

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

BOARD MEETING MINUTES
DECEMBER 3, 2014

PRESIDING OFFICER: William Biondi, *Mayor*

MEMBERS OF THE BOARD OF TRUSTEES PRESENT AND VOTING:

Nick Busa, *Deputy Mayor*, Maura Sperry, 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*; Vincent Candurra, Esq., *Village Attorney*; Wendy Scharf, *Deputy Village Clerk*

ADMINISTRATIVE STAFF PRESENT AND REPORTING: None

INVITED GUESTS: None

1. CALL TO ORDER AND WELCOME

Mayor **William Biondi** called the meeting to order at 5:02 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. 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 19, 2014; now, therefore, be it

RESOLVED, that the Board of Trustees approves the November 19, 2014, meeting minutes, as presented; and be it further

RESOLVED, that the Board of Trustees authorizes the Village Clerk to insert the November 19, 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

6. AUTHORIZATION FOR THE PAYMENT OF BILLS

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 authorizes the payment of claims as presented in Abstract No. A7-2014, in the total amount of \$7,631.32, a copy of which is annexed hereto and made a part hereof as **Attachment #1**.

Motion carried: 3-Yes; 1-No (**B. Summa**); 1-Abstention (**M. Spery**)

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 authorizes the payment of claims as presented in Abstract No. H5-2014, in the total amount of \$52,673.27, a copy of which is annexed hereto and made a part hereof as **Attachment #2**.

Motion carried: 3-Yes; 0-No; 2-Abstention (**M. Spery**; **B. Summa**)

7. SET PUBLIC HEARINGS

A. FOUR-WAY STOP SIGNS – AMEND PRIOR RESOLUTION

Mayor **Biondi** called for a Resolution amending the date of the Public Hearing for two suggested four-way stop signs.

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

WHEREAS, the Board of Trustees has been presented with requests to consider establishing four-way stops at two intersections within the Village; and

WHEREAS, at its November 19, 2014, meeting, the Board of Trustees set a public hearing on this matter for Tuesday, January 16, 2015; now, therefore, be it

RESOLVED, that since the Board of Trustees has changed its second December meeting to a later date, it now amends its Resolution, duly adopted at the November 19, 2014, meeting, and hereby authorizes a public hearing be held on Tuesday, December 16, 2014, for the purpose of soliciting public comments whether to establish a four-way stop at the following intersections within the Village;

Daisy and Aspen Roads;

Whittier and Dogwood Roads; and be it further

RESOLVED, that the Board of Trustees confirms the polling of the Board that authorized the Village Clerk to take all necessary action to publish a related legal notice setting these public hearings, a copy of which is annexed hereto and made a part hereof as **Attachment #3**.

Motion carried: 5-Yes; 0-No

B. SEASONAL-RENTAL PERMIT

Trustee **Sperry** discussed the matter of seasonal-rental permits after which Mayor **Biondi** called for a Resolution setting a public hearing for a seasonal-rental permit procedure.

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

WHEREAS, the Board of Trustees wishes to consider establishing a seasonal-rental permit procedure; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes a public hearing be held on Tuesday, December 16, 2014, for the purpose of soliciting public comments whether to amend Sections 380-4(B)(9) and 380-4(F) of Chapter 380 of the Village Code and to add Article II to Chapter 380 of the Village Code to establish a seasonal-rental permit; and be it further

RESOLVED, that the Board of Trustees confirms the polling of the Board that authorized the Village Clerk to take all necessary action to publish a related legal notice setting this public hearing, a copy of which is annexed hereto and made a part hereof as **Attachment #4**.

Motion carried: 5-Yes; 0-No

C. UNTIMELY RENTAL-OCCUPANCY PERMIT APPLICATION FEE

Deputy Mayor **Busa** discussed the proposal to set untimely rental-occupancy permit application fees, after which Mayor **Biondi** called for a Resolution setting a public hearing for an additional fee for untimely rental-occupancy permit applications.

Motion offered by **Nick Busa**, seconded by **Bruce Summa** to wit:

WHEREAS, the Board of Trustees wishes to consider establishing a fee for untimely rental-occupancy permit applications, now, therefore, be it

RESOLVED, that the Board of Trustees wishes to consider a sliding scale for additional fees for untimely rental-permit applications based upon the length of untimeliness.

Motion carried: 5-Yes; 0-No

Motion offered by **Nick Busa**, seconded by **Bruce Summa** to wit:

WHEREAS, the Board of Trustees wishes to consider establishing a fee for untimely rental-occupancy permit applications that incorporates a

sliding scale based upon the length of untimeliness; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the Village Clerk to take all necessary action to publish a related legal notice setting these public hearings, a copy of which is annexed hereto and made a part hereof as **Attachment #5**.

Motion carried: 5-Yes; 0-No

D. ISSUANCE OF SPECIAL-USE PERMITS UNDER THE ZONING CODE

Mayor **Biondi** called for a Resolution setting a public hearing for the issuance of special-use permits under the Zoning Code.

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

WHEREAS, the Board of Trustees wishes to consider an addition to Village Code to establish criteria for the issuance of special-use permits under the Zoning Code, now, therefore, be it

RESOLVED, that the Board of Trustees authorizes a public hearing be held on Tuesday, December 16, 2014, for the purpose of soliciting public comments whether to add Article XVI to Chapter 530 of the Village Code to add criteria for the issuance of special-use permits under the Zoning Code; and be it further

RESOLVED, that the Board of Trustees authorizes the Village Clerk to take all necessary action to publish a related legal notice setting these public hearings, a copy of which is annexed hereto and made a part hereof as **Attachment #6**.

Motion carried: 5-Yes; 0-No

8. CONTRACT AUTHORIZATION -- DEMOLITION COMPANY

Mayor **Biondi** called for a Resolution confirming the polling of the Board of Trustees authorizing the appointment of a demolition company for work at 25 Bayside Road, Mastic Beach, NY 11951.

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

WHEREAS, the Board of Trustees was polled by the Village Clerk, at the Mayor's request, on November 24, 2014, relating to authorization to contract with a demolition company for work at 25 Bayside Road, Mastic Beach, NY 11951, in accord with the Board's condemnation action taken by Resolution on November 11, 2014; and

WHEREAS, the Mayor obtained three proposals for said work as follows:

B&L Container Rental and Clean Ups Corp., PO Box 633 Moriches, NY 11955, in the amount of \$19,000.00;

Island Demolition, PO Box 7, East Moriches NY 11940, in the amount of \$21,500.00; and

D'Ancona Contracting, 6 Munsell Road, Medford, NY 11763, in the amount of \$20,000, copies of which are annexed hereto and made a part hereof as **Attachment #7**; now, therefore, be it

RESOLVED, that the Board of Trustees confirms its affirmative polling and authorizes that B&L Container Rental and Clean Ups Corp., PO Box 633, Moriches, NY 11955, be retained to demolish the structure at 25 Bayside Road, Mastic Beach, NY 11951, in accord with the Board's Resolution on November 11, 2014, at a total cost of \$19,000.00; and be it further

RESOLVED, that the Board of Trustees authorizes Village officials to take all necessary action to implement this Resolution, which shall take effect immediately.

Motion carried: 5-Yes; 0-No

9. AUTHORIZATION TO ATTEND CONFERENCE

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

WHEREAS, the New York State Conference of Mayors and Municipal Officials (NYCOM) is conducting Village Election Workshops; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the attendance of Village Clerk **Susan F. Alevas, Esq.** and Deputy Village Clerk **Wendy Scharf** at a NYCOM Village Election Workshop on

Wednesday, January 14, 2015, from 1:00 p.m. through 4:00 p.m. at the Marriott Residence Inn, 9 Gerhard Road, Plainview NY 11803, at a workshop-registration cost of \$45.00 per employee; and be it further

RESOLVED, that all workshop fees and travel-related expenses (mileage-reimbursement expenses at the prevailing Internal Revenue Service [IRS] rate shall be paid by the Village in accordance with its travel policy; and be it further

RESOLVED, that the Board of Trustees authorizes Village officials to take all necessary actions to effectuate this Resolution, which shall take effect immediately, including the use of the Village credit card, in accord with related Village policy, to register the two afore-mentioned employees for this workshop.

Motion carried: 5-Yes; 0-No

10. VILLAGE SNOW-PLOW/SANDER CONTRACTORS

Mayor **Biondi** discussed with the Board of Trustees the Village's solicitation of snow-plow contractors and sub-contractors, pursuant to the Village's "Snow Plow Contractor/Sub-Contractor Application Packet 2014".

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

WHEREAS, it is in the Village's best interest to secure snow-plow/sander services for the 2014-15 winter season; and

WHEREAS, the Village has made available to interested parties copies of the "Snow Plow Contractor/Sub-Contractor Application Packet 2014"; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the appointment of the following:

Camco Asphalt, 313 Jefferson Drive, Mastic Beach, NY 11951

Gerard Gawlowski, 164 McKinley Drive, Mastic Beach, NY 11951;

Giovanni Mussi, 148 Southaven Avenue, Mastic, NY 11950;

David Rossavik, 118 Lynbrook Drive, Mastic Beach, NY 11951;

TL Contracting, 352 Mastic Road, Mastic Beach, NY 11951;

Ultimate Mower, 13 Laurel Lane, Shirley, NY 11967;

Adolph Wildner, 85 Moriches Middle Island Road, East Yaphank, NY 11967; and be it further

RESOLVED, that the Board of Trustees authorizes, upon the submission of completed Village vouchers, payment to the afore-mentioned at the rates set forth in the "Snow Plow Contractor/Sub-Contractor Application Packet 2014", a copy of which is annexed hereto and made a part hereof as **Attachment #8**; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

11. STATEMENT OF MANAGEMENT-SAFETY POLICY

Village Clerk **Alevas** discussed with the Board the need to adopt a Statement of Management-Safety Policy, as a part of a series of recommendations made by the Public Employer Risk Management Association, Inc. (PERMA) that provides related risk-management services to the Village.

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

WHEREAS, it is in the interest of the Village to take all reasonable steps to mitigate risk to both persons and property; and

WHEREAS, upon the recommendation of the Public Employer Risk Management Association, Inc. (PERMA) it is advisable for the Village to adopt a Statement of Management-Safety Policy; now, therefore, be it

RESOLVED, that the Board of Trustees adopts a Statement of Management-Safety Policy, a copy of which is annexed hereto and made a part hereof as **Attachment #9**; and be it further

RESOLVED, that the Board of Trustees authorizes Village officials to carry out the spirit and substance of this statement.

Motion carried: 5-Yes; 0-No

12. RISK-MANAGEMENT SAFETY DESIGNATIONS

Village Clerk **Alevas** discussed with the Board the need for designating a risk-management safety coordinator and program manager for the Village. On November 24, 2014, Ms. **Alevas** met with Mr. **Frank Laurita**, from Public Employer Risk Management Association, Inc. (PERMA) in this regard.

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

WHEREAS, it is in the Village's best interest to take all reasonable steps to mitigate risk of loss to person and property; and

WHEREAS, in accord with recommendations from the Public Employer Risk Management Association, Inc. (PERMA) that provides risk-management services to the Village; now, therefore, be it

RESOLVED, that the Board of Trustees establishes the following designations:

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

Fire Marshal **Carlo Grover**, Program Safety Coordinator; and be it further

RESOLVED, that the Board of Trustees authorizes Ms. **Alevas** and Mr. **Grover** to undertake related risk-management recommendations provided by PERMA; and be it further

RESOLVED, that these duties shall be undertaken by both Ms. **Alevas** and Mr. **Grover** without any additional compensation; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

13. EMPLOYEE RESIGNATION

A motion was made by **William Biondi** and seconded by **Nick Busa** to accept, by resolution, an employee's resignation. Following a discussion, the following motion was voted upon.

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

WHEREAS, the Board of Trustees has received a letter from Mr. **Pat Mancuso**, regarding his resignation from the position of Public Safety Officer; now therefore, be it

RESOLVED, that the Board of Trustees accepts the letter of resignation from Public Safety Officer **Pat Mancuso**, effective at the close of business on December 16, 2014; and be it further

RESOLVED, that the Board of Trustees authorizes appropriate Village personnel to take action to close out Mr. **Mancuso's** employment with the Village.

Motion carried: 5-Yes; 0-No

14. ACCESSORY-APARTMENT REVIEW BOARD

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

WHEREAS, on November 26, 2014, the Accessory Apartment Review Board issued a recommendation to the Board of Trustees for the approval of the application of **Irene Pascual** who is seeking a special exception/use permit for an accessory apartment at 258 Cypress Drive, Mastic Beach, New York; now, therefore, be it

RESOLVED, that the application of **Irene Pascual** is approved subject to the restrictions and conditions of the Accessory Apartment Review Board as set forth in its recommendation, a copy of which is annexed hereto and made a part hereof as **Attachment #10**; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

15. MOTION TO ENTER INTO EXECUTIVE SESSION

Mayor **Biondi** requested a motion for the Board of Trustees to executive session for the purpose of discussing particular personnel, litigation and contractual 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 5:17 p.m. and convened the Board of Trustees in executive session at 5:20 p.m.

16. EXECUTIVE SESSION

Mayor **Biondi**, Deputy Mayor **Busa**, Trustees **Spery**, **Stiriz** and **Summa**, Village Attorney **Vincent Candurra** and Village Clerk **Alevas** were present in executive session.

The Board of Trustees discussed particular personnel, litigation and contractual matters.

17. ADJOURNMENT OF EXECUTIVE SESSION

There being no further items to be discussed in executive session, the Mayor called for a motion to adjourn the executive session and to re-convene the meeting in public session.

Motion offered by **William Biondi**, 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** will adjourn the executive session at 5:50 p.m. and re-convene the Board of Trustees in public session at 5:52 p.m.

18. ACTIONS ARISING OUT OF EXECUTIVE SESSION

Pursuant to discussions held in executive session, Mayor **Biondi** called for the following Resolutions.

A. EMPLOYEE RESIGNATION

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

WHEREAS, the Board of Trustees has received notice of an employee's resignation; and

WHEREAS, the Board of Trustees has had an opportunity to review the specific circumstances relating to this particular employee; now, therefore, be it

RESOLVED, that the Board of Trustees accepts the letter of resignation from Court Clerk **Leanne Riley (Gionta)**, effective at the close of business on November 28, 2014; and be it further

RESOLVED, that the Board of Trustees authorizes appropriate Village personnel to take action to close out Ms. **Reilly's (Gionta's)** employment with the Village..

Motion carried: 5-Yes; 0-No

B. APPOINTMENT OF SPECIAL COUNSEL

Motion offered by **Gary Stiriz**, seconded by **Bruce Summa** to wit:

RESOLVED, that the Board of Trustees appoints **Vincent Messina, Esq.**, 267 Carleton Avenue, Suite 301, Central Islip, NY 11722, as special counsel to represent the Village of Mastic Beach in an Article 78 action brought against it by Mr. **Douglas Jorif**; and be it further

RESOLVED, that the Board of Trustees shall ratify the terms and conditions of Mr. **Messina's** retainer agreement at an upcoming meeting; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 4-Yes; 1-No (**M. Spery**)

19. MEETING ADJOURNMENT

There being no further items to come before the Board of Trustees, the Mayor 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 5:55 p.m.

Motion carried: 5-Yes; 0-No

Respectfully submitted,

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