

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

BOARD MEETING  
DECEMBER 2, 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*; **Susan F. Alevas, Esq.**, *Village Clerk/Administrator*

**INVITED GUESTS:**

Ms. **Nicole Morton**, *Salerno Brokerage Corp.* (Executive Session only; left the meeting at 7:30 p.m. during the Executive Session)

**1. CALL TO ORDER AND WELCOME**

Mayor **Spery** called the meeting to order at 6:03 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 and on behalf of the victims of the San Bernadino, California attack.

**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. ACKNOWLEDGEMENT OF MINUTES**

Mayor **Spery** asked board members if they had any comments or questions about the meeting minutes for November 17, 2015. Hearing none, Mayor **Spery** noted that the Board of Trustees acknowledged the meeting minutes.

**6. AUTHORIZATION FOR THE PAYMENT OF CLAIMS**

A motion was made by **Maura Spery** and seconded by **Bruce Summa** to authorize the payment of claims. A discussion was held, after which 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, in the total amount of \$143,371.45, 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**)

**7. PURCHASE-BID SOLICITATION – DPW EQUIPMENT**

At the request of Department of Public Works (DPW) Superintendent **Peter Costelloe**, Mayor **Spery** called for a motion to solicit purchase bids for the DPW Ray Tech 48 (asphalt melter).

A motion was made by **Maura Spery** and seconded by **Bruce Summa** to authorize the purchase-bid solicitation. A discussion was held, after which a motion to table was made with voting as follows.

Motion offered by **Christopher Anderson**, seconded by **Anne Snyder** to wit:

**RESOLVED**, that the Board of Trustees tables further action on the purchase-bid solicitation request concerning the Village's Ray Tech 48 asphalt melter until such time as Department of Public Works Superintendent **Peter Costelloe** can provide additional details to the Board of Trustees for its consideration.

Motion carried: 4-Yes; 1-No (**B. Summa**)

**8. VILLAGE-WIDE DOCUMENT LISTING – BIENNIAL REVIEW**

A motion was made by **Maura Spery** and seconded by **Bruce Summa** to acknowledge the Board's biennial review of the Village-wide document listing. A discussion was held, after which voting on the pending motion was as follows.

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

**WHEREAS**, all municipalities in the State of New York are required to have a listing of the types of documents on file; and

**WHEREAS**, the Village's Records-Management Officer has reviewed the current listing and is not recommending any changes be made at this time; now, therefore, be it

**RESOLVED**, that the Board of Trustees acknowledge, by Resolution, this biennial review of the Village-wide Listing of Documents in accord with New York State's Records and Retention Disposition Schedule MU-1, as last revised in 2003; and be it further

**RESOLVED**, that the Board of Trustees authorizes the Village's Records Management Officer (RMO) Alevas to take all necessary action to distribute said listing, a copy of which is annexed hereto and made a part hereof as **Attachment #2**.

Motion carried: 5-Yes; 0-No

**9. ADDENDUM**

Mayor **Spery** raised the following additional items for discussion and action that arose after the publication of the Board's meeting agenda.

**A. EXTENDING RENTAL-PERMIT PERIOD**

Mayor **Spery** discussed with the Board of Trustees whether to extend the rental-permit period from one year to two years. This item will be placed on the December 15, 2015, board agenda for further discussion, including the proposal to raise the permit-application fee to \$900.00 for a two-year period with annual inspections by the Building Department. Additionally, Trustee **Snyder** requested reports pertaining to the number of rental-permit reminder letters the Village has sent and the number of those for which the Village has not received a compliance response. Mayor **Spery** requested the Village Clerk/Administrator to forward this information to the Board of Trustees.

**B. BUILDING-PERMIT EXTENSION APPLICATION**

Pursuant to discussions at a prior Board meeting, the Village Attorney reviewed and approved a new form for those seeking approval to extend the term of a building-permit renewal by application to the Board of Trustees. Accordingly, Mayor **Spery** called for a related motion.

A motion was made by **Maura Spery** and seconded by **Bruce Summa** to authorize and approve a new form for this purpose. A discussion was held, after which voting on the pending motion was as follows.

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

**WHEREAS,** pursuant to Village Code and upon the recommendation of Mayor **Spery**; now, therefore, be it

**RESOLVED,** that in accord with Village Code Chapter 178-4, *Building Permits*, a form is necessary to accommodate the request of individuals who

wish to apply to the Board of Trustees for approval to extend the term of a building permit beyond the initial twelve months and additional six-month renewal period; and be it further

**RESOLVED,** that, in accord with Village Attorney's review and approval, the Board of Trustees adopts an "Application to the Village Board of Trustees" for this purpose, a copy of which is annexed hereto and made a part hereof as **Attachment #3**; and be it further

**RESOLVED,** that this Resolution shall take effect immediately; and be it further

**RESOLVED,** that the Building Inspector and the Village Clerk/Administrator are authorized to undertake all actions necessary to effectuate the use of this form.

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

### **C. VILLAGE SNOW-PLOW/SANDER CONTRACTOR**

A motion was made by **Maura Spery** and seconded by **Bruce Summa** to authorize a Village snow-plow contractor/subcontractor. A discussion was held, after which voting on the pending motion was as follows.

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

**WHEREAS,** it is in the Village's best interest to secure snow-plow/sander services for the 2015-16 winter season; and

**WHEREAS,** the Village has made available to interested parties copies of the "Snow Plow Contractor/Sub-Contractor Application Packet 2015"; now, therefore, be it

**RESOLVED,** that the Board of Trustees authorizes the appointment of the following:

**Camco Asphalt Inc.**, 313 Jefferson Drive, Mastic Beach, New York 11951; and be it further

**RESOLVED,** that the Board of Trustees authorizes, upon the submission of completed Village vouchers, payment to the afore-mentioned at the rates set forth in the "Snow Plow Contractor/Sub-Contractor

Application Packet 2015-16 Winter Season”, a copy of which is annexed hereto and made a part hereof as **Attachment #4**; and be it further

**RESOLVED,** that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

#### **D. APPOINTMENT OF SURVEYOR**

Mayor **Sperry** discussed with the Board her recommendation to authorize the payment for surveying work necessary to finalize the transfer of certain real property pursuant to a settlement agreement between the Village and the Mastic Beach Property Owners’ Association (MBPOA). The Village’s special counsel received written confirmation that the MBPOA will share equally with the Village in paying the surveying expenses up to a maximum of \$15,000.00 coming from back taxes owed to it by the Village. Accordingly, Mayor **Sperry** called for a related motion.

A motion was made by **Maura Sperry** and seconded by **Bruce Summa** to authorize the payment of surveyor expenses. A discussion was held, after which a motion to table action on this motion was made with voting as follows.

Motion offered by **Christopher Anderson**, seconded by **Anne Snyder** to wit:

**WHEREAS,** the Incorporated Village of Mastic Beach and the Mastic Beach Property Owners’ Association (MBPOA) have entered into an agreement to settle litigation between the parties; and

**WHEREAS,** in order to effectuate the transfer of certain real property pursuant to the settlement agreement, it is necessary for the parties to retain a surveyor; and

**WHEREAS,** the Mayor has been advised, in writing, that the Mastic Beach Property Owners’ Association (MBPOA) Board of Directors has authorized the Association to pay up to \$15,000.00 for these costs coming from the back taxes the Village owes to the MBPOA; now, therefore, be it

**RESOLVED,** that the Board of Trustees tables further action on this item.

Motion failed: 2-Yes; 3-No (**E. Manzella; M. Spery; B. Summa**)

After the foregoing motion to table failed, the following motion to table action until later in the meeting to enable the Board to discuss this matter in executive session was made and voted upon as follows.

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

**WHEREAS,** the Incorporated Village of Mastic Beach and the Mastic Beach Property Owners' Association (MBPOA) have entered into an agreement to settle litigation between the parties; and

**WHEREAS,** in order to effectuate the transfer of certain real property pursuant to the settlement agreement, it is necessary for the parties to retain a surveyor; and

**WHEREAS,** the Mayor has been advised, in writing, that the Mastic Beach Property Owners' Association (MBPOA) Board of Directors has authorized the Association to pay up to \$15,000.00 for these costs coming from the back taxes the Village owes to the MBPOA; now, therefore, be it

**RESOLVED,** that the Board of Trustees tables further action on this item until later in the meeting after it has an opportunity to discuss this matter in executive session.

Motion carried: 3-Yes; 1-No (**C. Anderson**) 1-Abstain (**A. Snyder**)

**10. 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, contractual 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, contractual and particular personnel matters, as is permitted under *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 6:43 p.m. and convened the Board of Trustees in executive session at 6:50 p.m.

**11. EXECUTIVE SESSION**

Mayor **Spery**, Deputy Mayor **Summa**, Trustees **Anderson**, **Manzella** and **Snyder**, Village Attorney **Guy W. Germano**, Village Clerk/Administrator **Alevas** and Ms. **Nicole Morton** (arrived at 6:50 p.m. and left at 7:30 p.m.) were present in executive session. The Board of Trustees discussed particular legal, contractual and personnel matters.

**12. ADJOURNMENT OF EXECUTIVE SESSION**

Motion offered by **Bruce Summa**, 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 7:58 p.m. and re-convened the Board of Trustees in public session at 8:00 p.m.

**13. PURCHASE ORDER #0634 – LICN**

Mayor **Spery** led a discussion about the status of Purchase Order #0634 for Long Island Computer Network (LICN), the Village's recently-appointed IT/computer vendor. The work that is envisioned through this purchase order is necessary to remediate ongoing issues with the Village's IT/computer services and was a

part of the discussions and decision making that led to the Board's recent appointment of LICN as the Village's vendor in this regard. Mayor **Spery** noted that, since the last Board meeting, Trustee **Anderson** was to have reviewed this information in order to move the signing of this purchase order forward. Trustee **Anderson** requested a copy of the purchase order that was available at Village Hall for inspection, and Mayor **Spery** requested the Village Clerk/Administrator give said copy to Trustee **Anderson** following the meeting.

**14. APPOINTMENT OF SURVEYOR**

Pursuant to discussions held in executive session, Mayor **Spery** called for a motion to authorize the payment of a surveyor for work needed to finalize the transfer of certain real property pursuant to the litigation settlement between the Village and the Mastic Beach Property Owners' Association (MBPOA).

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

**WHEREAS,** the Incorporated Village of Mastic Beach and the Mastic Beach Property Owners' Association (MBPOA) have entered into an agreement to settle litigation between the parties; and

**WHEREAS,** in order to effectuate the transfer of certain real property pursuant to the settlement agreement, it is necessary for the parties to retain a surveyor; and

**WHEREAS,** the Mayor has been advised, in writing, that the Mastic Beach Property Owners' Association Board of Directors has authorized the Association to pay fifty percent (50%) of the costs associated with the surveying work up to a maximum of \$15,000.00, with said payment to come from the back taxes the Village owes to the MBPOA; and

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

**RESOLVED,** that the Board of Trustees authorizes that the Village share equally in the payment of expenses up to a maximum of \$16,000.00 for

surveying work necessary to finalize the transfer of certain real property pursuant to a settlement agreement between the Incorporated Village of Mastic Beach and the Mastic Beach Property Owners' Association (MBPOA); and be it further

**RESOLVED,** that the Board of Trustees authorizes Special Counsel **David Eldridge**, the Mayor, the Village Clerk/Administrator and the Treasurer to undertake all actions necessary to effectuate this Resolution and to retain the professional services of **G & A Land Surveying, Inc.**, with offices at PO Box 704, Ridge, New York 11961; for a total fee of \$31,000.00, including a retainer amount of \$18,500.00; and be it further

**RESOLVED,** that this Resolution shall take effect immediately.

Motion carried – 3-Yes; 1-No (**C. Anderson**) 1-Abstain (**A. Snyder**)

**15. MEETING ADJOURNMENT**

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

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

**RESOLVED,** that the Board of Trustees adjourn its meeting at 8:02 p.m.

Motion carried: 5-Yes; 0-No

Respectfully submitted,

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