

**MINUTES OF SPECIAL PUBLIC MEETING OF BOARD OF TRUSTEES,
OF THE VILLAGE OF MASTIC BEACH, NEW YORK,
HELD IN THE MASTIC BEACH FIRE DEPARTMENT, SECOND FLOOR,
NEIGHBORHOOD ROAD, MASTIC BEACH, NEW YORK
ON TUESDAY, DECEMBER 21, 2010 AT 7:00 PM**

PRESENT: Mayor Paul Breschard, Trustees Gary Stiriz, Barbara O'Malley and Robert Morrow, Village Attorney Joseph W. Prokop PLLC

Excused: Trustee Bill Biondi due to surgery

Meeting was called to order at 7:20 pm.

Approximately 100 residents were in attendance.

Mayor Breschard led all in the Pledge of Allegiance, followed by a moment of silence for our troops.

PUBLIC PORTION, Part One:

Jane Powers, Phyllis Rd.: Expressed disappointment that the village has not yet taken over the marinas and clubhouse of the Mastic Beach Property Owners Association (MBPOA).

Trustee O'Malley explained that we do not have money until June, when we receive our share of the tax levy. We would be passing a resolution for a tax anticipation note and a preliminary budget will be in place before the next meeting. Regarding the marinas, it was explained that a letter was sent to the MBPOA, asking for an amicable transfer of property. The MBPOA does not see it that way.

Wayne Fish, Phyllis Rd.: Inquired as to where his slip \$ for the MBPOA should be sent. Mayor Breschard explained that as long as the MBPOA holds title, they collect the slip money. Mayor Breschard also stated that the deed provides that upon formation of the village, the deed must be signed over to the village by the MBPOA.

James Stamos: Stated that the public was promised that there would be no tax increase or else village is not tax neutral. Mr. Stamos inquired if a condition was put into the village charter providing that if there was a tax increase, then the village would be dissolved. Attorney Prokop explained that it would be difficult to bind the Board to such a provision, and further stated that the Board was dedicated to the best of the village. New York State has a 2% tax cap on all villages and that he would look into this for the Board.

Trustee O'Malley also explained that the board would be willing to make sure that if it came down to raising taxes, the Board would do that by referendum.

Mayor Breschard also added that the Citizens Advisory Council will be asked to advise the Board. Tax neutrality is a major goal of the Board. Village residents will be seeing additional tax increases for school budget and other items on the state level and that things need to be kept in perspective. The board is committed to make every effort to keep them cost neutral.

Public Portion, Part One was closed.

Mayor Breschard administered the Oath of Office to Village Clerk, Virgilia Gross

The following **RESOLUTIONS** were read by Village Attorney, Mr. Prokop:

Upon motion made by Gary Stiriz, seconded by Bob Morrow and unanimously carried, it was RESOLVED to approve Gladfelter as the Village Insurance Broker (see attached).

Upon motion made by Barbara O'Malley, seconded by Gary Stiriz and unanimously carried, it was RESOLVED to approve the lease of 427 Neighborhood Road to be used as Village Hall (see attached).

Village Attorney Joseph Prokop explained that the village has revenue coming in from Cablevision, Town of Brookhaven, mortgage taxes and Real Property Tax. Mr. Prokop is working out the details with the Suffolk County Treasurer and Town of Brookhaven now. Because we have revenue coming in, the village can borrow money via a Tax Anticipation Note. We are being advanced money that is due to us in a few months and the village board is committed to avoiding debt at all times. The village board will appoint an interim Treasurer whose first task will be to formulate a budget. The Treasurer will be authorized to borrow up to \$200,000, but the village would not have to take all of it. The Village Board has been working on putting this all together.

Trustee O'Malley questioned Mr. Prokop regarding the timeframe for receiving the funds from the Tax Anticipation Note. Mr. Prokop explained that the money would be available as soon as the paperwork is done. Munistat will recommend 2 or 3 banks and the village will look to them for the borrowing.

There was a question from the floor regarding interest rate. Mr. Prokop explained that based on the short-term interest rate of 3% for a 1 year term, the interest would be \$6,000.

Upon motion made by Paul Breschard, seconded by Barbara O'Malley and unanimously carried, it was RESOLVED to authorize indebtedness of up to \$200,000 (see attached).

A discussion was held regarding the status of the property currently held by the Mastic Beach Property Owners Association (MBPOA). Mr. Prokop explained that the property was not on the radar before. MBPOA paperwork was raised by others during the incorporation debate and based upon revelation of the deed, a letter was sent to the MBPOA. The MBPOA attorney responded that the village mentioned in the deed is not the same village that exists now. The Village Board has asked Mr. Prokop to reach out to the MBPOA and will continue to do so. The board has a fiduciary responsibility to the taxpayers of the Village of Mastic Beach to resolve this issue. Since this is in a state of flux right now, we may not be able to discuss this.

Question from the floor: Maybe the village should let MBPOA take care of the property, let them keep it and maintain it and maybe the village can rent the hall.

Mayor Breschard responded that there is a responsibility now on behalf of the board to check into this situation. All options will be discussed in the future. We must address title, or else the village will be liable. Regarding title possession, anything is possible, but it is not the issue at this moment. The marinas were not the reason to form the village and that code enforcement is the major concern. The deed was brought up by the MBPOA during the village discussions. Now that it's an issue, it's incumbent upon the board to look into it. We are hoping for an amicable resolution.

Village Attorney Prokop discussed the status of revenues from various utilities. Mr. Prokop explained that approval must be given by the Public Service Commission (PSC) and that it was on their agenda for December 16, 2010. We are still waiting for official word of what happened at the PSC and that the PSC will take the matter under review. The Town of Brookhaven does not want their contract held up and the village will enter into a franchise agreement with Cablevision as soon as possible. A public hearing will be set specifically for that franchise agreement. There are 7,590 properties in Mastic Beach and those properties need to be identified on billing records. Cablevision is cooperating with the village. There may also be money coming from LIPA and Verizon and Mr. Prokop has been contacted by Verizon. The share that we pay will come back to the Village of Mastic Beach, and it could be a significant source of income.

Upon motion made by Gary Stiriz, seconded by Bob Morrow and unanimously carried, it was RESOLVED to remove the residency requirement for Village Treasurer (see attached).

Upon motion made by Barbara O'Malley, seconded by Gary Stiriz and unanimously carried, it was RESOLVED to appoint Felix Wienclaw as Village Treasurer (see attached).

Mayor Breschard explained that Mr. Wienclaw was very committed to the village concept and believes that he will work hard for the village. Mayor Breschard invited any

resident who would fill the requirements for Treasurer to submit a resume for consideration.

PUBLIC PORTION, Part Two

Walter Meshenberg: asked for clarification of interim positions. Mayor Breschard explained that all appointed positions are being done on an interim basis to give an easy out.

Mr. Meshenberg then asked for specific Treasurer Qualifications. Mr. Prokop was not aware of any specific qualifications.

Jim Griffin, Dogwood Rd.: Marina payment money is due on February 1st to the MBPOA. Mr. Griffin asked if the village could go to court and have assets put into escrow by asking a judge to set up an escrow account and if the village has insurance protecting the marinas, if they do belong to the village. Mr. Prokop answered that the insurance policy is set to cover all village properties. The village prefers an amicable arrangement with the MBPOA. The issue is time-sensitive for money. The village does not yet have an insurable interest in the property held by the MBPOA.

Maura Sperry: had a question regarding the Open Meetings Law and asked if the meetings can be videotaped. The board responded that they are subject to Public Officials Law which guides what sort of notices are required and that any meeting with three or more board members are subject to public notice and Open Meetings Law.

Michele Girardi, Hemlock Drive: Mrs. Girardi has been asking the Town of Brookhaven over the last five years for a deaf child sign to be placed on her street for her son. Mrs. Girardi also inquired regarding snow removal, explaining that she is employed in the emergency room at Peconic Hospital and that it is difficult getting there during snowstorms. Mr. Prokop explained that the Town of Brookhaven is responsible until June 1st. Trustee Stiriz also responded that for the next few years, the Town of Brookhaven will handle snow removal and that the village board will be looking out to some bids to lower expenses of services.

Bill Fahey, Cedar Rd., East: Mr. Fahey stated that he has been a member of the Mastic Beach Property Owners Association for many years and never heard anything about a lawsuit. Mr. Fahey further stated that he never gave authority to pay for a lawsuit. Mayor Breschard advised Mr. Fahey to address his concerns directly to the Mastic Beach Property Owners Association.

Timothy Brojer, Daisy Dr.: Mr. Brojer inquired to the franchise costs and fees for Verizon Fios to the Town of Brookhaven. Trustee Morrow responded that he represents the Verizon workers and that he will be looking into same. Mr. Brojer then stated that he would like to volunteer with the village's code enforcement unit on June 1st, and queried if the village could call in code enforcement issues now and back charge the Town of Brookhaven. Trustee Stiriz assured Mr. Brojer that the village codes will be adopted in two months. Mr. Brojer questioned the golf course property and if it is situated within the Village of Mastic Beach. It was explained to Mr. Brojer that the golf course property is located in Shirley, outside of the village.

"Unidentified" resident: Questions as to contracts, signs, plowing and funding for highway work. Mr. Prokop answered that the village will be responsible for building, zoning, code enforcement, streets and highways. The resident then asked who ran the website "MBV Light." Mayor Breschard answered that MBV Light was not the official website for the village and would ask them to put a disclaimer on their website.

Mr. Prokop then passed information to Mayor Breschard from a resident who had contacted him regarding a "yard sale permit."

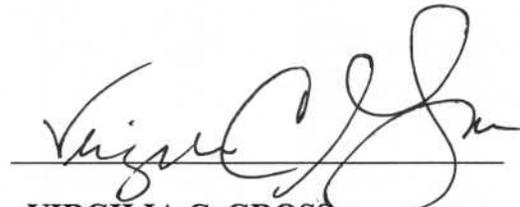
Catherine (Kitty) Hennessey, Old Mastic Dr.: Now that we are a village, Mrs. Hennessey would like the nitpicking to stop between the Mastic Beach Property Owners and the Village and asked everyone to pray. Mrs. Hennessey commended all for their hard work and wished everyone a Merry Christmas and a Happy, Peaceful New Year.

Maureen Demaio: Asked the residents to bring canned food for the food pantry.

Trustee Stiriz announced that once the village website is up, there will be a flag and seal contest open to children residing in the Village of Mastic Beach. Also, through the Boy Scouts, Trustee Stiriz would like to have Sea Scouts sponsored. A 42' sailboat will be donated and will require adult volunteers.

Upon motion made by Bob Morrow and seconded by Barbara O'Malley and unanimously carried, the meeting was closed at 8:54 PM

Dated: January 5, 2011



VIRGILIA C. GROSS
Village Clerk

