

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

BOARD MEETING
APRIL 4, 2016

PRESIDING OFFICER: Maura P. Spery, *Mayor*

MEMBERS OF THE BOARD OF TRUSTEES PRESENT AND VOTING:

Elizabeth “Betty” Manzella, *Deputy Mayor* (after Item #5 below);
Christopher Anderson, Joseph H. Johnson, and Anne L. Snyder, *Trustees*

MEMBERS OF THE BOARD OF TRUSTEES ABSENT: None

OFFICIALS OF THE BOARD OF TRUSTEES PRESENT:

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

INVITED GUESTS:

None

1. CALL TO ORDER AND WELCOME

Mayor Spery called the meeting to order at 12:18 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

Deputy Clerk **Scharf** conducted a roll call of the Board of Trustees.

5. APPOINTMENT OF DEPUTY MAYOR

Mayor **Spery** appointed Trustee **Elizabeth “Betty” Manzella** as Deputy Mayor to succeed outgoing Deputy Mayor **Bruce Summa**, effective immediately.

6. ADDENDUM

A. CITIZENS’-ADVISORY COMMITTEES

Mayor **Spery** opened up a discussion with Board members about whether to restrict membership on the Citizens’-Advisory Budget Committee to Village residents. The following motion was made and voted upon to restrict such membership to Village residents.

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

RESOLVED, that membership on Village Citizens’-Advisory Committees be limited to Village residents.

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

There was a discussion as to whether to invite the Chamber of Commerce to the April 5, 2016, Citizens-Advisory Budget Committee, and it was confirmed that the Chamber had received an invitation.

B. AUSTERITY RESOLUTION

Trustee **Johnson** distributed an Austerity Resolution to members of the Board, Deputy Village Attorney and Village Clerk/Administrator.

Motion offered by **Joseph Johnson**, seconded by **Christopher Anderson** to wit:

RESOLVED, that it is hereby ordered that all discretionary spending is suspended pending the implementation of the 2016-17 austerity budget; and be it further

RESOLVED, that all regularly-required spending will be reported to the Board of Trustees on a weekly basis with an update on available funds and income provided directly from the Treasurer/Accountant; and be it further

RESOLVED, that the Mayor's current spending authority for up to \$500.00 per purchase is hereby suspended and all credit-card purchases for more than \$100.00 or an aggregate total of more than \$300.00 per week must be approved by the Board of Trustees either through a formal vote, or if an urgent need is required, through a poll via email or telephone calls, with a formalization of the polling to be done at the next available meeting; and be it further

RESOLVED, that all projects, such as the Comprehensive Plan and other approved projects, are hereby fully suspended until a determination and complete verification of costs and available funding for each project can be formally determined and presented to the Board of Trustees for evaluation and approval; and be it further

RESOLVED, that to restart individual projects, a full review of financing and costs must be completed and presented to the Board of Trustees for approval; and be it further

RESOLVED, that this shall include a cost-benefit analysis for each project or expenditure, including co-payment costs for all grants and all manpower/equipment/consumable costs required by the Village for all presented projects.

Motion carried: 4-Yes; 1-No (**M. Spery**)

C. TRANSPARENCY RESOLUTION

Trustee **Johnson** distributed a Transparency Resolution to members of the Board, Deputy Village Attorney and Village Clerk/Administrator.

Motion offered by **Joseph Johnson**, seconded by **Anne Snyder** to adopt a Transparency Resolution, to wit:

RESOLVED, that it is in the best interests of the Village of Mastic Beach to ensure that TRANSPARENCY and unhindered ACCESS to all Village-Government documents be provided to all Village-Board members; and be it further

RESOLVED, that any and all documents, contracts and communications distributed to the Mayor or other Board members shall also be distributed to all remaining Board Members, unless governed by other applicable Village and State laws; and be it further

RESOLVED, that this Resolution directs that any requests by duly serving Village Board members be fulfilled immediately following any and all such requests; and be it further

RESOLVED, that in the event that the Clerk's Office cannot comply with said requests a detailed explanation must be provided to the entire Board of Trustees immediately as to why said request cannot be complied with along with the expected procedure and schedule for compliance; and be it further

RESOLVED, that this Resolution shall also remove the Mayoral designation of Village-Board Liaison, and all document requests will be submitted directly to the Village Clerk's Office and fulfilled by that Office in the manner directed above; and be it further

RESOLVED, that in order to ensure all Village-Board members may carry out their fiduciary responsibilities and have all necessary information to do so, this Resolution provides clear direction to the Village Clerk and the Village Attorney to ensure the aforementioned procedures are enacted immediately upon passage of this Resolution.

Following a discussion including comments from Deputy Village Attorney **Levin** regarding the statutory authority, respectively, of the Mayor and the Board, voted on the pending motion as follows:

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

D. REPEAL OF INDEMNIFICATIONS CONTAINED IN MASTIC BEACH VILLAGE RESOLUTION, DATED APRIL 6, 2015

Trustee **Johnson** distributed a Repeal of Indemnifications Contained in Mastic Beach Village Resolution, Dated April 6, 20115, to members of the Board, Deputy Village Attorney and Village Clerk/Administrator.

A motion was made by **Joseph Johnson** and seconded by **Christopher Anderson**, and amended during discussion, to repeal indemnifications contained in Mastic Beach Village Resolution, dated April 6, 2015, to wit:

RESOLVED, that it is in the best interests of the Village of Mastic Beach to ensure that all Village-Government officials and employees fully understand that actions and behaviors “taken outside of their scope of official duties and responsibilities” ARE NOT covered through the standard indemnification afforded to all Village employees and officials under Village Code, “Chapter 30, Defense and Indemnification”; and be it further

RESOLVED, that in the interests of fairness and equality for all Village employees, it is noted that indemnification is guided solely and specifically as delineated in the Mastic Beach Village Code “Chapter 30, Defense and Indemnification”; and be it further

RESOLVED, that it is hereby ordered that the following additional Indemnification Motions passed by the Village Board during a Special Meeting on April 6, 2015, and called to order at 12:00 PM are HEREBY RESCINDED:

RESOLUTION 10,

SECTIONS:

A. VILLAGE CLERK/AUTHORIZATION FOR INDIVIDUAL LEGAL-COUNSEL APPOINTMENT/HOLD HARMLESS AND INDEMNIFICATION

E. AUTHORIZATION FOR INDIVIDUAL LEGAL-COUNSEL APPOINTMENT/HOLD HARMLESS AND INDEMNIFICATION FOR MAURA SPERY

AND

F. AUTHORIZATION FOR INDIVIDUAL LEGAL-COUNSEL APPOINTMENT/HOLD HARMLESS AND INDEMNIFICATION FOR BRUCE SUMMA; and be it further

RESOLVED,

that the Village Clerk and Village Attorney shall take all steps necessary to ensure that this Resolution takes effect immediately upon passage.

Following a discussion, voting on the pending motion was as follows:

Motion carried: 4-Yes; 1-No (**E. Manzella**)

E. RESOLUTION REGARDING RADIUS INVESTIGATIONS AND ROBIN CRAMER, LLC

Trustee **Johnson** distributed a Resolution Regarding Radius Investigations and Robin Cramer, LLC to members of the Board, Deputy Village Attorney and Village Clerk/Administrator.

A motion was made by **Joseph Johnson** and seconded by **Anne Snyder** to adopt a Resolution Regarding Radius Investigations and Robin Cramer, LLC, to wit:

RESOLVED,

that as Transparency and Openness are key to the Democratic Process and members of the Village Board have systematically been denied information regarding **Radius Investigations, LLC** and **Robin Cramer, PC**, the following directives shall be carried out immediately upon passage of this Resolution and are at the legally-binding direction of the Village Board:

1. The Village Clerk and Village Attorney and their designees are hereby directed to collect all documents, communications, emails, memoranda, recordings and all

other forms of communications including notes of verbal-telephone conversations and meetings, which shall also include all directives issued to and related to:

- a) **Robin Cramer, PC**
- b) **Radius Investigations, LLC**; and

This shall be inclusive of all aforementioned communications and contacts including contracts and contract discussions prior to their hiring and up to and beyond the passage of this Resolution.

This shall also include a full and detailed accounting of all funds disbursed to, and bills received from Robin Cramer and Radius Investigations.

It is further directed that the Village Attorney and/or designees will transfer all aforementioned documents or copies thereof to the Village Board for its review and any possible actions arising from that review.

2. Additionally, the Village Attorney shall ensure that a detailed accounting of all billing and payments made to Radius Investigations for all work performed on behalf of, or related to Mastic Beach Village and made by Germano, Cahill and all others is included in the aforementioned documents. This shall also include directives from the Mastic Beach Village Mayor, Board members, Village Employees, Village Subcontractors or any other designees transmitted in any form to the Village Attorney relating to either of the two investigative firms listed above. It shall also include communications made directly between Board members and both investigative firms.
3. It is further ordered by this duly-empowered Village Board that at the Public Meeting scheduled for April 19, 2016, the Village Clerk shall ensure that all referenced materials and documents referred to within this Resolution will be turned over to the Village Board in Executive Session. These documents will be presented by the Village Clerk and Village

Attorney in an orderly and organized manner with a synopsis and index for each specific group of documents; a printed index of all submitted and provided documents and other data shall be given to each Board Member not later than April 19, 2016.

Upon further direction of this Village Board by way of this Resolution, all aforementioned materials shall be stored in a secure location under the dual control of the Village Clerk and the Deputy Village Clerk. This storage directive and document-handling instruction shall remain in effect until a further vote of the Board of Trustees directs otherwise.

Be it further directed that access will be prohibited by any Board members or Village employees except in the presence of a quorum of the Village Board preceding any additional meetings required to review all aforementioned materials.

4. Finally, it is hereby directed by this Resolution that all contractual activities and further services by either listed investigative firm be suspended immediately and that all contacts between the Village and both companies cease immediately, except to the extent necessary to effectuate the termination of work and the collection of documents.

The Village Clerk, Village Attorney and/or any designees of counsel are hereby directed to carry out the directives contained within this Resolution. If compliance with any part of this Resolution is deemed by any party named herein to be unattainable for any reason, notification of the entire Village Board shall take place immediately and an explanation as to why compliance is not possible shall be contained within that notification.

All actions contained within this Resolution are so ordered immediately upon passage of this Resolution by the Mastic Beach Village Board.

Following a discussion including comments from Deputy Village Attorney **Levin** with respect to the statutory authority of the Mayor and the Board of Trustees, voting on the pending motion was as follows:

Motion carried: 4-Yes; 1-Abstention (**M. Spery**)

7. MOTION TO ENTER EXECUTIVE SESSION

Trustee **Anderson** advised that he was withdrawing the motion to enter executive session as previously noticed by the Board's April 4, 2016, agenda.

8. 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 **Elizabeth Manzella** to wit:

RESOLVED, that the Board of Trustees adjourn its meeting at 12:45 p.m.

Motion carried: 5-Yes; 0-No

Respectfully submitted by:

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

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