

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

BOARD MEETING MINUTES
APRIL 6, 2015

PRESIDING OFFICER: Maura P. Spery, *Mayor*

MEMBERS OF THE BOARD OF TRUSTEES PRESENT AND VOTING:

Christopher Anderson, Elizabeth Manzella (Items #4 through #11) ; Anne L. Snyder;
Bruce Summa

MEMBERS OF THE BOARD OF TRUSTEES ABSENT: None

OFFICIALS OF THE BOARD OF TRUSTEES PRESENT: J. David Eldridge, Esq.,
Village Attorney (Items #5 through #11)

ADMINISTRATIVE STAFF PRESENT AND REPORTING: None

INVITED GUESTS: None

At 11:45 a.m., and immediately prior to the start of the Board meeting and after delivering the emergency-evacuation instructions, Village Clerk **Susan F. Alevas, Esq.** administered the Oath of Office to the following newly-elected Village representatives:

Maura P. Spery, Mayor
Christopher Anderson, Trustee
Anne L. Snyder, Trustee.

1. CALL TO ORDER AND WELCOME

Mayor **Maura P. Spery** called the meeting to order at 12 noon 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. ROLL CALL

Mayor **Spery** conducted a roll call of the Board of Trustees.

4. APPOINTMENT OF TRUSTEE TO FILL VACANT POSITION

Mayor **Spery** discussed the process she followed for recruiting and interviewing candidates for the vacancy on the Board of Trustees that occurred in the wake of her election as Mayor, including seeking the input and feedback of the other members of the Board. At the conclusion of the interview process, Mayor **Spery** announced that she was calling for a Resolution to appoint Ms. **Elizabeth Manzella**, as trustee to fill Mayor **Spery's** unexpired term as Trustee.

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

WHEREAS, with the election of then-Trustee **Maura Spery** to the position of Mayor, effective April 6, 2015, the Village has a vacant trustee position relating to Ms. **Spery's** unexpired term of office; and

WHEREAS, it is in the best interest of the Village to fill this vacancy with a temporary appointment to fill the unexpired term of Ms. **Spery**; and

WHEREAS, while Mayor-Elect, Ms. **Spery** interviewed interested parties who responded to the Village's posting for this vacancy; and

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

RESOLVED, that the Board of Trustees authorizes the appointment of Ms. **Elizabeth Manzella**, a resident of the Incorporated Village of Mastic Beach, to fill the unexpired term of Trustee for the position recently vacated by Ms. **Spery** upon her election as Mayor; and be it further

RESOLVED, that Ms. **Manzella** shall serve until April __, 2016; and be it further

RESOLVED, that Ms. **Manzella** shall take the required Oath of Office within the statutory period of thirty (30) days from the date of this appointment; and be it further

RESOLVED, that Village officials and employees 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 – 4-Yes; 0-No

Upon the passing of the foregoing motion, Mayor **Spery** administered the Oath of Office to Ms. **Manzella**, and Ms. **Manzella** officially took a seat at the dais and joined the Board meeting in progress.

5. APPOINTMENT OF INTERIM VILLAGE ATTORNEY

Mayor **Spery** discussed with the Board her recommendation to appoint an interim Village Attorney in order for the Board to have sufficient time to interview several law firms. The Mayor responded to a question from the Board and a discussion followed, after which she called for a related Resolution.

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

WHEREAS, it is in the Village's best interest to secure an interim Village Attorney to afford the Mayor and Board with sufficient time to interview several law firms; and

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

RESOLVED, that the Board of Trustees authorizes the appointment of **J. David Eldridge, Esq.**, a partner in **Taylor, Eldridge & Endres, P.C.**, with offices at 811 West Jericho Turnpike, Suite 201W, Smithtown, New York 11787, at an hourly rate of \$225.00, to serve as interim Village Attorney, effective immediately and continuing for a period of sixty (60) days so that the Board of Trustees has sufficient time to appoint a new Village Attorney; and be it further

RESOLVED, that the Board of Trustees authorizes Mayor **Spery** to execute a retainer agreement with **Taylor, Eldridge & Endres, P.C.**, a copy of which is annexed hereto and made a part hereof as **Attachment #1**; 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 **J. David Eldridge, Esq.**, shall take the required Oath of Office within the statutory period of thirty (30) days from the date of this appointment; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried – 4-Yes; 0-No; 1-Abstention (**C. Anderson**)

Following the passage of the foregoing Resolution, Village Attorney **Eldridge** joined the Board on the dais for the meeting in progress.

6. COURT OFFICERS AT PUBLIC MEETINGS/HEARINGS

Mayor **Spery** discussed with the Board her recommendation that given public-decorum issues the Village schedule a court officer at all public-session and public-hearing meetings of the Board of Trustees. She led a discussion in response from questions and comments from the Board, after which she called for a related Resolution.

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

WHEREAS, it is in the best interest of the Village that public-session and public-hearing meetings of the Board of Trustees are conducted in a respectful, dignified manner so that residents and visitors have an opportunity to be heard and the Board of Trustees can undertake its governance responsibilities in an appropriate fashion; and

WHEREAS, upon the recommendation of Mayor **Spery** with the election of Trustee **Maura Spery**; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the scheduling of a court officer at each of the Board's public-session and public-hearing meetings for the balance of the 2015-16 fiscal year; and be it further

RESOLVED, that the cost per Court Officer shall be a \$100.00 flat fee per meeting for up to four hours, with a \$25.00 per hour additional fee paid for each hour or partial hour over the initial four hours per meeting; 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 – 4-Yes; 1-No (**C. Anderson**)

7. MOTION TO ENTER INTO EXECUTIVE SESSION

Mayor **Spery** requested a motion for the Board of Trustees to enter into executive session for the purpose of discussing particular personnel, contractual and legal matters pursuant to authority under the *New York State Public Officers Law*.

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, contractual and legal matters as permitted under the *New York State Public Officers Law*.

Motion carried – 5-Yes; 0-No

Upon passage of the foregoing Resolution, Mayor **Spery** adjourned the public session at 12:08 p.m. and convened the Board of Trustees in executive session at 12:09 p.m.

8. EXECUTIVE SESSION

Mayor **Spery**, Trustees **Anderson**, **Manzella**, **Snyder** and **Summa** and Village Attorney **Eldridge** were present in executive session.

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

9. ADJOURNMENT OF EXECUTIVE SESSION

Motion offered by **Maura Spery**, 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 **Spery** adjourned the executive session at 12:55 p.m. and re-convened the Board of Trustees in public session at 12:56 p.m.

10. ACTIONS ARISING OUT OF EXECUTIVE SESSION

Pursuant to discussions conducted in executive session, Mayor **Spery** called for several Resolutions.

**A. CONTRACT EXTENSION – VILLAGE CLERK/
AUTHORIZATION FOR INDIVIDUAL LEGAL-COUNSEL
APPOINTMENT/HOLD HARMLESS AND INDEMNIFICATION**

Mayor **Spery** discussed with the Board of Trustees her recommendation to extend the contract for the appointment of the Village Clerk in order to afford the Mayor sufficient time to negotiate a new, longer-term contract appointment.

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

WHEREAS, it is in the Village's best interest to extend the employment of **Susan F. Alevas, Esq.** as Village Clerk in order to provide time for the Mayor to negotiate the terms of an extended employment contract for this appointed position; and

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

RESOLVED, that the Board of Trustees authorizes the employment contract between **Susan F. Alevas, Esq.** and the Incorporated Village of Mastic Beach, dated October 1, 2014, a copy of which is annexed hereto and made a part hereof as **Attachment #2**, to be extended by the Board of Trustees and will remain in full force and effect through and including the close of business on May 12, 2015, the date of the Board's Annual Reorganization Meeting; and be it further

RESOLVED, that for any pending litigation in which Ms. **Alevas** is sued in her individual capacity in a civil suit in state and/or federal court and/or in any other tribunal for acts and/or omissions occurring, and/or alleged in the complaint to have occurred within the scope of her employment, the Village agrees to indemnify and hold Ms. **Alevas** harmless from any monetary judgment awarded against Ms. **Alevas** and, in any such instances, Ms. **Alevas** shall be entitled and authorized to be represented by outside counsel of her choice paid for by the Incorporated Village of Mastic Beach; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried – 4-Yes; 0-No; 1-Abstention (**C. Anderson**)

B. DEPUTY VILLAGE CLERK

Mayor **Spery** discussed with the Board of Trustees her recommendation to extend the appointment of the Deputy Village Clerk in order to afford the Mayor sufficient time to negotiate a new, longer-term contract appointment.

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

WHEREAS, it is in the Village's best interest to extend the employment of Ms. **Wendy Scharf** as Village Clerk in order to provide time for the Mayor to negotiate the terms of an extended employment contract for this appointed position; and

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

RESOLVED, that the Board of Trustees authorizes the extended appointment of Ms. **Wendy Scharf**, with all existing salary and benefits remaining in full force and effect through and including the close of business on May 13, 2015, the date of the Board's Annual Reorganization Meeting; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried – 5-Yes; 0-No

C. TREASURER

Mayor **Spery** discussed with the Board of Trustees her recommendation to make an interim appointment of a Treasurer in order to afford the Mayor sufficient time to negotiate a new, longer-term contract appointment.

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

WHEREAS, it is in the Village's best interest to appoint Ms. **Hedy Bluth** as Treasurer in order to provide time for the Mayor to negotiate the terms of an extended employment contract for this appointed position; and

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

RESOLVED, that the Board of Trustees authorizes the interim appointment of Ms. **Hedy Bluth** as Treasurer, with all existing salary and benefits relating to her previous appointment as Accountant remaining in full force and effect through and including the close of business on May 12, 2015, the date of the Board's Annual Reorganization meeting; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried – 5-Yes; 0-No

D. DEPUTY TREASURER

Mayor **Spery** discussed with the Board of Trustees her recommendation to make an interim appointment of a Deputy Treasurer in order to afford the Mayor sufficient time to negotiate a new, longer-term contract appointment.

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

WHEREAS, it is in the Village's best interest to appoint Ms. **Dawn McNeil** as Deputy Treasurer in order to provide time for the Mayor to negotiate the terms of an extended employment contract for this appointed position; and

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

RESOLVED, that the Board of Trustees authorizes the interim appointment of Ms. **Dawn McNeil** as Deputy Treasurer, with all existing salary and benefits relating to her previous appointment as Accountant-Clerk Typist remaining in full force and effect through and including the close of business on May 12, 2015, the date of the Board's Annual Reorganization meeting; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried – 5-Yes; 0-No

E. AUTHORIZATION FOR INDIVIDUAL LEGAL-COUNSEL APPOINTMENT/HOLD HARMLESS AND INDEMNIFICATION FOR MAURA SPERY

Motion offered by **Bruce Summa**, seconded by **Elizabeth Manzella** to wit:

RESOLVED, that for any pending litigation in which Mayor **Maura Spery** is sued in her individual capacity in a civil suit in state and/or federal court and/or in any other tribunal for acts and/or omissions occurring, and/or alleged in the complaint to have occurred within the scope of her elected position in the Village, the Village agrees to indemnify

and hold Ms. **Spery** harmless from any monetary judgment awarded against Ms. **Spery** and, in any such instances, Ms. **Spery** shall be entitled and authorized to be represented by outside counsel of her choice paid for by the Incorporated Village of Mastic Beach; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried – 3-Yes; 0-No; 2-Abstentions (**C. Anderson; M. Spery**)

F. AUTHORIZATION FOR INDIVIDUAL LEGAL-COUNSEL APPOINTMENT/HOLD HARMLESS AND INDEMNIFICATION FOR BRUCE SUMMA

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

RESOLVED, that for any pending litigation in which Trustee **Bruce Summa** is sued in his individual capacity in a civil suit in state and/or federal court and/or in any other tribunal for acts and/or omissions occurring, and/or alleged in the complaint to have occurred within the scope of his elected position in the Village, the Village agrees to indemnify and hold Mr. **Summa** harmless from any monetary judgment awarded against Mr. **Summa** and, in any such instances, Mr. **Summa** shall be entitled and authorized to be represented by outside counsel of her choice paid for by the Incorporated Village of Mastic Beach; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried – 3-Yes; 0-No; 2-Abstentions (**C. Anderson; B. Summa**)

11. ADJOURNMENT

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

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

April 6, 2015

RESOLVED, that the Board of Trustees adjourn its meeting at 1:03 p.m.

Motion carried: 5-Yes; 0-No

Respectfully submitted,

Maura P. Spery
Mayor