

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

BOARD MEETING
MINUTES

Meeting Held at Mastic Beach Fire Department
265 Neighborhood Road, Mastic Beach, New York 11951
MARCH 22, 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:

None

INVITED GUESTS:

Inspector Gerard McCarthy, *Suffolk County Police Department, Seventh Precinct*; Police COPE Officer James Ohlsen, *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 Inspector **Gerard McCarthy** and Police COPE Officer **Ohlsen** 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, Officer **Ohlsen** shared information from Suffolk County regarding a program for residents to register their home-security systems.

6. PUBLIC HEARINGS

A. CODE OF ETHICS

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 changes to the Code of Ethics, Chapter 40.

The following persons addressed the Board during this public hearing:

Name:

**Rose Marie Bellafiore
Alan Chasinov
Frank Fugarino
Darrin Harsch
Ewa Wolmut Stankiewicz.**

Additionally, Village Attorney **Guy Germano** reviewed the proposed changes and responded to questions posed by members of the Board of Trustees.

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 replacing the Village's existing Code of Ethics with a new law to the Village Code establishing a Code of Ethics; 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 replace the Village's existing Code of Ethics with Chapter 40, Ethics, Code of, to the Village Code.

Motion carried: 5-Yes; 0-No

A motion was made by **Maura Spery** and seconded by **Bruce Summa** to adopt the proposed changes to Local Law Chapter 40, Ethics, Code of. Village Attorney **Germano** noted that the motion under consideration is a Type 2 action under SEQR (State Environmental Quality Review Act) and no further SEQR review is required.

During the discussion on the pending motion, the following motion to table was made and voted upon as follows.

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

WHEREAS, the Board of Trustees is contemplating the approval of changes to its Code of Ethics (Chapter 40); now, therefore, be it

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

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

Given the failure of the motion to table to pass, the Board continued to discuss the original, pending motion to adopt changes to the Code of Ethics, Chapter 40.

During the continued discussion, the following motion to table was made and voted upon.

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

WHEREAS, the Board of Trustees is contemplating the approval of changes to its Code of Ethics (Chapter 40); now, therefore, be it

RESOLVED, that the Board of Trustees tables action on this item in order to investigate the matter further.

Motion carried: 5-Yes; 0-No

B. BUILDINGS, PROPERTIES AND STRUCTURES, UNSAFE

Pursuant to the Village's "Notice of Public Hearing", the Board of Trustees, at its February 16, 2016, meeting, held a public hearing for those individuals to address the Board of Trustees about the Village's proposed amendments to Chapter 180, "Buildings, Properties and Structures, Unsafe". Following the close of the public hearing, and upon the advice of the Village Attorney, the Board of Trustees, by resolution, deferred action on whether to adopt the proposed amendments to Chapter 180, "Buildings, Properties and Structures, Unsafe".

Since the time of the Board of Trustees' meeting, the Village Attorney now advises that the Board of Trustees may move forward with action on these pending local-law amendments and highlighted one minor change that needed to be made. A discussion among the Board members ensued after which Mayor **Spery** called for a related motion.

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

WHEREAS, the Board of Trustees desires to amend Chapter 180, “Buildings, Properties and Structures, Unsafe”; and

WHEREAS, the Board of Trustees on February 16, 2016, conducted a Public Hearing on the adoption of Local Law 3-2016; 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 3-2016; now, therefore, be it

RESOLVED, that amending Chapter 180, “Buildings, Properties and Structures, Unsafe”, of the Village Code shall read as follows:

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

Chapter 180. BUILDINGS, PROPERTIES AND STRUCTURES, UNSAFE

[HISTORY: Adopted by the Board of Trustees of the Village of Mastic Beach 3-13-2012 by L.L. No. 2-2012.^[1] Amendments noted where applicable.]

GENERAL REFERENCES

Building Code — See Ch. 178.

Moving of buildings — See Ch. 190.

Electrical standards — See Ch. 200.

Fire prevention — See Ch. 220.

Housing standards — See Ch. 260.

Property maintenance — See Ch. 350.

Abandoned refrigerators — See Ch. 360.

Rental property — See Ch. 380.

Abandoned and junked vehicles — See Ch. 500.

[1] *Editor's Note: This local law superseded former Ch. 180, Buildings and Structures, Unsafe, adopted 9-13-2011 by L.L. No. 4-2011, as amended.*

§ 180-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING

Any building, structure or portion thereof.

BUILDING INSPECTOR

The Building Inspector of the Village of Mastic Beach, appointed pursuant to § 178-3B, and his duly appointed assistants or deputies or such other person appointed by the Village Board to enforce the provisions of this chapter.

BUILDING INSPECTORS

The Building Inspector and all Assistant Building Inspectors.

CONDITION

Any condition of a property in the Village, whether man-made or created by disaster, act of God, erosion or similar ongoing condition or process.

ENGINEER

The Village Engineer, as may be appointed by the Village Board or another licensed professional engineer engaged by the Village, to provide services required by this chapter.

PORTION OF BUILDING OR STRUCTURE

Any debris, rubble or parts of buildings which remain on the ground or on the premises after demolition, reconstruction, fire or other casualty.

PROPERTY

Any parcel of real property in the Village of Mastic Beach.

UNSAFE OR HAZARDOUS BUILDING, CONDITION, PROPERTY OR STRUCTURE

A. Any building, property, or structure, or portion thereof, which, due to its state or condition, creates or poses a threat to the public health or safety or an imminent danger to life, or to adjoining or nearby properties or structures, or public roads, rights-of-way or structures, or which may contain one of the following conditions:

- 1) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
- (2) Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the supporting member or members or 50% of damage or deterioration of the nonsupporting enclosing or outside walls or covering.

- (3) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
- (4) Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the public.
- (5) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease so as to work injury to the health, safety, or general welfare of those living therein.
- (6) Those having light, air and sanitation facilities which are inadequate to protect the health, safety, or general welfare of persons who live or may live therein.
- (7) Those having inadequate facilities for egress in cases of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.
- (8) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
- (9) Those which, because of their condition, are unsafe, unsanitary, or dangerous to the health, safety or general welfare of the people of this Village.

B. Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety or general welfare of the people of the Village of Mastic Beach.

C. Structure Unfit For Human Occupancy. A structure is unfit for human occupancy whenever such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

D. Unlawful Structure. An unlawful structure is one which was erected, altered or occupied contrary to law.

§ 180-2. Prohibition.

All buildings, conditions, properties and/or structures which are structurally or otherwise hazardous or unsafe, dangerous, unsanitary or not provided with adequate egress or which, in relation to an existing use, constitute a hazard to safety or health by reason of inadequate

maintenance, dilapidation, erosion or other natural processes, obsolescence or abandonment are, for the purposes of this chapter, unsafe buildings, conditions, properties or structures. All such buildings, conditions, properties and structures are hereby declared to be illegal and are prohibited and shall be abated by correcting repair and rehabilitation or by demolition and removal in accordance with the procedures of this chapter.

§ 180-3. Investigation and report.

~~When, in the opinion of the Building Inspector any building, condition, property or structure located in the Village of Mastic Beach shall be deemed to be dangerous or hazardous and unsafe to the public, as defined in § 180-1, the Building Inspector shall make a formal inspection thereof and report in writing to the Village Board his findings and recommendations in regard to the building or structure's removal or repair.~~

The Building Inspector Village Engineer or a New York State licensed professional engineer, and/or other Village official as designated by the Village Board, upon information and belief that a building, structure, property or equipment, from any cause, may now be or shall become unsafe as defined in § 180-1 hereof, shall cause an inspection thereof to be made by the Building Inspector and, at the Building Inspector's election, the Village Engineer or a New York State licensed professional engineer, or other Village official as may be designated by the Village Board, and shall report his/her findings and recommendations to the Village Board.

§ 180-4. Notice to repair or remove.

- A. ~~When it shall be determined by the Building Inspector that a building, property or structure is dangerous, hazardous, or unsafe to the public, or that a condition is hazardous or unsafe, he it shall promptly serve or cause to be served a written notice on the owner or other persons having an interest in such property or structure as hereinafter provided.~~
- B. ~~The aforementioned notice shall be served on the owner of the premises, the owner's executors, legal representatives, agents, lessees, or other person having a vested or contingent interest in the same as shown by the last completed assessment roll of the Village, either personally or by registered mail, addressed to the person intended to be served at the last known place of business or residence as indicated on the last completed assessment roll. The Building Inspector shall cause a copy of such notice to be posted on the premises, and a copy of the notice shall be filed with the Suffolk County Clerk.~~

If the Village Board determines that a building, property, structure or equipment is unsafe to the public as defined herein, it shall make an order directing notice to be served upon the owner, the owner's executor, legal representative, agent, lessee, or other person, including but not limited to his/her lender and mortgagee, having a secured vested or contingent interest in the premises where such building or structure is located, either personally or by registered mail, addressed to the person intended to be served at the last known place of business or residence

as indicated on the last completed Village assessment roll and in the office of the Suffolk County Clerk.

§ 180-5. Contents of notice.

The notice referred to in **§ 180-4** hereof shall contain the following:

- A. A description of the premises.
- B. A statement of the particulars in which the building, property, structure or equipment is dangerous, hazardous, or unsafe as defined herein and an order requiring same to be made safe or secure, or removed.
- C. ~~An order requiring the building, property, or structure to be made safe and secure or removed or the condition to be remedied or removed. A time within which the person served with such notice may commence the securing or removal of the building, property, structure or equipment as specified in said notice.~~
- D. A date, time and place at which a hearing shall be held before the Village Board, at which hearing the owner or other persons having an interest in the building, property, structure or equipment may be heard with respect to the condition of the building, property, structure or equipment and the actions necessary to secure or remove same.
- E. ~~A statement that the securing or removal of the building or structure or removal of the condition shall commence within 10 days of the date of the service of the notice and shall be completed within 30 days thereafter. The Building Inspector may extend the time of compliance specified in the notice where there is evidence of intent to comply within the time specified and conditions exist which prevent immediate compliance. In granting any such extension of time, the Building Inspector may impose such conditions as he may deem appropriate.~~
- F. ~~A statement that, in the event of neglect or refusal of the person served with the notice to comply with the same, a hearing will be held before the Board of Trustees of the Village Board of Mastic Beach, notice of which and the time and place thereof to be specified in the notice to the owner referred to in **§ 180-5** hereof.~~
- E. ~~A statement that, in the event that the Village Board, after the hearing specified in **§ 180-7**, shall determine that the building, property, or structure or condition thereon is dangerous, hazardous, or unsafe to the public, the Village Board may order the building, property, structure, or condition to be corrected, repaired or secured or taken down, abated or removed.~~

A statement that after such hearing the Village Board may provide for the securing or removal of such building, property, structure or equipment by the Village in the event such owner fails or refuses to secure or remove same within the time provided.

~~G. A statement that, in the event that the building, property, structure or condition equipment shall be determined by the Village, or a New York State licensed professional engineer or licensed architect, to be dangerous, hazardous, or unsafe, and in the event of the neglect or refusal of the owner to correct, repair or remove the condition, building or structure within the time provided, the Village may correct the condition or remove such building or structure by whatever means it deems appropriate and assess all costs and expenses incurred by the Village in connection with the proceedings to remove or secure, including the cost of actually remedying said unsafe or dangerous building, condition, or structure, or removing said building or structure and any engineering, legal or other expenses, as an assessment against the land on which said building or structure is located, to be charged to the owner of the property on the next Village tax roll, although the levying of an assessment by the Village against the property on the next Village tax roll shall not be an exclusive remedy and shall not preclude the Village from any other available remedy, including but not limited to pursuing a civil judgment against the owner of the property to recover the costs.~~

~~§ 180-6. Filing of copy of notice.~~

~~A copy of the notice referred to in § 180-4 hereof may shall be filed with the office of the Suffolk County Clerk, which notice shall be filed by the Suffolk County Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this section. A notice so filed shall be effective for a period of one year from the date of filing; provided, however, that it may be vacated upon the order of a judge or justice of a court of appropriate jurisdiction or upon consent of the Village Attorney.~~

~~§ 180-6. Service of notice.~~

~~Such notice, together with the report prepared pursuant to §180-3, shall be posted on the premises, and shall be filed in the office of the Suffolk County clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules, and shall be served upon the owner or some of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in the premises as hereinbefore specified, either personally or by registered or certified mail addressed to the last known address, if any, of the owner or some of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in the premise as hereinbefore specified.~~

~~§ 180-77. Hearing.~~

~~The Village Board shall conduct the public hearing at the time and place specified in the notice to cure, remedy, repair, or demolish, or to remove or correct the unsafe or hazardous building, property, structure or equipment condition, property or structure as necessary. It may adjourn the hearing from time to time until all interested parties are heard and until the hearing is completed. At the conclusion of the hearing, the Village Board shall determine by resolution to:~~

- A. ~~Revoke the aforementioned notice; order of the Building Inspector;~~
- B. ~~Modify said order notice; or~~
- C. ~~Continue and affirm said order notice to direct the owner or other persons to complete the work within the time specified in the order notice or such other time as shall be determined by the Village Board.~~

§ 180-8. Emergency measures and Procedures for Placarding of Unsafe Structures

If the Building Inspector determines, in his inspection of any building, condition, property, structure or equipment, that there is actual and immediate danger of failure or collapse or so as to endanger life, or other imminent hazard creating a danger to the public or public order and safety in the Village of Mastic Beach, the Building Inspector shall promptly placard the building pursuant to the provisions of the New York State Property Maintenance Code § 107 and shall not remove the placard until ~~require the building, condition, property or structure or a portion thereof, to be vacated forthwith and not to be reoccupied until the specified repairs as contained in a notice mailed to the owner and occupant and posted on the structure within five (5) days of placarding. are completed and inspected and approved by the Building Inspector or take such other action as may be appropriate under the circumstances. For this purpose, the Building Inspector may enter such building, property, structure, equipment or land on which it stands or adjoining land or structures with such assistance and at such costs as may be necessary. The Building Inspector may also order adjacent buildings, properties or structures or portions thereof to be vacated and protect the public and public order and safety by appropriate barricades or such other means as may be necessary and for this purpose may close a private or public right-of-way. The Building Inspector shall cause to be posted at each entrance to such building, property or structure a notice stating: "This building (property, structure) is unsafe, and its use or occupancy has been prohibited by the Building Inspector." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents or other persons to remove such notice without written permission of the Building Inspector or for any person to enter the building except for the purpose of making the required repairs or the demolition thereof. The costs of any such action, including but not limited to labor, materials, management, professional and or legal fees and costs and expenses, shall be assessed as a lien against the property on which the condition exists and shall be collected in the same manner as if real property taxes.~~

A. **NOTIFICATION OF APPROPRIATE AGENCIES**

Prior to, or at the time of the placarding of a residential structure, in accordance with the provisions of the New York State Property Maintenance Code and New York State Fire Code, the Building Inspector or his designee shall notify the following agencies, either telephonically, by electronic mail or in writing via facsimile:

- (1) The Suffolk County Department of Social Services, to ensure the relocation of all residents, if needed; and

- (2) The Suffolk County Department of Health;
 - (3) The Suffolk County Police Department to ensure that the dangerous structure remains unoccupied.
- B. The Building Inspector(s), after making the above notifications, shall keep a record of the date, time and manner of such notifications.
- C. **PROCEDURES AFTER PLACARDING**
At all times while the placarding of a structure pursuant to the provisions of the New York State Property Maintenance Code is in effect, there shall be bi-weekly inspections by either the Building Inspector or its designee until such time as all conditions are met for the removal of the placard on the subject structure.
- D. **PROHIBITED OCCUPANCY**
Pursuant to the New York State Property Maintenance Code and New York State Fire Code, no person shall occupy a placarded premises or operate placarded equipment. A violation of this Section shall be punishable pursuant to §180-13 of this Chapter.

~~§ 180-9. Request for Judicial Action.~~

~~In the event that he believes that judicial action is required to enforce any provision of this chapter, the Chief Building Inspector shall seek approval and direction from the Board of Trustees to the Village Attorney to institute such proceedings in the Supreme Court as are necessary to effect the purposes of this chapter.~~

§ 180-9. Emergency action.

- A. In case there shall be, in the opinion of the Building Inspector, actual and immediate danger of the falling of a building or structure or a hazardous excavation so as to endanger public safety, life or property or actual or immediate menace to health or public welfare as a result of the conditions present in or about a building or structure or excavation, he shall direct the appropriate Village employees to perform the necessary work to render such building or structure or excavation temporarily safe, whether the procedure prescribed in this chapter for unsafe or dangerous buildings or structures or excavated lands has been instituted or not.
- B. When emergency work is to be performed under this section, the Building Inspector shall cause the owner and mortgagee thereof, if any, as shown on the records of the Village Assessor, to be served personally or by certified mail, return receipt requested, and shall post the premises with a notice to comply containing a description of the premises, a statement of facts describing the structure or excavation as unsafe or dangerous, and orders and directions to correct the same conditions which constitute an emergency

within a specified period not to exceed three days from actual or constructive service of the notice.

- C. In the event that the emergency does not permit any delay in correction, the notice shall state that the Village has corrected the emergency condition.
- D. In both cases, the notice shall state that the corrective costs of the emergency will be assessed against the owner pursuant to the provisions of this chapter.

§ 180-10. Judicial intervention.

The Village Board, in its discretion, may elect to commence a civil action in a court of appropriate jurisdiction for an order directing that the unsafe building, property, structure or equipment be remedied or corrected or that the building, property, structure or equipment be repaired, secured or demolished and removed, and for a judgment in favor of the Village and against the owner of the property for the costs, including but not limited to all professional, administrative and legal fees for the abatement or actions of the Village with respect to the unsafe building, property, structure or equipment; and the election by the Village to commence or pursue a civil action shall not be an exclusive remedy and shall not waive or preclude the right of the Village to pursue any other available remedy.

§ 180-1011. Assessment of costs and expenses.

~~All costs and expenses incurred by the Village of Mastic Beach in connection with any proceeding or any work done to remove the danger or condition or to render the building, property or structure temporarily safe or in connection with the correction or demolition or removal of any such building or structure shall be assessed against the land on which such building or structure is located, and a statement of such expenses shall be presented to the owner of the property, or, if the owner cannot be ascertained or located, then such statement shall be posted in a conspicuous place on the premises. Such assessment shall be and constitute a lien upon such land. If the owner shall fail to pay such expenses within 10 days after the statement is presented or posted, a legal action may be brought to collect such assessment or to foreclose such lien. As an alternative to the maintenance of any such action, the Building Inspector may file a certificate of the actual expenses incurred as aforesaid, together with a statement identifying the property in connection with which the expenses were incurred and the owner thereof, with the Assessor, who shall, in preparation of the next assessment roll, assess such amount upon such property. Such amount shall be included in the levy against such property, shall constitute a lien and shall be collected and enforced in the same manner, by the same proceedings, at the same time and under the same penalties as provided by law for the collection and enforcement of real property taxes in the Village of Mastic Beach.~~

- A. Whenever a building or structure or part thereof has been removed, demolished or made safe and secure by the Village Board or pursuant to its order under this Chapter, the cost and expense thereof shall be charged against the land on which said building or structure is located as a special assessment.

- (1) Prior to making the assessment of said costs and expenses against the land, the Village Board shall serve a notice of at least ten (10) days upon the owner or person who may have a vested or contingent interest in said building or structure or the lands on which the same may be situated, as said interest may be shown by the records of the assessment roll of the Incorporated Village of Mastic Beach for the current year. Such notice shall state that such costs and expenses have been incurred; their amount and that at a specified time and place the Village Board will meet to make an assessment of the costs and expenses upon the land. Such notice may be served personally or by registered mail.
- (2) The Village Board shall meet at the time and place specified. It shall hear and determine all objections that may be made to such assessment, including the amount thereof. Whether or not the owner or person served appears at the hearing, said Board shall make said assessment.
- (3) The Village Board shall assess upon the land the amount of such costs and expenses which have been incurred or so much thereof as the said Board may deem just and reasonable; provided, however, that the amount assessed shall not exceed the amount stated in the notice.

B. If the amount assessed is not paid within fifteen (15) days after such assessment, an action to recover the amount may be maintained by the Incorporated Village of Mastic Beach against the owner or person having a vested or contingent interest in said building or structure or the land on which the same may be situated, as said interest may be shown by the records of the assessment roll of said village for the current year, or a special warrant may be issued by the Village Board for the collection of said assessment or the amount thereof may be included in the next annual tax levy and be deemed to be a part of the annual tax of said village.

~~§ 180-12. Application for court order.~~

~~The Village Board, in its discretion, may elect to commence a civil action to apply to the Supreme Court of the State of New York for an order directing that the hazardous or unsafe building, condition, property or structure be remedied or corrected or that the building, property or structure be repaired, secured or demolished and removed, and for a judgment in favor of the Village and against the owner of the property for the costs, including but not limited to all professional, administrative and legal fees for the abatement or actions of the Village with respect to the dangerous or unsafe building, condition, or structure; and the election by the Village to commence or pursue a civil action shall not be an exclusive remedy and shall not waive or preclude the right of the Village to pursue any other available remedy.~~

§ 180-1312. Collection of costs.

The Village Board may commence a special proceeding pursuant to § 78-b of the General Municipal Law to collect the costs of demolition, including reasonable and necessary legal expenses.

§ 180-~~14~~13. Penalties for offenses.

The following is a fine schedule for violations of this chapter or any notice or order issued or made hereunder and/or the New York State Property Maintenance Code and the New York State Fire Code:

- A. First convicted violation: \$250.
- B. Second convicted violation \$1,000.
- C. Third convicted violation: \$2,500 and/or 10 days in jail.
- D. Each day that a violation of this chapter exists shall constitute a separate offense and violation of this chapter with a separate and additional penalty.

§ 180-~~14~~14. Trespassing.

In addition to serving the notice provided in § 180-5, the Village Board may, if it determines that the purposes of this chapter will be further effectuated, order that no person other than the owner or its agent shall enter upon the property and shall post on such property signs indicating: "No trespassing." Anyone found trespassing in violation of this section shall be liable for a fine not to exceed \$250 for each offense.

§ 180-~~15~~15. Proceedings to obtain title to abandoned buildings or properties.

Notwithstanding anything contained in the prior sections of this chapter with regard to securing and removing unsafe buildings, the Building Inspector and/or the Department of Code Enforcement of the Village of Mastic Beach is hereby authorized to request that the Village Board of Trustees institute proceedings in accordance with the Real Property Actions and Proceedings Law of the State of New York in order to obtain a judgment vesting in the Village of Mastic Beach title to any dwelling which has been abandoned by the owner thereof, except for an owner-occupied one- or two-family dwelling, all as contained within the Real Property Actions and Proceedings Law.

§ 180-16. Severability.

If any clause, sentence, paragraph, section or part of this article shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered; 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 3-2016; and be it further

RESOLVED, that Local Law 3-2016 shall take effect upon filing with the Secretary of State.

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

7. ACKNOWLEDGMENT OF MINUTES

Mayor **Sperry** polled the Board members to see if they have any comments/revisions to the draft March 2, 2016, meeting minutes. Hearing none, the March 2, 2016, Board-meeting minutes were acknowledged as presented.

8. AUTHORIZATION FOR THE PAYMENT OF CLAIMS

Mayor **Sperry** called for a motion to authorize the payment of claims for the Financial Abstract #A10-2016 and a discussion ensued.

A motion was then made by **Maura Sperry** and seconded by **Bruce Summa** to authorize the payment of claims, after which a discussion among the Board members continued.

The following motion to table was made and voted upon as follows.

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

WHEREAS, the Board has a pending motion before it to authorize the payment of claims; now, therefore, be it

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

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

Following the motion-to-table vote, an amended motion to authorize the payment of claims was made and voted upon 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. A10-2016, except for the payment to LexisNexis which is tabled by this Resolution, in the revised, total amount of \$282,192.79, 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**)

Following the vote on the foregoing motion, a discussion was held regarding an authorized expenditure.

9. CALL FOR PUBLIC HEARINGS AND SPECIAL MEETING

Mayor **Spery** called for a public hearing on the proposed 2016-17 budget and a special meeting of the Board of Trustees to adopt the 2016-17 budget.

A. PUBLIC HEARING – PROPOSED 2016-17 BUDGET

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 will conduct a public hearing on **Wednesday, April 13, 2016**, at 7:00 p.m., at Village Hall, 369 Neighborhood Road, Mastic Beach, New York 11951, for the purpose of receiving public input on the proposed 2016-17 Village budget; 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, including the publishing of a related legal notice; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

B. SPECIAL MEETING – ADOPTION OF 2016-17 VILLAGE BUDGET

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 will conduct a special Board meeting on **Tuesday, April 26, 2016**, at 7:00 p.m., at Village Hall, 369 Neighborhood Road, Mastic Beach, New York 11951, for the purpose of adopting a 2016-17 Village budget; 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, including the publishing of a related legal notice; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

C. PUBLIC HEARING – ADDING FOUR-WAY STOP SIGN

Pursuant to a resident's request at last month's board meeting, Mayor **Spery** called for a motion to set a public hearing to add a four-way stop sign at the intersection of Washington Avenue and Cypress Drive within the Village.

A motion was made by **Maura Spery** and seconded by **Bruce Summa** to call for a public hearing to add a four-way stop sign and a discussion on the pending motion ensued. Thereafter, 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 public hearing be held on Tuesday, April 19, 2016, for the purpose of soliciting public comments whether to add a four-way stop sign at the intersection of Washington Avenue and Cypress Drive; and be it further

RESOLVED, that the Board of Trustees authorizes the Village Clerk/Administrator to publish a related legal notice setting this public hearing, a copy of which is annexed hereto and made a part hereof as **Attachment #2**.

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

10. HOME DEMOLITIONS

Pursuant to the Board of Trustees' adoption of a Resolution earlier in this meeting to adopt the amendments to Chapter 180, "Buildings, Properties and Structures, Unsafe", Mayor **Spery** called for a motion to obtain inspection reports from the Building Department relating to the start of the process to demolish ten homes within the Village.

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

WHEREAS, pursuant to the local-law authority granted under Chapter 180, "Buildings, Properties, Structures, Unsafe", in the Village Code and upon the recommendation of Mayor **Spery**; now, therefore, be it

RESOLVED, that pursuant to the procedural requirements of Village Code Chapter 180, "Buildings, Properties, Structures, Unsafe", as amended, the Board of Trustees will receive inspection reports from its Building Department as a first step toward conducting public hearings regarding the proposed demolition of structures situated at each of the following locations pursuant to the Village's newly-amended Chapter 180, "Buildings, Properties, Structures Unsafe":

184 Mastic Road, Mastic Beach, New York 11951;

51 Daisy Drive, Mastic Beach, New York 11951;
183 Jefferson Drive, Mastic Beach, New York 11951;
137 Commack Road, Mastic Beach, New York 11951;
142 Daisy Drive, Mastic Beach, New York 11951;
35 Riverside Avenue, Mastic Beach, New York 11951
22 Victoria Place, Mastic Beach, New York 11951;
107 Neighborhood Road, Mastic Beach, New York 11951
164 Woodland Drive, Mastic Beach, New York 11951; and
282 Orchid Drive, Mastic Beach, New York 11951; and be it further

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

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

11. BOARD APPOINTMENTS – PLANNING BOARD

A. FRED KRAGE

Mayor **Spery** called for a Resolution to appoint a member to the Village Planning Board vacancy caused by the departure of Mr. **Evan Proios**.

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

WHEREAS, it is in the Village's best interests to have a fully functioning Planning Board; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes Mayor **Spery's** appointment of Mr. **Fred Krage** to fill the unexpired term of office on the Village Planning Board, vacated by the resignation of Mr. **Evan Proios**, effective immediately and continuing through April 6, 2020; and be it further

RESOLVED, that this Resolution shall take effect immediately.

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

B. ADDITIONAL PLANNING-BOARD VACANCY

A discussion was held regarding an appointment to fill a second vacancy on the Village's Planning Board. It was the consensus of the Board of Trustees that since the current term for this vacancy expires on April 4, 2016, the Board will make a related appointment at its reorganization meeting in May of 2016. Accordingly, the following motion to table was made and voted upon regarding the Village Planning Board vacancy caused by the departure of Mr. **Ernest Hoffstaetter**.

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

RESOLVED,

that the Board of Trustees tables action on filling a vacancy on the Planning Board until the annual reorganization meeting in May 2016.

Motion carried: 5-Yes; 0-No

Mayor **Spery** also invited applications from interested and qualified individuals wishing to serve on the Village's Zoning Board, which currently has a single vacancy.

12.

PERSONNEL ACTIONS

A. ASSISTANT TO THE MAYOR

A motion was made by **Maura Spery** and seconded by **Bruce Summa** to extend the current term appointment for the Assistant to the Mayor and a discussion followed. Thereafter, the following motion to table was made and voted upon.

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

WHEREAS,

the Board of Trustees has before it a pending motion to extend the term of the Assistant to the Mayor; now, therefore, be it

RESOLVED,

that the Board of Trustees tables action on this matter.

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

Following the failed motion to table, the Board of Trustees continued to discuss this item, after which voting on the pending motion to extend the term of the Assistant to the Mayor 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, the that the Board of Trustees authorizes the Mayor's continued appointment of Ms. **Aileen Markowsky** to the position of Assistant to the Mayor (Suffolk County Civil Service Job Duties Statement #15-0947; Suffolk County Civil Service Job Title #9984), at the existing annual salary of \$37,440.00 (exempt from overtime), plus a continuation of all other insurance-benefit programs available for full-time employees, including two weeks of annual paid vacation and sick-leave accruals at the rate for full-time employees, effective immediately and continuing through April 3, 2017; and be it further
RESOLVED, that the Village Clerk/Administrator and the Treasurer are authorized to take all actions necessary to effectuate this Resolution.

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

B. SECRETARY TO THE MAYOR

A motion was made by **Maura Spery** and seconded by **Bruce Summa** to extend the current term appointment for the Secretary to the Mayor and a discussion followed. Thereafter, 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 extension of the Mayor's appointment of Ms. **Joan Crawford** to the full-time, non-union appointed position of Secretary to the Mayor, (Suffolk County Civil Service Job Duties Statement #15-0941; Suffolk County Civil Service Job Title #0097), effective immediately and continuing

through April 3, 2017, at the existing hourly salary of \$16.00; and be it further

RESOLVED, that Ms. **Crawford** shall continue to receive all the benefits provided to the Village's full-time employees; and be it further

RESOLVED, that the Village Clerk/Administrator and the Finance Department are authorized to take all actions necessary to effectuate this Resolution.

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

C. EMPLOYEE ACCRUED, UNUSED LEAVE PAYOUT

Automotive-Equipment Operator **Dylan Munster** resigned from his position, effective at the close of business on February 25, 2016, and is entitled to receive a payout for his accrued, unused sick and vacation time.

Accordingly, a motion was made by **Maura Spery** and seconded by **Bruce Summa** to authorize a payout of unused, accrued sick and vacation time, and a discussion followed. Thereafter, voting on the pending motion was as follows.

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

WHEREAS, Automotive-Equipment Operator **Dylan Munster** resigned from his employment with the Village, effective at the close of business on February 25, 2016; and

WHEREAS, the Deputy Treasurer conducted an audit of Mr. **Munster's** accrued, unused vacation and sick time and has determined that the former employee is entitled to receive a payout for such unused and accrued time; and

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

RESOLVED, that the Board of Trustees authorizes the following payout of accrued, unused time to Mr. **Dylan Munster**:

Sick – 4.6 hours at \$14.00 hourly = \$64.40;

Vacation – 20 hours @ \$14.00 hourly = \$280.00,
for a total leave payout of \$344.40; and be it further

RESOLVED, that Board of Trustees authorizes the Treasurer and Deputy Treasurer to take all actions necessary to effectuate this Resolution, which shall take effect immediately.

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

D. SALARY INCREASE

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

RESOLVED, that the Board of Trustees tables action on a proposed salary increase until after the executive session scheduled later in this meeting.

Motion carried: 5-Yes; 0-No

13. DROP BOXES AT VILLAGE HALL

A. PUBLIC LIBRARY

Pursuant to discussions held at the March 2, 2016, Board of Trustees' meeting, Mayor **Spery** discussed with the Board members their recommendations as where to locate a public library book drop box at Village Hall. It was the consensus of the Board members that this item would be included on the agenda for the April 6, 2016, Board meeting.

B. NON-NARCOTIC DRUG DROP BOX

Mayor **Spery** led a discussion among the Board members regarding the **Citizens' Campaign for the Environment's** request to locate a non-narcotic drug drop box inside the lobby at Village Hall. It was the consensus of the Board of Trustees that the Mayor advise the **Citizens' Campaign for the Environment** that the Village Board does not support the placement of such a non-narcotic drug box at Village Hall.

14. CONFERENCE ATTENDANCE

Based on a Board-meeting scheduling conflict, Mayor **Spery** removed the agenda item relating to the Board's attendance at an upcoming conference on April 13, 2016.

15. 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**

16. ADDENDUM

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

WHEREAS, pursuant to the Board's January 13, 2015, Resolution to authorize and effectuate a settlement of litigation between the Village of Mastic Beach and the Mastic Beach Property Owners' Association (MBPOA); now, therefore, be it

RESOLVED, that the Board of Trustees authorizes a payment of \$10,000.00 to **Bruce A. Payne Associates, Inc.**, 121 West Oak Street, Amityville, New York 11701, for the title search of all related properties and Marina 5 and title insurance for Marina 5; and be it further

RESOLVED, that the Board of Trustees authorizes the Treasurer, Deputy Treasurer and Village Clerk/Administrator to undertake all actions necessary to effectuate this Resolution, which shall take effect immediately.

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

17. PUBLIC COMMENTS/QUESTIONS

Mayor **Spery** 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>
Rose Marie Bellafiore	Property Maintenance; Quality of Life; Diseased trees
Alan Chasinov	Zombie homes; Open Meetings Law; Steering Committee
Frank Fugarino	Home demolitions; LI Housing demolitions
Darrin Harsch	Specific property concerns
John Mutt	Fences
Michelle Wilkinson	Board decorum; audience behavior
Dilek Yunus	Water in front of driveway

18. 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 and legal 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 particular personnel and legal 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 9:45 p.m. and convened the Board of Trustees in executive session at 9:51 p.m.

19. EXECUTIVE SESSION

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

Based upon a report delivered to the Board of Trustees by Village Clerk/Administrator **Alevas**, Mayor **Spery** called for a motion to accept Ms. **Alevas's** findings in response to a January 28, 2016, employee complaint filed with the Village Clerk/Administrator.

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

WHEREAS,

the Board of Trustees has received a March 22, 2016, report and findings from Village Clerk/Administrator regarding her inquiry into a January 28, 2016, employee complaint against a Village employee, whose names are on file in the Office of the Village Clerk/Administrator and are not included in this Resolution for privacy purposes; now, therefore, be it

RESOLVED,

that the Board of Trustees accepts and adopts Ms. **Alevas's** March 22, 2016, report and findings noting there was no evidence supporting the claim that adverse action was taken against the complainant's activities with the Village; and be it further

RESOLVED,

that the Board of Trustees authorizes the Village Clerk/Administrator to take all actions necessary to effectuate this Resolution, which shall take effect immediately.

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

20. 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 10:26 p.m. and re-convened the Board of Trustees in public session at 10:27 p.m.

21. ACTIONS ARISING OUT OF EXECUTIVE SESSION

A. EXECUTIVE-SESSION RESOLUTION

At the request of Mayor **Spery**, Village Clerk/Administrator **Alevas** reported that the Board of Trustees in executive session had resolved to accept her report and findings concerning a certain employee complaint.

B. MODIFY BOARD-MEETING DATE/ADOPTION OF BUDGET

Mayor **Spery** called for a motion to modify an earlier Resolution enacted at this meeting.

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

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

RESOLVED, that the Board of Trustees modifies and amends its earlier Resolution at this meeting to conduct a special Board meeting; and be it further

RESOLVED, the Board of Trustees now agrees to conduct a special Board meeting on **Wednesday, April 27, 2016**, at 7:00 p.m., at Village Hall, 369 Neighborhood Road, Mastic Beach, New York 11951, for the purpose of adopting a 2016-17 Village budget; 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, including the publishing of a related legal notice; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

C. SALARY INCREASE

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 salary increase for full-time Building Inspector **Teresa Madarasz** from \$18.00 hourly to \$23.00 hourly, effective March 23, 2016; and be it further

RESOLVED, that other than this hourly salary increase, Ms. **Madarasz's** current level of benefits remains unchanged; and be it further

RESOLVED, that the Village Clerk/Administrator, Treasurer and Deputy Treasurer are authorized to undertake all actions necessary to effectuate this Resolution.

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

22. 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 10:30 p.m.

Motion carried: 5-Yes; 0-No

Respectfully submitted,

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

CONFIDENTIAL DRAFT -- SUBJECT TO MODIFICATION BY BOARD OF TRUSTEES AND/OR THE VILLAGE ATTORNEY