

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

BOARD MEETING
MINUTES
FEBRUARY 16, 2016

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

STAFF PRESENT AND REPORTING:

Michael Maffei, Code-Enforcement Supervisor (Item #5)

INVITED GUESTS:

Inspector Gerard McCarthy, *Suffolk County Police Department, Seventh Precinct*; Police Sergeant Clahane, *Suffolk County Police Department, Seventh Precinct*; Police Officer Schmitt, *Suffolk County Police Department, Seventh Precinct* (Item #5)

1. CALL TO ORDER AND WELCOME

Mayor Spery called the meeting to order at 7:01 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.

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 recently-appointed Inspector **Gerard McCarthy**, Police Sergeant **Clahane** and Police Officer **Schmitt** from the Suffolk County Police Department, 7th Precinct. Inspector **McCarthy** provided an update about police matters within the Village during the past month and responded to questions posed. Additionally, Mayor **Spery** introduced to the public Code-Enforcement Supervisor **Michael Maffei**, who was recently appointed.

6. **PUBLIC HEARINGS**

A. BACKGROUND CHECKS

Pursuant to the Village's "Notice of Public Hearing", Mayor **Spery** opened the discussion to those in the audience wishing to address the Board of Trustees about the Village's proposed local law to add Chapter 35, Criminal-Background Checks. At Mayor **Spery's** Request, Clerk/Administrator **Alevas** read the text of the legal notices for the three public hearings set for this meeting.

The following persons addressed the Board during this public hearing:

Alan Chasinov
Ewa Wolmut-Stankiewicz

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

WHEREAS, the Board of Trustees has conducted a Public Hearing on the subject of adding a new law to the Village Code authorizing criminal-background checks for employment applicants; and

WHEREAS, the Board of Trustees has received the benefit of public input; now, therefore, be it

RESOLVED, that the Board of Trustees closes its public hearing on the matter of a proposal to add Chapter 35, Criminal-Background Checks, to the Village Code.

Motion carried: 5-Yes; 0-No

A motion was made by **Maura Spery** and seconded by **Bruce Summa** to add Chapter 35 to the Village Code. 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 desires to adopt a Local Law 1-2016 and thereby add and adopt Chapter 35 of the Village Code to permit criminal-background checks for employment applicants; and

WHEREAS, the Board of Trustees has conducted a Public Hearing on the adoption of Local Law 1-2016; and

WHEREAS, it is hereby determined that it is in the interest of the Village of Mastic Beach to proceed with the adoption of Local Law 1-2016; now, therefore, be it

RESOLVED, that adding Chapter 35 of the Village Code shall read as follows:

Chapter 35. CRIMINAL BACKGROUND CHECKS

§ 35-1. Legislative Intent and Purpose.

- A. This Board finds and determines that in order to promote the safety of the Village of Mastic Beach citizens and employees and the security of Village property, the Village should investigate the character of prospective applicants for employment with the Village by reviewing such applicants' criminal history report.
- B. The New York State Division of Criminal Justice Services is capable of conducting fingerprint-based searches of the criminal history reports it maintains, but it requires either statute or local law to grant it authority to conduct fingerprint and criminal history check. Subdivision 8-a of §837 of the New York State Executive Law authorizes the New York State Division of Criminal Justice Services to charge a fee when, pursuant to statute, it conducts a search of its criminal history records and returns a report thereon in connection with an application for employment.
- C. The Village Clerk is capable of conducting criminal background checks of all individuals being considered for employment of the Village of Mastic Beach, including the request of a criminal history record from the New York State Division of Criminal Justice Services.
- D. The Village Clerk or his/her deputies or designees possess or will acquire the equipment necessary to prepare and process fingerprints, in order to assist the Village's Administrator or Mayor ~~Director of Personnel and Labor Relations~~ in conducting such criminal background checks.
- E. Accordingly, the purpose of this Chapter is to provide authority for fingerprinting and criminal history record checks of prospective employees of the Village of Mastic Beach.

§ 35-2. Prospective Employees subject to Fingerprinting and Criminal Background Checks.

All applicants for employment with the Village shall be subject to fingerprinting and criminal background checks, excluding individuals who are prospective elected officials.

§ 35-3. Administration; Agreement with Division of Criminal Justice Services; Fee; Procedure.

- A. The Village Clerk shall be responsible for the administration of this Chapter and shall adopt policies and procedures for the purpose of performing fingerprinting and criminal history review of prospective employees of the Village who are subject to background checks and fingerprinting. The criminal background checks by the Village Clerk shall be made in compliance with Article 23-A of the New York State Correction Law, the Civil Service Law and other applicable statutes and laws.

- B. The Village Clerk and any other departments of the Village of Mastic Beach shall amend any existing agreement(s) with the New York State Division of Criminal Justice Services to include the criminal history reports of prospective applicants for employment in all positions with the Village, excluding individuals in an elected office. Subsequent to the effective date of the agreement referred to above, all prospective applicants for employment with the Village of Mastic Beach, as set forth in this Chapter, shall be fingerprinted for the purpose of obtaining a criminal history report from the New York State Division of Criminal Justice Services.
- C. Fingerprint cards for all prospective employees shall be prepared by the Village Clerk, or by any municipality, governmental agency or department authorized by law to issue fingerprint cards, together with any applicable fee, which fee shall be paid by the prospective employee. The appointing authority for the prospective employee may waive the applicable fee for any prospective employee, and, in that event, the fee shall be paid by the Village and be chargeable against the respective department's budget. The fingerprint card and applicable fee will be delivered to the Village Clerk, who shall forward same to the New York State Division of Criminal Justice Services for processing.
- D. The criminal history record processed by the New York State Division of Criminal Justice Services concerning prospective employees shall be submitted to the Village Clerk or his/her designee, and the appointing authority of the prospective employee for review and consideration of the contents of those records and a decision regarding the candidate's fitness for the position applied for.
- E. If a candidate has been convicted of a felony and/or misdemeanor, any decision regarding such candidate's fitness for a position must be made on a case-by-case review of the factors contained in Article 23-A of the New York State Correction Law; and be it further

RESOLVED, that the Village Clerk is hereby authorized to execute any and all documents necessary to complete the adoption of Local Law 1-2016; and be it further

RESOLVED, that Local Law 1-2016 shall take effect upon filing with the Secretary of State.

Motion carried: 4-Yes; 1-No (**A. Snyder**)

B. BUILDINGS, PROPERTIES AND STRUCTURES, UNSAFE

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 Village's proposed amendments to Chapter 180, "Buildings, Properties and Structures, Unsafe".

The following persons addressed the Board during this public hearing:

Ewa Wolmut-Stankiewicz

Alan Chasinov

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

WHEREAS, the Board of Trustees has conducted a Public Hearing on the subject of amending Chapter 180, "Buildings, Properties and Structures, Unsafe"; and

WHEREAS, the Board of Trustees has received the benefit of public input; now, therefore, be it

RESOLVED, that the Board of Trustees closes its public hearing on the matter of a proposal to amend Chapter 180, "Buildings, Properties and Structures, Unsafe"; and be it further

RESOLVED, that the Board of Trustees reserves decision in this matter.

Motion carried: 5-Yes; 0-No

C. STOP SIGNS

Pursuant to the Village's "Notice of Public Hearing", Mayor **Spery** opened the discussion to those in the audience wishing to address the Board of Trustees about the Village's proposed amendments to amend Section 510-12 of Chapter 510 of the Village Code, "Stop Intersections", to add a four-way stop at the following intersections: (1) Washington Avenue and Motchan Lane and (2) Washington Avenue and Miller Lane (both running east/west).

Hearing no one, Mayor **Spery** called for a motion to close the public hearing.

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

WHEREAS, the Board of Trustees has conducted a Public Hearing on the subject of amending Section 510-12 of Chapter 510 of the Village Code, "Stop Intersections"; and

WHEREAS, the Board of Trustees has received the benefit of public input; now, therefore, be it

RESOLVED, that the Board of Trustees closes its public hearing on the matter of a proposal to amend Section 510-12 of Chapter 510 of the Village Code, "Stop Intersections".

Motion carried: 5-Yes;0-No

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

WHEREAS, the Board of Trustees desires to amend Section 510-12 of Chapter 510 of the Village Code, "Stop Intersections"; and

WHEREAS, the Board of Trustees has conducted a Public Hearing on the adoption of Local Law 2-2016; and

WHEREAS, it is hereby determined that it is in the interest of the Village of Mastic Beach to proceed with the adoption of Local Law 2-2016; now, therefore, be it

RESOLVED, that amending Section 510-12 of Chapter 510 of the Village Code, "Stop Intersections", shall read as follows:

[New Language] [~~Language to be Deleted~~]

§ 510-12 Stop intersections.

[Amended 6-12-2012 by L.L. No. 9-2012; 6-11-2013 by L.L. No. 13-2013; 6-10--2014 by L.L. No. 7-2014; 12-16-2014 by L.L. No. 4-2015]

- A. In addition to those intersections identified by the Town of Brookhaven by local law as being stop intersections prior to the date of incorporation of the Village of Mastic Beach, the following intersections are designated as stop intersections. The first-named street is designated hereby as a main artery of travel, and all vehicles approaching said street from the second-named street shall come to a full stop before entering the main artery, unless directed otherwise by a police officer or other lawful signal.

Main Artery

Stop Sign on

Aspen Road
Biltmore Road
Biltmore Road
Cedar Road
Cranberry Drive
Cypress Drive
Daisy Drive
Diana Drive
Ducky Lane
Elm Road
Hickory Road
Hickory Road
Laurel Street
Miller Lane
Motchan Lane
Narcissus Road
Pine Road
Pine Road
Riverside Drive
Riviera Drive
Riviera Drive
Riviera Drive
Washington Avenue
Washington Avenue
Washington Avenue
Wavecrest Drive
Whittier Drive
Whittier Drive

Daisy Drive
Riverside Drive
Wavecrest Drive
Diana Drive
Hickory Road
Pine Road
Aspen Road
Cedar Road
Riviera Drive
Whittier Drive
Cranberry Drive
Riviera Drive
Washington Avenue
Washington Avenue
Washington Avenue
Riviera Drive
Cypress Drive
Whittier Drive
Biltmore Drive
Ducky Lane
Hickory Road
Narcissus Road
Laurel Street
Motchan Lane
Miller Lane
Biltmore Road
Elm Road
Pine Road

B. The Department of Public Works is hereby authorized to erect and maintain appropriate traffic signals at each such intersection; and be it further

RESOLVED, that the Village Clerk is hereby authorized to execute any and all documents necessary to complete the adoption of Local Law 2-2016; and be it further

RESOLVED, that Local Law 2-2016 shall take effect upon filing with the Secretary of State.

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

7. MAYOR ADDRESSES TRUSTEE'S COMMENTS

Mayor **Spery** stated she was asked by Deputy Village Clerk **Scharf** to address the comments Trustee **Snyder** made at the January 19, 2016, Board meeting relating to Ms. **Scharf's** employment performance. Accordingly, Mayor **Spery** stated any concerns about an employee's performance are to be addressed to the employee's supervisor and the Mayor or raised to the full Board in executive session and should not be discussed in public session of the Board as employees have due-process rights. Mayor **Spery** then asked Clerk/Administrator **Alevas** to read into the record a statement and supporting information prepared, at the Mayor's request, by Deputy Clerk **Scharf**. A copy of the statement and supporting information read into the record is attached hereto and made a part hereof as **Attachment #1**.

8. ACKNOWLEDGMENT OF MINUTES

Mayor **Spery** polled the Board members to see if they have any comments/revisions to the draft February 3, 2016, meeting minutes. Hearing none, the February 3, 2016, Board-meeting minutes were acknowledged as presented.

9. AUTHORIZATION FOR THE PAYMENT OF CLAIMS

Mayor **Spery** called for a motion to authorize 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, the following motions were made and voted upon.

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

RESOLVED,

that the payment to **Affordable Cesspool Sewers and Drains**, in the amount of \$29,600.00, as included on the Financial Abstract #9-2016, be held in abeyance until such time as the Village has an opportunity to negotiate the price set forth in this claim.

Motion carried: 5-Yes; 0-No

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

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

RESOLVED, that the Board of Trustees authorizes the payment of claims as presented in Abstract No. A9-2016, in the total amount of \$85,927.67, except for the payment of \$29,600.00 for the **Affordable Cesspool Sewers and Drains** claim that is being held pursuant to the preceding Board resolution, a copy of said financial abstract is annexed hereto and made a part hereof as **Attachment #2**.

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

10. INTERMUNICIPAL AGREEMENT WITH BROOKHAVEN TOWN

Mayor **Spery** discussed with the Board the need to enter into an intermunicipal agreement with the Town of Brookhaven for the disposal of the Village's street sweepings.

A motion was made by **Maura Spery** and seconded by **Bruce Summa** to enter into an intermunicipal agreement with the Town of Brookhaven. Following a discussion, the following motion to table was voted upon as follows.

Motion offered by **Maura Spery**, seconded by **Christopher Anderson** to wit:

WHEREAS, it is in the Village's best interest to secure a contract for the disposal of the Village's street sweepings; now, therefore, be it

RESOLVED, that the Board of Trustees tables action on whether to approve an intermunicipal agreement with the Town of Brookhaven for disposal of the Village's street sweepings, a draft copy of which is annexed hereto and made a part hereof as **Attachment #3**.

Motion carried: 5-Yes; 0-No

11. CALL FOR PUBLIC HEARING

Mayor **Spery** called for a public hearing to be held on Tuesday, March 22, 2016, for the purpose of receiving public input on proposed amendments to local law Chapter 40, entitled "Ethics Code of".

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, March 22, 2016, at 7 p.m., at Village Hall, 369 Neighborhood Road, Mastic Beach, New York 11951, for the purpose of receiving public input on proposed amendments to local law pertaining to the Code of Ethics (Chapter 40), a copy of which is annexed hereto and made a part hereof as **Attachment #4**; 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

12. SNOW-PLOW CONTRACTORS/SUBCONTRACTORS

A motion was made by **Maura Spery** and seconded by **Bruce Summa** to authorize an additional snow-plow contractor/subcontractor. Following a discussion, 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 2015-16 Season”; now, therefore, be it

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

Joseph Zamboli, 18 Beverly Court, Moriches, NY 11955, conditioned upon the Village’s receipt of proof of permanent vehicle registration beyond February 13, 2016, as the current, temporary vehicle-registration expires on February 13, 2016; 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 #5**; and be it further

RESOLVED, that this Resolution shall take effect immediately.

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

13. TRUSTEE REPORTS

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

Parks and Recreation and General Updates – Mayor **Sperry**

Buildings and Housing – Trustee **Elizabeth Manzella**

Public Safety – Trustee **Anne Snyder**

Public Works – Deputy Mayor **Bruce Summa**

14. 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 and interested persons must submit their completed public-comment card before the first person is recognized to speak.

The following individuals addressed the Board of Trustees.

<u>Name:</u>	<u>Topic:</u>
Ted Selmer	Public Comments
Frank DeLustro	Mastic Beach Property Owners' Association Ice-Cream Social
Ewa Wolmut-Stankiewicz	Mayor Spery's radio interview
Fran Farley	277 McKinley Drive; 273 McKinley Drive; Robinhood Fund; Snow Plowing; Newsletter
Madeline Marullo	Master Planning
Alan Chasinov	Cramer Report; Certificate of Compliance; Salt/Sand
Joseph Johnson	Education
Divek Yunus	Code Enforcement versus Police Department
Donna Thomas	Free financial educational seminars

15. MEETING ADJOURNMENT

There being 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 9:20 p.m.

Motion carried: 5-Yes; 0-No

Respectfully submitted,

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