

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

BOARD MEETING MINUTES
JANUARY 13, 2015
(Meeting held at Paca Middle School
Mastic Road, Mastic Beach, NY 11951)

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: Brian T. Egan, Esq., *Village Attorney*; Susan F. Alevas, Esq., *Village Clerk*; Wendy Scharf, *Deputy Village Clerk*

ADMINISTRATIVE STAFF PRESENT AND REPORTING: None

INVITED GUESTS: Suffolk County Police Inspector **William Neubauer**, *Seventh Precinct*

1. CALL TO ORDER AND WELCOME

Mayor **William Biondi** called the meeting to order at 7:03 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** 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 POLICE INSPECTOR

Suffolk County Police Inspector **William Neubaer**, from the 7th Precinct, reported to the Board of Trustees about Village police activity during the past month.

Following his presentation, he responded to questions from both the Board of Trustees and the audience. On behalf of the Board and the entire community, Mayor **Biondi** thanked Inspector **Neubauer** and all the members of the Suffolk County Police Department for the protection they offer to Village residents and visitors.

6. APPROVAL OF MINUTES

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

WHEREAS, the Board of Trustees has been presented with a copy of its meeting minutes, dated January 7, 2015; now, therefore, be it

RESOLVED, that the Board of Trustees approves the January 7, 2015, meeting minutes, as presented; and be it further

RESOLVED, that the Board of Trustees authorizes the Village Clerk to insert the January 7, 2015, 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

7. AUTHORIZATION FOR THE PAYMENT OF BILLS

A motion was made by **William Biondi** to authorize the payment of bills. Trustee **Gary Stiriz** raised some questions to which Mayor **Biondi** responded. Mayor **Biondi** then requested a second to his motion, with voting as follows.

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. A8-2015(a), in the total amount of \$159,367.96, a copy of which is annexed hereto and made a part hereof as **Attachment #1**.

Motion carried: 5-Yes; 0-No

8. PUBLIC HEARINGS

A. DECLARATION OF UNSAFE PREMISES

i. 183 JEFFERSON DRIVE

Pursuant to the Village's "Notice of Public Hearing", Mayor **Biondi** opened the discussion to those in the audience wishing to address the Board of Trustees about the Village's proposed declaration of unsafe premises located at 183 Jefferson Drive, Mastic Beach, NY 11951.

Village Attorney **Brian T. Egan, Esq.** announced the names of all those to whom a Notice for this hearing was sent and no one came forward to speak about the afore-mentioned proposed declaration of unsafe premises.

Mayor **Biondi** then called for a related Resolution.

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

WHEREAS, the Board of Trustees has conducted a Public Hearing on the subject of a proposed declaration of unsafe premises at 183 Jefferson Drive, Mastic Beach, New York; and

WHEREAS, by memorandum dated June 8, 2014, Mr. **Timothy Brojer**, as Building Inspector of the Village, did request a Declaration of a structure located on 183 Jefferson Drive, Mastic Beach, New York ("premises") as dangerous and unsafe to the public, a copy of which is annexed hereto and made a part hereof as **Attachment #2**; 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, after due notice, a public hearing was duly held on August 12, 2014, at which time a representative of Deutsche Bank undertook certain remedial actions to address the issues disclosed in the Inspector's report; and

WHEREAS, Deutsche Bank and/or its representatives have failed to perform said remedial actions in a timely manner; and

WHEREAS, on December 17, 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 #3**, 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 (Affidavit of Service a copy of which is annexed hereto and made a part hereof as **Attachment #4** and Affidavit of Posting of Notice a copy of which is annexed hereto and made a part hereof as **Attachment #5**); and

WHEREAS, under Section 180-5(D) the removal of the building was to commence by December 31, 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 January 13, 2015, pursuant to Section 180-7 (Public Notice a copy of which is annexed hereto and made a part hereof as **Attachment #6**); 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, that the Board of Trustees closes its public hearing on the matter of a proposed declaration of unsafe premises at 183 Jefferson Drive, Mastic Beach, New York; and be it further

RESOLVED, 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 183 Jefferson Drive, Mastic Beach, New York (S.C.T.M. # 0209-022.00-02.00-038.000) 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; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

ii. 59 WASHINGTON DRIVE

Pursuant to the Village's "Notice of Public Hearing", Mayor **Biondi** opened the discussion to those in the audience wishing to address the Board of Trustees about the Village's proposed declaration of unsafe premises located at 59 Washington Drive, Mastic Beach, NY 11951.

Village Attorney **Brian T. Egan, Esq.** announced the names of all those to whom a Notice for this hearing was sent and no one came forward to speak about the afore-mentioned proposed declaration of unsafe premises.

Mayor **Biondi** then called for a related Resolution.

Motion offered by **Gary Stiriz**, seconded by **Nick Busa** to wit:

WHEREAS, the Board of Trustees has conducted a Public Hearing on the subject of a proposed declaration of unsafe premises at 59 Washington Drive, Mastic Beach, New York; and

WHEREAS, by memorandum dated June 9, 2014, Mr. **Timothy Brojer**, as Building Inspector of the Village did request a Declaration of a structure located on 59 Washington Drive, Mastic Beach, New York (“premises”) as dangerous and unsafe to the public, a copy of which is annexed hereto and made a part hereof as **Attachment #7**; 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, after due notice, a public hearing was duly held on August 12, 2014, at which time a representative of the property owner undertook to complete certain remedial actions to address the issues disclosed in the Inspector’s report; and

WHEREAS, the property owner and/or his representatives have failed to perform said remedial actions in a timely manner; and

WHEREAS, on December 23, 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, 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 (Affidavit of Service, a copy of which is annexed hereto and made a part hereof as **Attachment #8** and Affidavit of Posting of Notice, a copy of which is annexed hereto and made a part hereof as **Attachment #9**); and

WHEREAS, under Section 180-5(D), the removal of the building was to commence by December 31, 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 January 13, 2015, pursuant to Section 180-7 (a copy of the Public Notice is attached hereto and made a part hereof as **Attachment #10**); 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, that the Board of Trustees closes its public hearing on the matter of a proposed declaration of unsafe premises at 183 Jefferson Drive, Mastic Beach, New York; and be it further

RESOLVED, 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 59 Washington Drive, Mastic Beach, New York (S.C.T.M. # 0209-027.00-05.00-052.000) 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; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

9. ADDENDUM

A. PERSONNEL MATTERS

Mayor **Biondi** called for the following Resolutions to confirm the affirmative polling of the Board of Trustees on January 12, 2015, by the Deputy Village Clerk.

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

WHEREAS, at the January 7, 2015, Board of Trustees' meeting, the Board, Resolution, authorized the appointment of Ms. **Dawn McNeil** to serve as full-time Account Clerk-Typist, effective January 5, 2015; and

WHEREAS, on January 12, 2015, the Deputy Village Clerk polled the Board and received a majority voting in the affirmative to authorize Ms. **McNeil** to receive all benefits to which full-time employees are entitled; now, therefore, be it

RESOLVED, that the Board of Trustees ratifies the polling of its majority and does hereby authorize Ms. **Dawn McNeil** to receive all benefits to which full-time Village employees are entitled (health, dental and vision insurance and vacation- and sick-leave accruals), retroactive to her date of appointment as full-time Account Clerk-Typist, effective January 5, 2015; and be it further

RESOLVED, that all other aspects of the Board's January 7, 2015, Resolution relating to Ms. **McNeil's** appointment remain in full force and effect; and be it further

RESOLVED, that appropriate Village officials and employees are authorized to take the necessary actions to effectuate this Resolution.

Motion carried: 5-Yes; 0-No

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

WHEREAS, at the January 7, 2015, Board of Trustees' meeting, the Board, Resolution, authorized the appointment of Ms. **Joan Crawford** to serve as temporary, part-time Clerk-Typist, effective January 2, 2015; and

WHEREAS, it is in the Village's best interest to transfer Ms. **Crawford** to fill a newly-created temporary vacancy in the Finance Department; and

WHEREAS, on January 12, 2015, the Deputy Village Clerk polled the Board and received a majority voting in the affirmative to authorize Ms. **Crawford** to fill a newly-created temporary, part-time vacancy in the Finance Department; now, therefore, be it

RESOLVED, that the Board of Trustees ratifies the polling of its majority and does hereby authorize the transfer of Ms. **Joan Crawford** from temporary, part-time Clerk-Typist (maximum of 20 hours per week) to temporary, part-time Account Clerk-Typist, at an hourly rate of \$14.00, with no other benefits, for a maximum of twenty (20) hours per week, effective January 12, 2015, and continuing for such a

period as shall be determined by the Village and, in any event, not to exceed ninety (90) days; and be it further

RESOLVED, that appropriate Village officials and employees are authorized to take the necessary actions to effectuate this Resolution.

Motion carried: 5-Yes; 0-No

Motion offered by **Maura Spery**, seconded by **Nick Busa** to wit:

WHEREAS, on January 12, 2015, the Deputy Village Clerk polled the Board and received a majority voting in the affirmative to authorize Ms. **Sapphire Giglio** to serve as a temporary, part-time Clerk-Typist due to the transfer of Ms. **Joan Crawford**; now, therefore, be it

RESOLVED, that the Board of Trustees ratifies the polling of its majority and does hereby authorize the temporary, part-time appointment of Ms. **Sapphire Giglio** as Clerk-Typist, at an hourly rate of \$10.00, with no other benefits, for a maximum of twenty (20) hours per week, effective January 12, 2015; and be it further

RESOLVED, that appropriate Village officials and employees are authorized to take the necessary actions to effectuate this Resolution.

Motion carried: 5-Yes; 0-No

B. AUTHORIZATION TO ATTEND CONFERENCE

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

WHEREAS, the New York State Code Conference is conducting various training workshops; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the attendance of Fire Marshal **Carlo Grover** and Building Inspector **Linwood Staton** at a conference seminar for recertification as Fire Marshal and Building Inspector, respectively, as follows:

March 17, 2015, through March 19, 2015, inclusive, Stony Brook, New York, at a cost of \$200.00 per person; and be it further

RESOLVED, that Messrs. **Grover** and **Staton** are authorized to use a Village-owned vehicle for transportation to and from this conference seminar; 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.

Motion carried: 5-Yes; 0-No

C. PURCHASE OF TIRES FOR SKID STEERER

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

WHEREAS, on January 12, 2015, the Deputy Village Clerk polled the Board and received a majority voting in the affirmative to authorize the purchase of four tires for the Village's skid steerer from **LaCorte Farm & Lawn Equipment, Inc.**, 522 Edwards Avenue, Calverton, NY 11933; now, therefore, be it

RESOLVED, that the Board of Trustees ratifies the polling of its majority and does hereby authorize the purchase of four tires and rims, in the total amount of \$4,379.92, a copy of the parts estimate, dated January 12, 2015, is annexed hereto and made a part hereof as **Attachment #11**; and be it further

RESOLVED, that this Resolution is contingent upon the Treasurer confirming for the Mayor the necessary funds are available in the Village budget; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

D. AUTHORIZATION FOR PAYMENT OF CLAIM

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

RESOLVED, that the Board of Trustees authorizes the payment of the following claim, which shall appear on the Financial Abstract presented to the Board in February 2015 with the notation this bill was authorized for approval via this Resolution:

A-Net Technologies, Inc., in the amounts of \$750.00; \$720.00; and \$720.00, for a total payment of \$2,190.00; and be it further

RESOLVED, that Finance Department personnel are authorized to take the necessary actions to effectuate this Resolution.

Motion carried: 5-Yes; 0-No

E. TRANSFER OF HUMAN RESOURCES MANAGEMENT

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

WHEREAS, it is in the best interest of the Village to transfer the management of human resources from the Finance Department; and

WHEREAS, upon the recommendation of the Mayor; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the transfer of the management of human resources from the Finance Department to the Village Clerk's office, effective immediately; and be it further

RESOLVED, that the Board of Trustees authorizes the Village Clerk to serve as the signing authority for Suffolk County Civil Service reporting purposes, with the Deputy Village Clerk authorized as a back-up signing authority; and be it further

RESOLVED, that the Suffolk County Civil Service Department signing authority previously authorized for the Deputy Treasurer is now, hereby, withdrawn, effective immediately; and be it further

RESOLVED, that the Mayor, Village Clerk and Deputy Village Clerk are authorized to undertake all necessary actions to effectuate this Resolution, including and not limited to the notification of the Suffolk County Civil Service Department signing-authority changes detailed in this Resolution; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

F. AUTHORIZATION TO PURCHASE SANDER MOTOR

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

WHEREAS, on January 12, 2015, the Village Clerk polled the Board and received a majority voting in the affirmative to authorize the purchase of a new motor for the Village's sander; now, therefore, be it

RESOLVED, that the Board of Trustees ratifies the polling of its majority and does hereby authorize the purchase of a new motor for the Village's sander, at a cost not to exceed \$1,000.00, through **Ultimate Mower and Tool**, Commack Road, Mastic Beach, NY 11951, with no cost for labor to install the motor; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

10. TRUSTEE REPORTS

The following reports were rendered:

Buildings – Deputy Mayor **Busa**
Parks and Recreation – Trustee **Sperry**
General Announcements – Mayor **Biondi**

11. PUBLIC HEARING -- PROPOSED LITIGATION SETTLEMENT

Pursuant to the Village's "Notice of Public Hearing", Mayor **Biondi** opened the discussion to those in the audience wishing to address the Board of Trustees about the Village's proposed settlement with the Mastic Beach Property Owners' Association.

Village Attorney **Brian T. Egan, Esq.** provided an overview of the litigation between the Village and the Mastic Beach Property Owners' Association as well as the proposed settlement terms.

Following Mr. **Egan's** presentation, 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 Deputy 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 to speak on this topic:

Name:

John Mutt
Frank Fugarino
Nancy Sorkow
Anne Leonardi
Michael Leonardi
Frank Cappiello
Ray Hubschmitt
Jennifer Griffin
Jim Gargin
Ann Smith
Joseph Johnson
Barbara Scalafani
Ewa Welmut-Stankiewicz
Frank Delustro
Lorraine Meyer
Michelle Wilkinson
Sammy Wemeri
Joe Fazzina
Darrin Harsch
Ted Selmer
Ken Wersan
Glenn Svoboda
Michael Kubasick
Joe Kelly
Jean San Martin
Jim Searfoss
Alan Chasinov

At the conclusion of the public commentary, Mayor **Biondi** called for related Resolutions.

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

WHEREAS,

the Board of Trustees has conducted a Public Hearing on the subject of a proposed litigation settlement with the Mastic Beach Property Owners' Association (MBPOA); and

WHEREAS, the Board of Trustees has received the benefit of public input; now, therefore, be it

RESOLVED, that the Board of Trustees closes its public hearing on the matter of a proposed litigation settlement with the Mastic Beach Property Owners' Association.

Motion carried: 5-Yes; 0-No

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

WHEREAS, the Board of Trustees has conducted a Public Hearing on the subject of a proposed litigation settlement with the Mastic Beach Property Owners' Association (MBPOA); and

WHEREAS, the Board of Trustees has received the benefit of public input; and

WHEREAS, it is in the best interest of the Village to settle pending litigation involving the Mastic Beach Property Owners' Association (MBPOA); now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the proposed settlement as previously approved by vote of the majority of the Mastic Beach Property Owners' Association (MBPOA), a copy of which is annexed hereto and made a part hereof as **Attachment #12**; and be it further

RESOLVED, that the Board of Trustees authorizes Village Attorney **Egan** to undertake all actions necessary to effectuate this settlement; and be it further

RESOLVED, that the Board of Trustees authorizes the Mayor to execute all documents necessary to effectuate this settlement; and be it further

RESOLVED, that this Resolution shall take effect immediately.

The foregoing motion was put to a roll-call vote, with the results as follows:

Trustee Gary Stiriz	Voting "Yes"
Trustee Maura Spery	Voting "Yes"
Trustee Bruce Summa	Voting "Yes"

Deputy Mayor **Nick Busa** Voting “No”
Mayor **William Biondi** Voting “No”

The foregoing Resolution was duly passed with a vote of 3-Yes; 2-No (**N. Busa; W. Biondi**)

12. ENTER EXECUTIVE SESSION

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

Motion offered by **Maura Spery**, seconded by **Bruce Summa** 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** will adjourn the public session at 9:00 p.m. and convened the Board of Trustees in executive session at 9:05 p.m.

13. EXECUTIVE SESSION

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

The Board of Trustees discussed particular personnel matters.

14. ADJOURNMENT OF EXECUTIVE SESSION

There being no further items to be discussed in executive session, Mayor **Biondi** 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** adjourned the executive session at 9:25 p.m. and re-convened the Board of Trustees in public session at 9:26 p.m.

15. ACTIONS ARISING OUT OF EXECUTIVE SESSION

There weren't any actions arising out of the executive session.

16. 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 **Nick Busa** to wit:

RESOLVED, that the Board of Trustees adjourn its meeting at 9:27 p.m.

Motion carried: 5-Yes; 0-No

Respectfully submitted,

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