

MINUTES OF THE PUBLIC HEARING TO CONSIDER LOCAL LAW #1 OF 2013 HELD ON FEBRUARY 25, 2013 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 35 other attendees

and the following were in attendance at the Saltaire location

Video Operator  
And 3 other attendees

Mayor Cox stated that the purpose of Local Law No. 1 of 2013 is to codify permanently in the Saltaire Village Code the electrical repair requirements that were adopted immediately after Hurricane Sandy. He stated that the regulations are currently in effect and being enforced through Board resolution, and that the adoption of a local law into code establishes the regulations in a more permanent manner. Trustee O'Brien stated that he had some language changes that he recommends prior to adoption, particularly deleting references to Hurricane Sandy and making it applicable to all future storms. After discussion amongst the members of the Board and those in attendance, and after all having had a chance to be heard, Trustee Zaccaro made a motion to close the Public Hearing to consider Local Law #1 of 2013.

Motion: Trustee Zaccaro

Seconded: Trustee O'Brien

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

Against: None

MINUTES OF THE BOARD OF TRUSTEES MEETING HELD ON FEBRUARY 25, 2013 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 6:10 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 35 other attendees  
and the following were in attendance at the Saltaire location  
Video Operator  
And 3 other attendees

#### APPROVAL OF MINUTES

Draft copies of the minutes of the meeting of January 23, 2013, 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 Zaccaro made a motion to adopt the minutes as presented and modified as discussed.

Motion: Trustee Zaccaro

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. 9A in the amount of                   \$411,670.60

After discussion and opportunity for questions, Trustee O'Brien made a motion that General Checking Abstract 9A be approved as presented and that the Mayor be authorized to execute the warrants.

Motion: Trustee O'Brien

Seconded: Trustee Wolf

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 continues to provide protection from the winter storms thus far, and that it appears that other communities are following suit. He further stated that work continues on the longer-term protection that is necessary for real beach stabilization, with the Village keeping its options open for either a community-sponsored beach replenishment project to be reimbursed by FEMA, or an Army Corps project that would be fully funded by them, with cautious optimism that work can begin sometime in the 2013/2014 off-season. Mayor Cox further stated that work has commenced on the reconstruction of both Atlantic and Pacific Walks, and that he is encouraged by the progress thus far and that the targeted April 30 completion date remains feasible. He also stated that work on the section of Pacific Walk started before the storm will recommence shortly. An update was also provided on the status of the Army Corps of Engineers debris removal project, which has been continually delayed due to protests by some bidders, and the status of that work remains unclear as of the meeting.

## VERIZON UPDATE

Mayor Cox stated that since the storm the Board has been closely monitoring the repair efforts of Verizon in order to gauge their ability to deliver reliable phone service. He stated that even prior to the damage caused by Sandy, the Village was experiencing widespread problems with Verizon service and that the storm damage only served to exacerbate those issues. The Village lodged an official complaint with the NYS Public Service Commission about Verizon's shortcomings, both pre-and post-storm, and its inability to deliver the required services pursuant to their mandated responsibilities as a utility. The Fire Island Association is also coordinating efforts in order to leverage the political power of the entire Island, and a Fire Island-wide meeting with Verizon is scheduled for early March. In the meantime, the Board continues to investigate options to increase wireless phone and internet capacity in and around the Village, and will be discussing those options at upcoming meetings.

## AUTHORIZATION FOR PUBLIC HEARING TO CONSIDER REVISIONS TO CHAPTER 55

Mayor Cox asked Trustee O'Brien to provide an overview of the review of Chapter 55 of the Village Code (which regulates zoning in the Village) that he was coordinating with the other Trustees. Trustee O'Brien stated that the review is still a work in progress, and that although the goal is to eventually undertake a comprehensive review of all aspects of the zoning code, that is a large undertaking and that it may be more practical to address the code modifications in smaller revisions rather than waiting for one larger revision. Mayor Cox directed the Trustees to focus on the most salient sections of the code, particularly those for which Sandy highlighted shortcomings that are not adequately addressed in the current zoning code. Trustee O'Brien stated that with the timely cooperation of the other members of the Board he could have a revision ready for Board consideration at the next regularly scheduled Board meeting. After discussion, and all having a chance to be heard, Trustee Zaccaro made a motion to consider the amendments of Chapter 55 of the Village Code at a public hearing scheduled for the same date as the next scheduled Board of Trustees meeting.

Motion: Trustee Zaccaro

Seconded: Trustee Wolf

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

Against: None

## AUTHORIZATION FOR PUBLIC HEARING TO CONSIDER REVISIONS TO CHAPTER 48

Mayor Cox stated that the Board will shortly undertake the budget review and adoption process for the 2013/14 fiscal year, and it was undetermined at this point if the budget will require a tax increase and if so to what extent. The Board has the option to waive the State mandated tax cap limit of a maximum 2% increase, which would have to be adopted as a local law. The adoption of such a local law would not require that the Board adopt a tax increase above the State minimum increase, but rather that it just provides the flexibility to do so if necessary to balance the budget. After discussion, Trustee Zaccaro made a motion to consider the amendment of Chapter 48 of the Village Code at a public hearing scheduled for the same date as the next scheduled Board of Trustees meeting.

Motion: Trustee Zaccaro

Seconded: Trustee O'Brien

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

Against: None

#### APPOINTMENT OF FIRE MARSHAL

Mayor Cox reported that the Village Administrator and the Fire Chief had interviewed Joe Russo, who was present at the Manhattan location of this meeting, for the vacant Fire Marshal position and that both recommend him for appointment. After discussion, Trustee Zaccaro made a motion to appoint Joe Russo as the Fire Marshal of the Village of Saltaire.

Motion: Trustee Zaccaro

Seconded: Trustee Wolf

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

Against: None

#### APPROVAL OF 2013 DAY CAMP FEES

After discussion, Trustee Chefetz made a motion to approve the camp fee schedule for the 2013 camp season at the same rates for all categories of enrollment that were in place for the 2012 camp season.

Motion: Trustee Chefetz

Seconded: Trustee O'Brien

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

Against: None

#### EXTENSION OF CONSTRUCTION SEASON

Mayor Cox reported that the Board had received a written request from Larson Construction, a private contractor in the Village, for the extension of the construction season in the Village to allow more time for all the contractors to complete the repair of storm-related damage. Discussion ensued, and there was a consensus amongst the members of the Board that it was prudent to allow for some flexibility to the construction deadlines mandated by the Village Code, but also that the Board needed more time to develop just what the relaxations should be. After discussion, Trustee Zaccaro made a motion to consider a modification of Chapter 18 of the Village Code to enact a one-time relaxation of the construction deadlines in light of the damage caused by Hurricane Sandy, to be considered at a public hearing scheduled at the same time as the next regularly scheduled Board meeting, provided it was determined by Village Counsel to be legally necessary to authorize such relaxation by local law.

Motion: Trustee Zaccaro

Seconded: Trustee O'Brien

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

Against: None

#### AUTHORIZATION TO SOLICIT BIDS FOR NEW FIRE VEHICLE

Trustee Wolf stated that the Fire Company has informed the Village that it is considering the acquisition of a smaller rescue vehicle to supplement the ambulance to provide better coverage to locations where access is limited, responses to the oceanfront, and as a back-up in case the ambulance is out on another call. Trustee Wolf stated that the Fire Company has not identified the funding source for the purchase, estimated to be approximately \$40,000, but would like to solicit bids for the purchase now since there is a possible 3-month lead time for delivery. Assistant Chief James McDonald was present at the meeting and answered questions about the vehicle and its potential uses in the Village and mutual aid districts. After discussion, Trustee Wolf made a

motion to authorize the Village Administrator to solicit bids on behalf of the Fire Company based on their specifications for the vehicle, the purchase and funding of which must be approved by both the Board of Trustees and the Executive Committee of the Fire Company at future meetings.

Motion: Trustee Wolf

Seconded: Trustee Chefetz

In Favor: Trustee Wolf, Trustee Zaccaro, Trustee Chefetz

Recused due to being a member of the Fire Company: Trustee O'Brien

Against: None

#### CREATION OF RESERVE FUND FOR FIRE/RESCUE CAPITAL PURCHASES

Trustee Wolf reported that pursuant to the contract between the Village and the Fire Company, all calendar-year net revenues realized from the Village's agreement with Kismet that are not allocated to cover the calendar-year costs of coverage into Kismet and the retention of Paramedics would be transferred to a special reserve fund. He stated that an accounting for the 2012 calendar year has been submitted to and accepted by the Fire Company, which shows a net revenue of \$3,321.16. Trustee Wolf made a motion to create a capital reserve fund for the sole and express purpose of making future capital acquisitions as requested by the Saltaire Volunteer Fire Company (SVFC) for the improvement of the fire and rescue operations provided by the SVFC for the benefit of the Village, with each transaction made from the reserve account subject to Board approval, and to be initially funded with the \$3,321.16 representing the net reserves for the 2012 calendar year.

Motion: Trustee Wolf

Seconded: Trustee Zaccaro

In Favor: Trustee Wolf, Trustee Zaccaro, Trustee Chefetz

Recused due to being a member of the Fire Company: Trustee O'Brien

Against: None

#### AUTHORIZATION FOR FIREWORKS DISPLAY

Trustee Zaccaro reported that Village Administrator Posillico had solicited proposals for a proposed August 3, 2013 fireworks display off of the bay-front in Saltaire, which was initiated by requests by private donors for such a fireworks display to celebrate the Village's resilience in rebounding from Hurricane Sandy. Trustee Zaccaro stated that he felt confident that the private donors who contacted him would contribute in the area of \$15,000 to \$20,000 towards the celebration. After discussion, Trustee Zaccaro made a motion to authorize Village Administrator Posillico to contract with the vendor that the Administrator felt in his sole discretion offered the overall best package to provide a fireworks display on August 4, 2013, for a total cost not to exceed \$17,500.

Motion: Trustee Zaccaro

Seconded: Trustee Wolf

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

Against: None

#### TRUSTEE REPORTS

Each Trustee provided a status report on his areas of responsibility.

#### ADJOURN INTO EXECUTIVE SESSION

After the Board received and responded to questions from those in attendance, Trustee O'Brien made a motion at 8:46 p.m. that the Board adjourn into Executive Session to discuss litigation strategy, contract and personnel issues.

Motion: Trustee O'Brien

Seconded: Trustee Zaccaro

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

Against: None

#### RE-ADJOURNMENT INTO PUBLIC SESSION

Trustee Chefetz made a motion to re-adjourn into public session at 10:34 p.m.

Motion: Trustee Chefetz

Seconded: Trustee Wolf

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 10:34 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

Video Operator 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 Wolf made a motion at 10:35 p.m. to close the meeting, with a special meeting to be held at 103 or 105 Broadway at 10:30 AM on March 9 for the purpose of the Presentation of the Budget to the Board and any other such matters that may properly come before the Board, which will be followed by the next regularly scheduled meeting to be held on April 9, 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 Wolf

Seconded: Trustee Chefetz

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

Against: None