

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON DECEMBER 10, 2012 AT 401 SEVENTH AVENUE, SIXTH FLOOR, NEW YORK, NEW YORK AND VIA VIDEO/AUDIO LINK TO 103 BROADWAY, SALTAIRE, NEW YORK.

Mayor Cox called the Board of Trustees meeting to order at 6:02 p.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
Joseph Prokop, Village Attorney
Dennis Foley, Chief of Security
And approximately 65 other attendees

and the following were in attendance at the Saltaire location

Donna Lyudmer, Treasurer
And 5 other attendees

APPROVAL OF MINUTES

Draft copies of the minutes of the meetings of October 6, 2012, and November 17, 2012, 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. The motion was seconded by Trustee O'Brien and on call without objection was unanimously 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. 7A in the amount of \$74,227.15

After discussion and opportunity for questions, Trustee O'Brien made a motion that General Checking Abstracts 7A be approved as presented and that the Mayor be authorized to execute the warrants. Trustee Chefetz seconded the motion and on call without objection it was unanimously approved.

STORM SANDY - UPDATE

Mayor Cox provided an update on the Village's progress toward restoring the Village after Hurricane Sandy. He stated that the maintenance staff has been focusing on making the boardwalks even and level, and to the extent possible accessible for fire and rescue vehicles, as well as repairing Village buildings that were damaged in the storm, focusing currently on 106 Neptune. He also stated that the staff continues to clear sand over-wash from behind the dunes, and to move that to the beach front to continue to fortify the decimated dune as much as possible, while the Village Administrator works on intermediate and long-term protections for the beach.

While the larger dredge and fill project that will rebuild the beach to pre-storm conditions works its way through the regulatory review process, the Board will consider at this meeting the installation of a sand bag system that will provide a moderate level of protection in the interim. The system, which will be the first used on Fire Island, connects the bags together so that they act in unison to offer a sturdier and hopefully more reliable level of protection than individual bags. In addition, request has been made to the New York State Department of Environmental Conservation to use sand from the beach to fill the bags since the alternative options of upland sources of sand are either non-existent or logistically infeasible.

TRAP-BAG® SYSTEM –SEQRA RESOLUTION

Trustee Zaccaro made the following motion:

REGARDING THE INSTALLATION OF A SAND BARRIER SYSTEM AS AN EMERGENCY PROTECTIVE MEASURE AND AWARDING OF BID AND AUTHORIZATION OF CONTRACT

WHEREAS the Board of Trustees of the Village of Saltaire has determined that it is necessary for the long-term protection of the Village of Saltaire to install sand bags along its entire oceanfront as an emergency protective measure for the Village of Saltaire; and

WHEREAS the New York State Department of Environmental Conservation has issued a general permit for the installation of sand bags for that purpose; and

WHEREAS the Administrator of the Village of Saltaire has submitted an application to the New York State Department of Environmental Conservation to install a sand bag system with sand to be taken from its ocean front in sufficient amounts to fill the bags for the system identified, known as the Trapbag® system: and

WHEREAS the Board of Trustees of the Village of Saltaire on an emergency basis requested bids for the installation of sand bags in the Village of Saltaire; and

WHEREAS Stout Construction, Inc. was the lowest responsible bidder that responded to the request for bids for the installation of the sand bags, and the Board of Trustees wishes to award the contract for installation to Stout Construction, Inc.; and

WHEREAS the Board of Trustees has determined that given the nature of the emergency that exists and the requirement for immediate work to preserve property in the Village that a TrapBag® Cellular Barrier System is required and that Ameriglobe FIBC Solutions has provided the Village of Saltaire with evidence that it is the sole source provider of that product and the Board of Trustees wishes to award the contract for the supply of the barrier bags; and

WHEREAS the Board of Trustees is desirous of awarding the two contracts and completing the installation of the barrier, and the Board of Trustees has duly considered the obligations of the Village of Saltaire with regard to SEQRA; it is therefore

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with regard to the awarding of the contracts and installation of the barrier system; and it is further

RESOLVED that the Board of Trustees hereby determines that the awarding of the contracts and the installation of the barrier system 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 awarding of the contracts and the installation of the barrier system:

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, or 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.

Upon motion by Trustee Zaccaro seconded by Trustee O'Brien this resolution is carried as follows:

Trustee Chefetz - Yea

Adopted December 10, 2012

Trustee O'Brien - Yea

Trustee Wolf - Yea

Mario Posillico, Village Clerk

Trustee Zaccaro - Yea

Village Seal:

AWARD OF CONTRACT TO SUPPLY SAND BAGS

Trustee O'Brien made the following motion:

REGARDING THE AWARDING OF PROPOSAL AND
AUTHORIZATION OF CONTRACT
FOR SUPPLY OF SAND BAG BARRIER SYSTEM

WHEREAS the Board of Trustees of the Village of Saltaire on an emergency basis requested proposals for the supply of a sand bag barrier system delivered to the Village of Saltaire; and

WHEREAS the Board of Trustees has determined that given the nature of the emergency that exists and the requirement for immediate work to preserve property in the Village that a Trapbag® Cellular Barrier System is required; and

WHEREAS Ameriglobe FIBC Solutions has provided the Village of Saltaire with a proposal to supply the sand bag barriers that are required for the amount of \$119,086 and has also provided evidence that it is the sole source provider of that product the Board of Trustees; and

WHEREAS the installation of the sand bag barrier system must be approved by the NYS DEC prior to its commencement, it is therefore

RESOLVED that the Board of Trustees hereby approves the proposal of Ameriglobe FIBC Solutions in the amount of \$119,086 and further authorizes Administrator Posillico to execute a purchase order with Ameriglobe FIBC Solutions to supply the product, subject to the approval of the installation of the system by the New York State Department of Environmental Conservation.

The motion was seconded by Trustee Zaccaro, and on call without objection, the motion was unanimously approved.

AWARD OF CONTRACT TO INSTALL SANDS BAGS

Trustee Zaccaro made the following motion:

REGARDING THE AWARDING OF BID AND
AUTHORIZATION OF CONTRACT
FOR THE INSTALLATION OF SAND BAG BARRIER SYSTEM

WHEREAS the Board of Trustees of the Village of Saltaire on an emergency basis requested bids for the installation of a sand bag barrier system in the Village of Saltaire; and

WHEREAS the Board of Trustees has determined that given the nature of the emergency that exists and the requirement for immediate work to preserve property in the Village that a Trapbag® Cellular Barrier System is required; and

WHEREAS Stout Construction, Inc. was the lowest responsible bidder with a bid of \$37,950 for the installation of the sand bag barrier system; and

WHEREAS the installation of the sand bag barrier system must be approved by the NYS DEC prior to its commencement; it is therefore

RESOLVED that the Board of Trustees hereby awards the contract for the installation of the sand bag barrier system to Stout Construction, Inc. in the amount of \$37,950 and further authorizes Administrator Posillico to execute a contract with Stout Construction, Inc, subject to the approval of the installation of the system by the New York State Department of Environmental Conservation.

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

AUTHORIZATION TO EXECUTE INTER-MUNICIPAL AGREEMENT

Mayor Cox reported that the Village has been working with the Towns of Islip and Brookhaven and the Village of Ocean Beach to plan for the beach renourishment project that will repair the

ocean beaches on Fire Island to their pre-storm condition. He stated that the planning requires certain environmental studies be undertaken as part of the regulatory approval process, which are more efficiently undertaken as a comprehensive study rather than individual pieces for each community. In order to effect such a cooperative arrangement, the two Towns and the two Villages have drafted an intermunicipal agreement (IMA) that will govern the rights and responsibilities of all jurisdiction in the regulatory approval process, and which has listed the Village of Saltaire as contract administrator for that process. Trustee Zaccaro stated that he has reviewed the draft agreement and that his main concern is that the Village is not being compensated for it Administrator overseeing the project and in addition should be indemnified in its capacity as contract administrator. After discussion, Trustee O'Brien made a motion to authorize Mayor Cox to exercise the IMA for the purposes of obtaining all regulatory approval for the planned beach repair project, subject to inclusion of indemnification language in order to properly protect the Village and reviewed in consultation with the Village Attorney. The motion was seconded by Trustee Chefetz, and on call without objection it was unanimously so approved.

SOLICIT PROPOSAL FOR ENVIRONMENTAL STUDY AND REGULATORY APPROVAL
Mayor Cox stated that the Village has prepared a Request for Proposal to solicit proposals from expert consultants to guide the project communities through the regulatory review process pursuant to the authority granted in the IMA. Trustee O'Brien made a motion to authorize Administrator Posillico to solicit proposals for consulting services to prepare the necessary environmental studies, engineering and regulatory approvals for a beach renourishment project to repair the damage caused by past storms, on behalf of itself and the other communities represented in the IMA. The motion was seconded by Trustee Chefetz, and on call without objection it was unanimously so approved.

2013 ELECTION RESOLUTION

Trustee Zaccaro made the following motion regarding the 2013 Village Election:

WHEREAS, the annual Village election for the Village of Saltaire for the year 2013 will be held on Friday, May 24, 2013 and

WHEREAS, there are by law two 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:

Trustee - two years

Trustee - two years

AND FURTHER BE IT RESOLVED THAT the next general Village election for two Trustees of the Inc. Village of Saltaire shall be held on May 24, 2013 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 Chefetz, and on call without objection was unanimously so approved.

PERSONAL REGISTRATION

Trustee Chefetz made the following motion regarding personal registration:

WHEREAS, the next general Village election for two Trustees of the Inc. Village of Saltaire will be held on May 24, 2013 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 RESOLVED

1. That the Inspectors of Election shall meet on the 14th day of May, 2013 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 12, 2013 between the hours of 9 A.M. and 5 P.M. and on Tuesday, May 14, 2013, 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 24, 2013 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 O'Brien, and on call without objection it was unanimously so approved.

DIVISION FOR YOUTH RESOLUTION

Trustee Chefetz moved the following resolution requesting funds of the New York State Division for Youth for the Recreation Program for 2013 and all years thereafter:

NOW, THEREFORE BE IT RESOLVED that the Village Clerk be authorized to make application to the New York State Division for Youth for approval of funds for the Saltaire Recreation Program for 2013, and for each year thereafter for as long as the Village of Saltaire remains eligible to make application for the funding.

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

WAIVER OF LAND-USE TRAINING FOR 2012

Trustee Chefetz moved the adoption of the following resolutions regarding land-use training for 2012

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 2012.

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 7-718(7-c) of the Village Law is hereby waived for 2012.

Trustee Zaccaro stated that he disagreed with the motion since the requirement should not be waived due to the fact that the zoning code was currently being modified and that there are several options available to satisfy the training requirement. The motion was seconded by Trustee O'Brien, and on call was approved according to the following vote:

Trustee Zaccaro	Nay
Trustee Chefetz	Yea
Trustee O'Brien	Yea
Trustee Wolf	Yea

PRESENTATION OF PROPOSED ZONING MODIFICATION

Mayor Cox reported on the status of the Article 78 proceeding which was filed challenging the decision of the Saltaire Zoning Board of Appeal's (ZBA) regarding the Saltaire Yacht Club variance application, and that the Village counsel will be requesting an extension of time to respond to the papers in light of the emergency situation created by Hurricane Sandy, which will likely be granted. He stated that he felt the extension of time allowed the Village to take a thorough look at the zoning code as it relates to uses other than single family residences in the residential district, namely private clubs and churches. He further stated that both of these uses, as currently located in the Village, predated the adoption of the residential code, and thereafter were established as legal non-conforming uses within the residential district. That status does not adequately address the specific needs and characteristics of the Yacht Club and the two churches, and would prohibit reconstruction or a substantial renovation within their existing footprints without having to obtain a variance from the Saltaire ZBA. He stated that their legal non-conforming status places restrictions on them when undertaking repairs and renovations, which seems unfair in light of the fact that their existence in their current footprints predates the adoption of the zoning code, and since single family residences within the residential district are not hindered by the same limitation. He stated that the draft proposal being presented was a starting point in a discussion of how private clubs and churches, both existing and potential new structures, should be zoned and regulated. The proposal creates specific requirements for these categories separate and distinct from single family residences, which he felt made more sense than trying to fit all the varied uses under one set of regulations. Discussion ensued amongst the members of the Board, and those in attendance. After all having a chance to be heard, Mayor Cox stated that the Board would consider all comments in redrafting the proposed legislation and whether it wanted to proceed to a public hearing to consider adoption in its revised form.

2013 MARINA FEE SCHEDULE

After discussion amongst the Board about the level on increase in marina fees for the 2013 summer season, Trustee Wolf made a motion to institute a 3% increase for all categories of boats in the Saltaire Marina. The motion was seconded by Trustee O'Brien, and on call without objection it was unanimously so approved.

ADJOURN INTO EXECUTIVE SESSION

After the Board received and responded to questions from those in attendance, Trustee O'Brien made a motion that the Board adjourn into Executive Session to discuss litigation strategy, contract and personnel issues. The motion was seconded by Trustee Zaccaro and on call without objection was so approved at 8:24 p.m.

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Wolf made a motion to re-adjourn into public session at 9:51 p.m. The motion was seconded by Trustee Zaccaro, and on call without objection was unanimously so approved. The public meeting was called back into session by Mayor Cox at 9:51 p.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
Joseph Prokop, Village Attorney
And 1 other attendee

and the following were in attendance at the Saltaire location
0 other attendees

AUTHORIZATION OF CHANGE IN 2012/2013 SALARY

Trustee Wolf stated that the Village full-time office staff had worked extra hours due to the storm, under some very difficult circumstances, well beyond what was anticipated when their salaries were set for the 2012/13 fiscal year. In consideration of the additional work by the full-time office staff in addition to their normal duties, Trustee Wolf made a motion that the Village Treasurer's annual salary for the 2012/13 fiscal year be increased by \$2,500 and that the Village Administrator's annual salary for the 2012/13 fiscal year be increased by \$7,500, to reflect those additional hours worked, both retroactive to the beginning of the 2012/13 fiscal year, and both to be reevaluated for the 2013/14 fiscal year.

Motion: Trustee Wolf

Seconded: Trustee Zaccaro

In Favor: Trustee Wolf, Trustee Zaccaro, Trustee O'Brien and Trustee Chefetz

Against: None

PARAMEDICS PROGRAM FOR 2013

Trustee Wolf reported that although he has not received an official response from the Fire Company regarding the continuation of the paramedic program for 2014, he does sense that there is not a strong majority opinion within the Fire Company either way. He also reported that one of the volunteer members of the Company should have attained his paramedic license by the end of 2013, increasing the number of volunteer paramedics to two for the 2004 summer. He also stated that the cost of the program for 2012 was in excess of \$30,000 when figuring all costs including housing, which concerned him in light of the extraordinary expenses incurred due to Hurricane Sandy. After discussion amongst the members of the Board and Fire Company President Catherine O'Brien, who was in attendance, Trustee Wolf made a motion to suspend for one year the paid paramedic program while its cost and effectiveness are studied further. The motion was seconded by Trustee Chefetz, and on call without objection, it was unanimously so 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 next meeting to be held on January 23, 2013, at 6:00 p.m. at a New York City location with a video/audio link to 103 or 105 Broadway, Saltaire, New York. The motion was seconded by Trustee Chefetz, and on call without objection it was unanimously so approved to close the meeting at 10:03 p.m.