

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

BOARD MEETING MINUTES
JUNE 9, 2015

PRESIDING OFFICER: Maura Spery, *Mayor*

MEMBERS OF THE BOARD OF TRUSTEES PRESENT AND VOTING:

Bruce Summa, *Deputy Mayor*; Christopher Anderson; Elizabeth Manzella, Anne Snyder,
Trustees

MEMBERS OF THE BOARD OF TRUSTEES ABSENT:

None

OFFICIALS OF THE BOARD OF TRUSTEES PRESENT:

Guy W. Germano, Esq., *Village Attorney*; Susan F. Alevas, Esq., *Village Clerk/Administrator*; Wendy Scharf, *Deputy Village Clerk*

STAFF PRESENT AND REPORTING:

Hudy Bluth, *Treasurer*

INVITED GUESTS:

Suffolk County Police Department Inspector **William Neubauer**; COPE Sergeant **Peter Kelly**, Suffolk County Police Department, Seventh Precinct

1. CALL TO ORDER AND WELCOME

Mayor **Maura Spery** called the meeting to order at 7:00 p.m. and welcomed those in attendance.

2. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

Mayor **Spery** 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/Administrator **Susan Alevas** reviewed the emergency procedure for exiting the building.

4. ROLL CALL

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

5. SUFFOLK COUNTY POLICE REPORT

Suffolk County Police Department Inspector **William Neubauer** and COPE Sergeant **Peter Kelly** gave a summary report about police activities in the Village during the past month. They responded to questions from board members and those in attendance.

6. PROCLAMATION – MR. RICHARD DALY

Mayor **Spery** introduced William Floyd High School Teacher and Village Resident Mr. **Richard Daly**, and she presented him with a Proclamation recognizing his expertise as a Master Ice Sculptor.

7. ACCEPTANCE OF MINUTES

Motion offered by **Maura Spery**, seconded by **Elizabeth Manzella** to wit:

WHEREAS, the Board of Trustees has been presented with a copy of its meeting minutes, dated June 3, 2015; now, therefore, be it

RESOLVED, that the Board of Trustees approves the June 3, 2015, meeting minutes, as presented; and be it further

RESOLVED, that the Board of Trustees authorizes the Village Clerk/Administrator to insert the June 3, 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

8. AUTHORIZATION FOR THE PAYMENT OF CLAIMS

Motion offered by **Maura Spery**, seconded by **Bruce Summa** 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. A1-2015(a), in the total amount of \$142,943.63, a copy of which is annexed hereto and made a part hereof as **Attachment #1**.

Motion carried: Motion carried: 5-Yes; 0-No

9. PROCUREMENT POLICY

Motion offered by **Maura Spery**, seconded by **Anne Snyder** to wit:

WHEREAS, it is in the Village's best interests to have a well-defined and adopted procurement policy to assure that public monies are spent in a manner that avoids collusion between vendors, fosters the purchase of like goods and services at the lowest price and protects the public treasury; and

WHEREAS, pursuant to § 104-b of *New York State General Municipal Law*, every municipality must adopt a policy governing the procurement of goods and services, which are not required to be purchased pursuant to the competitive bidding requirements of § 103 of *New York State General Municipal Law*; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes and accepts the Village's revised procurement policy, a copy of which is annexed hereto and made a part hereof as **Attachment #2**; and be it further

RESOLVED, that the Village Clerk/Administrator and the Village Treasurer are authorized to take all actions necessary to effectuate this Resolution; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

10. REQUEST-FOR-PROPOSAL -- INDEPENDENT AUDITOR

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

WHEREAS, it is in the Village's best interest to solicit a Request-for-Proposals (RFP) for the purpose of obtaining independent-auditor services; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the Village Clerk/Administrator to solicit RFP's for an Independent Auditor, a copy of which is annexed hereto and made a part hereof as **Attachment #3**; and be it further

RESOLVED, that the Village Clerk/Administrator is authorized to take all necessary actions in accord with established Village procedure; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

11. TAX-REFUND PAYMENTS

Treasurer **Hedy Bluth** recommended to Mayor **Spery** that the procedure for issuing tax refunds to Village taxpayers requires updating in order to provide more constituency-focused service. A motion was made by **Maura Spery**, and seconded by **Anne Snyder**, after which a question on the pending motion was made. Ms. **Bluth** responded, after which the pending motion was made and voted upon.

Motion offered by **Maura Spery**, seconded by **Anne Snyder** to wit:

WHEREAS, in the past, the Village held all tax-refund payments for periods up to several months; and

WHEREAS, upon the recommendation of Village Treasurer **Bluth** and supported by Mayor **Spery**, a more constituency-focused approach has been developed by the Treasurer; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the Village Treasurer to issue tax-refund payments, on an as-needed basis, once per month; and be it further

RESOLVED, that the Treasurer's established procedure of including all such payments on the Village financial abstracts will continue; and be it further

RESOLVED, that the Village Treasurer is authorized to take all necessary actions to effectuate this Resolution; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

12. INCREASED INSURANCE COVERAGE -- MODIFICATION

At the April 14, 2015, Board meeting, and upon the recommendation of then-Interim Village Attorney **J. David Eldridge**, the Board enacted a Resolution authorizing the purchase of increased insurance coverage based upon the Village's insurance broker's estimates at the time.

The Village was recently notified that its insurance broker, **Salerno Brokerage Corp.** had to modify the placement of this insurance, and Mayor **Spery** called for a related Resolution to reflect this.

A motion was made by **Maura Spery** and seconded by **Bruce Sumner**, after which a question on the motion was raised. Village Clerk/Administrator **Alevas** responded, and a vote on the pending motion was as follows.

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

WHEREAS, it is in the best interest of the Village to have an appropriate and reasonable level of insurance coverage; and

WHEREAS, the Board of Trustees, upon the recommendation of its then-Interim Village Attorney unanimously authorized a Resolution to permit the Village to purchase increased liability-insurance coverage; and

WHEREAS, while the Village's insurance broker, **Salerno Brokerage Corp.** has been able to secure this additional liability-insurance coverage within the cost parameters of the Board's April 14, 2015, Resolution, the specific carriers have changed; now, therefore, be it

RESOLVED, that the Board of Trustees reaffirms its authorization to purchase additional insurance coverage through its broker, **Salerno Brokerage Corp.**, 117 Oak Drive, Syosset, New York 11791, as follows:

ACE: \$10 million coverage, effective June 1, 2015, at a pro-rated cost for the balance of the policy period of \$6,427.00; and

AAIC: \$5 million coverage in excess of the \$10 million coverage, effective June 1, 2015, at a pro-rated cost for the balance of the policy period of \$2,385.00, both of which are A+-rated carriers; and be it further

RESOLVED, that the Village Clerk/Administrator and the Treasurer are authorized to take all actions necessary to effectuate this Resolution.

Motion carried: 5-Yes; 0-No

13. **PERSONNEL ACTIONS**

A. PROMOTIONAL APPOINTMENT

Mayor **Spery** recommended to the Board of Trustees that part-time Code Officer **Kevin Ford**, based upon his employment performance, be promoted to the part-time position of Senior Code Officer, and called for a related motion approving the same. She and Deputy Mayor **Summa** commended Officer **Ford** for the efforts he has put forth on behalf of the Village and its residents.

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

WHEREAS, Code Officer (part-time) **Kevin Ford** is an employee in good standing; and

WHEREAS, it is in the Village's best interest to fill a long-standing vacancy for part-time Senior Code Officer; and

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

RESOLVED, the that the Board of Trustees authorizes the promotional appointment of Mr. **Kevin Ford** from part-time Code Officer to part-time Senior Code Officer, (Suffolk County Civil Service Job Title #5177; Suffolk County Civil Service Job Duties Statement #14-1141), at an hourly rate of \$17.80, for a maximum of twenty (20) hours per week, effective June 10, 2015, with continued accrued leave benefits at the rate currently in effect for part-time Village employees; and be it further

RESOLVED, that the Village Clerk/Administrator and the Treasurer are authorized to take all actions necessary to effectuate this Resolution; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

B. PART-TIME TO FULL-TIME APPOINTMENTS

Mayor **Spery** recommended to the Board of Trustees that part-time Maintenance Mechanic II, Mr. **Frank Perino**, be appointed from part-time (32 hours per week) to full-time (40 hours per week) and Automotive Equipment Operator Mr. **Michael Lostritto**, be appointed from part-time (32 hours per week) to full-time (40 hours per week). She and Deputy Mayor **Summa** commended Messrs. **Perino** and **Lostritto** for their efforts on behalf of the Village and its residents.

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

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

RESOLVED, the that the Board of Trustees authorizes the appointment of Maintenance Mechanic II **Frank Perino** from part-time status (32 hours per week) to full-time status (40 hours per week) (Suffolk County Job Title #7703), effective June 10, 2015, at the current hourly rate of \$20.00, and with accrued leave and all other benefits at the rate and level currently in effect for full-time Village employees; and be it further

RESOLVED, that the Village Clerk/Administrator and the Treasurer are authorized to take all actions necessary to effectuate this Resolution; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

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

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

RESOLVED, the that the Board of Trustees authorizes the appointment of Automotive Equipment Operator **Michael Lostritto** from part-time status (32 hours per week) to full-time status (40 hours per week) (Suffolk County Job Title #7201), effective June 10, 2015, at the current hourly rate of \$15.75, and with accrued leave and all other benefits at the rate and level currently in effect for full-time Village employees; and be it further

RESOLVED, that the Village Clerk/Administrator and the Treasurer are authorized to take all actions necessary to effectuate this Resolution; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

C. SALARY INCREASE

Mayor **Spery** advised that she received a request from Village Justice **Barbara O'Malley** to increase the court clerk's hourly-salary rate, and said funds are included in the 2015-16 budget that was adopted by the Board of Trustees. A motion was made by **Maura Spery** and seconded by **Bruce Summa**, and a question on the motion was made. Following a discussion, a vote on the pending motion was as follows.

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

WHEREAS, upon the recommendation of Village Justice **Barbara O'Malley**; now, therefore, be it

RESOLVED, the Court Clerk **Jamie Amelio's** hourly-salary rate be increased from \$14.00 to \$18.00, with all other existing part-time leave benefits remaining unchanged, effective June 10, 2015; and be it further

RESOLVED, that the Village Clerk/Administrator and the Treasurer are authorized to take all actions necessary to effectuate this Resolution; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

14. RE-APPOINTMENT OF VILLAGE HISTORIAN

Pursuant to discussions at the May 6, 2015, Mayor **Spery** discussed with the Board of Trustees her recommendation for the re-appointment of a Village Historian following her and the Village Clerk/Administrator's interviews of interested candidates. Trustee **Manzella** commended the candidate for waiving compensation for this position.

Motion offered by **Maura Spery**, seconded by **Elizabeth Manzella** to wit:

WHEREAS, it is in the Village's best interest to maintain historical records; and

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

RESOLVED, that the Board of Trustees authorizes the re-appointment of Mr. **Jamie Reason**, who wishes to waive compensation, as Village Historian; and be it further

RESOLVED, that the Village Clerk/Administrator is authorized to take all actions necessary to effectuate this Resolution.

Motion carried: 4-Yes; 1-No (**C. Anderson**)

15. RESCIND PRIOR BOARD RESOLUTION

In researching prior Board-meeting minutes, Village officials learned that on September 13, 2011, the Board of Trustees enacted a Resolution, numbered 162-2011, prohibiting the annual budget from being posted on the Village of Mastic Beach website.

Mayor **Spery** and Village Records Management Officer **Alevas** recommended the Board rescind this prior Resolution and confirm that, as a matter of public record, the Village's budget shall be posted on the Village website.

Motion offered by **Maura Spery**, seconded by **Elizabeth Manzella** to wit:

WHEREAS, it is in the Village's best interests to enable individuals to have easy access to the Village's approved budget; and

WHEREAS, upon the recommendation of Mayor **Spery** and Records Management Officer **Alevas**; now, therefore, be it

RESOLVED, that the Board of Trustees rescinds a Resolution of a prior Board, dated September 13, 2011, and numbered 162-2011, a copy of which is attached hereto and made a part hereof as **Attachment #4**, and replaces it with this Resolution that authorizes Village officials to post on the Village's website a copy of the adopted Budget; and be it further

RESOLVED, that the Village Clerk/Administrator and the Treasurer are authorized to undertake all actions necessary to continue providing this information to the public; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

16. AUTHORIZATION FOR USE OF VILLAGE HALL

Mayor **Spery** discussed with the Board of Trustees her recommendation to permit New York State Senator **Thomas Croci** to utilize Village Hall to conduct a mobile-office meeting with local residents. Mayor **Spery** encouraged residents to attend Senator **Croci's** meeting.

Motion offered by **Maura Spery**, seconded by **Anne Snyder** to wit:

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

RESOLVED, that the Board of Trustees authorizes New York State Senator **Thomas Croci** to conduct a mobile-office visit at Village Hall on Tuesday, August 18, 2015, from 9:15 a.m. through 1:30 p.m.; and be it further

RESOLVED, that the Assistant to the Mayor is authorized to take all actions necessary to effectuate this Resolution with Senator **Croci's** staff; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

17. SPECIAL EXCEPTION (USE)- ACCESSORY APARTMENT

Mayor **Spery** called for a motion to call for a public hearing to consider the application of Mr. **Carmelo Cumbo**, and as recommended by the Village Planning Board. A motion was made by **Maura Spery** and seconded by **Bruce Summa**. Following a question on the motion, the voting on the pending motion was as follows.

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

WHEREAS, the Village Planning Board has submitted its recommendation that the Board of Trustees approve Special Exception (Use)-Accessory Apartment application for Mr. **Carmelo Cumbo**; now, therefore, be it

RESOLVED, that the Village Clerk/Administrator is hereby authorized to publish the following notice of public hearing, a copy of which is annexed hereto and made a part hereof as **Attachment #5**:

Notice of Public Hearing

Take notice that a public hearing will be held by the Village Board of the Incorporated Village of Mastic Beach on Tuesday, July 14, 2015, at 7:00 p.m., at Village Hall, 369 Neighborhood Road, Mastic Beach, NY 11951, in order to consider the special exception- (use-) accessory-apartment application, numbered 0001-2015, submitted by Mr. **Carmelo Cumbo**, with the conditions noted in the April 30, 2015, letter from Planning Board Chairperson **Thomas Gross**; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

18. CHANGE IN JULY WORK-SESSION MEETING DATE

Mayor **Spery** discussed with the Board the need to change the July work-session meeting date to 6 p.m. on Wednesday, July 8, 2015, at Village Hall instead of July 1, 2015.

A motion was made by **Maura Spery** and seconded by **Bruce Summa**, and a discussion on the pending motion was held. Thereafter, voting on the pending motion was as follows.

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

WHEREAS, the Board of Trustees has a work-session meeting scheduled for Wednesday, July 1, 2015, at 6 p.m. at Village Hall; and

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

RESOLVED, that the Board of Trustees authorizes that its July 2015 work-session meeting be changed from 6 p.m. on Wednesday, July 1, 2015, to Wednesday, July 8, 2015, at 6 p.m. at Village Hall; and be it further

RESOLVED, that the Village Clerk/Administrator is hereby authorized to undertake all actions necessary to effectuate this Resolution; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

19. DECLARING CERTAIN VILLAGE VEHICLES AS SURPLUS

Mayor **Spery** discussed with the Board of Trustees her recommendation to move forward with the disposition of older Department of Public Works and Department of Public-Safety vehicles that are becoming too expensive to repair and maintain.

A motion was made by **Maura Spery** and seconded by **Bruce Summa**, and a discussion on the pending motion was held. Thereafter, voting on the pending motion was as follows.

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

WHEREAS, the Village of Mastic Beach is the owner of certain motor vehicles formerly used to provide public-works and/or public-safety services; and

WHEREAS, said vehicles are no longer necessary for use by the Village; and

WHEREAS, it is in the public interest to sell or otherwise dispose of said vehicles for the greatest value obtainable; now, therefore, be it

RESOLVED, that each of the vehicles listed on the Surplus Vehicle List, a copy of which is annexed hereto as **Attachment #6**, is hereby declared to be surplus property of the Village; and be it further

RESOLVED, that the Village Clerk/Administrator is hereby authorized to offer said vehicles for sale to any willing and responsive buyer through a request for proposals, and to sell each of said vehicles at the highest price obtained but not less than the "blue book" value listed on the Surplus Vehicle List; and be it further

RESOLVED, that in the event no offers are obtained that are equal to or greater than the "blue book" value for any vehicles, then the Village administrator is authorized to sell each such vehicle for the greatest

value offered, or to a licensed automobile scrap purchaser, whichever purchaser offers the greatest value to the Village.

Motion carried: 4-Yes; 1-No (**C. Anderson**)

20. SEPTIC-SYSTEM UPGRADE – LOCAL LAW

Mayor **Spery** discussed with the Board of Trustees her recommendation to move forward with the consideration of a new local law to establish a threshold standard for new construction, additions and/or renovations proposed within tidal and freshwater wetlands that would require Village and Suffolk County Department of Health Services approval for the proposed sanitary system. Following a discussion, Mayor **Spery** asked that all Board members further consider this matter and conduct their own research in order to be prepared to discuss this matter further at the July 8, 2015, work-session meeting of the Board.

21. AUTHORIZATION TO ACCEPT PROPERTY

Mayor **Spery** discussed with the Board of Trustees a request she received from Suffolk County Legislator **Kate Browning's** office to have the Village extend its authorization to accept certain parcels of real property from the County of Suffolk.

Motion offered by **Maura Spery**, seconded by **Elizabeth Manzella** to wit:

WHEREAS, the Incorporated Village of Mastic Beach has been notified that the County of Suffolk has certain parcels of land that may be available to the Village; and

WHEREAS, the County of Suffolk has offered to the Incorporated Village of Mastic Beach a particular parcel identified as 0209-024.00-02.00-026.000 and known as being at the intersection of Flower Road and Neighborhood Road; and

WHEREAS, the County of Suffolk has offered to transfer to the Incorporated Village of Mastic that particular parcel for the amount of One Dollar (\$1.00); now, therefore, be it

RESOLVED, that the Incorporated Village of Mastic Beach is willing to accept from the County of Suffolk that parcel of land situated at the intersection of Flower Road and neighborhood Road for the cost of One Dollar (\$1.00), provided that the parcel is not subject to any lien and is environmentally sound; and be it further

RESOLVED, that this Resolution shall take effect immediately and shall remain in effect for a period of three (3) years at the County of Suffolk's request.

Motion carried: 5-Yes; 0-No

22. AUTHORIZATION FOR SALE OF PROPERTY TO VILLAGE

Mayor **Sperry** called for a motion to authorize the sale of property to the Incorporated Village of Mastic Beach by the County of Suffolk.

Motion offered by **Maura Sperry**, seconded by **Elizabeth Manzella** to wit:

WHEREAS, the County of Suffolk currently owns the following real properties situate within the incorporated Village of Mastic Beach, Town of Brookhaven, County of Suffolk, State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as:

(a) District 0209, Section 026.00, Block 05.00, Lot 037.000 f/k/a District 200, Section 980.60, Block 05.00. Lot 037.000, and acquired by tax deed on August 16, 2011, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on August 22, 2011 in Liber 12660, CP 18 (further identified as 120 Monroe Drive); and

(b) District 0209, Section 024.00, Block 06.00, Lot 058.000 f/k/a District 200, Section 980.40, Block 08.00. Lot 058.000, and acquired by tax deed on August 16, 2011, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on August 22, 2011 in Liber 12669, CP 18, known and designated as Lots 3198 to 3201 inclusive on a certain map entitled "6th Map of Mastic Beach" filed in

the Office of the Clerk of the County on November 10, 1932 as Map No. 1105 (further identified as 159 Lynbrook Drive); and

- (c) District 0209, Section 032.00, Block 05.00, Lot 024.000 f/k/a District 200, Section 983.30, Block 07.00. Lot 028.000, and acquired by tax deed on August 16, 2011, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on August 22, 2011 in Liber 12669, CP 18, known and designated as Lots 189 to 191 inclusive on a certain map entitled "8th Map of Mastic Beach" filed in the Office of the Clerk of the County on March 24, 1937 as Map No. 1229 (further identified as 80 Lynbrook Drive) (collectively the "Properties"); and

WHEREAS, both the Village and the County wish to develop the Properties for use as affordable housing in accordance with Article 36 of the Suffolk County Administrative Code; and

WHEREAS, Section 1-102(1) of the New York Village Law permits the Village to "take, purchase, hold, lease, sell and convey" real property, and Section 72-H of the New York General Municipal Law allows the transfer real property between governmental entities; and

WHEREAS, the County and Village agree that the development of the Properties for affordable housing would be best fulfilled by a transfer of the Properties to the Village; and

WHEREAS, the County of Suffolk approved the proposed sale, transfer and conveyance of said subject Properties to the Village by Resolutions 1827-2014, 1828-2014 and 1829-2014, dated and approved by the Suffolk County Legislature on October 7, 2014, and executed by the County Executive on October 16, 2014; now, therefore, be it

RESOLVED, that the Village of Mastic Beach formally authorizes the proposed sale, transfer and conveyance of the subject Properties from the County of Suffolk to the Village of Mastic

Beach for the sole purpose of affordable housing purposes;
and be it further

RESOLVED,

that the transfer of the Properties to the Village shall and will be subject to the following express conditions, covenants and provisions:

The subject parcels shall be conveyed to the Village of Mastic Beach, solely for construction of affordable housing, together with the following restrictive covenants that will run with the land so conveyed and, additionally, if any one or more of the following occurs, the subject premises shall revert to the County of Suffolk as herein provided and as provided in any deed evidencing the transfer of the subject premises from the County to the Village:

1. If the Village does not use the subject premises solely and exclusively for affordable housing purposes in accordance with the approved plan submitted by the Village. Such reverter clauses contained herein shall apply to the Village and any subsequent transferee from the Village undertaking the construction, reconstruction or rehabilitation of affordable housing on the subject premises;
2. If the Village fails to construct or complete construction of affordable housing unit or units on said property within three (3) years from the date of transfer unless an extension of time is granted in writing, for good cause shown, by the Suffolk County Director of Real Estate and/or her designee. Such extension shall not exceed two two-year extensions unless approved by duly enacted resolution of the grantor;
3. If the income, at initial occupancy, of the occupant should exceed 80% of the HUD established median income for the Nassau-Suffolk PMSA based on family size;
4. If the subsidized purchase price of home should exceed 60% of median sales price for Suffolk County based upon the State of New York Mortgage Agency Guidelines;

5. If the rent should exceed HUD established fair market rent for Nassau-Suffolk PMSA based upon bedroom size;
6. If the affordable housing unit or units are owner-occupied, and the unit or units fail(s) to remain the principal residence of the owner for a period of five (5) consecutive years. If the affordable housing unit or units are tenant-occupied, and the unit or units fail(s) to remain affordable for ten (10) consecutive years;
7. If the Village fails to certify to the Suffolk County Director of Real Estate and/or her designee prior to closing of the title with any affordable housing grantee
 - a. The dates of completion and occupancy for any affordable housing unit or units constructed or rehabilitated on said property; and
 - b. The total household income, from all sources, of the purchaser or purchasers of the property and his or her family; and
 - c. The total purchase or rental price of the affordable housing unit or units sold or otherwise transferred; and
 - d. The affordable housing unit or units meet local building and zoning codes;
8. If the Village shall fail to provide the Suffolk County Director of Real Estate and/or her designee, with an annual written report, no later than December 31 of each year commencing December 31, 2015, on the subject premises, including, but not limited to, the exact and precise use to which the subject premises has been put to along with the net proceeds generated by the initial purchase of the subject premises; or
9. If any subsequent grantee fails to comply with all applicable state, federal, and local regulations pertaining to price, income eligibility and marketing standards for affordable housing programs; and be it further

RESOLVED,

that the Village will be restricted in its use of the subject Properties and will use said Properties solely and exclusively for affordable housing with all right, title and interest reverting to the County of Suffolk in the event that the Village at any time, uses or attempts to use said subject Properties for other than affordable housing or

attempts to sell, transfer or otherwise dispose of or does, in fact, sell, transfer or otherwise dispose of said subject Properties with said Properties being used thereafter for other than affordable housing; and be it further

RESOLVED, that neither the Village nor any subsequent grantee shall bill or charge back to the County any cost incurred or projected to be incurred for the cleaning up, removal and disposal of any debris, waste and/or contamination of said Properties. In the event that such charge back or bill is rendered to the County the transfer shall be void *ab initio* and the realty shall revert to the County; and be it further

RESOLVED, that it is intended and agreed that the agreements and covenants contained in the deeds evidencing transfer of the subject Properties shall be covenants running with the land and that they shall be, in any event, and without regard to technical classification of designation, legal or otherwise, and except only by law, binding for the benefit and in favor of, and enforceable by the County, it being further understood that such agreements and covenants shall be binding only upon the Village, if it be a municipality or any assignee of the Village, undertaking the construction, reconstruction or rehabilitation of affordable housing , only for such period as they shall have title to or an interest in or possession of the Properties or part thereof; and be it further

RESOLVED, that the conveyance of the Properties herein described to the Village, for the purposes described herein shall be the total sum of Three Dollars (\$3.00), and upon payment of said sum, all subsequent grantees of such subject Properties shall comply with all applicable state, federal and local regulations pertaining to the price, income eligibility and marketing standards for affordable housing programs; and be it further

RESOLVED, that the Mayor is hereby duly authorized to undertake any and all steps necessary to effectuate the proposed sale, transfer and conveyance from the County of Suffolk to the Village of Mastic Beach upon the above-described terms and conditions; and be it further

RESOLVED, that the Properties shall thereafter be transferred by the Village to a not-for-profit entity for development as affordable housing consistent with the provisions of Article 36 of the Suffolk County Administrative Code; and

RESOLVED, that the Village Attorney and/or Special Counsel are hereby duly authorized to negotiate the terms of the proposed sale, transfer and conveyance; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

23. TRUSTEE REPORTS

Mayor **Spery** called upon the following members of the Board to render reports as follows:

Parks and Recreation and General Updates – Mayor **Spery**
Buildings and Housing – Trustee **Elizabeth Manzella**
Public Safety – Trustee **Anne Snyder**
Public Works – Deputy Mayor **Bruce Summa**

24. ADDENDUM

Mayor **Spery** noted that there were some additional personnel matters that require the Board's action that were finalized after the board agenda was finalized.

PERSONNEL ACTIONS

A. RESIGNATION

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

WHEREAS, the Village has been advised that Public-Safety Officer **Christopher Koerner** has resigned; now, therefore, be it

RESOLVED, the that the Board of Trustees acknowledges Mr. **Koerner's** resignation from his position of Public-Safety Officer, effective May 24, 2015; and be it further

RESOLVED, that Mr. **Koerner** is not owed any payout for unused, accrued leave time; and be it further

RESOLVED, that the Village Clerk/Administrator and the Finance Department are authorized to take all actions necessary to effectuate this Resolution; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

B. PART-TIME APPOINTMENT

Motion offered by **Maura Spery**, seconded by **Elizabeth Manzella** to wit:

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

RESOLVED, the that the Board of Trustees authorizes the appointment of Ms. **Laurie Schwetje** to a part-time Public-Safety Officer position (Suffolk County Civil Service Job Title #5176; Suffolk County Civil Service Job Duties Statement #11-0949; replacing Mr. **Christopher Koerner**), at an hourly rate of \$ 13.39, for a maximum of twenty (20) hours per week (*except during the Suffolk County Civil Service-approved seasonal/summer period that permits such employees to exceed the twenty- (20-)per-week maximum*), effective June 15, 2015 (*contingent upon the successful completion of the Village's drug-test requirements*), with accrued leave benefits at the rate currently in effect for part-time Village employees; and be it further

RESOLVED, that the Village Clerk and the Finance Department are authorized to take all actions necessary to effectuate this Resolution; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

C. RETURN FROM LEAVE

A motion was made by **Maura Spery** and seconded by **Bruce Summa**. There was a discussion on the pending motion, after which voting was as follows.

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

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

RESOLVED, the that the Board of Trustees authorizes the return from leave of part-time Public-Safety Officer **Philip DiMaio**, effective immediately and conditioned upon the Village's receipt of clearance-paperwork,

(Suffolk County Civil Service Job Title #5176; Suffolk County Civil Service Job Duties Statement #11-0949, at an hourly rate of \$15.19, for a maximum of twenty (20) hours per week (*except during the Suffolk County Civil Service-approved seasonal/summer period that permits such employees to exceed the twenty- (20-)-per-week maximum*), with accrued leave benefits at the rate currently in effect for part-time Village employees; and be it further

RESOLVED, that the Village Clerk/Administrator and the Finance Department are authorized to take all actions necessary to effectuate this Resolution; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

25. PUBLIC COMMENTS/QUESTIONS

Mayor **Sperry** invited members of the public wishing to address the Board of Trustees to do so after they completed their Comments/Questions cards the Village Clerk/Administrator made available. In keeping with the Board's existing *Rules of Procedure*, each member of the public will be given three (3) minutes to address the Board.

The following persons addressed the Board on matters relating to the following topics.

<u>Name</u>	<u>Topic</u>
Alan Chasinov	Comprehensive Plan
Christopher Cardinale	Noise complaints
Irwin Cohen	Local law governing bamboo
Maureen DiMeo	Donations
Joseph Morante	Vacant Home
John Mutt	Forensic Audit
Theresa Pavanello	Convenience stores in Village
Ewa Wolmut-Stankiewicz	Village Historian and Founders' Poster

26. MOTION TO ENTER INTO EXECUTIVE SESSION

At the request of Deputy Mayor **Summa**, Mayor **Sperry** requested a motion for the Board of Trustees to executive session for the purpose of discussing particular personnel matters, as permitted under the *New York State Public Officers Law*.

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

RESOLVED,

that the Board of Trustees enters into executive session for the purpose of discussing particular personnel matters.

Motion carried – 5-Yes; 0-No

Upon passage of the foregoing Resolution, Mayor **Sperry** adjourned the public session at 9:06 p.m. and convened the Board of Trustees in executive session at 9:12 p.m.

27. EXECUTIVE SESSION

Mayor **Sperry**, Trustees **Anderson**, **Manzella** and **Snyder**, Village Attorney **Germano**, Deputy Village Attorney **G. William Germano, Esq.**, Village Clerk/Administrator **Alevas** and Deputy Village Clerk **Wendy Scharf** were present in executive session. The Board of Trustees discussed particular personnel matters.

28. DEPARTURE AND RETURN OF DEPUTY MAYOR

During the discussion of Item #27 above, Deputy Mayor **Summa** left the executive session at 9:17 p.m. and returned to the executive session at 9:22 p.m.

29. ADJOURNMENT OF EXECUTIVE SESSION

Motion offered by **Maura Sperry**, seconded by **Anne Snyder** 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 **Sperry** adjourned the executive session at 9:26 p.m. and re-convened the Board of Trustees in public session at 9:27 p.m.

30. MEETING ADJOURNMENT

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

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

RESOLVED, that the Board of Trustees adjourn its meeting at 9:28 p.m.

Motion carried: 5-Yes; 0-No

Respectfully submitted,

Susan F. Alevas, Esq.
Village Clerk/Administrator

DRAFT -- SUBJECT TO REVIEW/MODIFICATION BY THE BOARD OF TRUSTEES