

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

BOARD MEETING
MINUTES

Meeting Held at William Paca Middle School
338 Blanco Drive, Mastic Beach, New York 11951
APRIL 19, 2016

PRESIDING OFFICER: Maura P. Spery, *Mayor*

MEMBERS OF THE BOARD OF TRUSTEES PRESENT AND VOTING:

Elizabeth “Betty” Manzella, *Deputy Mayor* (arrived at 8:36 p.m. during Item #6);
Christopher Anderson, Joseph H. Johnson, 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*; Mark Radi, Esq., *Village Insurance Counsel* (Item #21 only; left at 10:26 p.m.); Brian Sokoloff, Esq., *Village Insurance Counsel* (Item #21 only; left at 10:26 p.m.); Susan F. Alevas, Esq., *Village Clerk/Administrator*; Wendy Scharf, *Deputy Village Clerk* (left at 10:02 p.m. after Item #19)

STAFF PRESENT AND REPORTING:

Anne Abel, *Treasurer*; Faith Caglianone, *Accountant*

INVITED GUESTS:

Inspector Gerard McCarthy, *Suffolk County Police Department, Seventh Precinct*;
Police COPE Sergeant Kahl, *Suffolk County Police Department, Seventh Precinct*
(Item #5)

1. **CALL TO ORDER AND WELCOME**

Mayor Spery called the meeting to order at 7:09 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 Baby Joey, who passed on April 16, 2016.

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 Sergeant **Kahl** 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.

6. PUBLIC HEARINGS

A. PIERCING THE TAX CAP

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 permit the Board of Trustees to pierce the tax cap, if necessary, for the 2016-17 fiscal year.

The following individuals addressed the Board of Trustees:

Name:
Susan Steinmann
Victor Zeleny
John DeVito

Name:

John Mutt
Frank Fugarino
Ken Piotrowski
Alan Chasinov
John Lindner

i. CLOSE PUBLIC HEARING

Motion offered by **Maura Spery**, seconded by **Joseph Johnson** to wit:

WHEREAS, the Board of Trustees has conducted a Public Hearing on the subject of a new local law that would permit the Board of Trustees to pierce the tax cap for the 2016-17 fiscal year; 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 adopting a local law to permit the Board of Trustees to pierce the tax cap, if necessary, for the 2016-17 fiscal year.

Motion carried: 4-Yes; 0-No; 1-Absent (**E. Manzella**)

ii. ADOPT LOCAL LAW 4-2016

A motion was made by **Maura Spery** to have the Board of Trustees adopt a local law that would permit the Board of Trustees the option of piercing the tax cap in 2016. There was no vote on this motion as it failed to garner a second.

Trustee **Johnson**, on behalf of he and Trustee **Snyder**, distributed to the members of the Board of Trustees proposed staffing, non-layoff reductions. The Board members will undertake a review of the same in anticipation of an upcoming budget-adoption meeting.

B. TEMPORARY TRAILERS

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

Article XVII, Miscellaneous Provisions, §530-17-1., Temporary Trailers.

The following individuals addressed the Board of Trustees:

Name:

Susan Steinmann

William Biondi

John Lindner

Maureen DiMeo

John Kudreyko

Frank Zulferino

Andrew Lacey

Christopher Ricciardi

i. CLOSE PUBLIC HEARING

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

WHEREAS, the Board of Trustees has conducted a Public Hearing on the subject of a proposed new local law Article XVII, Miscellaneous Provisions, §530-17-1., Temporary Trailers; 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 adopting a new local law to permit the use of temporary trailers and temporary mobile homes.

Motion carried: 4-Yes; 0-No; 1-Absent (**E. Manzella**)

ii. ADOPT LOCAL LAW 5-2016

A motion was made by **Maura Spery** to have the Board of Trustees adopt a Local Law to permit the use of temporary trailers and mobile homes under certain conditions. There was no vote on this motion as it failed to garner a second.

Thereafter the following motion to table action on this proposed local law was made and voted upon as follows.

Motion offered by **Maura Spery**, seconded by **Anne Snyder** to wit:

RESOLVED,

that the Board of Trustees tables action on a proposed local law to permit the use of temporary trailers and mobile homes under certain circumstances.

Motion carried: 4-Yes; 0-No; 1-Absent (**E. Manzella**)

C. FOUR-WAY 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 Section 510-12 of Chapter 510 of the Village Code to add a four-way stop at the intersection of Washington Avenue and Cypress Drive.

The following individuals addressed the Board of Trustees:

Name:

John Mutt

i. CLOSE PUBLIC HEARING

A motion was made by **Maura Spery** to close the public hearing. Before a second on the motion was made, there was a discussion among the Board. Thereafter the Mayor's motion was seconded by **Elizabeth Manzella** with voting on the pending motion as follows.

Motion offered by **Maura Spery**, seconded by **Elizabeth Manzella** 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 to add a four-way stop at the intersection of Washington Avenue and Cypress Drive; 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 amending Section 510-12 of Chapter 510 of the Village Code to

add a four-way stop at the intersection of Washington Avenue and Cypress Drive.

Motion carried: 5-Yes; 0-No

ii. ADOPT LOCAL LAW 6-2016

A motion was made by **Maura Spery** to have the Board of Trustees adopt a Local Law to permit the addition of a four-way stop sign at the intersection of Washington Avenue and Cypress Drive. There was no vote on this motion as it failed to garner a second.

7. ARRIVAL OF DEPUTY MAYOR

At 8:36 p.m., during the public-hearing comments by Mr. **John Mutt**, and before the Board's vote to close the public hearing, Deputy Mayor **Elizabeth Manzella** arrived at the meeting.

8. ACKNOWLEDGMENT OF MINUTES

Mayor **Spery** polled the Board members to see if they have any comments/revisions to the draft April 4, 2016, and April 6, 2016, meeting minutes. Hearing none, the April 4, 2016, and April 6, 2016, Board-meeting minutes were acknowledged as presented.

9. AUTHORIZATION FOR THE PAYMENT OF CLAIMS

At the April 6, 2016, Board of Trustees' meeting, a motion to authorize the payment of claims for Financial Abstract #11(a)-2016 failed for lack of four affirmative votes. At Mayor **Spery's** request, Treasurer **Abel** distributed to the Board members copies of a revised Financial Abstract. A motion was made by **Maura Spery** and before a second was made a discussion among the Board members ensued. Thereafter, Mayor **Spery** called for a second to her pending motion and none was received. A motion was then made by **Elizabeth Manzella** and seconded by **Maura Spery** to table action on this item until the Board's April 25, 2016, meeting. A discussion followed during which Treasurer **Abel** responded to the Board members' questions. At the conclusion of the

discussion, the voting on the pending motion to table was as follows.

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

RESOLVED, that the Board of Trustees tables action on the pending Financial Abstract #11(a)-2016 until the Board's next meeting on April 25, 2016.

Motion carried: 5-Yes; 0-No

10. INTERMUNICIPAL AGREEMENT WITH BROOKHAVEN TOWN

As a follow up to discussions at the March 2, 2016, and April 6, 2016, Board meetings, Mayor **Spery** called for a motion to authorize the Village to enter into an intermunicipal agreement (IMA) with the Town of Brookhaven for the disposal of the Village's street sweepings. The proposed contract, as prepared by the Town of Brookhaven, was reviewed, revised and approved by Village counsel **Michael Cahill, Esq.**

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize an IMA with the Town of Brookhaven for the disposal of the Village's street sweepings. A discussion ensued and Village Attorney **Germano** responded to the Board members' questions. At the conclusion of the discussion, the voting on the pending motion was as follows.

Motion offered by **Maura Spery**, seconded by **Elizabeth Manzella** 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 approves an intermunicipal agreement with the Town of Brookhaven for disposal of the Village's street sweepings, a copy of which is annexed hereto and made a part hereof as **Attachment #1**; and be it further

RESOLVED, that, following review and approval by the Village Attorney, the Board of Trustees authorizes the Mayor to execute said contract on behalf of the Village.

Motion carried: 5-Yes; 0-No

11. AWARD OF WASTE-COLLECTION AND DISPOSAL CONTRACT

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize the award of a waste-collection and disposal contract. A discussion ensued and Village Attorney **Germano** responded to the Board members' questions. At the conclusion of the discussion, the voting on the pending motion was as follows.

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

WHEREAS, on February 12, 2016, the Village published a Notice to Bidders for Bid #2015/16-01 to accept sealed bids for solid waste collection services for the Village for service commencing on June 1, 2016, through May 31, 2021, with five additional one (1) year renewal periods at the option of the Village, under the terms and conditions set forth in the Bid; and

WHEREAS, following a Bidder's Meeting conducted at Village Hall on March 7, 2016, the Village modified the terms and provisions of the bid documents by Addendum No. 1, distributed to all bidders on March 14, 2016, to modify the term of the contract to seven (7) years commencing June 1, 2016, through May 31, 2023, with three additional one (1) year renewal periods at the option of the Village, and further modify provisions governing equipment and insurance; and

WHEREAS, the Village requested two alternate proposals from all bidders: Proposal One for the bidder to be responsible for collection together with the place and cost of disposal, and Proposal Two for the bidder to be responsible for the cost of collection only, either of said proposals to be selected by the Village in its best interest; and

WHEREAS, sealed bids were received by the Village and opened on March 18, 2016; and

WHEREAS, the lowest responsive and responsible bids for Proposals One and Two were submitted by **Quickway Sanitation Corp**; now, therefore, be it

RESOLVED, that the Board of Trustees award the bid of **Quickway Sanitation Corp.**, 50 Miller Place-Yaphank Road, Middle Island, New York 11953, under Proposal One for Residential Solid Waste and Recyclables Collection and Disposal under Bid No. 2015/16-01 is hereby accepted, and a contract for service under Proposal One is hereby awarded; and be it further

RESOLVED, that the Mayor is hereby authorized to execute a contract for such services with **Quickway Sanitation Corp.**, said contract subject to the approval of the Village Attorney as to form.

Motion carried: 5-Yes; 0-No

12. DECLARING A CERTAIN VILLAGE VEHICLE AS SURPLUS

Mayor **Spery** discussed with the Board of Trustees her recommendation to move forward with the disposition of an older Department of Public-Safety vehicle that is too expensive to repair and maintain.

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize a certain Village vehicle as surplus and a discussion among the Board members followed. During the discussion, a motion to table this item was made by **Christopher Anderson** and seconded by **Anne Snyder**. Voting on the pending motion to table was as follows.

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

RESOLVED, that the Board of Trustees tables action on declaring the following Village vehicle to be surplus property of the Village:

1999 four-door Ford CVC sedan, Title and Identification Number 2FAFP71WXXX201780.

Motion carried: 5-Yes; 0-No

13. FINANCIAL-IMPACT STATEMENT

Pursuant to Deputy Mayor **Manzella's** distribution to Board members at the April 6, 2016, a sample copy of a financial-impact statement used by the County of Suffolk when matters are presented to the Suffolk County Legislature, Mayor **Spery** led a discussion among the Board members as to whether they want to adopt a similar form. Deputy Mayor **Manzella** suggested a revised, simplified form. This matter will be discussed by the Board of Trustees at a future meeting.

14. APPLICATION FOR EXTENSION OF BUILDING PERMIT

A. 110 PARKWOOD DRIVE, SHIRLEY, NEW YORK 11967

At the request of Mr. **Robert Francis**, with the support of Village Building Inspector **William Bahnsen**, Mayor **Spery** called for a motion to authorize an extension of a building permit for the premises located at 110 Parkwood Drive, Shirley, New York 11967.

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

WHEREAS, at the request of applicant Mr. **Robert Francis**, and with the support of the Village Building Inspector and Mayor **Spery's** recommendation; now, therefore, be it

RESOLVED, that, pursuant to Village Code Chapter 178-4, *Building Permits*, the Board of Trustees authorizes the granting of an additional building permit to applicant Mr. **Robert Francis** for the premises located at 110 Parkwood Drive, Shirley, New York 11967, for a six-month period; and be it further

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

RESOLVED, that this Resolution shall take effect immediately.

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

15. LEXIS NEXIS PROCEDURES

Pursuant to discussions at the March 22, 2016, Board of Trustees' meeting, Mayor **Spery** led a discussion regarding the proposed procedures governing the use of Lexis-Nexis services moving forward. Additional discussions were deferred until the Board of Trustees is able to enter into executive session.

16. MAYOR'S REPORT

In the interest of time and the remaining items on the meeting agenda, Mayor **Spery** deferred giving her report about Village activities during the past month until a future Board meeting.

17. ADDENDUM

A. H2M PROPOSAL - STORM WATER REPORTS

Pursuant to information previously shared with the Board of Trustees by Deputy Village Attorney **G. William Germano, Jr.**, Mayor **Spery** called for a motion to authorize **H2M** to prepare two required storm water reports on behalf of the Village for the years 2014-15 and 2015-16.

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize the Village to enter into an agreement with **H2M** to prepare two storm water reports and a discussion followed. At the conclusion of the discussion, the voting on the pending motion was as follows.

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 authorizes **H2M Architects and Engineers**, 538 Broadhollow Road, 4th Floor East, Melville, New York 11747, to prepare and file required storm water reports for the Village of Mastic Beach with the New York State Department of Environmental Conservation for the years 2014-15 and 2015-16; and be it further

RESOLVED, that the Board of Trustees authorizes the Mayor to execute an agreement with H2M for this purpose, a copy of which is annexed hereto and made a part hereof as **Attachment #2**; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

18. 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>
Ernest Hoffstaetter, Jr.	Village speed limit; Infighting; Timing of public hearings
Susan Steinmann	Administrative style
Traci (no last name provided)	Bank information
Frank Fugarino	Budget
Alan Chasinov	Budget
Maureen DiMeo	Radius and Cramer Reports
John Mutt	Budget
Susan Steinmann	Radius
William Biondi	Litigation Settlement with the Mastic Beach Property Owners' Association (MBPOA)
Traci (no last name provided)	Audit report
Paul Breschard	Budget

19. MOTION TO ENTER INTO EXECUTIVE SESSION

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

RESOLVED, that the Board of Trustees enter into executive session for the purpose of discussing particular personnel matters and pending litigation, 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 10:02 p.m. and convened the meeting of the Board of Trustees in executive session at 10:12 p.m.

20. DEPARTURE OF DEPUTY VILLAGE CLERK

Deputy Village Clerk **Scharf** left the meeting at 10:02 p.m.

21. EXECUTIVE SESSION

Mayor **Spery**, Deputy Mayor **Manzella**, Trustees **Anderson**, **Johnson** and **Snyder**, Village Attorney **Guy Germano**, Deputy Village Attorney **G. William Germano, Jr.**, Village Insurance Counsel **Mark Radi, Esq.** (left at 10:26 p.m.), Village Insurance Counsel **Brian Sokoloff** (left at 10:26 p.m.) and Village Clerk/Administrator **Alevas** were present in executive session. The Board of Trustees discussed particular personnel matters pending litigation.

22. ADJOURNMENT OF EXECUTIVE SESSION

Motion offered by **Maura Spery**, seconded by **Joseph Johnson** 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 10:46 p.m. and re-convened the Board of Trustees meeting in public session at 10:50 p.m.

23. MEETING ADJOURNMENT

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

Motion offered by **Maura Spery**, seconded by **Anne Snyder** to wit:

RESOLVED, that the Board of Trustees adjourn its meeting at 10:51 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