

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

BOARD MEETING
MINUTES
MAY 17, 2016

PRESIDING OFFICER: Maura P. Spery, *Mayor*

MEMBERS OF THE BOARD OF TRUSTEES PRESENT AND VOTING:

Elizabeth “Betty” Manzella, *Deputy Mayor*; Christopher Anderson, Joseph H. Johnson, and Anne Snyder, *Trustees*

MEMBERS OF THE BOARD OF TRUSTEES ABSENT: None

OFFICIALS OF THE BOARD OF TRUSTEES PRESENT:

G. William Germano, Jr., Esq., *Deputy Village Attorney*; Susan F. Alevas, Esq., *Village Clerk/Administrator*

STAFF PRESENT AND REPORTING:

Anne Abel, *Treasurer* (left the meeting at 9:08 p.m. after Item #19); Paul Feuer, Esq., *Village Prosecutor* (executive session only; left the meeting at 9:11 p.m. during Item #20)

INVITED GUESTS:

Inspector Gerard McCarthy, *Suffolk County Police Department, Seventh Precinct*; Police Officer Brecht, *Suffolk County Police Department, Seventh Precinct*; Police Officer Brooks, *Suffolk County Police Department* (Item #5)

1. CALL TO ORDER AND WELCOME

Mayor Spery called the meeting to order at 7:06 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 Officers **Brecht** and **Brooks** 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. **ACKNOWLEDGMENT OF MINUTES**

Mayor **Spery** polled the Board members to see if they had any comments/revisions to the draft April 29, 2016, and May 4, 2016, meeting minutes, as well as the April 19, 2016, and April 25, 2016, meeting minutes that were presented at the May 4, 2016, Board meeting. Hearing none, the meeting minutes were accepted as presented.

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

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize the payment of claims as presented by the Treasurer. Following a discussion, voting on the pending motion was as follows.

Motion offered by **Maura Spery**, seconded by **Elizabeth Manzella** 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. 12(a)-2016, in the total amount of \$86,810.24, a copy of which is annexed hereto and made a part hereof as **Attachment #1**.

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

8. CALL FOR SPECIAL MEETING

Mayor **Spery** polled Board members for their availability to hold a special meeting for the purpose of entering into executive session to discuss pending litigation with the Board's insurance counsel. It was the consensus of the Board of Trustees that a special meeting be called for 6 p.m. on Monday, May 23, 2016, or 7:00 p.m. on Wednesday, May 25, 2016, or at 6 p.m. on Thursday, May 26, 2016, (whichever date works best for insurance counsel¹) at Village Hall for this purpose. Once insurance counsel confirms the meeting date, the Village Clerk/Administrator will post the requisite meeting notice for this special board meeting.

9. LEXIS NEXIS PROCEDURES

Pursuant to discussions at the March 22, 2016, April 19, 2016, and May 4, 2016, Board of Trustees' meetings, Mayor **Spery** led a discussion regarding the proposed, revised procedures governing the use of Lexis-Nexis services moving forward. Thereafter, the following motion was made and voted upon.

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

WHEREAS, the Board of Trustees has had an opportunity to review and discuss proposed procedures regarding the Village's use of Lexis-Nexis services; and

¹ Following the May 17, 2016, Board meeting, insurance counsel confirmed availability for Monday, May 23, 2016, at 6 p.m. and the appropriate meeting notice was posted by the Village Clerk/Administrator.

- WHEREAS,** upon the recommendation of Mayor **Spery**; now, therefore, be it
- RESOLVED,** that the Board of Trustees adopts the procedures governing the Village's use of Lexis-Nexis services for non-police/governmental entities, a copy of which is annexed hereto and made a part hereof as **Attachment #2**; and be it further
- RESOLVED,** that the Board of Trustees authorizes the reactivation of the Village's Lexis-Nexis account; and be it further
- RESOLVED,** that the Mayor, Village Clerk/Administrator and Treasurer are authorized to undertake all actions necessary in order to effectuate this Resolution, which takes effect immediately.

Motion carried: 5-Yes; 0-No

10. GROSS-RECEIPTS TAX – NEW LOCAL LAW

Pursuant to discussions held at the May 4, 2016, Board meeting, Mayor **Spery** continued discussions with the Board members about whether they want the Village Attorney to further research this matter and develop a proposed new local law that would allow the Village to collect any such gross-receipts taxes that may be available. Thereafter, it was the consensus of the Board of Trustees that the Village Attorney undertake related research and issue the Board of Trustees a legal opinion in this regard.

11. GARBAGE PICK-UP DAYS

Mayor **Spery** led a discussion among Board members about changing the garbage pick-up days, which is the Village's right under the new sanitation-services contract. It was the consensus of the Board of Trustees that, at this time, the garbage pick-up days remain unchanged and that adequate notice of the Wednesday garbage pick-up days for those residents whose garbage is not picked up due to a Monday holiday is made.

12. STAFFING MATTERS

A. COVERAGE AT VILLAGE HALL LOBBY

Mayor **Sperry** led a discussion among Board members about the impact of staffing reductions on the ability of the Village-Hall lobby to be staffed consistently. Upon the recommendation of Deputy Village Attorney **Germano**, it was the consensus of the Board of Trustees that the Village Clerk/Administrator contact Labor Counsel **Gerard Glass, Esq.** for a related legal opinion as to whether non-bargaining unit individuals could provide such substitute coverage.

B. VACANCIES

Mayor **Sperry** led a discussion among Board members about filling staffing vacancies. The Village will proceed to post for these vacant positions.

13. AUTHORIZATION – CO ALARM INSTALLATION

In order to maintain legal compliance for occupancy, a hard-wired carbon-monoxide system must be added to the Village Hall and Village-Hall trailer alarm system. Additionally, some electrical work is needed to remedy wiring issues at Village Hall and the Village-Hall trailer. Following a discussion, it was the consensus of the Board of Trustees that additional price quotes be obtained and subsequently presented to the Board of Trustees for further consideration.

14. MAYOR'S REPORT

Mayor **Sperry** provided her report. A discussion followed during which Deputy Village Attorney **Germano** responded to Board members' questions about whether the Mayor is required to obtain invitations to events to which she is invited in her capacity as Mayor. It was the consensus of the Board of Trustees that this matter be looked into further.

15. **ADDENDUM**

**A. APPLICATION FOR EXTENSION OF BUILDING PERMIT –
13 SHORE DRIVE MASTIC BEACH, NEW YORK 11951**

At the request of Ms. **Mary Anne Toth**, with the support of Village Building Inspector **Teresa Madarasz**, Mayor **Spery** called for a motion to authorize an extension of a building permit for the premises located at 13 Shore Drive, Mastic Beach, New York 11951.

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

WHEREAS, at the request of applicant Ms. **Mary Anne Toth** 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 Ms. **Mary Anne Toth** for the premises located at 13 Shore Drive, Mastic Beach, New York 11951, 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-Abstention (**C. Anderson**)

**B. APPLICATION FOR EXTENSION OF BUILDING PERMIT –
33 OCEAN VIEW DRIVE MASTIC BEACH, NEW YORK
11951**

At the request of Mr. **Ignatius Attard**, with the support of Village Building Inspector **Teresa Madarasz**, Mayor **Spery** called for a motion to authorize an extension of a building permit for the premises located at 33 Ocean View Drive, Mastic Beach, New York 11951.

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

WHEREAS, at the request of applicant Mr. **Ignatius Attard** 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. **Ignatius Attard** for the premises located at 33 Ocean View Drive, Mastic Beach, New York 11951, 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-Abstention (**C. Anderson**)

C. TEMPORARY TRAILERS

Pursuant to the Village's "Notice of Public Hearing", on April 19, 2016, the Board held a public hearing on whether to adopt a new local law entitled, Article XVII, Miscellaneous Provisions, §530-17-1., Temporary Trailers. After a motion was passed and voted upon to close the public hearing on this matter, a second motion was made and voted upon to table action by the Board of Trustees as to whether to adopt this new, proposed local law. Pursuant to a May 13, 2016, email from Mayor **Spery** to the Board, a motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to adopt this new local law. Following a discussion about non-substantive wording changes for which there was Board consensus to make, voting on the pending motion was as follows.

i. ADOPT LOCAL LAW 4-2016

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

- WHEREAS,** the Board of Trustees desires to adopt a Local Law 4-2016 and add a new local law to the Village Code, Article XVII, Miscellaneous Provisions, §530-17-1., Temporary Trailers; and
- WHEREAS,** the Board of Trustees on April 19, 2016, conducted a Public Hearing on the adoption of Local Law 4-2016; and
- WHEREAS,** it is hereby determined that it is in the best interest of the Village of Mastic Beach to proceed with the adoption of Local Law 4-2016; now, therefore, be it
- RESOLVED,** that the Local Law 4-2016 that shall be added to the Village Code shall read as follows:

ARTICLE XVII

Miscellaneous Provisions

§ 530-17-1. Temporary Trailers.

- A. Legislative intent. The Village Board of Trustees of the Village of Mastic Beach hereby finds and determines that under certain specific circumstances, where a single-family dwelling has been rendered uninhabitable by the occurrence of a catastrophic event such as a fire, flood, or otherwise, or due to extensive construction that makes the existing residence uninhabitable, the installment and temporary use of a house trailer or mobile home shall be permitted as a practical economic means of providing for the temporary housing needs of the individual(s) and/or family so displaced, so long as for a reasonable period during which the affected dwelling place shall be repaired and/or reconstructed. Further, it is this Board's specific intent in enacting this section to permit such shelter for temporary occupancy exclusively, and without exception, subject to certain safeguards which will ensure the health, safety, and welfare of such displaced occupants and neighboring residents as well.
- B. House trailers or mobile homes shall be permitted in all residential zoning districts for the temporary use and occupancy of individual(s) displaced by the occurrence of a catastrophic event or extensive construction that renders the dwelling uninhabitable, subject to the following requirements:
- (1) The house trailer or mobile home must be placed on the same plot upon which the damaged dwelling is located or on a contiguous parcel.
 - (2) That appropriate sanitary, water supply and electrical service shall be installed as evidenced by approval and permit of the Suffolk County Department of Health Service, the Building Inspector, and/or an electrical inspection company.

- C. No house trailer or mobile home, as authorized herein, shall be located upon and/or installed upon a residentially zoned lot or parcel unless a permit therefor shall be issued by the Building Inspector, who shall take into consideration the following factors prior to his or her approval of the installation:
- (1) The availability and accessibility of necessary utilities.
 - (2) The front, side and backyard setbacks to be provided from the temporary installation of the house trailer or mobile home.
 - (3) The extent of intrusion upon neighboring residentially developed properties.
 - (4) Such other factors as s/he shall deem relevant to the health, safety and welfare of the displaced occupant(s).
- D. The length of time such house trailer or mobile home shall be permitted to remain is one year with two six-month extensions of time upon application by the permit holder to the Building Inspector. Any additional extension of time beyond the permit period, and any extensions thereof, shall be by application to the Board of Trustees, which, upon reasonable cause being shown, may extend said permit.
- E. The Building Inspector is hereby authorized to revoke any permit issued here in the exercise of reasonable discretion, upon due investigation where s/he determines that the temporary house trailer or mobile home is being used in an unsafe manner or in violation of provisions of this section. The permit shall remain revoked until such time as the permit holder demonstrates compliance of the provisions of the section. Written notice of said contemplated revocation shall be made by personal service or by certified or registered return receipt mail at least five business days prior to such said revocation.
- F. In the event that the house trailer or mobile home is not removed at the end of the permit period, and any extensions thereof, or within 14 days after the issuance of a certificate of occupancy for the single-family dwelling, whichever is earlier, the owner of the house trailer, mobile home or home owner shall be fined \$75/day for each day that it remains beyond the expiration of the permit.
- G. For each and every violation of this section, the owner of the parcel or lot where such violation has been committed shall be guilty of a violation of this section, which violation shall be punishable in accordance with the provisions set forth in § 1-1 of this Code. Each day's continued violation shall constitute a separate and distinct additional violation.

- H. If any clause, sentence, paragraph, subdivision, section or other part of this section shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remainder of this section, and it shall be construed to have been the legislative intent to enact this section with such unconstitutional and/or invalid parts therein; and be it further

RESOLVED, that the Village Clerk/Administrator is hereby authorized to execute any and all documents necessary to complete the adoption of Local Law 4-2016; and be it further

RESOLVED, that Local Law 4-2016 shall take effect upon filing with the Secretary of State.

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

D. CODE-ENFORCEMENT SUPERVISOR

Due to the resignation of Code-enforcement Supervisor **Michael Maffei**, effective at the close of business on May 27, 2016, and in the interest of stability and continuity during this transitional period, the Village should not be without a Code Supervisor. At the request of Deputy Mayor **Manzella**, Mayor **Sperry** called for a motion to appoint a part-time Code Supervisor. A motion was made by **Maura Sperry** and seconded by **Elizabeth Manzella** to make this interim appointment. During a discussion on the pending motion, the following motion to table action until after executive session was made and voted upon as follows.

Motion offered by **Anne Snyder**, seconded by **Elizabeth Manzella** to wit:

WHEREAS, the Board of Trustees has received written notice of Code Supervisor **Michael Maffei's** resignation, effective at the close of business on May 27, 2016; and

WHEREAS, it is in the Village's best interest of stability and continuity to appoint a new part-time Code Supervisor; now, therefore, be it

RESOLVED, that the Board of Trustees tables action on this matter until after its executive session later in the meeting.

Motion carried: 5-Yes; 0-No

16. PUBLIC COMMENT

Mayor **Spery** invited those members of the public who signed in to speak to address the Board of Trustees. In keeping with the Board's existing *Rules of Procedure*, each member of the public will be given five (5) minutes to address the Board of Trustees.

The following individuals addressed the Board of Trustees.

<u>Name:</u>	<u>Topic:</u>
John Mutt	Donation
Susan Steinmann	Village well being and conflict
Frances Farley	273 and 277 McKinley Drive; Rental permits
Darrin Harsch	Lobby coverage; House being auctioned next to Post Office
Frank Fugarino	Loss of reports by Trustees; Rental permits; Offer to volunteer as Code-Enforcement Supervisor; Freedom-of- Information requests

17. MEETING RECESS

Mayor **Spery** recessed the meeting at 8:56 p.m. and resumed the meeting at 8:59 p.m. with the continuation of public comment.

18. RESUMPTION OF PUBLIC COMMENT

<u>Name:</u>	<u>Topic:</u>
Aida Wetzel	Support for donation program for Village; Village-Hall lobby coverage; Job postings; Mail addressed to the Mayor
Alan Chasinov	Rentals; Budget
Aida Wetzel	Rental-registration sticker idea
Frances Farley	GoFundMe account for Village beautification

19. 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 **Elizabeth Manzella** to wit:

RESOLVED, that the Board of Trustees enter into executive session for the purpose of discussing particular matters 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 9:08 p.m. and convened the Board of Trustees' meeting in executive session at [REDACTED]² p.m.

20. EXECUTIVE SESSION

Mayor **Spery**, Deputy Mayor **Manzella**, Trustees **Anderson, Johnson** and **Snyder**, Deputy Village Attorney **G. William Germano, Jr.** and Village Prosecutor **Paul Feuer, Esq.** were present in executive session. The Board of Trustees discussed particular legal and personnel matters.

During the executive-session discussions, the following departures and arrivals occurred:

- Mr. **Feuer** left the meeting at 9:11 p.m.
- Trustee **Snyder** left the meeting at 9:52 p.m. and returned to the meeting at 9:54 p.m.
- Trustee **Johnson** left the meeting at 10:25 p.m. and returned to the meeting at 10:27 p.m.
- Village Clerk/Administrator **Alevas** joined the executive session at 10:27 p.m.

² As of the publication of these draft minutes, this information was not provided to the Village Clerk/Administrator.

21. ADJOURNMENT OF EXECUTIVE SESSION

Motion offered by **Maura Spery**, seconded by **Elizabeth Manzella** 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 10:34 p.m. and re-convened the Board of Trustees' meeting in public session at 10:35 p.m.

22. ACTIONS ARISING OUT OF EXECUTIVE SESSION

Pursuant to the Board's motion to table action on an interim Code-enforcement Supervisor appointment passed earlier in the meeting, Mayor **Spery** called for a motion to make this appointment.

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

WHEREAS, the Board of Trustees has received written notice of Code Supervisor **Michael Maffei's** resignation, effective at the close of business on May 27, 2016; and

WHEREAS, it is in the Village's best interest of stability and continuity to appoint a new part-time Code Supervisor; and

WHEREAS, at the request of Deputy Mayor **Manzella** and upon the recommendation of Mayor **Spery**; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the part-time appointment of former Code-Enforcement Supervisor **Anthony Prudenti** as Code-Enforcement Supervisor (Suffolk County Civil Service Job Title #5179; Suffolk County Civil Service Job Duties Statement #14-1172), at an hourly salary of \$25.00 per hour, maximum of twenty (20) hours, effective May 28, 2016, with accrued leave benefits at the rate currently in effect for part-time Village employees; and be it further

RESOLVED, that the Village Clerk/Administrator and the Treasurer are authorized to take all actions necessary to effectuate this Resolution; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

23. MEETING ADJOURNMENT

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

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

RESOLVED, that the Board of Trustees adjourn its meeting at 10:36 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