

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

BOARD MEETING MINUTES
AUGUST 11, 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*; G. William Germano, Esq., *Deputy Village Attorney*; Susan F. Alevas, Esq., *Village Clerk/Administrator*

STAFF PRESENT AND REPORTING:

Hedy Bluth, *Treasurer*

INVITED GUESTS:

Suffolk County Police Department Inspector **William Neubauer**, Seventh Precinct

1. CALL TO ORDER AND WELCOME

Mayor **Maura Spery** called the meeting to order at 7:03 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** gave a summary report about police activities in the Village during the past month. He responded to questions from board members and those in attendance.

**6. PUBLIC HEARINGS --
USE OF STATE-CERTIFIED BUILDING INSPECTORS**

Pursuant to the Village's "Notice of Public Hearing", Mayor **Sperry** opened the discussion to those in the audience wishing to address the Board of Trustees about the use of state-certified building inspectors in certain instances. Seeing that no one wished to address the Board of Trustees about this matter, Mayor **Sperry** called for related Resolutions.

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

WHEREAS, the Board of Trustees has conducted a Public Hearing on the use of state-certified building inspectors in certain instances; and

WHEREAS, the Board of Trustees has conducted a public hearing on this matter; now, therefore, be it

RESOLVED, that the Board of Trustees closes its public hearing on the matter of the use of state-certified building inspectors in certain instances.

Motion carried – 5-Yes; 0-No

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

WHEREAS, the Board of Trustees of the Village of Mastic Beach adopted Chapters 178 and 20 of the Village Code at the time of adoption of Code; and

WHEREAS, Chapters 178 and 20 provides for the administration and enforcement of the Uniform Fire Prevention and Building Code and State Energy Conservation Construction Code, and authorizes the creation of the office of Code Enforcement Officer, its organization and powers and duties; and

WHEREAS, the Board of Trustees desires to adopt Local Law 3-2015 and thereby amends Chapter 178 and 20 of the Village Code to separate the Building Department from the Code Enforcement Department and to revise related provisions; and

WHEREAS, the Board of Trustees has conducted a Public Hearing on the adoption of these Local Laws; and

WHEREAS, it is hereby determined that it is in the interest of the Village of Mastic Beach to proceed with the adoption of these Local Laws; now, therefore, be it

RESOLVED, that Chapter 178 of the Village Code shall be revised to read as reflected on **Attachment #1**, and Chapter 20 of the Village Code shall be revised to read as reflected on **Attachment #2**, copies of which are annexed hereto and made a part hereof; and be it further

RESOLVED, that the Village Clerk/Administrator is hereby authorized to execute any and all documents necessary to complete the adoption of the afore-mentioned Local Laws; and be it further

RESOLVED, that the afore-mentioned Local Laws shall take effect upon filing with the New York State Secretary of State.

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

7. APPROVAL OF MINUTES

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

WHEREAS, the Board of Trustees has been presented with a copy of its meeting minutes, dated August 5, 2015; now, therefore, be it

RESOLVED, that the Board of Trustees approves the August 5, 2015, meeting minutes, as presented; and be it further

RESOLVED, that the Board of Trustees authorizes the Village Clerk/Administrator to insert the August 5, 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; 1-Abstention (**C. Anderson**)

8. AUTHORIZATION FOR THE PAYMENT OF CLAIMS

Treasurer **Hedy Bluth** presented the Board of Trustees with the Financial Abstract #A3-2015(a), in the amount of \$139,794.91. A motion was made by **Maura Spery** and seconded by **Bruce Summa**, after which there was a question on the pending motion. Following a discussion, voting on the pending motion was as follows.

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. A3-2015(a), in the total amount of \$139,794.91, a copy of which is annexed hereto and made a part hereof as **Attachment #3**.

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

Mayor **Spery** read into the record the text of an August 11, 2015, letter the Village received from Software Consulting Associates, Inc. concerning the vendors problems with the software the Village utilizes. A copy of the letter is annexed hereto and made a part hereof as **Attachment #4**.

9. DEPARTURE AND RETURN OF MAYOR

During the discussion of item #8 above, Mayor **Spery** left the meeting at 7:26 p.m. and returned at 7:27 p.m.

10. TREASURER'S REPORT

Treasurer **Bluth** presented the Board of Trustees with the Treasurer's report for the month of July 2015. A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella**, after which there was a question on the pending motion. Following a discussion, voting on the pending motion was as follows.

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

WHEREAS, the Board of Trustees has been presented with a copy of the July 2015 Treasurer's report; and

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

RESOLVED, that the Board of Trustees approves the July 2015 Treasurer's Report, as presented, a copy of which is annexed hereto and made a part hereof as **Attachment #5**.

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

11. PERSONNEL ACTIONS -- PART-TIME APPOINTMENTS

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

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

RESOLVED, that the Board of Trustees authorizes the appointment of Mr. **Michael Shershenoukh** to a part-time, temporary seasonal Laborer position (*replacing Richard Contin*) (Suffolk County Civil Service Job Duties Statement #13-1132), at an hourly rate of \$12.00, for a maximum of twenty (20) hours per week, effective August 12, 2015, and continuing for such a period as shall be determined in the Village's sole discretion and, in no event, to extend beyond September 30, 2015, 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 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 – 4-Yes; 1-No (**C. Anderson**)

A motion was made by **Maura Spery** and seconded by **Bruce Summa**, after which there was a question on the pending motion. Following a discussion, voting on the pending motion 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, that the Board of Trustees authorizes the appointment of Mr. **Paul Kaniecki** to a part-time, temporary Laborer position (*replacing a portion of duties of another employee who is on an approved absence*) (Suffolk County Civil Service Job Duties Statement #13-1132), at an hourly rate of \$12.00, for a maximum of twenty (20) hours per week, effective August 12, 2015, and continuing for such a period as shall be determined in the Village's sole discretion and, in no event, to extend beyond September 30, 2015, 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 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 – 3-Yes; 0-No; 2-Abstention (**C. Anderson; A. Snyder**)

**12. REQUEST-FOR-PROPOSALS (RFP'S) --
AWARD FOR ROAD-PAVING SERVICES**

Pursuant to the Village's solicitation of Request-for-Proposals (RFP's) for road-paving services, a public RFP-document opening

was held at Village Hall at 11 a.m. on Friday, August 7, 2015. Accordingly, the Village's previously-appointed Engineer for this purpose, D&B Engineering undertook a review of the proposals that were submitted and made a related recommendation to the Board.

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

WHEREAS, the Village of Mastic Beach Department of Public Works, in cooperation with D&B Engineers and Architects, P.C. ("D&B"), 330 Crossways Park Drive, Woodbury, New York 11797, solicited Request-for-Proposals (RFPs) for road-paving services on Mastic Road from 500' South of Meadowmere Avenue to Neighborhood Road; and

WHEREAS, a public RFP-document opening was held at Village Hall on Friday, August, 7, 2015; and

WHEREAS, two responses to the RFP were received and reviewed by the Village and D&B; and

WHEREAS, the response of **Suffolk Asphalt Corp.**, 30A North Dunton Avenue, Medford, New York 11763, was most responsive to the RFP and provided for services more fully described in its RFP, dated August 7, 2015; and

WHEREAS, the Village and **Suffolk Asphalt Corp.** have negotiated a contract governing the road-paving services of Mastic Road; now, therefore, be it

RESOLVED, that the road-paving services proposed for Mastic Road have been reviewed and it is determined to be a Type II action under the State Environmental Quality Review Act; and be it further

RESOLVED, that the Village Clerk/Administrator is hereby authorized to execute on behalf of the Village the agreement with **Suffolk Asphalt Corp.**, a copy of which is annexed hereto and made a part hereof as **Attachment #6.**

Motion carried – 5-Yes; 0-No

13. MODIFY BOARD-MEETING DATES

Mayor **Spery** called for a motion to modify the Board of Trustees' May 12, 2015, Resolution to the extent the Board's revised regular-meeting schedule will offer a greater balance of time between each regularly-scheduled meeting and enable smoother Village operations. A motion was made by **Maura Spery** and seconded by **Bruce Summa**, after which there was a question on the pending motion. Following a discussion, voting on the pending motion was as follows.

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

WHEREAS, at the Board's annual reorganization meeting on May 12, 2015, a Resolution was passed setting the Board's regular-meeting schedule for the balance of fiscal 2015-16; and

WHEREAS, the Mayor and Board of Trustees of the Incorporated Village of Mastic Beach are required to set the date for regular monthly meetings of the Board of Trustees through the year, unless otherwise designated by the Board and proper public notification is given, and be it further;

WHEREAS, the Mayor and Board of Trustees are desirous of adopting the requirements of the open meetings law as set forth in the *New York State Public Officers Law*, and the other laws of the State of New York; and

WHEREAS, in order to provide for smoother Village operations and upon the recommendation of Mayor **Spery**; now, therefore, be it

RESOLVED, that, effective October 1, 2015, the regular meeting date of the Board of Trustees of the Incorporated Village of Mastic Beach shall be the third Tuesday of every month and by printed schedule, which shall be announced at the annual Organizational Meeting, and that all meetings will begin at 7:00 p.m. and shall be conducted at Village Hall, 369 Neighborhood Road, Mastic Beach, New York 11951, unless a vote of the Board with proper public notice is otherwise made and given, then the meeting for that month shall be on such other date as may be set by the Board; and it is further

RESOLVED, that the monthly work session of the Board of Trustees of the Incorporated Village of Mastic Beach shall remain on the first Wednesday of every month and by printed schedule, except for the

March 2016 meeting date, which shall be held on the fourth Tuesday of that month, and which shall be announced at the annual Organizational Meeting, and that all work sessions will begin at 6:00 p.m. and shall be conducted at Village Hall, 369 Neighborhood Road, Mastic Beach, New York unless a vote of the Board with proper public notice is otherwise made and given, then the meeting for that month shall be on such other date as may be set by the Board; and be it further

RESOLVED, that the Board of Trustees hereby adopts the notice requirements of the *New York State Public Officers Law*, as the official procedure of the Board; and be it further

RESOLVED, that the regular-meeting dates for the balance of the fiscal year that are modified by this Resolution are as follows:

Tuesday, October 20, 2015;
Tuesday, November 17, 2015;
Tuesday, December 15, 2015;
Tuesday, January 19, 2016;
Tuesday, February 16, 2016
Tuesday, March 22, 2016¹;
Tuesday, April 19, 2016; and
Tuesday, May 17, 2016; and be it further

RESOLVED, that the Village Clerk/Administrator is authorized to take all actions necessary to effectuate the modified schedule for the Board of Trustees' regular-meeting dates; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried – 3-Yes; 2-No (**C. Anderson; A. Snyder**)

14. CALL FOR PUBLIC HEARING

Pursuant to discussions held at the August 5, 2015, Board of Trustees' meeting, Mayor **Spery** called for a motion to set a public hearing on the matter of increasing penalty-fee charges concerning blighted homes. A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella**, after which there was a question on the pending motion. Following a discussion, voting on the pending motion was as follows.

¹ This meeting falls on the fourth Tuesday of the month, as the third Tuesday of the month is the day of the annual elections.

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

WHEREAS, it is in the Village's best interest to increase attention to the condition of blighted homes located within the Village; and

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

RESOLVED, that the Village Clerk/Administrator is hereby authorized to publish the following notice of public hearing:

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, September 8, 2015, at 7:00 p.m., at Village Hall, 369 Neighborhood Road, Mastic Beach, NY 11951, in order to consider increasing penalty-fee charges concerning blighted homes located within the Village.

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

15. TEMPORARY ROAD CLOSURE – COMMUNITY EVENT

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

WHEREAS, the Blue-Claw Crab Festival (the "Festival") is scheduled for August 30, 2015; and

WHEREAS, in past years, the Festival has attracted a large number of visitors to the Village resulting in significantly-increased traffic on certain Village streets; and

WHEREAS, pursuant to Sections 510-8-33 and 510-8-34 of the Village Code and Title 8, Article 30 of the *New York State Vehicle and Traffic Law*, the Village has the authority to regulate parking; and

WHEREAS, parking restrictions during the Festival will be necessary to help ensure the free flow of traffic throughout the Village and to help protect the public safety of all visitors and residents; and

WHEREAS, at the request of the Village Fire Marshal and upon the recommendation of Mayor **Spery**; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes that from the hours of 9:00 a.m. to 9:00 p.m. on August 30, 2015, parking shall be prohibited on the following streets:

Riviera Drive from Elm Road East to the Bay;
Forest Road East from Riviera Drive to Woodland Drive;
Lakeview Drive from Elm Road East to Dogwood Road; and be it further

RESOLVED, that from the hours of 9:00 a.m. to 9:00 p.m. on August 30, 2015, alternate-side parking shall be in effect for the following streets:

Orchid Drive from Elm Road East to Dogwood Road;
Whittier Drive from Elm Road East to Dogwood Road;
Woodland Drive from Dogwood Road to Forest Road East; and be it further

RESOLVED, that the Mayor of the Village of Mastic Beach is hereby authorized to carry out the purposes of this Resolution as she deems necessary; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried – 5-Yes; 0-No

**16. MAYOR’S ATTENDANCE –
WILLIAM FLOYD SCHOLARSHIP FUND GOLF TOURNAMENT
AND DINNER**

Mayor **Spery** called for a Resolution to authorize the Mayor’s attendance at the William Floyd Scholarship Fund Golf Tournament and Dinner, to which she was invited.

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

WHEREAS, the **William Floyd Scholarship Fund** is holding a Golf Tournament and Dinner on Monday, August 24, 2015, in order to raise scholarship funds for graduating high school students; and

WHEREAS, the Mayor has received an invitation to join other community leaders at the dinner following the Golf Tournament on August 24, 2015; and

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

RESOLVED, that the Board of Trustees authorizes the attendance of Mayor **Spery** at the dinner following the Golf Tournament on August 24, 2015, sponsored by the **William Floyd Scholarship Fund**, at 3:00 p.m. at the Bellport Country Club, South Country Road, Bellport, New York 11713, at a cost of \$85.00; and be it further

RESOLVED, that the Board of Trustees authorizes the Village Clerk/Administrator and the Treasurer 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

17. 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**

18. LITIGATION SETTLEMENT

Trustee **Christopher Anderson** raised the matter of the pending litigation settlement between the Village and the Mastic Beach Property Owners' Association (MBPOA), after which a point of order was called. Mayor **Spery** stated that any discussions about

the pending litigation settlement would be reserved for executive session.

19. VILLAGE-HALL TEMPERATURE CONTROL/THERMOSTATS

Mayor **Spery** discussed her ongoing requests since April 2015 for Trustee **Anderson's** recommendations for temperature-control matters impacting Village Hall, and his May 2015 email to the Mayor advising he would be providing the same as soon as possible. Trustee **Anderson** advised he has since decided not to provide a recommendation based on ethics.

20. REQUESTS-FOR-PROPOSALS (RFP'S)

Mayor **Spery** discussed with the Board of Trustees her interest in extending the time for interested parties to submit Requests-for-Proposals (RFP's) for both computer/IT and engineering services. At the July 14, 2015, Board of Trustees' meeting, a resolution was passed to solicit RFP's in these two areas with submissions due not later than 12 noon on Monday, August 3, 2015. Following a discussion, the following motion was made and voted upon.

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

WHEREAS, it is in the Village's best interests to extend the time within which interested parties may submit Requests-for-Proposal (RFP) responses for professional-engineering services; and

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

RESOLVED, that the Board of Trustees amends its July 14, 2015, Resolution authorizing the solicitation of Requests-for-Proposals (RFP's) for professional-engineering services to the extent that the time to submit responses shall be extended to 11:00 a.m. on Friday, August 28, 2015; and be it further

RESOLVED, that the Village Clerk/Administrator is authorized to undertake all actions necessary to effectuate this Resolution, including the publication of a related legal notice, a copy of which is annexed hereto and made a part hereof as **Attachment #7**; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried – 5-Yes; 0-No

A. INFORMATION TECHNOLOGY (IT)/COMPUTER SERVICES

Mayor **Spery** called for a motion to authorize the solicitation of RFP's for information technology (IT)/computer services.

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

WHEREAS, it is in the Village's best interest to secure information technology (IT)/computer services; and

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

RESOLVED, that the Board of Trustees amends its July 14, 2015, Resolution authorizing the solicitation of Requests-for-Proposals (RFP's) for information technology (IT)/computer services to the extent that the time to submit responses shall be extended to 11:00 a.m. on Friday, August 28, 2015; and be it further

RESOLVED, that the Village Clerk/Administrator is authorized to undertake all actions necessary to effectuate this Resolution, including the publication of a related legal notice, 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

21. INDEMNIFICATION OF BOARD MEMBER

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to provide indemnification of Deputy Mayor **Summa**, after which a question on the pending motion was made. Following a discussion, the following motion was made and voted upon.

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

WHEREAS, there is a pending motion on the floor to authorize the indemnification of Deputy Mayor **Bruce Summa** concerning allegations and claims arising from a personnel complained filed in March 2015; now, therefore, be it

RESOLVED, that the motion to authorize this indemnification is hereby tabled in order to afford the Board of Trustees the opportunity for continued discussion in executive session.

Motion carried – 4-Yes; 0-No; 1-Recusal (**B. Summa**)

22. RECUSAL OF DEPUTY MAYOR

During the discussion of item #21 above, Deputy Mayor **Summa** recused himself from this item. Deputy Mayor **Summa** re-joined the meeting at the start of Item #23 below.

23. PUBLIC COMMENTS/QUESTIONS

Mayor **Sperry** invited those members of the public who completed the public-comment cards to address the Board of Trustees. 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>
Maureen DiMeo	Food-pantry donations
Frank Fugarino	Rental-permit code-change recommendations; Freedom-of-Information Law (FOIL) request for rental-permit data
Joseph Garraffa	Denial of Rental-permit renewal on 114 Longfellow Drive
Alecia Huertas	114 Longfellow Drive
Joe Mallia	Indemnification of Board Member's Legal Fees
Amy Schuler	Building-permit status

<u>Name</u>	<u>Topic</u>
Ewa Wolmut-Stankiewicz	Clear-the-Shelter Day; Mastic Beach Property Owners' Association (MBPOA) settlement with the Village

24. MOTION TO ENTER INTO EXECUTIVE SESSION

Mayor **Spery** requested a motion for the Board of Trustees to executive session for the purpose of discussing legal and contractual matters, as permitted 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 enters into executive session for the purpose of discussing legal and contractual matters.

Motion carried – 5-Yes; 0-No

Upon passage of the foregoing Resolution, Mayor **Spery** adjourned the public session at 8:53 p.m. and convened the Board of Trustees in executive session at 9:00 p.m.

25. EXECUTIVE SESSION

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

26. DEPARTURE AND RETURN OF DEPUTY MAYOR

Deputy Mayor **Summa** recused himself from executive-session discussion during the period 9:33 p.m. and returned to the executive session at 9:48 p.m.

27. ADJOURNMENT OF EXECUTIVE SESSION

Motion offered by **Maura Spery**, seconded by **Bruce Summa** 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 9:49 p.m. and re-convened the Board of Trustees in public session at 9:50 p.m.

**28. INDEMNIFICATION REQUEST --
MADE BY DEPUTY MAYOR BRUCE SUMMA, PURSUANT TO
VILLAGE CODE CHAPTER 30, FOR THE VILLAGE TO
PROVIDE HIS DEFENSE AND INDEMNIFICATION RELATING
TO AN ONGOING PERSONNEL MATTER**

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

WHEREAS, an employee of the Village of Mastic Beach filed a complaint with the Village Administrator relating to conduct by then-Trustee Bruce Summa in March 2015; and

WHEREAS, the Village Administrator conducted a thorough and complete investigation into the complaint; and

WHEREAS, the Village Administrator determined that the evidence gathered during the course of the investigation was insufficient to support the complaint, and

WHEREAS, the Board of Trustees adopted the findings of the Village Administrator and took no further action; and

WHEREAS, then-Trustee Bruce Summa incurred reasonable attorney's fees during the course of the investigation and during his attempted pre-suit resolution of the personnel matter; and

WHEREAS, the aforementioned employee filed and served a Notice of Claim on the Village seeking an adjustment for damages claimed as a result

of the alleged conduct of then-Trustee Bruce Summa and it is ongoing; and

WHEREAS, Section 30-5 of the Village Code provides for the defense and indemnification of a Village officer, official and employee in any civil action or proceeding arising out of any alleged act or omission which occurred within the scope of the officer, official or employee's public employment or duties; and

WHEREAS, it is the legislative intent of Section 30-5 of the Village Code to provide legal and financial protection for those individuals serving the Village from losses due to actions which may be brought against them in their individual capacities arising from their activities conducted in the performance of their official duties and responsibilities; now, therefore, be it

RESOLVED, that, pursuant to Mastic Beach Village Code Chapter 30, it is hereby approved that the Village will provide Deputy Mayor **Bruce Summa** a defense and indemnification for any and all allegations and claims arising from the personnel complaint filed in March 2015; and be it further

RESOLVED, that approval of the request of Deputy Mayor **Bruce Summa** is subject to all provisions set forth in Chapter 30 of the Mastic Beach Village Code; and be it further

RESOLVED, that the Village Clerk is hereby authorized to execute any and all documents to approve the request of Deputy Mayor **Bruce Summa**.

Motion failed: 2-Yes; 2-No (**C. Anderson; A. Snyder**);
1-Recusal (**Bruce Summa**)

29. RECUSAL OF DEPUTY MAYOR

Deputy Mayor **Summa** recused himself from Item #28 above and rejoined the meeting for Item #30 below.

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.

August 11, 2015

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

RESOLVED, that the Board of Trustees adjourn its meeting at 9:55 p.m.

Motion carried – 5-Yes; 0-No

Respectfully submitted,

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