

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

BOARD MEETING
MINUTES
DECEMBER 15, 2015

PRESIDING OFFICER: Maura P. Spery, *Mayor*

MEMBERS OF THE BOARD OF TRUSTEES PRESENT AND VOTING:

Bruce Summa, *Deputy Mayor*; Christopher Anderson, Elizabeth Manzella and 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:

None

INVITED GUESTS:

Inspector **William Neubauer**, *Suffolk County Police Department, Seventh Precinct*; Sargent **Keith Olson**, *Suffolk County Police Department, Seventh Precinct*; Sergeant **Patrick Kelly**, *Suffolk County Police Department, Seventh Precinct (Item #6)*; Messers. **Philip Marciano and Ted Campbell**, *Nawrocki Smith LLP (Item #12)*

1. CALL TO ORDER AND WELCOME

Mayor **Spery** called the meeting to order at 7:02 p.m.

2. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

Mayor **Spery** led the Pledge of Allegiance that was followed by a moment of silence for past and present service members.

3. **EMERGENCY-EVACUATION ANNOUNCEMENT**

Village Clerk/Administrator **Alevas** reviewed the emergency-evacuation procedure.

4. **ROLL CALL**

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

5. **SUFFOLK COUNTY POLICE REPORT**

Mayor **Spery** introduced Inspector **William Neubauer** and Sergeants **Keith Olsen** and **Patrick Kelly** from the Suffolk County Police Department, 7th Precinct. Inspector **Neubauer** provided an update about police matters within the Village during the past month and responded to questions posed by members of the Board and those in attendance.

6. **RECOGNITION**

Mayor **Spery** recognized the **Boy Scout Troop 2010** members who were in attendance at the meeting, as well as former Mayor **William Biondi** and former Deputy Mayor **Nick Busa**.

7. **APPROVAL OF MINUTES**

Mayor **Spery** asked board members if they had any comments or questions about the meeting minutes for December 2, 2015. Trustee **Anderson** advised there was an error in the item pertaining to the appointment of a land surveyor and requested this be corrected. There were no other comments to the minutes, which were accepted as noted.

8. AUTHORIZATION FOR THE PAYMENT OF CLAIMS

A motion was made by **Maura Spery** and seconded by **Bruce Summa** to authorize the payment of claims. 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. A7-2015(a), in the total amount of \$156,123.94, a copy of which is annexed hereto and made a part hereof as **Attachment #1**.

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

9. TREASURER'S REPORT

The Board of Trustees acknowledged its receipt of the Treasurer's report for the month of November 2015, a copy of which is attached hereto and made a part hereof as **Attachment #2**.

10. BUDGET TRANSFER

Pursuant to the Board's December 2, 2015, Resolution authorizing the retention and payment of land-surveying services necessary to effectuate the litigation settlement between the Village and the Mastic Beach Property Owners' Association (MBPOA), Mayor **Spery** called for a motion to authorize a related budget transfer.

A motion was made by **Maura Spery** and seconded by **Bruce Summa** to authorize a budget transfer. Following a discussion, voting on the pending motion was as follows.

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

WHEREAS, pursuant to the Board's December 2, 2015, Resolution authorizing the retention and payment of land-surveying services necessary to

effectuate the litigation settlement between the Village and the Mastic Beach Property Owners' Association (MBPOA); and

WHEREAS, at the request of Treasurer **Bluth** and the recommendation of Mayor **Sperry**; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the transfer of \$31,000.00 in budgetary funds from "Clerk Expenses" (A14104) to "Engineering Expense" (A14404) for the cost of land-surveying expenses; and be it further

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

RESOLVED, that this Resolution shall take effect immediately.

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

11. BANKING RIGHTS AND ACCESS CAPABILITIES

In order to assure smooth fiscal operations within the Village, and in view of the Treasurer's upcoming absence and resignation, Mayor **Sperry** called for a motion to grant banking rights and access capabilities to the Deputy Treasurer.

A motion was made by **Maura Sperry** and seconded by **Bruce Summa** to authorize banking rights and access capabilities to the deputy treasurer. Following a discussion, the pending motion was amended to reflect the requirement of \$300,000.00 bonding and a criminal-background check with voting on the pending, amended motion was as follows.

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

WHEREAS, it is in the Village's best interest to assure there are smooth and uninterrupted fiscal operations; and

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

RESOLVED, that, in view of the Treasurer's upcoming absence and resignation, the Board of Trustees authorizes Deputy Village Treasurer **Dawn McNeil** to have the following banking rights and access, contingent upon her being bonded in the amount of \$300,000.00 and following a criminal-background check:

Chase Bank, including the Village's payables, direct-deposit, payroll-check, Robinhood, capital and deposit accounts; and be it further

RESOLVED, that the Board of Trustees authorizes Deputy Village Treasurer **Dawn McNeil** to have the following access rights:

Signature authority;
Wire-transfer initiation;
Bond-Interest Payments/Bond Redemption at Maturity;
Secure-Message Center;
Transfer between accounts;
Deposits; and
Access to view/print statements and transaction history; and be it further

RESOLVED, that the Village Clerk/Administrator, Treasurer and Deputy 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

12. REPORT OF EXTERNAL AUDITORS – FISCAL 2014-15

Messrs. **Philip Marciano** and **Ted Campbell**, from the auditing firm of **Nawrocki Smith, LLP**, distributed to the Board of Trustees the firm's audit report of Village and Court financial statements for fiscal 2014-15. Following their presentation, Mayor **Sperry** called for a motion to acknowledge receipt of the external-audit report.

A motion was made by **Maura Sperry** and seconded by **Bruce Summa** to acknowledge receipt of the external-audit report.

Following a discussion, 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 received a report from its auditing firm of **Nawrocki Smith, LLP**, concerning Village and Court financial statements for the fiscal year 2014-15; now, therefore, be it

RESOLVED, that the Board of Trustees acknowledges, by Resolution, the afore-described financial reports together with the accompanying management letter, dated November 23, 2015, as prepared by **Nawrocki Smith, LLP**, 290 Broadhollow Road, Suite 115E, Melville, NY 11747, copies of which are attached hereto and made a part hereof as **Attachment #3**; and be it further

RESOLVED, that the Board of Trustees directs the Treasurer and Deputy Treasurer to undertake all necessary and appropriate actions to address the concerns itemized in **Nawrocki Smith's** management letter, dated November 23, 2015; and be it further

RESOLVED, that the Treasurer shall provide to the Village Clerk/Administrator for transmission to the Board of Trustees a written report advising the Board of Trustees of the specific actions taken to address the items set forth in the afore-described management letter; and be it further

RESOLVED, that this follow-up action plan and related report shall be the subject of an agenda item for all subsequent work and public sessions of the Board of Trustees until such time as all outstanding items have been addressed to the Board's satisfaction; and be it further

RESOLVED, that the Village Clerk/Administrator is authorized to publish a related notice about the Board's receipt of the audited financial statements and management letter.

Motion carried: 5-Yes; 0-No

13. CALL FOR PUBLIC HEARINGS

Mayor **Spery** called for public hearings to be held on Tuesday, January 19, 2016, for the purpose of receiving public input on a new, proposed local law permitting criminal-background checks

(Chapter 35, Criminal-Background Checks) and revisions to the local law pertaining to demolitions (Chapter 180, Buildings, Properties, etc.).

A motion was made by **Maura Spery** and seconded by **Bruce Summa** to call for special hearings on the subject of a new local law permitting criminal-background checks and revisions to the local law relating to demolitions. 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 a special hearing be held on Tuesday, January 19, 2016, at 7 p.m., at Village Hall, 369 Neighborhood Road, Mastic Beach, New York 11951, for the purpose of receiving public input on a new, proposed local law permitting criminal-background checks (Chapter 35, Criminal-Background Checks) and revisions to the local law pertaining to demolitions (Chapter 180, Buildings, Properties, etc.); and be it further

RESOLVED, that the Board of Trustees authorizes the Village Clerk/Administrator to take all actions necessary to effectuate this Resolution including the placement of a related legal ad; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

14. LEASE AGREEMENT – CANON COPIER AT VILLAGE HALL

The Village's lease for the Canon photocopier located at Village Hall expires on December 18, 2015. Accordingly, the Village Clerk/Administrator obtained price quotes off of various approved contracts for photocopy equipment, and the Canon Company remained competitive. The proposed new lease will yield an approximate annualized savings of \$2,350.08, based upon the

highest monthly-average usage to date. Accordingly, Mayor **Spery** called for a motion to enter into a new lease agreement with Canon.

A motion was made by **Maura Spery** and seconded by **Bruce Summa** to authorize a new, five-year lease with **Canon Solutions America, Inc.** for a photocopier machine at Village Hall. Following a discussion, voting on the pending motion was as follows.

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

WHEREAS, the Village's current lease agreement for photocopier equipment located at Village Hall is due to expire on December 18, 2015; and

WHEREAS, at the request of the Village Clerk/Administrator and upon the recommendation of Mayor **Spery**; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes a lease for the **Canon IR5255**, at a monthly lease cost of \$280.00, a monthly charge for black-and-white copies of \$92.00¹ and a monthly charge for color copies of \$168.68²; and be it further

RESOLVED, that the Board of Trustees authorizes the Village Clerk/Administrator to execute a new five-year lease agreement with **Canon Solutions America, Inc.**, with offices at 90 Merrick Avenue, East Meadow, New York 11554, copies of which are annexed hereto and made a part hereof as **Attachment #4**, subject to the review and approval of the lease by the Village Attorney; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

¹ Based upon the Village's highest-monthly-average usage to date; monthly copy charges will vary based upon actual usage.

² Based upon the Village's highest-monthly-average usage to date; monthly copy charges will vary based upon actual usage.

15. EXTENDING RENTAL-PERMIT PERIOD

Mayor **Spery** led the Board's continued discussion about whether to extend the rental-permit period from one year to two years with an increased fee of \$900.00 and the requirement there continue to be annual building inspections conducted by the Village.

Following a discussion, it was the consensus of the Board members that the Village Attorney draft revisions to the local law and include a tiered-fee schedule, for further review and discussion by the Board of Trustees. Additionally, Mayor **Spery** said she would recuse herself from any subsequent vote as she owns rental properties within the Village.

16. COMMUNITY EVENTS

A. CHAMBER OF COMMERCE HOLIDAY PARTY

Mayor **Spery** withdrew this item from the agenda as no one was able to attend the annual Holiday Party hosted by the Chamber of Commerce of the Mastics and Shirley that was held on December 14, 2015.

B. WILLIAM FLOYD HIGH SCHOOL ATHLETIC HALL OF FAME INDUCTION

Mayor **Spery** called for a Resolution to authorize the Mayor's and Board of Trustees' attendance at the Ninth Annual William Floyd Athletic Hall of Fame Induction on January 16, 2016.

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 attendance of its members at the **Ninth Annual William Floyd Athletic Hall of Fame Induction** on January 16, 2016, at William Floyd High School, 240 Mastic Beach Road, Mastic Beach, New York 11951, starting at 12 noon, at a cost of \$35.00 per person; 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.

Motion carried: 5-Yes; 0-No

C. ROTARY CLUB OF SHIRLEY AND THE MASTICS

Mayor **Spery** called for a Resolution to authorize the Mayor's and Board of Trustees' attendance at the Rotary Club of Shirley and the Mastics event to honor its Woman of the Year on January 30, 2016.

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 the attendance of its members at the **Rotary Club of Shirley and the Mastics** event honoring its Woman of the Year, Ms. **Beth Wahl**, on January 30, 2016, at Sunset Harbor, 90 Colonial Drive, East Patchogue, New York 11772, from 7:00 p.m. to midnight, at a cost of \$80.00 per person; 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.

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**

Following the presentation of reports, a discussion followed about the insurance limits for individuals who wish to serve as snow-plow contractors/subcontractors. Mayor **Spery** noted that while the Village has identified a sufficient number of snowplow contractors for the 2015-16 winter season, she recommended that the Board permit individuals who are not working under a business entity to have reduced insurance requirements (\$100,000/\$300,000/\$100,000) as was informally waived by the prior administration. It was the consensus of the Board that this reduced insurance limitation is granted subject to review by the Village Attorney.

18. DECEMBER 2, 2015, MINUTES

Pursuant to discussions held earlier in the meeting, Mayor **Spery** read the resolution that was questioned earlier pertaining to the fees to be paid to the land surveyor, and she noted the amounts were, in fact, correct. Trustee **Snyder** noted that she had abstained on this vote, and the minutes will be corrected to reflect her vote.

19. ADDENDUM

A. PERSONNEL MATTER – PART-TIME JUSTICE-COURT CLERK

At the request of Village Justice **Barbara O'Malley**, Mayor **Spery** called for a motion to authorize a part-time appointment for the Village Court.

A motion was offered by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize a part-time personnel appointment. Following a discussion, voting on the pending motion was as follows.

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

WHEREAS, at the request of Village Justice **Barbara O'Malley** and upon the recommendation of Mayor **Spery**; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the appointment of Ms. **Elizabeth Kann** to the part-time position of Justice-Court Clerk (Suffolk County Civil Service Title #0050; Suffolk County Civil Service Duties Statement #12-1425) (replacing Ms. **Kristen Gionta**, who resigned effective at the close of business on December 4, 2015), at an hourly salary of \$17.00 per hour, maximum of twenty (20) hours, effective on a date to be determined as this appointment is contingent upon the Village's receipt of a fully-completed employment application, receipt of a valid drug-test report and criminal-background check, 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; 2-No (**C. Anderson; A. Snyder**)

B. APPLICATION FOR EXTENSION OF BUILDING PERMIT

At the request of **Habitat for Humanity** representatives, with the support of Village Building Inspector **Richard Palazzotto**, Mayor **Spery** called for a motion to authorize an extension of a building permit for the premises located at 85 Maywood Drive, Mastic Beach, New York 11951.

A motion was made by **Maura Spery** and seconded by **Bruce Summa** to authorize an application for an extension of a building permit. 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 request of applicant **Habitat for Humanity** and with the support of the Village Building Inspector and Mayor **Spery's** recommendation; now, therefore, be it

RESOLVED, that, pursuant to Village Code Chapter 178-4, *Building Permits*, the Board of Trustees authorizes the granting of an additional building permit to **Habitat for Humanity** for the premises located at

85 Maywood Drive, Mastic Beach, New York 11951, for a six-month period; and be it further

REOSLVED, that the Village Building Inspector is authorized to take all appropriate actions necessary to effectuate this Resolution; and be it further

RESOLVED, that this Resolution shall take effect immediately.

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

20. 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 of Trustees. Additionally, in order to be recognized to address the Board of Trustees, Mayor **Sperry** noted that interested persons must submit their completed public-comment card before the first person is recognized to speak.

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

<u>Name:</u>	<u>Topic:</u>
William Biondi	General comments
Alan Chasinov	Previous administration; Village logo; Camera upgrade for board meetings; Forensic-audit reports; Litigation settlement
Ewa Wolmut-Stankiewicz	Litigation settlement; Surveyor; Village logo
Darrin Harsch	Public concern/background checks
Michelle Wilkinson	Grant; Decorum at Board meetings; Absence of Public-Safety report
Madeline Marullo	Holiday lights; Mastic Road repairs; Increased pride in Village homes
Frank Fugarino	Complimented work of Department of Public Works (DPW) Superintendent

Peter Costelloe; Freedom-of-information request; Blighted-home list; Village Code amendment for demolitions; Inquiry why Trustee **Anderson** does not have a monthly-reporting topic

Following the public comments, Mayor **Spery** gave Trustee **Anderson** a file folder containing a variety of materials he had requested approximately one month ago and never came to Village Hall to obtain.

21. 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 particular personnel matters, as is 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 enter into executive session for the purpose of discussing legal and particular personnel matters, as is permitted under *New York State Public Officers Law*.

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

Upon passage of the foregoing Resolution, Mayor **Spery** adjourned the public session at 9:38 p.m. and convened the Board of Trustees in executive session at 9:44 p.m.

22. EXECUTIVE SESSION

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

Following the Board's discussion, the following motions were made and voted upon.

A. FORENSIC-AUDIT REPORT (PART 1)

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

WHEREAS, the Board of Trustees in April 2015, by Resolution, authorized the retention of **Cramer CPA, P.C.** to conduct a forensic audit of the Village's financial operations; and

WHEREAS, the Board of Trustees has received the first of two reports from **Cramer CPA, P.C.**; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the public release of the first of two reports it has received from **Cramer CPA, P.C.**, Kings Park, New York 11754, a copy of which is annexed hereto and made a part hereof as **Attachment #5**; and be it further

RESOLVED, that the Mayor, Village Attorney and Village Clerk/Administrator 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. CODE-ENFORCEMENT SUPERVISOR

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 part-time appointment of **Michael Maffei** as Code-enforcement Supervisor (Suffolk County Civil Service Job Title #5179; Suffolk County Civil Service Job Duties Statement #14-1172), at an hourly salary of \$25.00 per hour, maximum of twenty (20) hours, effective on a date to be determined as this appointment is contingent upon the Village's receipt of a valid drug-test report and criminal-background check, 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; 2-No (**C. Anderson; A. Snyder**)

23. 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 10:44 p.m. and re-convened the Board of Trustees in public session at 10:46 p.m.

24. ACTIONS ARISING OUT OF EXECUTIVE SESSION

At the request of Mayor **Spery**, Village Clerk/Administrator **Alevas** reported about the two Resolutions that were passed during executive session.

25. MEETING ADJOURNMENT

After wishing everyone a happy holiday, and with no further items to come before the Board of Trustees, Mayor **Spery** called for a motion to adjourn.

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

RESOLVED, that the Board of Trustees adjourn its meeting at 10:47 p.m.

December 15, 2015

Motion carried: 5-Yes; 0-No

Respectfully submitted,

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

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