

#### AUTHORIZATION FOR MAYOR TO EXECUTE AGREEMENT TO ALLOW SAND TO BE PLACED ON VILLAGE-OWNED PROPERTY AS PART OF THE FIMI PROJECT

Trustee Chefetz made the following motion:

WHEREAS the Village of Saltaire is interested in advancing the FIMI beach replenishment project and

WHEREAS the project sponsors, namely the Army Corps of Engineers, the New York State Department of Environmental Conservation and Suffolk County, require that the Village enter into an agreement with them to allow the sponsors and their contractors and agents to enter upon and place sand on Village-owned properties; it is therefore

RESOLVED that the Mayor be authorized to execute the necessary contract documents with the FIMI project sponsors, individually or jointly as may be necessary with Suffolk County, New York State DEC, and/or the Army Corps of Engineers, in substantially the same form as presented to the Board for review, and as may be modified as necessary after consultation with the Village Attorney, to allow the project sponsors and its agents and contractors to enter upon and place sand on Village-owned properties as is required to implement the FIMI project.

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

#### AUTHORIZATION TO SEEK PUBLIC BIDS FOR REDEVELOPMENT OF THE SALTAIRE MARKET PROPERTY

Administrator Posillico and the Board discussed the plans and specification drafted by Butler Engineering for the redevelopment of 100 Broadway designed to be constructed via an off-site modular construction methodology. Administrator Posillico stated that final adjustments were being made to the final construction documents for modular construction, and that the construction documents had progressed to the point that the Village could plan to proceed to conduct a public bid process. After discussion, Trustee Wolf made the following motion:

WHEREAS, the Village of Saltaire is the owner of the property located at 100 Broadway and had demolished the flood-damaged buildings contained thereon, and,

WHEREAS, the Board of Trustees had previously approved the schematic design for the redevelopment of 100 Broadway, and Village has made application to the relevant regulatory agencies for approval of construction pursuant to that design, and

WHEREAS, the Board having previously reviewed and approved the set of construction documents that have been developed pursuant to that design, and has authorized their adjustments for optimum conformance with off-site modular construction,

THEREFORE BE IT RESOLVED that the Village Administrator be authorized to solicit bids for the redevelopment of the 100 Broadway property, according to a schedule that in his best judgment in consultation with the Mayor can be most efficiently, expeditiously and safely implemented, pursuant to the plans and specifications of Butler Engineering for General Construction and of EMTEC Engineering for Mechanical, Electrical and Plumbing in support of that design, after final review and approval by Mayor Cox and Trustee Zaccaro.

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 Chefetz, Trustee Wolf and Trustee Connolly

Against: None

RESOLUTION ADOPTING LEAD AGENCY STATUS AND PRELIMINARY TYPING THE ACTION AS A TYPE 1 ACTION FOR THE PURPOSES OF SEQRA REGARDING PROPOSED ADOPTION OF MODIFICATION OF CHAPTER 55 (ZONING) OF THE CODE OF THE VILLAGE OF SALTAIRE

Trustee Chefetz made the following motion:

WHEREAS the Village of Saltaire is considering for adoption a proposed local law of 2015 amending Chapter 55 of the Saltaire Village Code, the Zoning Code of the Village of Saltaire; and

WHEREAS a SEQRA review of the action of the adoption of the proposed local law is required pursuant to 6 NYCRR and its subdivisions; it is therefore

RESOLVED that the Village of Saltaire pursuant to 6 NYCRR 617.6(b) hereby elects to adopt lead agency status in this matter for purposes of SEQRA; and

RESOLVED that pursuant to 6 NYCRR 617.4(b) the Village of Saltaire hereby makes a preliminary determination that the proposed action is a Type I action for purposes of SEQRA; and it is further

RESOLVED that the Village of Saltaire hereby preliminarily determines that based on the long form EAF that has been prepared by the Village of Saltaire that the adoption of the proposed local law amending Chapter 55 of the Saltaire Village Code will not have a significant negative impact on one or more aspects of the environment; and it is further

RESOLVED that the Village Clerk Administrator is hereby directed to provide notice of this resolution and the completed EAF to all involved and interested agencies.

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 Chefetz, Trustee Wolf and Trustee Connolly

Against: None

#### ADJOURN INTO EXECUTIVE SESSION

After the Board received and responded to questions from those in attendance, Trustee Chefetz made a motion at 8:18 p.m. that the Board adjourn into Executive Session to discuss litigation strategy, contract and personnel issues. 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

#### RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Wolf made a motion to re-adjourn into public session at 10:10 p.m. The motion was seconded by Trustee Connolly, and on call it was approved according to the following action:

Motion: Trustee Wolf

Seconded: Trustee Connolly

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

Against: None

The public meeting was called back into session by Mayor Cox at 10:10 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

#### AUTHORIZATION FOR VILLAGE ATTORNEY TO CONTINUE LEGAL ACTION

Mayor Cox reported that the Village's special counsel Lance Pomerantz, in consultation with Village Attorney Prokop, has recommended a legal strategy for the response to the action brought against the Village by resident Richard Pavasaris. After discussion, Trustee Connolly made a motion to authorize Village Attorney Prokop to implement the strategy discussed to take action to require specific performance of involved parties. 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 Chefetz, Trustee Wolf, Trustee Connolly

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 Zaccaro made a motion at 10:15 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 February 23, 2014. 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 Chefetz, Trustee Wolf, Trustee Connolly

Against: None