

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON JANUARY 23, 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 6:00 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 40 other attendees

and the following were in attendance at the Saltaire location

Donna Lyudmer, Treasurer
And 3 other attendees

APPROVAL OF MINUTES

Draft copies of the minutes of the meeting of December 10, 2012, having been previously presented to the Board and posted in draft form on the Village web site, were presented for adoption. Mayor Cox suggested language changes to the compensation adjustments for the Village Administrator and Village Treasurer, as well as for fact corrections regarding Paramedic coverage. After discussion, and all having a chance to be heard, Trustee Wolf made a motion to adopt the minutes as presented and modified as discussed.

Motion: Trustee Wolf

Seconded: Trustee O'Brien

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

Against: None

ABSTRACT AUDIT

Mayor Cox stated that the following Abstract was presented for approval by the Village Administrator and the Village Treasurer:

General Checking No. 7B in the amount of \$36,725.63

After discussion and opportunity for questions, Trustee Chefetz made a motion that General Checking Abstract 7B be approved as presented and that the Mayor be authorized to execute the warrants.

Motion: Trustee Chefetz

Seconded: Trustee Zaccaro

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

Against: None

Mayor Cox stated that the following Abstract was presented for approval by the Village Administrator and the Village Treasurer:

General Checking No. 8A in the amount of \$323,004.52

After discussion and opportunity for questions, Trustee Wolf made a motion that General Checking Abstract 8A be approved as presented and that the Mayor be authorized to execute the warrants.

Motion: Trustee Wolf

Seconded: Trustee Chefetz

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

Against: None

STORM SANDY - UPDATE

Mayor Cox provided an update on the Village's progress toward restoring the Village after Hurricane Sandy. He stated that the short-term protection measure for the ocean front through the installation of the Trapbag® sandbag system has been completed, and provides a level of protection from the routine winter storms, a significant improvement from the condition of the beach immediately after Hurricane Sandy. He further stated that work continues on the longer-term protection of the that is necessary for real beach stabilization. He stated that the Village of Saltaire (with the Village Administrator Mario Posillico acting as Contract Administrator for the two Towns and two Villages on Fire Island) is in the final stages of executing an agreement to obtain commitments from 14 beach communities to participate in a major beach renourishment project to repair the damage to our beach, that would begin during the 2013-14 off-season. Simultaneously, the Board is monitoring closely and advocating for the final implementation of the Army Corp of Engineers' larger Fire Island to Montauk Point Reformulation Project (FIMP), and is pushing very hard for the implementation of either project for an autumn 2013 construction start.

Mayor Cox further stated that the Village has received the engineering report it commissioned from RMS Engineering on the condition of the Village's walkway and roadway network after the impact of Hurricane Sandy. It confirmed that approximately 15,000 feet of the Village boardwalks were structurally compromised to carry the loads for which they were designed and are beyond repair, and 1,000 feet of concrete walk was damaged and needed to be replaced. The estimated cost of reconstruction of the damaged boardwalk pursuant to the design that was previously adopted as the new boardwalk standard, which was used for the Pacific Walk reconstruction, will be \$9,000,000. The Village has requested disaster assistance from FEMA for both boardwalk and concrete roadway reconstruction, and has already received bids for reconstruction of both West Walk and Atlantic Walk from Bay Prom to Lighthouse Prom for this off-season. Mayor Cox stated that the Board would vote upon the approval of the expenditures necessary for the reconstruction of those two walks during this meeting.

ACCEPTANCE OF BID FOR BOARDWALK RECONSTRUCTION: WEST AND ATLANTIC
Trustee O'Brien moved adoption of the following resolution:

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 AWARDED OF CONTRACT FOR BOARDWALK CONSTRUCTION

WHEREAS the Village of Saltaire is reviewing the possibility awarding a public works contract for boardwalk construction, and;

WHEREAS the awarding of the public works contract by the Village of Saltaire is an Action as defined by the regulations adopted in Part 6 NYCRR 617 under Article 8 of the Environmental Conservation Law of State of New York, and;

WHEREAS the awarding of the public works contract is not listed as a Type I action under 6 NYCRR 617.4 or as a Type II action under 6 NYCRR 617.5, and is therefore an unlisted action for purposes of SEQRA, and;

WHEREAS the Village of Saltaire is required to complete a short form EAF pursuant to 6 NYCRR 617.6(a)(3), and;

WHEREAS the Village of Saltaire has completed a short form EAF and the short form EAF indicates that there will be no significant negative impact to the environment that will be created by the awarding of the public works contract, and ;

WHEREAS there is no involved agency in this matter other than the Village of Saltaire, and the Village of Saltaire is required to adopt lead agency status and undertake review of this action for purposes of SEQRA for that reason, it is therefore:

RESOLVED that the Village of Saltaire hereby adopts lead agency status with regard to the awarding of the public works contract , and it is further;

RESOLVED that the Village of Saltaire hereby determines that the awarding of the public works contract is an Unlisted Action for purposes of SEQRA, and it is further;

RESOLVED that the Village of Saltaire hereby determines that awarding of the public works contract will not have a significant negative impact on the environment in the action;

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 two ore 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.

Motion: Trustee O'Brien
Seconded: Trustee Chefetz
In Favor: Trustee Wolf, Trustee Zaccaro, Trustee O'Brien and Trustee Chefetz
Against: None

Trustee Zaccaro then made a motion to adopt the following resolution:

Whereas the Village of Saltaire solicited bids according to the laws of the State of New York for public works and according to the plans and specifications therein, for the purpose of reconstruction of West Walk and Atlantic Walk, and

Whereas sealed bids were publicly opened at 11:00 a.m. EST on January 21, 2013, 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 West Walk and Atlantic Walk 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 West Walk and Atlantic Walk according to the plans and specifications of the bid documents for the contract amount pursuant to the unit bid amounts multiplied by the actual measured quantities, for a projected total contract amount of \$1,213,125, 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, the final amount of which is anticipated to be mitigated by receipt of disaster assistance funding from the Federal Emergency Management Agency.

Motion: Trustee Zaccaro
Seconded: Trustee O'Brien
In Favor: Trustee Wolf, Trustee Zaccaro, Trustee O'Brien and Trustee Chefetz
Against: None

ACCEPTANCE OF PROPOSAL FOR ENVIRONMENTAL REVIEW, PERMITTING AND ENGINEERING FOR BEACH RE-NOURISHMENT PROJECT TO REPAIR STORM DAMAGE

Trustee O'Brien moved the adoption of the following resolution:

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 AWARDED OF CONTRACT FOR ENVIRONMENTAL REVIEW, PERMITTING AND ENGINEERING FOR BEACH RE-NOURISHMENT PROJECT TO REPAIR STORM DAMAGE

WHEREAS the Village of Saltaire is reviewing the possibility of awarding a public works contract for ENVIRONMENTAL REVIEW, PERMITTING AND ENGINEERING FOR BEACH RE-NOURISHMENT PROJECT TO REPAIR STORM DAMAGE, and;

WHEREAS the awarding of the public works contract by the Village of Saltaire is an Action as defined by the regulations adopted in Part 6 NYCRR 617 under Article 8 of the Environmental Conservation Law of State of New York, and;

WHEREAS the awarding of the public works contract is not listed as a Type I action under 6 NYCRR 617.4 or as a Type II action under 6 NYCRR 617.5, and is therefore an unlisted action for purposes of SEQRA, and;

WHEREAS the Village of Saltaire is required to complete a short form EAF pursuant to 6 NYCRR 617.6(a)(3), and;

WHEREAS the Village of Saltaire has completed a short form EAF and the short form EAF indicates that there will be no significant negative impact to the environment that will be created by the awarding of the public works contract, and ;

WHEREAS there is no involved agency in this matter other than the Village of Saltaire, and the Village of Saltaire is required to adopt lead agency status and undertake review of this action for purposes of SEQRA for that reason, it is therefore:

RESOLVED that the Village of Saltaire hereby adopts lead agency status with regard to the awarding of the public works contract , and it is further;

RESOLVED that the Village of Saltaire hereby determines that the awarding of the public works contract is an Unlisted Action for purposes of SEQRA, and it is further;

RESOLVED that the Village of Saltaire hereby determines that awarding of the public works contract will not have a significant negative impact on the environment in the action;

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 two ore 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.

Motion: Trustee O'Brien

Seconded: Trustee Zaccaro

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

Against: None

Trustee Zaccaro then made a motion to adopt the following resolution:

WHEREAS, the Village of Saltaire solicited bids according to the laws of the state of New York for public works and according to the plans and specifications therein, for the purpose of environmental review, permitting and engineering for a beach re-nourishment project to repair storm damage, and

WHEREAS, sealed proposals were publicly opened at 1:00 p.m. EST on January 22, 2013, and Coastal Planning & Engineering was the sole proposer as specified and met all the requirements stipulated in the RFP documents;

THEREFORE, Be it resolved that the Board of Trustees of the Village of Saltaire hereby authorizes the Village Administrator to declare Coastal Planning & Engineering as the sole and preferred proposer for the purpose of environmental review, permitting and engineering for a beach re-nourishment project to repair storm damage from Hurricane Sandy and other previous Federally declared disasters, with a total projected repair cost of approximately \$8,500,000 and contemplated construction start time in the fall of 2013 or winter of 2013/2014 season, and to notify Coastal Planning & Engineering of its status as preferred consultant for this planning and permitting phase of the repair project, and further,

Be it resolved that the Board of Trustees of the Village of Saltaire hereby authorizes the Village Administrator to execute the necessary contract documents with Coastal Planning & Engineering for the purpose of environmental review, permitting and engineering for a beach re-nourishment project to repair storm damage according to the requirements of the proposal documents with a contract amount not to exceed \$200,000, and further

Be it resolved that the funding for the environmental review, permitting and engineering for a beach re-nourishment project to repair storm damage shall initially be made from the general reserves, with the intent that the general reserves shall be repaid from the proceeds of the issuance of Bonds or Bond or Revenue Anticipation Notes which will be authorized in the future for the entire project, the final amount of which is anticipated to be mitigated by receipt of disaster assistance funding from the Federal Emergency Management Agency.

Motion: Trustee Zaccaro

Seconded: Trustee O'Brien

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

Against: None

YACHT CLUB ZONING ISSUE – MEDIATION ATTEMPT

Mayor Cox reported that Yacht Club and the residents who brought an Article 78 proceeding challenging the recent Saltaire Zoning Board of Appeals decision regarding the Club's proposed alteration had agreed to attempt to have their disagreements mediated by Village residents Andrew Lawler and Hillary Richard. Mayor Cox stated that it was reported to him by the mediators that although both sides appeared to come prepared to seriously discuss potential solutions to their disagreements, it did not appear that they could bridge the gap between their positions, at least not at the initial mediation attempt. Mayor Cox stated that he will continue to encourage additional mediation attempts, and will also pursue modifications to the current zoning legislation to address inconsistencies in the code and to address current development trends, some of which may provide clearer guidance on some of the central issues raised in the Article 78 action. Discussion ensued amongst the Board and those in attendance, and after all had a chance to be heard, Mayor Cox stated that the discussion would continue at future Board meetings.

AUTHORIZATION FOR PUBLIC HEARING TO CONSIDER REVISIONS TO CHAPTER 18

Mayor Cox stated that the Board had adopted emergency regulations immediately following Hurricane Sandy to regulate the inspection and repair process for structures that suffered damage to electrical components as a result of the storm. He stated that procedures have been implemented pursuant to those regulations to good effect, and that the regulations should be codified into the Saltaire Code. After discussion, Trustee Zaccaro made a motion to consider the amendment of Chapter 18 of the Village Code at a public hearing scheduled for the same date as the next scheduled Board of Trustee meeting.

Motion: Trustee Zaccaro

Seconded: Trustee Wolf

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

Against: None

ACCEPTANCE OF COURT AUDIT

Trustee Chefetz reported that the Village auditors, Cullen and Danowski, had undertaken the annual audit of the Village Justice Court, as is required by New York State law, and that a copy of the audit had been presented to the Board. Trustee Chefetz made a motion to accept the 2012 annual audit as prepared by Cullen and Danowski and that the same be filed with the State of New York Unified Court System.

Motion: Trustee Chefetz

Seconded: Trustee Wolf

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

Against: None

AUTHORIZATION FOR EXPENDITURE TO REPAIR 106 NEPTUNE

Village Administrator Posillico reported that substantial damage was suffered at 106 Neptune Walk due to Hurricane Sandy, and a major repair and renovation was necessary and underway at that structure. He further reported that the Village received a \$75,000 down payment from the flood insurance policy to begin repairs on the structure, and that the expenditures necessary to complete the repair will exceed the 2012/13 budget for building repairs. After discussion, Trustee Zaccaro made a motion to authorize expenditures of up to \$100,000 to be taken from general

reserves and the insurance proceeds already received for materials, supplies and contractors necessary to complete the repairs, and to allocate sufficient maintenance staff labor to effect said repairs.

Motion: Trustee Zaccaro

Seconded: Trustee Chefetz

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

Against: None

AUTHORIZATION FOR EXPENDITURE TO REPAIR 103 & 105 BROADWAY

Village Administrator Posillico reported that significant damage was suffered at 105 Broadway Walk, the Saltaire Firehouse, due to Hurricane Sandy, and a major repair and renovation was necessary to repair that structure. He further reported that the Village received a \$100,000 down payment from the flood insurance policy to begin repairs on the structure, and that the expenditures necessary to complete the repair will exceed the 2012/13 budget for building repairs. He also reported that remediation was necessary at 103 Broadway, the Village Hall, to address oil spillage from the heating tank, for an estimated cost of \$25,000. After discussion, Trustee O'Brien made a motion to authorize expenditures of up to \$25,000 to be taken from general reserves and the insurance proceeds already received for that structure to remediate the situation at 103 Broadway, and to also authorize expenditures to commence repairs at 105 Broadway up to the amount of the \$100,000 insurance proceeds already received for that structure, for material, supplies and contractors necessary to commence the repair, and to allocate sufficient maintenance staff labor to effect said repairs.

Motion: Trustee O'Brien

Seconded: Trustee Zaccaro

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

Against: None

AUTHORIZATION TO PURCHASE DISCOUNT FERRY TICKETS

Trustee O'Brien 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 Chefetz seconded the motion, and on call it was approved pursuant to the following vote:

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

ADJOURN INTO EXECUTIVE SESSION

After the Board received and responded to questions from those in attendance, Trustee Zaccaro made a motion at 8:32 p.m. that the Board adjourn into Executive Session to discuss litigation strategy, contract and personnel issues.

Motion: Trustee Zaccaro

Seconded: Trustee O'Brien

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

Against: None

RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee O'Brien made a motion to re-adjourn into public session at 10:38 p.m.

Motion: Trustee O'Brien

Seconded: Trustee Chefetz

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

Against: None

The public meeting was called back into session by Mayor Cox at 10:38 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 0 other attendees

and the following were in attendance at the Saltaire location

0 other attendees

AUTHORIZATION TO EXCEED CLERK/TREASURERS BUDGET

Trustee Wolf stated that the Village per-diem office staffing and payroll amounts contemplated in the 2012/13 budget are insufficient to process all of the increased reporting and documentation required as a result of Village's response to and the Federal disaster declaration of Hurricane Sandy. After discussion, Trustee Wolf made a motion to authorize Village Treasurer Donna Lyudmer to retain Georgine Posillico as a Clerk-Typist for 40 hours per week until May 31, 2013, with further authorization beyond that date if required to be included in the 2013/14 budget request, to assist her with the increased reporting and general office load as a result of Hurricane Sandy, at an hourly rate of \$15.00 per hour; and to increase clerk/typist Nancy Henriksen's hours as necessary to meet the increased work load as well, with the increased staffing cost to be taken from general reserves, with the anticipation that part of that increased staffing cost is reimbursable through FEMA assistance.

Motion: Trustee Wolf

Seconded: Trustee O'Brien

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

Against: None

AUTHORIZATION TO EXPEND FUNDS FOR EQUIPMENT PURCHASE

Trustee Wolf reported that the Village has been renting a mini-excavator since Hurricane Sandy, at a rate of \$5,500 per month, to assist with moving sand out of the Village and onto the beach where it is optimally located, and for other general and restoration needs as well. He also stated that he believed the need for such a piece of equipment under the new conditions under which Saltaire finds itself will be ongoing for years, and that a direct purchase would make more

financial sense than continual rental. After discussion, Trustee Wolf made a motion to authorize the Village Administrator to purchase a 2013 Takeuchi TL12CH Track Loader with a general bucket and one additional attachment at the discretion of the Village Administrator for a total cost not to exceed \$78,000.

Motion: Trustee Wolf

Seconded: Trustee O'Brien

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

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 10:40 p.m. to close the meeting, with the next meeting to be held on February 25, 2013, at 6:00 p.m. at 401 Seventh Avenue, New York City with a video/audio link to 103 or 105 Broadway, Saltaire, New York.

Motion: Trustee Zaccaro

Seconded: Trustee O'Brien

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

Against: None