

SPECIAL MEETING OF THE
BOARD OF COMMISSIONERS OF THE
FISHERS ISLAND FERRY DISTRICT

9:00AM on October 24, 2012

A special meeting of the Board of Commissioners of the Fishers Island Ferry District, in the Town of Southold, Suffolk County, New York, was held at the Fishers Island Community Center, Fishers Island, New York on October 24, 2012.

Present at the Meeting: Commissioners Brooks (Chairman), Edwards, Wall and Rafferty
Listening by Telephone but not present in person or eligible to vote: Commissioner Rugg
No members of the Public were present.

Chairman Brooks called the meeting to order at 9:05AM, and declared a quorum to be present.

First order of business was approval of Warrants in aggregate amount of \$30,351.94. After review and discussion, the following resolution was adopted:

RESOLVED, that warrants in the aggregate amount of \$30,351.94 (as more fully described in the Warrant Report dated October 23, 2012) be and are hereby approved.

Proposed: Rafferty

Seconded: Wall

Ayes: Brooks, Edwards, Wall and Rafferty

Nays: None

Not eligible to Vote: Rugg

Next order of business was public comment. There being no members of the public present, there was no public comment.

The Chairman announced the next order of business was to be undertaken in Executive Session. The Chairman recognized Mr. Rafferty who offered the following resolution at 9:10AM:

RESOLVED, that the Commission go into Executive Session to seek advice from and consult with counsel with respect to potential litigation regarding a former employee.

Proposed: Rafferty

Seconded: Wall

Ayes: Brooks, Edwards, Wall and Rafferty

Nays: None

Not eligible to vote: Rugg

At 10:22AM, the Commissioner Wall offered the following resolution:

RESOLVED, that the Commission adjourn from Executive Session and resume Public Session.

Proposed: Wall
Seconded: Edwards
Ayes: Brooks, Edwards, Wall and Rafferty
Nays: None

Commissioner Rugg terminated his telephone connection.

The Chairman asked if there was new business to discuss. Mr. Rafferty mentioned two matters: (i) TOS resolutions relating to repairs to North and South Ramps; and (ii) indemnification of employees under New York law. Discussion ensued on each of these topics, and in turn the following resolutions were proposed and adopted:

Indemnification

The Commission does hereby adopt, ratify and confirm the following:

RESOLVED, that as a “public entity” under Section 18 of the Public Officers Law, the Fishers Island Ferry District hereby agrees to confer the benefits of Public Officers Law Section 18 upon its employees and to be held liable for the costs incurred under its provisions; and it is further

RESOLVED, that these benefits are expressly intended to supplement any and all other existing statutory protections; and it is further

RESOLVED, that, pursuant to Public Officers Law Section 18, the Board hereby supplements and extends the existing right of Public Officers to be defended and indemnified in civil or administrative legal proceedings arising out of their public service and employment, to apply to situations where board members, school officers, agents and employees are requested or called upon to testify as witnesses or to answer questions concerning their acts or omissions within the scope of their office, agency or employment before a grand jury, the Office of the District Attorney or other law enforcement official. Nothing herein contained shall be construed to authorize or require defense or indemnification of a board member, school officer, agent or employee who has been identified as a defendant in a pending criminal prosecution or where that individual, or the school district, has reason to believe that such individual is a target in a criminal investigation or prosecution by the Office of the District Attorney or other law enforcement entity.

Proposed: Rafferty
Seconded: Edwards
Ayes: Brooks, Edwards, Rafferty and Wall
Nays: None

North and South Ramp Repairs

Recitals

WHEREAS, pursuant to the provisions of Chapter 699 of the Laws of New York, 1947 and Acts amendatory thereto (herein called the “Enabling Law”), the Board of Commissioners of the Fishers Island Ferry District, in the Town of Southold, Suffolk County, New York (herein called the “District”), in furtherance of the public interest, wishes to submit a written request to the Town Board of the Town of Southold (herein called the “Town”), to call a public hearing for the purpose of hearing all persons

interested in the subject matter thereof, being the construction of improvements to the North and South ramps at the Fishers Island Ferry Terminal, consisting of (i) improvements to the North ramp consistent with the plan labeled "Option C" in the report prepared by Docko, Inc., professional engineers, duly licensed by the State of New York and (ii) improvements to the South ramp consistent with the plan appearing in the report prepared by Docko, Inc., on file in the office of the District and the office of the Town Clerk of the Town; all of the foregoing to include original furnishings, equipment, machinery and apparatus required for the purposes for which such ferry terminal is used (herein collectively called the "Project"), at the estimated maximum cost of \$861,000, and the financing of a part of the cost of said Project by the issuance of bonds or notes of the Town in the principal amount of not to exceed \$500,000 at any one time, pursuant to the Local Finance Law, with the \$361,000 balance of the cost to be paid from other available funds of the District; and

WHEREAS, in the event any grant funds are received by the District or the Town with respect to the Project, such grant funds shall be expended to pay a part of the cost of the Project and the principal amount of bonds or notes to be issued shall be reduced by an amount equal to the amount of grant funds so received and expended, or such grant funds may be expended to pay debt service relating to the bonds or notes issued to finance the Project; and

WHEREAS, on August 15, 2000 the Town Board adopted a resolution, subject to a permissive referendum, authorizing and increasing the aggregate principal amount which the Town Board may borrow and for which obligations may be issued from five hundred thousand dollars (\$500,000) to five million dollars (\$5,000,000), as authorized pursuant to Section 4 of the Enabling Law, and such resolution has not been amended, modified or rescinded;

Now therefore, be it:

RESOLVED BY THE BOARD OF COMMISSIONERS OF THE FISHERS ISLAND FERRY DISTRICT, IN THE TOWN OF SOUTHOLD, IN THE COUNTY OF SUFFOLK, NEW YORK, as follows:

This Board of Commissioners is hereby authorized to submit to the Town Board a written petition, subscribed by all the Commissioners of the District, requesting the Town Board to call a public hearing for the purpose of hearing all persons interested in the subject matter thereof, being the Project as described herein, which is hereby determined to be a purpose authorized pursuant to the Enabling Law which is in the public interest, and to provide financing for a part of the cost of said Project by the issuance of bonds or notes of the Town in the principal amount of not to exceed \$500,000 at any one time pursuant to the New York Local Finance Law, with the \$361,000 balance of the cost to be paid from other available funds of the District.

This Board of Commissioners of the District, as lead agency, has given due consideration to the impact that the Project may have on the environment and has determined that the Project will have no significant adverse impact upon the environment and that it is a Type II action pursuant to the State Environmental Quality Review Act (SEQRA), constituting Article 8 of the Environmental Conservation Law, and 6 N.Y.C.R.R., Regulations Part 617.

A copy of this resolution, subscribed by each of the Commissioners of the District, shall be submitted to the Town Board together with the petition herein authorized.

This resolution shall take effect immediately.

Proposed: Rafferty

Seconded: Edwards

Ayes; Brooks, Edwards, Rafferty and Wall

Nays; None

The resolutions were adopted.

The Chairman asked if there was any further business to discuss. There being no further business to discuss, and on motion made by Commissioner Rafferty, and seconded by Commissioner Wall, the meeting was adjourned at 10:35AM.

Respectfully Submitted:

Christopher L. Rafferty
Secretary of the Meeting