

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON NOVEMBER 17, 2012 AT
103 BROADWAY, SALTAIRE, NEW YORK.

Mayor Cox called the Board of Trustees meeting to order at 10:30 a.m. and the following were in attendance:

Robert Lynn Cox III, Mayor
John A. Zaccaro Jr, Trustee
Alexander K. Chefetz, Trustee
Hugh A. O'Brien, Trustee
Frank Wolf, Trustee
Mario Posillico, Administrator & Clerk
Donna Lyudmer, Treasurer
Vern Henriksen, Maintenance Foreman
And approximately 75 other attendees

STORM SANDY - ADDRESS BY MAYOR COX

Mayor Cox stated that he decided to deviate from the traditional Board meeting routine to focus on issues relating to Hurricane Sandy, which was uppermost on everyone's agenda, and would also allow residents more time to inspect their homes and commence their repair process. He stated that although Saltaire was dealt a severe blow from the storm, Saltaire was fortunate in many respects as compared to neighboring communities on Fire Island and other coastal communities along the New York and New Jersey coastline. Saltaire is fortunate in that it is served by a dedicated and experienced staff and by the selfless volunteers of the Saltaire Volunteer Fire Company who worked tirelessly before, during and after the storm to mitigate and repair the damage and to make it safe for residents to return as soon as possible. He stated all Saltairians owe the staff and volunteers of the Village a debt of gratitude for their outstanding effort and accomplishments under very trying circumstances, including being displaced from their own homes. Everyone in attendance concurred with Mayor Cox with a resounding round of applause. He stated that Saltaire was also fortunate that it had properly engineered and managed its beach for the past 20 years after the Halloween storms of the early 1990s, and as a result, the beach, although decimated, served its purpose and prevented the catastrophic destruction of private property that could have jeopardized the very survival of the Village. He stated that the Village now has been brought back to a condition that allows for safe access for homeowners, contractors, electricians, plumbers and insurance adjusters to begin the process of repairing those water-damaged structures, the primary focus of the Village will be to fully rebuild the protective features of the beach. He stated that steps have already been taken to begin that process by building emergency berm walls in the decimated dune system to close the over-wash areas and provide a limited measure of protection against further water incursion. He stated that this was the very first step in a likely lengthy process that will hopefully culminate in a beach re-nourishment project that will rebuild the entire beach back to its pre-storm size and shape. He stated that, despite the damage and upset caused by Sandy, the Village of Saltaire had an identifiable path to full recovery, and therefore it had a lot to be thankful for as it headed into the Thanksgiving week; and asked that in that spirit of thanks, all in attendance stand and join him in the Pledge of Allegiance to the United States of America.

The Trustees on the Board concurred with Mayor's Cox's praise of the outstanding job done by the Village administration, staff and volunteers during the storm and recovery, and Trustee Zaccaro further added that their success was made possible and enhanced by the on-the-ground leadership of Mayor Cox, who provided direction and critical decisions at every step of the process. All in attendance concurred with a resounding round of applause.

Mayor Cox stated that the Village decided to undertake an intensive inspection process of the exterior electrical components of each structure in an effort to catalogue where they might have been damaged, and to minimize the risk of fire upon LIPA's repowering of the Village. Trustee Zaccaro, who worked directly with the electrical inspectors, provided an overview of the inspection process and the findings. Those in attendance were advised that if their home was marked with a red sticker, they would be required to have a licensed electrician address the damage to their electrical systems with verification sent to the Village office before they would be able to turn on their main breaker. Village Administrator Posillico stated that the Village office would be sending out detailed information to each homeowner about the inspection results and the process required for repair.

LITIGATION – SALTAIRE ZONING BOARD OF APPEALS.

Mayor Cox reported that a group of homeowners on Marine Walk have initiated what is know as an Article 78 proceeding against the Saltaire Zoning Board of Appeals (ZBA) for its decision in the Saltaire Yacht Club variance hearing. He stated that he has spoken to Village and ZBA counsel, and both recommended that it would be appropriate for Village to request from the court an extension of time to respond to the filing based on the extenuating circumstances of the Village dealing with more pressing storm-related matters. Mayor Cox stated that while that extension request is being made, he would like the Board to draft and consider a revision to the zoning code that would deal directly with Clubs and Churches within their own newly-created zoning district, as opposed to their present designation as permissible use within the residential district. He felt that a separate zone for those uses would make more sense since neither are residential uses and as such would be better regulated by a specific zoning district.

RATIFICATION OF ARTICLE 2B DECLARATION OF EMERGENCY POWERS AND ACTIONS

Trustee Zaccaro made the following motion:

WHEREAS, a local state of emergency was declared in the Village of Saltaire by Mayor Robert L. Cox pursuant to Section 24 and Article 2-B of the New York State Executive Law on October 26, 2012; and

WHEREAS, a local state of emergency still exists in the Village of Saltaire and based on existing conditions will likely to continue: and

WHEREAS, pursuant to that declared state of emergency, and as a matter of necessity, the Village of Saltaire was required to take certain actions on an emergency basis including contracts and expenditures made on an emergency basis to protect life and property; and

WHEREAS the Mayor and Board of Trustee have determined that it is in the best interests of the Village of Saltaire and the protection of life and property in the Village to continue the local state

of emergency that was declared pursuant to Section 24 and Article 2-B of the New York State Executive Law; and

WHEREAS, the declaration of a local state of emergency is an action as defined under the regulations of the New York State Department of Conservation and is not listed as either a Type I or Type II action and is therefore an unlisted action for purposes of SEQRA; therefore

RESOLVED, the Board of Trustees hereby adopts lead agency status for the purposes of SEQRA and determines that the declaration and continuation of the declaration of a local state of emergency is an unlisted action for purposes of SEQRA, and it is further

RESOLVED that the declaration of a local state of emergency by Mayor Robert L. Cox on October 27, 2012 pursuant to Section 24 and Article 2-B of the New York State Executive Law will not result in a negative impact on existing air quality, ground or surface water quality or quantity, traffic or noise levels, substantial increase in solid waste production, 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, on other natural features, impairment of a critical environmental area, conflict with a community's current plans or goals, and will not otherwise result in a significant negative impact on the environment, and that therefore a negative declaration is adopted for purposes of SEQRA, and it is further

RESOLVED that the declaration of a local state of emergency by Mayor Robert L. Cox on October 27, 2012 inclusive of his suspension of the Village purchasing policy in order to expedite emergency protective measures for the duration of the state of emergency, pursuant to Section 24 and Article 2-B of the New York State Executive Law is hereby ratified and approved, and it is further

RESOLVED that there shall be a continuation of the declaration of the a local state of emergency pursuant to Section 24 and Article 2-B until December 17, 2012, and it is further

RESOLVED, that the expenditures and contracts made and entered by or an behalf of the Village of Saltaire, listed on the attached schedule, be hereby ratified and approved.

The motion was seconded by Trustee Wolf, and on call without any objection was unanimously so approved.

APPLICATION FOR FEDERAL PUBLIC ASSISTANCE

Trustee Wolf made the following motion:

WHEREAS, Mayor Cox authorized Village Administrator Posillico to make a formal Request for Public Assistance for damages to the public infrastructure in the Village caused by Hurricane Sandy of Saltaire, and

WHEREAS such formal request was made by Village Administrator Posillico on November 14, 2012 to the New York State Office of Emergency Management; it is

RESOLVED, that the authorization for the Village Administrator to make a formal Request for Public Assistance for damages cause by Hurricane Sandy to public infrastructure in the Village of Saltaire is hereby ratified and approved.

The motion was seconded by Trustee O'Brien, and on call without objection was unanimously so approved.

ACCEPTANCE OF PROPOSAL TO SURVEY BEACH DAMAGE

Trustee Wolf made the following motion:

WHEREAS, in order for the Village of Saltaire to accurately assess the damage to its managed ocean beach front, and to maintain its status as an actively managed beach system, it must conduct a hydrographic survey of both the upland and underwater areas of its beach system; and

WHEREAS, the Village has solicited a proposal from its beach engineers, Coastal Planning and Engineering, to conduct such a survey and issue a full damage assessment report, it is therefore

RESOLVED, that the Village of Saltaire accept the proposal of its beach engineering consultants, Coastal Planning and Engineering, for an amount not to exceed \$20,000 for purposes of conducting a survey of the Village's beach system and to issue a storm damage assessment report.

The motion was seconded by Trustee O'Brien, and on call without objection was unanimously so approved.

RESOLUTION ADOPTING REGULATIONS PENDING CODE AMENDMENTS

Trustee Zaccaro made the following motion:

WHEREAS, a local state of emergency was declared in the Village of Saltaire by Mayor Robert L. Cox pursuant to Section 24 and Article 2-B of the New York State Executive Law on October 26, 2012 and duly extended to December 17, 2012: and

WHEREAS, many homes in the Village of Saltaire sustained damage to their electrical wiring and fixtures; and

WHEREAS, the Board of Trustees is considering an amendment to the Saltaire Village Code regarding electrical wiring, fixtures and hardware that are subject to flood waters; it is therefore

RESOLVED, that Mayor Cox be authorized to convene a group of experienced local electricians and general contractors along with the Building Inspector to develop a set of regulations for the replacement of or installation of new electrical wiring, fixtures and hardware below the benchmark for each home as determined by the Base Flood Elevation pursuant to the Village of Saltaire Flood Insurance Rate Map, and it is further

RESOLVED, that Mayor Cox be authorized pursuant to his emergency powers granted under the Section 24 and Article 2-B declaration to enact such electrical requirement regulations as he sees fit to take effect immediately upon their enactment.

The motion was seconded by Trustee Wolf, and on call without objection was unanimously so approved.

ABSTRACT AUDIT

Mayor Cox stated that the following Abstracts were presented for approval by the Village Administrator and the Village Treasurer:

General Checking No. 6A in the amount of \$104,000.88

After discussion and opportunity for questions, Trustee Wolf made a motion that General Checking Abstracts 6A be approved as presented and that the Mayor be authorized to execute the warrants. Trustee Zaccaro seconded the motion and on call without objection it was unanimously approved.

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 O'Brien made a motion to close the meeting, with the date, time and location of the next meeting to be determined. The motion was seconded by Trustee Chefetz, and on call without objection it was unanimously so approved to close the meeting at 12:30 p.m.