

**INCORPORATED VILLAGE OF MASTIC BEACH
369 NEIGHBORHOOD ROAD
MASTIC BEACH, NY 11951**

**BOARD MEETING MINUTES
NOVEMBER 11, 2014**

PRESIDING OFFICER: William Biondi, *Mayor*

MEMBERS OF THE BOARD OF TRUSTEES PRESENT AND VOTING: Nick Busa, *Deputy Mayor*, Maura Spery, Gary Stiriz, Bruce Summa

MEMBERS OF THE BOARD OF TRUSTEES ABSENT: None

OFFICIALS OF THE BOARD OF TRUSTEES PRESENT: Susan F. Alevas, Esq., *Village Clerk*; Brian T. Egan, Esq., *Village Attorney*

ADMINISTRATIVE STAFF PRESENT AND REPORTING: Jennifer Brojer, *Deputy Treasurer/Account Clerk*; James Olivo, *Treasurer*; Wendy Scharf, *Deputy Village Clerk*

INVITED GUESTS: Ted Campbell, *Nawrocki Smith LLP*; Sergeant John Doyle, *Suffolk County Police Department*; Officer Thomas Kennedy, *Suffolk County Police Department*; Philip Marciano, *Nawrocki Smith LLP*; Deputy Inspector, Joann McLaughlin, *Suffolk County Police Department*; Inspector William Neubauer, *Suffolk County Police Department*;

1. CALL TO ORDER AND WELCOME

Mayor **William Biondi** called the meeting to order at 7:04 p.m. and welcomed those in attendance.

2. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

Mayor **Biondi** led the salute to the flag and asked for a moment of silence for U.S. service members both past and present.

3. EMERGENCY-EVACUATION ANNOUNCEMENT

Village Clerk **Susan Alevas, Esq.** reviewed the emergency procedure for exiting the building.

4. ROLL CALL

Village Clerk **Alevas** conducted a roll call of the Board of Trustees.

5. REPORT BY SUFFOLK COUNTY POLICE REPRESENTATIVES

Suffolk County Police Inspector **William Neubauer**, Suffolk County Police Deputy Inspector **Joann McLaughlin**, Suffolk County Police Sergeant **John Doyle** and Suffolk County Police Officer **Thomas Kennedy** reported to the Board of Trustees and those in attendance on various police matters affecting the Village, including "Operation Clean Sweep". They responded to questions posed by the Board of Trustees and members of the public. Mayor **Biondi**, on behalf of the Board of Trustees and the community, expressed appreciation to the Suffolk County Police Department and the additional police and other agencies that partnered with the Village in "Operation Clean Sweep", an initiative that will continue.

6. PUBLIC HEARING -- DECLARATION OF UNSAFE PREMISES

Pursuant to the Village's "Notice of Public Hearing", Mayor **Biondi** opened the public hearing on the matter of a declaration of unsafe premises. Village Attorney **Brian T. Egan, Esq.** reviewed with the Board of Trustees the actions leading to the declaration of unsafe premises under consideration. Village Attorney **Egan** called the case and there was no appearance from the Respondents/Property Owners or any other interested party that was served with the Notice.

Although there were individuals in attendance at the meeting, no one wished to address the Board of Trustees on this topic. Hearing no public comments, the following motion was made.

Motion offered by **William Biondi**, seconded by **Maura Spery** to wit:

WHEREAS,

the Board of Trustees conducted a public hearing on November 11, 2014, for the purpose of discussing the declaration of unsafe premises at 25 Bayside Road, Mastic Beach, NY 11951; and

WHEREAS, the Mayor inquired at said public hearing whether there were any parties wishing to address the Board of Trustees about the proposed declaration of unsafe premises and no one in attendance wished to be recognized for this purpose; now, therefore, be it

RESOLVED, that the Board of Trustees close its public hearing on the matter of declaring the premises at 25 Bayside Road, Mastic Beach, NY 11951.

Motion carried – 5-Yes; 0-No

Following the closure of the public hearing on this matter, Mayor **Biondi** called for a motion to move forward with the declaration of unsafe premises.

Motion offered by **William Biondi**, seconded by **Nick Busa** to wit:

WHEREAS, by memorandum dated September 15, 2014 Timothy Brojer, as Building Inspector of the Village did request a Declaration of a structure located on 25 Bayside Road, Mastic Beach, (“premises”) as dangerous and unsafe to the public, a copy of which is annexed hereto and made a part hereof as **Attachment #1**; and

WHEREAS, the Building Inspector has inspected the premises and has reason to believe it is dangerous or unsafe to the public and has filed his report with the Board of Trustees detailing the condition of the building or structure so inspected which he believes to be dangerous or unsafe to the public, and specified in such report the date of the inspection, the condition found which he deems to be dangerous or unsafe and his recommendations with reference to the correction of such condition; and

WHEREAS, on October 14, 2014, the Village Clerk, pursuant to Section 180-4, ordered that a Notice to Remove be served upon the owner of the premises, the owner's executors, legal representatives, agents, lessees, or other person having a vested or contingent interest in the same, a copy of which is annexed hereto and made a part hereof as **Attachment #2**, as shown by the last completed assessment roll of the Village by registered and first class mail and that said notice be posted on the premises, a copy of the related “Affidavit of Service” is annexed hereto and made a part hereof as

Attachment #3, a copy of the "Affidavit of Posting of Notice" is annexed hereto and made a part hereof as **Attachment #4** and

WHEREAS, under Section 180-5(D), the removal of the building was to commence by October 29, 2014; and

WHEREAS, said property owner(s) has failed to comply with said notice; and

WHEREAS, upon notice, a public hearing was duly held on November 11, 2014, pursuant to Section 180-7 (Public Notice attached hereto as EXHIBIT 'E'); and

WHEREAS, the purpose of Chapter 180 of the Village Code is to promote and preserve the health, welfare and property of residents and owners of property located within the Village of Mastic Beach, by providing a method for the removal or repair of buildings and structures within the limits of said village that, from any cause, may now be or shall hereafter become dangerous or unsafe to the public; now, therefore, be it,

RESOLVED, by the Board of Trustees that, pursuant to Section 180-7 of the Mastic Beach Village Code, the Order of the Building Inspector is hereby **AFFIRMED** in that the property located at 25 Bayside Road, Mastic Beach, New York (S.C.T.M. # 0209-033.00-05.00-060.000) is hereby declared unsafe pursuant to Chapter 180 of the Village Code; and be it further

RESOLVED, that the Building Inspector is hereby **ORDERED** to cause said structure to be removed within sixty (60) days hereof and the cost thereof shall be assessed against the land on which said building or structure is located, to be charged to the owner of the property on the next Village tax roll.

Motion carried – 5-Yes; 0-No

7. APPROVAL OF MINUTES

Motion offered by **William Biondi**, seconded by **Nick Busa** to wit:

WHEREAS, the Board of Trustees has been presented with a copy of its meeting minutes, dated November 5, 2014; now, therefore, be it

RESOLVED, that the Board of Trustees approves the November 5, 2014, meeting minutes, as presented; and be it further

RESOLVED, that the Board of Trustees authorizes the Village Clerk to insert the November 5, 2014, meeting minutes with annexed attachments into the official Meeting Minute books maintained by the Village of Mastic Beach and that the same shall remain a permanent Village record.

Motion carried – 5-Yes; 0-No

8. PERSONNEL ACTION

Motion offered by **William Biondi**, seconded by **Maura Spery** to wit:

RESOLVED, that the Board of Trustees acknowledges, by resolution, the abandonment of position by a certain employee whose name, for confidentiality purposes, is on file in the Village Finance Department, on October 17, 2014; and be it further

RESOLVED, that the Mayor and appropriate Village employees are authorized to take all necessary action to effectuate this resignation by abandonment of position.

Motion carried – 5-Yes; 0-No

9. APPROVAL OF 2015 VILLAGE HOLIDAY SCHEDULE

Motion offered by **William Biondi**, seconded by **Bruce Summa** to wit:

RESOLVED, that the Board of Trustees authorizes the closing of Village Hall during the 2015 calendar year as follows:

- New Year's Day – Thursday, January 1, 2015**
- Dr. Martin Luther King, Jr. Day – Monday, January 19, 2015**
- Presidents' Day – Monday, February 16, 2015**
- Memorial Day – Monday, May 25, 2015**
- Independence Day – Friday, July 3, 2015**
- Labor Day – Monday, September 7, 2015**
- Columbus Day – Monday, October 12, 2015**
- Election Day – Tuesday, November 3, 2015**

Veterans' Day – Wednesday, November 11, 2015
Thanksgiving Day and Day After – Thursday, November 26, 2015, and Friday, November 27, 2015
Christmas Eve (half day starting at 12 noon) – Thursday, December 24, 2015
Christmas Day – Friday, December 25, 2014
New Year's Eve (starting at 12 noon) – Thursday, December 31, 2015; and be it further

RESOLVED,

that Village Clerk is authorized to communicate the 2015 holiday schedule to Village employees and to publicize the same for the public.

Motion carried – 5-Yes; 0-No

10.

CAMERA-OVERSIGHT COMMITTEE

Trustee **Summa** discussed his recommendation to create a Camera-Oversight Committee and a discussion followed.

A motion was made by Trustee **Summa** and seconded by **Maura Sperry** to create a camera-oversight committee and a discussion on the question ensued. Following the discussion, and before a vote was taken on the pending motion, Trustee **Summa** modified his motion, and Trustee **Sperry**, seconded the modified motion, as more fully described below.

Motion offered by **Bruce Summa**, seconded by **Maura Sperry** to wit:

RESOLVED,

that the Board of Trustees shall receive a monthly report from the Mayor, Deputy Mayor and anyone else having access to the Village cameras as to the times and dates the cameras were accessed and the reasons why said cameras were accessed; and be it further

RESOLVED,

that the Board of Trustees shall receive this report in public session except when the nature of camera access relates to confidential matters as defined under *New York State Public Officers Law*, and in such cases, the report shall be delivered to the Board of Trustees during its executive session; and be it further

RESOLVED, that this Resolution shall become fully effective by December 1, 2014.

Motion carried – 5-Yes; 0-No

11. REQUESTS FOR PROPOSALS (RFP’S) – PROCESS SERVERS

Village Clerk **Susan F. Alevas, Esq.**, reviewed with the Board of Trustees a summary of the six (6) responses to the Village’s Requests-for-Proposals that were due and opened at 3 p.m. on November 7, 2014, in the presence of the Village Clerk, Deputy Village Clerk **Wendy Scharf** and Mayor **William Biondi**, copies of which the Village Clerk distributed to the Board of Trustees following the public opening. Ms. **Alevas** and Village Attorney **Egan** responded to questions posed by members of the Board after which the Mayor called for a related motion.

Motion offered by **Bruce Summa**, seconded by **Maura Spery** to wit:

WHEREAS, the Board of Trustees solicited Requests-for-Proposals (RFP’s) for process-server services; and

WHEREAS, a total of six (6) responses to the Village’s RFP were received by the Village Clerk prior to the filing deadline; and

WHEREAS, the Village Clerk on Friday, November 7, 2014, at 3 p.m., US., Eastern Time, at Village Hall, opened up the sealed RFP responses in the presence of Deputy Village Clerk **Wendy Scharf** and Mayor **William Biondi**; and

WHEREAS, the Village Clerk shared with the Board of Trustees copies of all RFP responses for process-server services; now, therefore, be it

RESOLVED, that the following is a summary of the responses to the Village’s RFP for process servers:

Intex Contracting - Daniel McCue
Appendix B - Suffolk County - \$40.00
Appendix B - Nassau County - \$45.00

WRM Security Services, Inc.
Appendix B - Suffolk County - \$70.25
Appendix B - Nassau County - \$75.25

JHS Process Service - Jean Herold Justima

Appendix B - Suffolk County - \$300.00

Appendix B - Nassau County - \$350.00

Attorney's Choice - Vic Zeleny

Appendix B - Suffolk County - \$40.00

Appendix B - Nassau County - \$40.00, with certain areas
(delineated in RFP response) \$50.00

Pursuit Process Serving and Filing, Inc.

Appendix B - Suffolk County - \$65.00

Appendix B - Nassau County - \$75.00

Nationwide Court Services, Inc.

Appendix B - Suffolk County - Personal Service/\$44.59; Nail
and Mail/\$34.59

Appendix B - Nassau County - Personal Service/\$44.59; Nail
and Mail/\$34.59; and be it further

RESOLVED,

that the Board of Trustees awards the contract for process-server services, on an as-needed basis and in the Village's sole discretion, to **Intex Contracting, Daniel McCue**, Post Office Box 312, Shirley, NY 11967, at the rates set forth in the RFP response submitted by **Intex Contracting**, a copy of which is annexed hereto and made a part hereof as **Attachment #5**, and be it further

RESOLVED,

that this appointment shall take effect immediately and shall continue for the balance of the 2014-15.

Motion carried – 5-Yes; 0-No

12.

PUBLIC RELATIONS SERVICES

Trustee **Sperry** distributed and discussed a draft of a Request-for-Proposal (RFP) for marking services. She requested that Board members review the document and advise of her their thoughts so that the RFP could be finalized and processed by the Village Clerk.

13. TRUSTEE REPORTS

The following reports were rendered:

Department of Public Works – Trustee **Stiriz**
Buildings – Deputy Mayor **Busa**
Parks and Recreation – Trustee **Spery**
Code Enforcement – Trustee **Summa**
General Announcements - Mayor **Biondi**

14. HEARING OF PUBLIC COMMENTS/QUESTIONS

Mayor **Biondi** invited members of the public wishing to address the Board of Trustees to do so after they sign into the Comments/Questions Log that the Village Clerk made available. In keeping with the Board's existing *Rules of Procedure*, each member of the public was given three (3) minutes to address the Board.

Accordingly, the following persons signed in to the log book relating to the following topics:

<u>Name:</u>	<u>Topic:</u>
Linda Bowen	Need for stop sign at Aspen/Daisy
Maureen DiMeo	Requests for Food-Pantry donations
Susan Steinmann	Cameras and Code Enforcement
Leo Garvey	FOIL; Bus stops; Grants; Security cameras; Marketing and public relations
Theresa Pavanello	Hero Haven and other convenience store
Frank Fugarino;	
Ewa Hemut and	
Susan Plunket	Village Founders' Committee
Michael Gross	149 Washington Drive
Anne Leonardi	Public relations and marketing

Upon arrival of the Village's external auditors, Mayor **Biondi** suspended the hearing of public comments/questions in order to take up the financial matters on the meeting agenda.

15. **REPORT OF EXTERNAL AUDITORS – FISCAL 2013-14**

Messrs. **Philip Marciano** and **Ted Campbell**, from the auditing firm of **Nawrocki Smith LLP**, discussed the audit report and accompanying management letter the **Nawrocki Smith** firm undertook of Village and Court financial statements for fiscal 2013-14.

Following their presentation, they responded to questions by members of the Board of Trustees, and a discussion followed.

Motion offered by **William Biondi**, seconded by **Maura Spery** to wit:

WHEREAS, the Board of Trustees has received a report from its auditing firm of **Nawrocki Smith, LLP**, concerning Village and Court financial statements for the fiscal year 2013-14; now, therefore, be it

RESOLVED, that the Board of Trustees acknowledges, by Resolution, the afore-described financial reports together with the accompanying management letter, as prepared by **Nawrocki Smith, LLP**, 290 Broadhollow Road, Suite 115E, Melville, NY 11747, copies of which are annexed hereto and made a part hereof as **Attachment #6**; and be it further

RESOLVED, that the Board of Trustees directs the Treasurer and Deputy Treasurer to undertake all necessary and appropriate actions to address the concerns itemized in **Nawrocki Smith's** management letter, dated October 1, 2014; and be it further

RESOLVED, that the Treasurer shall provide to the Village Clerk for transmission to the Board of Trustees a written report advising the Board of Trustees of the specific actions taken to address the items set forth in the afore-described management letter; and be it further

RESOLVED, that this follow-up action plan and related report shall be the subject of an agenda item for all subsequent work and public sessions of the Board of Trustees until such time as all outstanding items have been addressed to the Board's satisfaction; and be it further

RESOLVED, that the Village Clerk is authorized to publish a related notice about the Board's receipt of the audited financial statements and management letter.

Motion carried – 5-Yes; 0-No

16. AUTHORIZATION FOR THE PAYMENT OF BILLS

Treasurer **James Olivo** and Deputy Treasurer/Account Clerk **Jennifer Brojer** were present to respond to questions by members of the Board of Trustees relating to the authorization for the payment of bills. Following a discussion, Mayor **Biondi** called for a related motion.

Motion offered by **William Biondi**, seconded by **Maura Spery** to wit:

WHEREAS, upon the recommendation of the Village Treasurer; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the payment of claims as presented in Abstract No. A6-2014(a), in the total amount of \$194,691.93, a copy of which is annexed hereto and made a part hereof as **Attachment #7**.

Motion carried – 5-Yes; 0-No

17. TREASURER'S REPORT

Treasurer **James Olivo** reviewed with the Board of Trustees the Treasurer's report for October 2014 and responded to the Board members' related questions.

Motion offered by **William Biondi**, seconded by **Maura Spery** to wit:

WHEREAS, the Board of Trustees has been presented with a copy of the October 2014 Treasurer's report; and

WHEREAS, upon the recommendation of the Village Treasurer; now, therefore, be it

RESOLVED, that the Board of Trustees approves the September 2014 Treasurer's Report, as presented, a copy of which is annexed hereto and made a part hereof as **Attachment #8**.

Motion carried – 5-Yes; 0-No

18. INTERFUND-BUDGET TRANSFERS

Treasurer **James Olivo** reviewed with the Board of Trustees requested interfund-budget transfers, dated November 11, 2014.

Motion offered by **William Biondi**, seconded by **Gary Stiriz** to wit:

WHEREAS, upon the recommendation of the Village Treasurer; now, therefore, be it

RESOLVED, that the Board of Trustees approves the interfund-budget transfers as set forth in a schedule, dated November 11, 2014, a copy of which is annexed hereto and made a part hereof as **Attachment #9**.

Motion carried – 5-Yes; 0-No

19. HEARING OF PUBLIC COMMENTS/QUESTIONS (Continued)

Mayor **Biondi** invited members of the public who were waiting to address the Board of Trustees earlier in the meeting when he suspended the hearing of public comments and questions to take up the Village's financial matters. He asked that the members of the public sign into the Comments/Questions Log that the Village Clerk made available. In keeping with the Board's existing *Rules of Procedure*, each member of the public was given three (3) minutes to address the Board.

Accordingly, the following persons signed in to the log book relating to the following topics:

<u>Name:</u>	<u>Topic:</u>
Frank Fugarino	New York State Dormitory Authority/NY Rising
Madeline Marullo	144 Hickory Road and Recycling

Frank Fugarino New York State Dormitory Authority/NY
Rising
Madeline Marullo 144 Hickory Road and Recycling

20. ACCEPTANCE OF VILLAGE ORGANIZERS' FRAMED POSTER

Motion offered by **Bruce Summa**, seconded by **William Biondi** to wit:

WHEREAS, the Board of Trustees has been presented with a framed poster commemorating those Village residents who were instrumental in organizing a vote to incorporate the Village of Mastic Beach; now, therefore, be it

RESOLVED, that the Board of Trustees accepts with appreciation this framed poster, a copy of which is annexed hereto and made a part hereof as **Attachment #10**; and be it further

RESOLVED, that the Board of Trustees authorizes that this framed poster be placed on permanent display in the Village Hall lobby.

Motion carried – 5-Yes; 0-No

21. MOTION TO ENTER INTO EXECUTIVE SESSION

Mayor **Biondi** requested a motion for the Board of Trustees to enter into executive session for the purpose of discussing particular personnel matters.

Motion offered by **William Biondi**, seconded by **Maura Spery** to wit:

RESOLVED, that the Board of Trustees enter into executive session for the purpose of discussing particular personnel matters.

Motion carried – 5-Yes; 0-No

Upon passage of the foregoing Resolution, Mayor **Biondi** adjourned the public session at 9:13 p.m. and convened the Board of Trustees in executive session at 9:20 p.m.

22. EXECUTIVE SESSION

Mayor **Biondi**, Deputy Mayor **Busa**, Trustees **Spery**, **Stiriz** and **Summa**, Village Attorney **Egan** and Village Clerk **Alevas** were present in executive session, and a discussion of particular personnel matters was held.

23. ADJOURNMENT OF EXECUTIVE SESSION

Motion offered by **Bruce Summa**, seconded by **Maura Spery** to wit:

RESOLVED, that the Board of Trustees adjourn its executive session.

Motion carried – 5-Yes; 0-No

Upon passage of the foregoing Resolution, Mayor **Biondi** adjourned the executive session at 9:40 p.m. and re-convened the Board of Trustees in public session at 9:41 p.m.

24. ACTIONS ARISING OUT OF EXECUTIVE SESSION

There weren't any items arising out of executive session that required action by the Board of Trustees.

25. CHANGE IN BOARD MEETING DATE

Mayor **Biondi** polled the Board concerning a change to the public-session meeting in December 2014, and then called for a related motion.

Motion offered by **Maura Spery**, seconded by **Gary Stiriz** to wit:

WHEREAS, due to scheduling conflicts for some Board members on December 9, 2014, the date of the public-session meeting of the Board of Trustees; now, therefore, be it

RESOLVED, that the Board of Trustees shall reschedule its December 9, 2014, public-session meeting to 7:00 p.m. on Tuesday, December 16, 2014; and be it further

RESOLVED, that the Village Clerk is authorized to publicize this meeting change.

Motion carried – 5-Yes; 0-No

26. MEETING ADJOURNMENT

There being no further items to come before the Board of Trustees, Mayor **Biondi** called for a motion to adjourn.

Motion offered by **William Biondi**, seconded by **Maura Spery** to wit:

RESOLVED, that the Board of Trustees adjourn its meeting at 9:43 p.m.

Motion carried – 5-Yes; 0-No

Respectfully submitted:

Susan F. Alevas, Esq., *Village Clerk*

DRAFT - SUBJECT TO REVIEW AND ACTION BY THE BOARD OF TRUSTEES