

**MINUTES OF THE REGULAR BOARD MEETING  
AND PUBLIC HEARINGS HELD BY THE BOARD OF TRUSTEES OF THE  
INCORPORATED VILLAGE OF MASTIC BEACH ON TUESDAY,  
APRIL 9, 2013 AT THE MASTIC BEACH FIRE DEPARTMENT,  
265 NEIGHBORHOOD ROAD, MASTIC BEACH, NEW YORK AT 7:00PM**

The Regular Meeting was called to order at 7:15 PM by Mayor Biondi with approximately 70 residents in attendance.

Mayor Biondi led the audience in the Pledge of Allegiance and a Moment of Silence.  
Roll Call was taken by the Village Clerk.

In attendance: Mayor Biondi  
Trustee Busa  
Trustee Cappiello  
Trustee Morrow  
Deputy Mayor Stiriz

Also Present: Village Attorney Brian T. Egan, Esq.  
Village Clerk Virgilia Gross

Inspector Neubauer addressed the Board of Trustees and the residents. The first week in March saw half dozen copper piping burglaries, with March being a slow crime month within the village. A stabbing took place over the weekend, but the victim is not speaking with police, who are unsure of where the incident occurred. 294 Forest has been shut down and is an example of the police and village working together; a warrant was issued, three arrests made and the home closed down. Inspector Neubauer answered questions from the residents. Trustee Morrow asked if it were possible to have a beat cop over the summer patrolling Neighborhood Road; Inspector Neubauer stated that COPE would be on bicycles patrolling the area. Mayor Biondi asked for a speed cart; Inspector Neubauer stated that they will get one here, hopefully within a week to ten days.

Village Justice Barbara O'Malley administered the Oath of Office. Sworn in were Mayor William Biondi, Trustee Gary Stiriz, Trustee Nicholas Busa and Associate Village Justice Francis G. Fineo.

Mayor Biondi presented a questionnaire being distributed by National Grid for natural gas and asked residents to please complete same.

**Upon motion made by Mayor Biondi, seconded by Deputy Mayor Stiriz with Trustee Busa abstaining, it was RESOLVED** to Accept the Minutes of the March 5, 2013 Board of Assessment Review Hearing.

**Upon motion made by Mayor Biondi, seconded by Trustee Morrow with Trustee Busa abstaining, it was RESOLVED** to Accept the Minutes of the March 6, 2013 Work Session.

**Upon motion made by Mayor Biondi, seconded by Deputy Mayor Stiriz with Trustees Busa and Cappiello abstaining, it was RESOLVED** to Accept the Minutes of the March 12, 2013 Public Hearing and Regular Meeting.

**Upon motion made by Mayor Biondi, seconded by Deputy Mayor Stiriz with Trustee Busa abstaining, it was RESOLVED** to Accept the Minutes of the March 20, 2013 Work Session.

**Upon motion made by Mayor Biondi, seconded by Trustee Cappiello with Trustee Busa abstaining, it was RESOLVED** to Accept the Minutes of the March 27, 2013 Work Session.

**Upon motion made by Mayor Biondi, seconded by Trustee Cappiello and unanimously carried, it was RESOLVED** to Accept the Minutes of the April 3, 2013 Organizational Meeting.

**Upon motion made by Mayor Biondi, seconded by Trustee Busa and unanimously carried, it was RESOLVED** to Authorize the payment of bills presented as per Abstract No. 11-2012 in the amount of \$180,820.97.

**Upon motion made by Deputy Mayor Stiriz, seconded by Mayor Biondi and unanimously carried, it was RESOLVED** to Authorize the publication of a Request for Proposals from engineering firms regarding the development of sewer plans for the Village of Mastic Beach.

### **PUBLIC HEARINGS**

#### **Section 178-1 of Chapter 178**

**Upon motion made by Mayor Biondi, seconded by Deputy Mayor Stiriz and unanimously carried, it was RESOLVED** to Open the Public Hearing regarding a proposed amendment to Section 178-1 of Chapter 178 of the Village Code to Adopt the New York State Building Code.

Village Attorney Egan explained the proposed change to the code stating that the Village would be adopting the New York State Building and Fire Code as the building code for the Village of Mastic Beach.

#### **Public Comment**

Jane Powers, 10 Phyllis Dr: Questioned the resolution setting the public hearing. It was determined that the public hearing was noticed properly. Ms. Powers asked if the energy code standard would apply when selling a home. It was explained that the code at the time of construction was the code applied.

**Upon motion made by Mayor Biondi, seconded by Deputy Mayor Stiriz and unanimously carried, it was RESOLVED** to Close the Public Hearing.

**Upon motion made by Mayor Biondi, seconded by Trustee Cappiello and unanimously carried, it was RESOLVED** to Adopt a Local Law of 2013 amending Section 178-1 of Chapter 178 of the Village Code to Adopt the New York State Building Code.

#### **Section 178-6(E)**

**Upon motion made by Mayor Biondi, seconded by Trustee Cappiello and unanimously carried, it was RESOLVED** to Open the Public Hearing regarding a proposed amendment to Section 178-6(E) of Chapter 178 of the Village Code to Detail the Penalties for Violations of a Stop Work Order.

Attorney Egan explained that the code already exists, and the amendment would add additional common sense items; cannot be verbal, must be in writing, etc. When securing for health and safety issues, a second violation would result in a misdemeanor.

#### **Public Comment**

Jane Powers, 10 Phyllis Dr: would arrests be made if misdemeanor? Attorney Egan explained the ticket and stop work order process.

Bruce Summa, Riviera Dr: Asked for clarification of new penalties regarding the \$2,000 to \$5,000 fine. Attorney Egan stated that the code already calls for \$2,000 to \$5,000 fine, but caps it below the village maximum of \$1,000 per day.

**Upon motion made by Mayor Biondi, seconded by Trustee Cappiello and unanimously carried, it was RESOLVED** to Close the Public Hearing.

**Upon motion made by Mayor Biondi, seconded by Trustee Cappiello and unanimously carried, it was RESOLVED** to Adopt a Local Law of 2013 amending Section 178-6(E) of Chapter 178 of the Village Code to Detail the Penalties for Violations of a Stop Work Order.

#### **Section 178-7**

**AMENDMENT OF SECTION 178-7 OF CHAPTER 178 OF THE VILLAGE CODE TO Motion to Open Public Hearing** regarding a proposed amendment to Section 178-7 of Chapter 178 of the Village Code to Require a Certificate of Occupancy.

Mayor Biondi opened the Public Hearing.

Attorney Egan outlined the proposed amendment; all buildings in the village require a Certificate of Occupancy and the village will be able to revoke same if the premise is in violation of a site plan or regulations. For example, if a commercial building was granted a certificate of occupancy to operate as a Dunkin' Donuts, and then it becomes a fueling station, that original certificate of occupancy would be revoked. It is rare, but it would help to rectify any problems that may occur in the future.

#### Public Comment

Richard Westhoff, Blue Point Rd: If a c.o. is required, he believes that there is none existing on his bungalow purchased in the 1940's and if his building would have to be brought up to code. Attorney Egan explained that since the resident is receiving a tax bill, then he probably has a certificate of existing use.

Maura Spery, Hemlock Dr: Ms. Spery purchased property that is taxed that does not have a certificate of occupancy and that if work is required, a c.o. will be necessary. Attorney Egan stated that the procedure for application is in the village code and that a buyer would want to insure that one exists.

**Upon motion made by Mayor Biondi, seconded by Trustee Busa and unanimously carried, it was RESOLVED** to Close the Public Hearing.

**Upon motion made by Mayor Biondi, seconded by Deputy Mayor Stiriz and unanimously carried, it was RESOLVED** to Adopt a Local Law of 2013 amending Section 178-7 of Chapter 178 of the Village Code to Require a Certificate of Occupancy.

#### Section 380-4-A

**Upon motion made by Deputy Mayor Stiriz, seconded by Trustee Cappiello and unanimously carried, it was RESOLVED** to Open the Public Hearing regarding a proposed amendment to Section 380-4-A of Chapter 380 of the Village Code to Create an Affirmative Defense for Renting to Immediate Family Without a Permit.

Attorney Egan explained the proposed amendment as per the Village Prosecutor shifting the legal burden on to defendant of illegal rental actions proving that everyone is related; no permit would be required if so proven. The issue for rental permits is the residence itself and not the residents – it is not an element in prosecution, if the claim is that all are related, then the defendant will need to prove same and that the structure itself is at issue.

#### Public Comment

Frank Fugarino: Approves of the local law stating that it would improve the quality of life.

**Upon motion made by Deputy Mayor Stiriz, seconded by Mayor Biondi and unanimously carried, it was RESOLVED** to Close the Public Hearing.

**Upon motion made by Deputy Mayor Stiriz, seconded by Trustee Cappiello and unanimously carried, it was RESOLVED** to Adopt a Local Law of 2013 amending Section 380-4-A of Chapter 380 of the Village Code to Create an Affirmative Defense for Renting to Immediate Family Without a Permit.

Dorian Dale, Chief Recovery Officer for Suffolk County Economic Development detailed a program called "Recreate NY" and it's potential impact on village residents. Residents can check [www.nysandyhelp.ny.gov](http://www.nysandyhelp.ny.gov) or call 1-855-NYS-SANDY for more information regarding rebuilding in the flood zone. Mr. Dale answered many questions from the floor, and Mayor Biondi suggested that a workshop be set up on a Saturday with residents once the program is released.

#### TRUSTEE REPORTS

Trustee Morrow reported the following for the Code Enforcement Department for the month of March:

- 237 Complaints received
- 37 Appearance Tickets issued
- 38 Unfounded
- 46 Closed by Compliance
- 28 Warnings issued

Deputy Mayor Stiriz reported that potholes are being filled and street signs are being replaced. The village is currently testing an infrared heat process to repair potholes – patches are amazing, Knapp and Baker Roads are done, residents should look to see the results; roads are back to original state and the village is looking into purchasing the equipment.

Trustee Busa reported the following for the Justice Court:

- 218 Vehicle and Traffic tickets
- 41 Closed
- 28 Code Enforcement cases

Lavonia Scaggs, Harrison Dr: Owner of energy efficiency company with a program that will discount for lighting retrofit. This program is for commercial businesses. Deputy Mayor Stiriz recommended that Ms. Scaggs contact the Chamber of Commerce.

Maureen DiMeo: Monthly outreach for St. Jude Outreach, and urge residents to participate in the April 21<sup>st</sup> protest at Smith's Point from 3:30 – 5:00 p.m.

Maura Spery: Urged the Board to follow the D.E.C. recommendation of removing the sub-standard material used to repair Riviera Drive, with examples of some foreign debris collected by Ms. Spery.

Frank Fugarino: Inquired as to the status of county-owned derelict properties on Lynbrook Drive and Huguenot Drive. Mayor Biondi stated that the village was working closely with Suffolk County and that the area firefighters are trained well and that their safety is the first priority.

Maureen Getchell, Diana Dr: Roadways and sidewalks are hazardous and asked when the village will be cleaning them. Mayor Biondi answered that roadways are generally swept after snow season to remove the salt and sand and that the village crews are out now cleaning catch basins west of Hemlock.

Michelle Wilkinson, Washington Dr: Asked about the carnival. It was explained that the carnival has been shut down at that location and will not open there.

Frank Fugarino: Section 1 roped off and why? It was explained that since it was village property, it is unsafe.

**Upon motion made by Mayor Biondi, seconded by Trustee Cappiello and unanimously carried, it was RESOLVED** to Enter Executive Session at 8:47 p.m. for the purpose of personnel discussions.

**Upon motion made by Mayor Biondi, seconded by Deputy Mayor Stiriz and unanimously carried, it was RESOLVED** to End Executive Session and Re-Open the regular meeting at 9:36 p.m.

**Upon motion made by Mayor Biondi, seconded by Trustee Morrow and unanimously carried, it was RESOLVED** to End the Regular Meeting at 9:36 p.m.

Respectfully submitted,

Virgilia C. Gross  
Village Clerk

DATED: April 15, 2013

