

**MINUTES OF THE REGULAR WORK SESSION AND BUDGET HEARING OF THE
BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF MASTIC BEACH
HELD ON WEDNESDAY, APRIL 17, 2013 AT THE TOWN OF BROOKHAVEN
SENIOR NUTRITION CENTER, 369 NEIGHBORHOOD ROAD, MASTIC BEACH,
NEW YORK AT 5:00PM**

The Work Session was called to order at 5:10 p.m. by Mayor Biondi with approximately 25 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 Cappiello
Trustee Busa
Deputy Mayor Stiriz
Absent: Trustee Morrow

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

Upon motion made by Mayor Biondi, seconded by Trustee Cappiello and unanimously carried, it was RESOLVED to Set May 14, 2013 at 7:00 p.m. as the date and time of a Public Hearing to be held regarding a proposed amendment to Section 510-8-53 of Chapter 510 of the Village Code to Prohibit Parking Unregistered Boats, Vessels, Motorboats or Trailers on the Front or Side Yards of any Property; the Public Hearing will be held at the Mastic Beach Fire Department, 265 Neighborhood Road, Mastic Beach, New York.

Upon motion made by Mayor Biondi, seconded by Deputy Mayor Stiriz and unanimously carried, it was RESOLVED to Set Wednesday, May 1, 2013 at 5:00 p.m. as the date and time of a Public Hearing for the purpose of hearing comments on a "scoping report" for the draft environmental impact statement; the Public Hearing will be held at the Town of Brookhaven Senior Nutrition Center, 369 Neighborhood Road, Mastic Beach, New York.

Village Administrator Brojer presented three policies for adoption by the Board of Trustees; Attorney Egan thanked Mr. Brojer and Fire Marshal Grover for their work on the policies.

Upon motion made by Mayor Biondi, seconded by Trustee Cappiello and unanimously carried, it was RESOLVED to Adopt the Personal Protection Equipment Plan as presented by Village Administrator Brojer.

Upon motion made by Trustee Busa, seconded by Mayor Biondi and unanimously carried, it was RESOLVED to Adopt the Hazcom Program presented by Village Administrator Brojer.

Upon motion made by Trustee Busa, seconded by Deputy Mayor Stiriz and unanimously carried, it was RESOLVED to Adopt the Hazardous Material Response Plan as presented by Village Administrator Brojer.

A presentation was made to the Board of Trustees by Carrie O'Farrell of Nelson, Pope and Voorhis, LLC. Ms. Farrell gave an overview of the requirements under state law for environmental review regarding the proposed zoning code for the Village of Mastic Beach. It will be necessary for the Village to accept lead agency status with the option given to the village to hold a public hearing regarding the scoping report for public comment. The draft scope report was presented to the Board of Trustees and the report will be posted on the village's website; hearing can be held on May 1, 2013 and held open through May 10, 2013; comments can be made in person or in writing. The final step will be findings at which time the Board may adopt the proposed zoning code with a positive declaration kicking off the environmental review process.

Upon motion made by Mayor Biondi, seconded by Trustee Cappiello and unanimously carried, it was RESOLVED to Declare Lead Agency Status and adopting a Positive Declaration under SEQRA Part 617.7 regarding the proposed zoning code for the Village of Mastic Beach.

A brief discussion was held regarding a proposal to install three-way STOP intersections on Riviera Drive.

Upon motion made by Trustee Cappiello, seconded by Deputy Mayor Stiriz and unanimously carried, it was RESOLVED to Set May 14, 2013 at 7:00 p.m. as the date and time of a Public Hearing to be held regarding a proposed local law for the addition of three-way STOP intersections at Riviera Drive and Narcissus Road, Riviera Drive and Ducky Lane; and Riviera Drive and Hickory Road; the public hearing will be held at the Mastic Beach Fire Department, 265 Neighborhood Road, Mastic Beach, New York.

Mayor Biondi suggested that a 90 day freeze be enacted on the waterfront committee project.

Deputy Mayor Stiriz led a discussion regarding an infra-red heater for roadway repair, including input from other municipalities using a specific type and brand of heater. The price is approximately \$29,000 for which a bid should be prepared.

Upon motion made by Deputy Mayor Stiriz, seconded by Trustee Cappiello and unanimously carried, it was RESOLVED to Solicit Bids for an infra-red asphalt heater to be used for roadway repairs.

Trustee Cappiello announced public meetings that will be held on April 25th and 27th to announce hurricane relief for residents affected by Super Storm Sandy; funding is available from the Robin Hood Foundation and the United Way; the meetings will be held at the Town of Brookhaven Nutrition Center.

A brief discussion was held regarding: speed bumps in front of the post office, DEC applications and the necessity to prove paved roadway existing before 1977 and test-borings showing potential problems in certain areas.

Upon motion made by Mayor Biondi, seconded by Deputy Mayor Stiriz and unanimously carried, it was RESOLVED to Enter Executive Session at 5:40 p.m. for the purpose of personnel and litigation discussions.

Upon motion made by Mayor Biondi, seconded by Deputy Mayor Stiriz and unanimously carried, it was RESOLVED to End Executive Session at 6:18 p.m.

Upon motion made by Trustee Cappiello, seconded by Trustee Busa and unanimously carried, it was RESOLVED to Re-Open the Work Session at 6:18 p.m.

Upon motion made by Mayor Biondi, seconded by Deputy Mayor Stiriz and unanimously carried, it was RESOLVED to Accept with regrets, the resignation of Virgilia C. Gross as Village Clerk, effective April 19, 2013.

Upon motion made by Mayor Biondi, seconded by Trustee Cappiello and unanimously carried, it was RESOLVED to Appoint Susan Draghi as Acting Village Clerk at her existing rate of pay, effective April 22, 2013.

Upon motion made by Mayor Biondi, seconded by Deputy Mayor Stiriz and unanimously carried, it was RESOLVED to authorizing the payment of \$3,070.39 gross pay in accumulated vacation and sick pay to Virgilia C. Gross.

Upon motion made by Mayor Biondi, seconded by Deputy Mayor Stiriz and unanimously carried, it was RESOLVED to Close the Work Session at 6:20 p.m.

BUDGET HEARING

Upon motion made by Mayor Biondi, seconded by Deputy Mayor Stiriz and unanimously carried, it was RESOLVED to Open the Budget Hearing at 6:20 p.m.

Roll Call was waived with all in attendance except Trustee Morrow.

Mayor Biondi announced that Treasurer Wienclaw was absent due to illness; garbage fees will remain the same. Mayor Biondi also addressed the rumor regarding increase in assessments by the Village as being completely false and that the assessments are set by the James Ryan, Sole Assessor for the Town of Brookhaven; the village adopts the Town's assessment roll.

Mayor Biondi also stated that the budget remains under the 2% cap as set by New York State with village staff receiving small increases in salary due to their great work.

Surpluses appearing in the budget will be used for future equipment purchases and the Town's line item for snow removal should decrease as well.

PUBLIC COMMENT

Larry Tellefson, Riverside Ave: Did not see a line item in budget for sewer. It was explained that an RFP for sewer plan will be issued and that grant money will be used for the sewer system; as such, grant money does not appear in the budget.

Maura Spery, Hemlock Dr: Asked for detailed amount designated in the budget for road repairs slated for Riviera Drive. Deputy Mayor Stiriz explained that there are CHIPS funding available, AIM money and FEMA mitigation funds as well; prices are still being sought for the repair to the roadway while the village awaits DEC permits.

A brief discussion was held with Ms. Spery regarding information she had obtained from the DEC. Mayor Biondi asked Ms. Spery to get alternate information in writing. Attorney Egan explained that the hearing was still open and that the DEC has not yet made a determination on the original fill used; a formal process is underway with engineers for the village.

Upon motion made by Mayor Biondi, seconded by Trustee Cappiello and unanimously carried, it was RESOLVED to Adopt the Annual Budget for Fiscal Year 2013-2014 for the Village of Mastic Beach.

Upon motion made by Mayor Biondi, seconded by Deputy Mayor Stiriz and unanimously carried, it was RESOLVED to Close the Budget Hearing at 6:45 p.m.

Respectfully submitted,

Virgilia C. Gross
Village Clerk

DATED: April 24, 2013

Set

Regarding a Change of Zone application for parcel located at 211 Mastic Beach Road, Mastic Beach, New York, submitted by Sarwhar Ghulam for the purpose of constructing a fueling station and restaurant.

Expeditior Mario Vigliotta presented an overview of the application on behalf of Mr. Ghulam. The parcel is currently zoned J-2 under the Town of Brookhaven Zoning Code with the applicant seeking a change to J-5. The parcel is 2.3 acres and is owned by USA Coast Realty. The applicant is seeking to tear down current structure known as "Smitty's" and the installation of a 5 island, 10 pump fueling station and restaurant.

As stated by Mr. Vigliotta, 2 acres are required under the current J-5 zoning; adequate set-backs are available with the property exceeding the required size requirement; no variance would be required. Generators will be installed to insure that pumping will be uninterrupted in the case of electrical failure and the restaurant will seat 50 patrons. The applicant is interested in creating a unique restaurant in order to attract businesses and will be tourist-themed. Alcohol will not be served and a 50's theme is being considered. The applicant is requesting the Planning Board to consider the change of zone and that two franchises are being looked into, Johnny Rockets and Rubies Diner.

The Planning Board asked a variety of questions, including the prohibition of alcohol and hours of operation.

Mr. Ghulam stated that it would be the largest fueling station in Suffolk County and could be a Mobil, Exxon or Sunoco, offering no tax to non-profits, bus companies and emergency vehicles. Mr. Ghulam also expressed an interest in offering C&G in the future.

Trustees Bissonette and Cappiello expressed concern over the proximity to the school and the increase in traffic at a busy intersection; the restaurant was considered as an option. Both trustees also stated that the entrance into the village needs to be more than auto repair strips and stressed support for a restaurant.

Traffic flow and egress was also addressed with Mayor Biondi stating that Quay would not be an option for egress. Trustee Morrow was concerned that the village already has 3 fueling stations and Deputy Mayor Stiriz pointed out the traffic nightmare currently caused by all three. A suggestion was made to pull the fueling station further back onto the parcel.

Trustee Cappiello reiterated that it was a neighborhood and not a major thoroughfare and concern for the safety of school children walking in the area.

A discussion was held regarding the allowable seating capacity of a restaurant and permission of the Suffolk County Department of Health; 50 seats with fueling station and 68 without.

PUBLIC COMMENT

Gail Schaefer, Quay Drive: This is a residential area and Mrs. Schaefer does not want to see a gas station across the street from her home. It is also a historical community and this would chip away at that theme. Also, concern was expressed for the amount of gasoline on site and traffic concerns.

Sulker Ilgin: Owner of Empire gas station stated that another fueling station was not needed, that his station offered all varieties of fuel. Gov. Cuomo has passed a law stating that all stations need to be backed up by generators and offered to sell his station to the applicant.

Robert Morano: Has owned his home for 40 years and expressed concern that the construction of a fueling station will lower his property value, cause a safety concern for his grandchildren and other school children and will also increase traffic in an already accident-prone area.

Mr. Pakowski: Expressed support of the application stating that it could create jobs.

Rashid Rehman: In favor of the application stating that it would be convenient quick stop for fuel.

Ali Sajjaf: In favor of the application stating that it would be good for the economy and the area.

Eugene Smith: Stated that a fueling station and restaurant would be an improvement to the area and that the owner "Sal" would help train veterans coming home; Mr. Smith also owns a nursery.

Thomas Gross: Echoed the concerns of the Board regarding the location of a fueling station at a major entrance into the community and asked what the Board wanted the village to look like. Mr. Gross stated that most of the 1,200 employees of the school currently do not live in the village and asked the Board to consider what picture they would like them to see. Mr. Gross also questioned if a fueling station located within 500 feet of a place of public assembly, such as the school, needed to be considered and that a diner would be supported.

Ed Oliver, Cypress Dr: Mr. Oliver stated that he has been a resident for 33 years and that his block is a nice one and is against the rezoning and fueling station. Mr. Oliver also expressed concern regarding sewage and gas lines as well as lighting issues, bus stop locations and possible failure of the business that would be unfair to residents.

Louis D'Atena: Expressed favor of the application, stating that he was a friend of the owner and that he would do the right thing.

Ava Torres: Stated that she has lived on Wavecrest for 43 years and that some business has to be developed on lot. Ms. Torres is against any further delis and pizza parlors and asked the Planning Board to consider allowing the applicant to build something and not shut down idea completely.

A discussion was held regarding the dumping fees of Super Storm Sandy debris charged to the Village by the Town of Brookhaven and submission of same to FEMA.

Upon motion made by Mayor Biondi, seconded by Trustee Morrow and unanimously carried, it was RESOLVED to pay dumping fees not to exceed \$23,000 to the Town of Brookhaven and to authorize the submission of same to FEMA by the Village of Mastic Beach.

A discussion was held regarding the possibility of advertising in the Tri-Hamlet News which is widely distributed throughout the Village and the school district and would be in lieu of the newsletter. The cost would be approximately \$200 - \$250 per month.

Upon motion made by Deputy Mayor Stiriz, seconded by Trustee Cappiello with Trustee Bissonette voting in the negative, it was RESOLVED to authorize the Village of Mastic Beach to advertise in the Tri-Hamlet News, subject to the cost not exceeding \$250 per month.

Mayor Biondi reported that he is looking into the possibility of bringing natural gas into the Village through National Grid and that he will ask for a presentation to be made by the company. Also, the Robin Hood Foundation is offering residents a \$5,000 grant per home to assist in recovery from Super Storm Sandy. \$500,000 in grant money has been promised to the village by Senator Lee Zeldin for a sewer system and that Mr. Thiele and Mr. Hennessey will be approached for same as well.

Mayor Biondi also reported that Cablevision will be raising some of their rates and that the Town of Brookhaven Highway tax will be reduced for village residents.

Deputy Mayor Stiriz reported that the church project for the Cultural Arts Council is moving along and that a possible electrical plant, a new underground concept, is being investigated.

Trustee Morrow asked for clarification of the 2% tax cap motion that was not entertained by the Board of Trustees. Trustee Morrow wanted it noted that the Board has no intention of piercing the tax cap and that it was not an attempt to shut out the public.

Trustee Bissonette stated that most do not understand the 2% tax cap and suggested that a public hearing be held for informational purposes; Deputy Mayor Stiriz suggested that the information be given in a newsletter instead.

Trustee Cappiello reported briefly on raising of homes and prices of same.

Upon motion made by Mayor Biondi, seconded by Trustee Cappiello and unanimously carried, it was RESOLVED to Enter Executive Session for the purpose of personnel discussions at 8:00 p.m.

Upon motion made by Mayor Biondi, seconded by Trustee Morrow and unanimously carried, it was RESOLVED to End Executive Session at 8:18 p.m.

Upon motion made by Mayor Biondi, seconded by Trustee Cappiello and unanimously carried, it was RESOLVED to Re-open the Work Session at 8:18 p.m.

Upon motion made by Trustee Cappiello, seconded by Deputy Mayor Stiriz and unanimously carried, it was RESOLVED to Create the position of Justice Court Clerk on a full-time basis at a rate of \$18 per hour, not to exceed 35 hours per week.

Upon motion made by Mayor Biondi, seconded by Trustee Morrow and unanimously carried, it was RESOLVED to End the Work Session at 8:20 p.m.

Respectfully submitted,

Virgilia C. Gross
Village Clerk

DATED: March 27, 2013