

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON MAY 25, 2015 AT 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 9:25 a.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  
Hugh O'Brien, Trustee-Elect  
Joseph W. Prokop, Village Attorney  
Mario Posillico, Administrator & Clerk  
Donna Lyudmer, Village Treasurer  
And approximately 100 other attendees

and 11 observed through internet audio/video connection.

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

Mayor Cox led those in attendance in observance of Memorial Day in a moment of silence for all of those service men and women who have given their lives in defense of and service to the United States and the freedoms that all citizens hold dear, and for the recently deceased residents of the Village of Saltaire; and then led the meeting in the Pledge Of Allegiance to the United States.

NOTIFICATION OF ELECTED OFFICIALS AND SWEARING INTO OFFICE

The Village Clerk announced the election results of the 2015 Village election and notified Frank Markus of his election to the office of Village Justice for a four year term, and Alexander K. Chefetz and Hugh O'Brien of their election to the office of Trustee, each for a two-year term. The oath of office was administered to each for their respective offices. The newly elected officials were welcomed with a round of applause. Mayor Cox extended his gratitude on behalf of all Village residents to outgoing Trustee Ann Connolly for her service to the Village and her invaluable guidance during the very difficult and complicated period of Superstorm Sandy's aftermath. All in attendance concurred with a round of applause.

APPROVAL OF MINUTES

Draft copies of the minutes of the meetings of April 1, 2015 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 Chefetz, Trustee Wolf, 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. 11B in the amount of                   \$107,471.17

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 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:

Capital Fund No. 12A in the amount of                   \$385,602.18

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 Connolly, and the motion was carried according to the following:

Motion: Trustee Wolf

Seconded: Trustee Connolly

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. 12A in the amount of                   \$196,421.08

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

## STATUS – SALTAIRE MARKET REDEVELOPMENT

Mayor Cox 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. He stated that as resolved at the March 11, 2015 meeting, the engineering phase of the modular construction is well underway and should be complete by early June. He further stated that the Board would have to commit to the production of the modular units for one or both of the buildings by early June in order to stay on schedule for delivery of the modular units in early October of 2015 and project completion by May of 2016. Discussion then commenced first amongst the Board members and then those in attendance, about both the Market Building and the Municipal Building, and after all having a chance to be heard, Mayor Cox asked if any Board member was prepared to make a motion to commit to either or both of the buildings to go into production. Trustee Chefetz indicated that he was prepared to make a motion for the procurement of the buildings.

## CONSIDERATION OF PURCHASE AND BARGING AND INSTALLATION OF MODULAR BUILDINGS FOR 100 BROADWAY

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 AWARDDING OF CONTRACT FOR PRODUCTION OF AND BARGING AND INSTALLATION OF MODULAR BUILDINGS FOR 100 BROADWAY.

Trustee Wolf moved adoption of the following resolution:

WHEREAS the Village of Saltaire competitively bid the contracts for production, barging and installation of modular buildings, and the Board is considering awarding the contracts and executing the contract for the production of modular buildings with Simplex Industries and the barging and installation of modular buildings with Chesterfield Associates at 100 Broadway, and

WHEREAS the Board of Trustees has reviewed the contract work and contracts and the completed the short form EAF and accompanying materials with respect to the required SEQRA review with respect to the contracts and the contract work; it is therefore

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with respect to the contracts and contract work for the production of modular buildings and the barging and installation of modular buildings at 100 Broadway.

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, Trustee Connolly

Against: None

Trustee Chefetz then moved adoption of the following resolution:

RESOLVED that the Board of Trustees hereby determines that the contracts and contract work for the production of modular buildings and the barging and installation of modular buildings at 100 Broadway is an Unlisted Action for purposes of SEQRA;

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

Trustee Chefetz then moved adoption of the following resolution:

RESOLVED that the Board of Trustees of the Village of Saltaire hereby determines that the contracts and contract work for the production of modular units and barging and installation of modular units at 100 Broadway;

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 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

AWARDING OF BID AND AUTHORIZATION OF CONTRACT FOR PRODUCTION AND BARGING AND INSTALLATION OF MODULAR UNITS FOR 100 BROADWAY

Trustee Chefetz then made the following motion:

Whereas the Village of Saltaire solicited bids according to its procurement policy for public works and according to the plans and specifications therein, for the purpose of Production of modular units for 100 Broadway, and

Whereas sealed bids were publicly opened at 11:00 a.m. EST on March 10, 2015, and Simplex Industries was the certified low bidder as specified and met all the requirements stipulated in the bid;

THEREFORE, Be it resolved that the Board of the Trustees of the Village of Saltaire hereby authorizes the Village Administrator to declare Simplex Industries as the certified low bidder for Production of modular units for 100 Broadway pursuant to the plans and specification of the bid documents, and to notify Simplex Industries of its status as 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 Simplex Industries for Production of modular units for 100 Broadway for the Market Building Complex according to the plans and specifications of the bid documents for the contract amount of \$482,173, and for the Municipal Building Complex according to the plans and specifications of the bid documents for the contract amount of \$151,682, plus the cost of any necessary change orders that the Mayor deems necessary and reasonable, and further,

Be it resolved that the funding for the project shall initially be made from the general reserves, with the general reserves to be repaid from the proceeds of the issuance of Bonds or Bond or Revenue Anticipation Notes, as previously authorized or to be authorized in the future.

The motion was seconded by Trustee Zaccaro, and the motion did not carry according to the following:

Motion: Trustee Chefetz

Seconded: Trustee Zaccaro

In Favor: Trustee Zaccaro, Trustee Chefetz,

Abstain: Trustee Connolly

Against: Trustee Wolf, Mayor Cox

Trustee Wolf then made the following motion:

Whereas the Village of Saltaire solicited bids according to its procurement policy for public works and according to the plans and specifications therein, for the purpose of Production of modular units for 100 Broadway, and

Whereas sealed bids were publicly opened at 11:00 a.m. EST on March 10, 2015, and Simplex Industries was the certified low bidder as specified and met all the requirements stipulated in the bid;

THEREFORE,

Be it resolved that the Board of the Trustees of the Village of Saltaire hereby authorizes the Village Administrator to declare Simplex Industries as the certified low bidder for Production of modular units for 100 Broadway pursuant to the plans and specification of the bid documents, and to notify Simplex Industries of its status as 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 Simplex Industries for Production of modular units for 100 Broadway for the Market Building Complex according to the plans and specifications of the bid documents for the contract amount of \$482,173, plus the cost of any necessary change orders that the Mayor deems necessary and reasonable, and further,

Be it resolved that the funding for the project shall initially be made from the general reserves, with the general reserves to be repaid from the proceeds of the issuance of Bonds or Bond or Revenue Anticipation Notes, as previously authorized or to be authorized in the future.

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

Motion: Trustee Zaccaro

Seconded: Trustee Connolly

In Favor: Trustee Zaccaro, Trustee Chefetz, Trustee Wolf

Abstain: Trustee Connolly

Against: None

Trustee Wolf then made the following motion:

Whereas the Village of Saltaire solicited bids according to its procurement policy for public works and according to the plans and specifications therein, for the purpose of Barging and Installation of modular units for 100 Broadway, and

Whereas sealed bids were publicly opened at 11:00 a.m. EST on March 10, 2015, and Chesterfield Associates was the certified low bidder as specified and met all the requirements stipulated in the bid;

THEREFORE, Be it resolved that the Board of the Trustees of the Village of Saltaire hereby authorizes the Village Administrator to declare Chesterfield Associates as the certified low bidder for Barging and Installation of modular units for 100 Broadway pursuant to the plans and specification of the bid documents, and to notify Chesterfield Associates of its status as 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 Chesterfield Associates for Barging and Installation of modular units for 100 Broadway for the Market Building Complex according to the plans and specifications of the bid documents for the contract amount of \$324,000, plus the cost of any necessary change orders that the Mayor deems necessary and reasonable, and further,

Be it resolved that the funding for the project shall initially be made from the general reserves, with the general reserves to be repaid from the proceeds of the issuance of Bonds or Bond or Revenue Anticipation Notes, as previously authorized or to be authorized in the future.

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

Motion: Trustee Wolf

Seconded: Trustee Connolly

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

Abstain: None

Against: None

#### FIMP UPDATE

Mayor Cox reported on the status of the FIMP Project. He stated that the County had advised the communities that the west end project that will begin at Robert Moses State Park has been rescheduled to start in the fall of 2015 due to the lack of availability of the dredging equipment in the area. He further stated that the ocean front property owners from Kismet through Lonelyville have been contacted about the status of their easements or fee-acquisitions, and many have been secured or are near completion, although that the more complicated properties are taking longer to reach resolution and may require condemnation proceedings. He stated that the County is hopeful that all the real estate in the west end will be complete before the start of the project in the fall.

#### CONSIDERATION OF AWARDING BOARDWALK RECONSTRUCTION CONTRACT

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 AWARDING OF A CONTRACT FOR BOARDWALK RECONSTRUCTION – PHASE V.

Trustee Wolf moved adoption of the following resolution:

WHEREAS the Village of Saltaire competitively bid the contracts for boardwalk reconstruction - Phase V, and the Board is considering awarding the contracts and executing the contract for the reconstruction of boardwalk damaged by Superstorm Sandy know as Phase V with Chesterfield Associates, and

WHEREAS the Board of Trustees has reviewed the contract work and contracts and the completed the short form EAF and accompanying materials with respect to the required SEQRA review with respect to the contracts and the contract work; it is therefore

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with respect to the contracts and contract work for the reconstruction of boardwalk damaged by Superstorm Sandy know as Phase V with Chesterfield Associates, and further be it

RESOLVED that the Board of Trustees hereby determines that the contracts and contract work for the reconstruction of boardwalk damaged by Superstorm Sandy know as Phase V with Chesterfield Associates is an Unlisted Action for purposes of SEQRA, and further be it

RESOLVED that the Board of Trustees of the Village of Saltaire hereby determines that the contracts and contract work for the reconstruction of boardwalk damaged by Superstorm Sandy know as Phase V with Chesterfield Associates;

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 Connolly, and the motion was carried according to the following:

Motion: Trustee Wolf

Seconded: Trustee Connolly

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

Against: None

Trustee Chefetz then made the following motion:

Whereas the Village of Saltaire solicited bids according to its procurement policy for public works and to be in compliance with the procurement policies of the Housing and Urban Development Agency, which in part is providing funding for the project, and according to the plans and specifications therein, for the reconstruction of boardwalk damaged by Superstorm Sandy know as Phase V, and

Whereas sealed bids were publicly opened at 11:00 a.m. EST on May 25, 2015, and Chesterfield Associates was the certified low bidder as specified and met all the requirements stipulated in the bid;

THEREFORE, Be it resolved that the Board of the Trustees of the Village of Saltaire hereby authorizes the Village Administrator to declare Chesterfield Associates as the certified low bidder for the reconstruction of boardwalk damaged by Superstorm Sandy know as Phase V, for the base



bid and all bid alternates, pursuant to the plans and specification and requirements of the bid documents, and to notify Chesterfield Associates of its status as 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 Chesterfield Associates for the reconstruction of boardwalk damaged by Superstorm Sandy know as Phase V according to the plans and specifications of the bid documents for the lump sum and unit prices specified therein, for the contract amount pursuant to the unit bid amounts multiplied by the actual measured quantities, if any, for the base bid and all bid alternates for a projected total contract amount of \$2,313,727, plus the cost of any necessary change orders that the Mayor deems necessary and reasonable, and further,

Be it resolved that the contract award and contract execution shall initially be for only the base bid in the amount of \$1,167,465, and thereafter upon notice of project obligation by FEMA for the remaining bid alternates listed in the bid documents, that the Village Administrator is authorized to execute the necessary contract documents with Chesterfield Associates for Additional Work # 1 according to the plans and specifications of the bid documents for the lump sum and unit prices specified therein, for the contract amount pursuant to the unit bid amounts multiplied by the actual measured quantities, for a projected total contract amount of \$1,034,689; and further that the Village Administrator is authorized to execute the necessary contract documents with Chesterfield Associates for Additional Work # 2 according to the plans and specifications of the bid documents for the lump sum and unit prices specified therein, for the contract amount pursuant to the unit bid amounts multiplied by the actual measured quantities, for a projected total contract amount of \$111,573, plus the cost of any necessary change orders for either Additional Work that the Mayor deems necessary and reasonable, and further

Be it resolved that the funding for the project shall initially be made from the general reserves, with the general reserves to be repaid from the proceeds of FEMA reimbursement of the issuance of Bonds or Bond or Revenue Anticipation Notes, as previously authorized or to be authorized in the future.

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

Motion: Trustee Chefetz

Seconded: Trustee Connolly

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

Abstain: None

Against: None

#### RENTAL OF 104B NEPTUNE WALK FOR THE 2014 SUMMER SEASON

Trustee Chefetz made a motion to allocate 104B Neptune for rental purposes for the 2015 summer, and to authorize the Village Administrator to accept the offer of rental of 104B Neptune from May 15, 2015 to September 15, 2015 for what in his discretion is the best available price, and for the 2015-16 off-season as the real estate market dictates, and to enter into a lease agreements as necessary 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

#### RESOLUTION TO WAIVE FINANCIAL UNDERTAKING FOR ELECTIVE OFFICE

Trustee Chefetz made a motion that the Board of Trustees, in accordance with the long-standing practice of the Village of Saltaire regarding the filing requirements for elected officials, resolves that elected officials of the Village of Saltaire shall not be required to file an undertaking as a requisite for assuming duly-elected office. 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 O'Brien and Trustee Chefetz

Against: None

#### ADJOURN INTO EXECUTIVE SESSION

After the Board received and responded to questions from those in attendance, Trustee Wolf made a motion at 12:06 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 Wolf made a motion to re-adjourn into public session at 12:50 p.m. The motion was seconded by Trustee Zaccaro, and on call it was approved according to the following action:

Motion: Trustee Wolf

Seconded: Trustee Zaccaro

In Favor: Trustee Zaccaro, Trustee Chefetz, Trustee Wolf

Against: None

The public meeting was called back into session by Mayor Cox at 12:50 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  
Hugh O'Brien- Trustee-Elect  
Joseph W. Prokop, Village Attorney  
Mario Posillico, Administrator & Clerk  
Donna Lyudmer, Village Treasurer  
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 12:51 pm to close the meeting and to hold the next Board of

Trustees meetings at 103 or 105 Broadway, Saltaire, NY at 6:00 p.m. on July 3, 2015. The motion was seconded by Trustee Wolf, and the motion was carried according to the following action:

Motion: Trustee Chefetz

Seconded: Trustee Wolf

In Favor: Trustee Zaccaro, Trustee Chefetz, Trustee Wolf

Against: None