

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

BOARD MEETING
MINUTES
JUNE 21, 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:

Guy W. Germano, Esq., *Village Attorney*; 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 10:20 p.m. after Item 26); Carlo Grover, *Fire Marshal* (Items #11 and 12 only); Deborah Slack, *Grants Technician* (Item # 19 only)

INVITED GUESTS:

Inspector Gerard McCarthy, *Suffolk County Police Department, Seventh Precinct*; Police Officer Lebron, *Suffolk County Police Department, Seventh Precinct*; Police Sergeant O’Reilly, *Suffolk County Police Department* (Item #5)

1. CALL TO ORDER AND WELCOME

Mayor Spery called the meeting to order at 7:04 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**, Police Sergeant **O'Reilly** and Police Officer **Lebron** 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 that were posed to him.

6. ACKNOWLEDGMENT OF MINUTES

Mayor **Spery** polled the Board members to see if they had any comments/revisions to the draft June 1, 2016, and June 14, 2016, meeting minutes. 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. 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(c)-2015-16, in the total amount of \$5,143.57, a copy of which is annexed hereto and made a part hereof as **Attachment #1**.

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

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(d)-2015-16, in the total amount of \$104,332.15, a copy of which is annexed hereto and made a part hereof as **Attachment #2**.

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

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize the payment of claims. 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. 1(a)-2016-17, in the total amount of \$12,096.95, a copy of which is annexed hereto and made a part hereof as **Attachment #3**.

Motion carried: 5-Yes; 0-No

Following the vote above, Treasurer **Anne Abel** was thanked for sharing related budget reports.

8. REQUEST FOR BIDS – SIDEWALK-PAVING PROJECT

Mayor **Spery** called for a motion to authorize the Village to solicit bids for a sidewalk-paving project to pave the sidewalk from Neighborhood Road to Bayview Park so as to not lose a grant the Village received from the County of Suffolk.

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize the Village to solicit bids for a grant-funded sidewalk-paving project. Following a discussion, during which Grants Technician **Deborah Slack** and the Village Attorney responded to questions, the following motion to table was made and voted upon as follows.

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

WHEREAS, the Mayor has recommended that the Village solicit bids for a grant-funded sidewalk-paving project; now, therefore, be it

RESOLVED, that the Board of Trustees tables action on this item; and be it further

RESOLVED, that this matter shall be included on the Board of Trustees' July 6, 2016, meeting agenda and shall reflect that the Village Attorney and the Village Engineer shall prepare the related bid specifications for this grant-funded project and that Treasurer **Anne Abel** shall provide the Board of Trustees with a related Financial-Impact Statement for this project.

Motion carried: 5-Yes; 0-No

9. INTERMUNCIPAL AGREEMENTS (IMA's) – TOWN OF BROOKHAVEN

A. RECYCLABLES

Village counsel **Michael Cahill** reviewed and approved the proposed intermunicipal agreement (IMA) with the Town of Brookhaven for recyclables.

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize the Village to enter into an IMA with the Town of Brookhaven for recyclables. Following a discussion during which the Village Attorney responded to the Board members' questions, partial 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 recyclables; 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 recyclables, a copy of which is annexed hereto and made a part hereof as **Attachment #4**; and be it further

RESOLVED, it is the responsibility of the Village's garbage contractor, **Quickway Sanitation Corp.**, PO Box 5630, Miller Place, New York 11764, to pick up the recyclables and deliver them to the Town of Brookhaven or as otherwise designated by the Board of Trustees; and be it

RESOLVED, that the Board of Trustees authorizes the Mayor to execute said contract on behalf of the Village.

Mayor **Spery** called for a vote on the pending motion to which she and Deputy Mayor **Manzella** voted yes. The remaining Board members did not cast a vote. Accordingly, the motion failed for lack of three affirmative votes.

Thereafter, 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 Mayor has requested authorization to enter into an IMA with the Town of Brookhaven for recyclables; now, therefore, be it

RESOLVED, that the Board of Trustees tables action on this item and further instructs the Village Attorney to attempt to negotiate with the Town of Brookhaven for a contractual term of two years.

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

B. YARD WASTE

Village counsel **Michael Cahill** reviewed and approved the proposed intermunicipal agreement (IMA) with the Town of Brookhaven for yard waste.

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize the Village to enter into an IMA with the Town of Brookhaven for yard waste. Following a discussion during which the Village Attorney responded to the Board members' questions, 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 yard waste; 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 yard waste, a copy of which is annexed hereto and made a part hereof as **Attachment #5**; and be it further

RESOLVED, it is the responsibility of the Village's garbage contractor, **Quickway Sanitation Corp.**, PO Box 5630, Miller Place, New York 11764, to pick up the yard-waste materials and deliver them to the Town of Brookhaven or as otherwise designated by the Board of Trustees; and be it

RESOLVED, that the Board of Trustees authorizes the Mayor to execute said contract on behalf of the Village.

Motion carried: 4-Yes; 0-No; 1-Abstain (**A. Snyder**)

10. PERSONNEL ACTIONS

A. REINSTATEMENT TO FULL-TIME POSITION

i. JENNIFER RUMSEY

Pursuant to discussions held at the May 23, 2016, and June 1, 2016, Board of Trustees' meeting, Mayor **Spery** called for the following motion.

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize a reinstatement of an employee. Following a discussion during which Clerk/Administrator **Alevas**, Treasurer **Abel** and Village Attorney **Germano** responded, voting on the pending motion was as follows.

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

WHEREAS, Treasurer **Anne Abel** has provided the Board of Trustees with a Financial-Impact Statement confirming that funds are available in the 2016-17 budget to reinstate Ms. **Jennifer Rumsey** to a full-time Neighborhood Aide position; and

WHEREAS, the Board's Labor Counsel **Gerard Glass** has confirmed that the Board can unilaterally reinstate Ms. **Rumsey** to this full-time position should it wish; and

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

RESOLVED, that the Board of Trustees authorizes the reinstatement of Ms. **Jennifer Rumsey** to a full-time Neighborhood Aide position (forty hours per week) (Suffolk County Civil Service Job Title #3706; Suffolk County Civil Service Job Duties Statement #15-1956), with all insurance and accrued-leave benefits provided to full-time employees, at the same hourly-salary rate of \$14.00, effective June 1, 2016; and be it further

RESOLVED, that the Board of Trustees authorizes the Village Clerk/Administrator and the Village Treasurer to undertake all actions necessary to effectuate this Resolution.

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

B. PART-TIME APPOINTMENTS

i. JEFFREY BERGENTI – CODE-ENFORCEMENT OFFICER

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize a part-time appointment. Following a discussion during which Clerk/Administrator **Alevas** and Village Attorney **Germano** responded, 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 the appointment of Mr. **Jeffrey Bergenti** to a part-time Code-Enforcement Officer position (twenty hours per week; replacing Ms. **Laurie Schwetje**) (Suffolk County Civil Service Job Title #5176; Suffolk County Civil Service Job Duties Statement #11-0949), with prorated accrued-leave benefits provided to part-time employees, at the hourly-salary rate of \$13.39, effective June 22, 2016, and contingent upon the successful passing of a drug test and criminal-background check; and be it further

RESOLVED, that the Board of Trustees authorizes the Village Clerk/Administrator and the Village Treasurer to undertake all actions necessary to effectuate this Resolution, including the use of the Village's credit card to pay for the background-check costs.

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

ii. DANIEL MADSEN – CODE-ENFORCEMENT OFFICER

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 the appointment of Mr. **Daniel Madsen** to a part-time Code-Enforcement Officer position (twenty hours per week; replacing Mr. **Philip DiMaio**) (Suffolk County Civil Service Job Title #5176; Suffolk County Civil Service Job Duties Statement #11-0949), with prorated accrued-leave benefits provided to part-time employees, at the hourly-salary rate of \$13.39, effective June 22, 2016, and contingent upon the successful passing of a drug test and criminal-background check; and be it further

RESOLVED, that the Board of Trustees authorizes the Village Clerk/Administrator and the Village Treasurer to undertake all actions necessary to effectuate this Resolution, including the use of the Village's credit card to pay for the background-check costs.

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

iii. GEORGE FINA – PART-TIME LABORER

Treasurer **Anne Abel** has confirmed that the 2016-17 budget has funds appropriated for a part-time (20 hours per week) Laborer, Accordingly, Mayor **Spery** called for a related motion to fill this position.

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 the re-appointment of Mr. **George Fina's** part-time, Laborer position (Suffolk County Civil Service Job Duties Statement #13-1132), at an hourly rate of \$12.00, for a maximum of twenty (20) hours per week, effective June 22, 2016, and contingent upon the successful passing of a drug test and criminal-background check, 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, including the use of the Village's credit card to pay for the background-check costs.

Motion carried: 5-yes; 0-No

iv. DINA INGHAM – PART-TIME CLERK-TYPIST

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 the appointment of Ms. **Dina Ingham** to the part-time position of Clerk-typist (Suffolk County Civil Service Title #0021; Suffolk County Civil Service Duties Statement #11-1106), at an hourly salary of \$14.00 per hour, maximum of twenty (20) hours, effective June 22, 2016, and contingent upon the successful passing of a drug test and criminal-background check, 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 failed: 2-Yes; 3-No (**C. Anderson, J. Johnson, A. Snyder**)

v. ANTHONY PRUDENTI – CODE-ENFORCEMENT SUPERVISOR

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to appoint a part-time employee. Following a discussion during which Clerk/Administrator **Alevas** responded, 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 the appointment of interim, part-time Code-Enforcement Supervisor **Anthony Prudenti** to fill the part-time Code-Enforcement Supervisor vacancy, (Suffolk County Civil Service Title #5179; Suffolk County Civil Service Duties Statement #14-1172, at an hourly salary of \$25.00 for a maximum of 20 hours per week, and contingent upon the successful passing of a drug test and criminal-background check, 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 failed: 2-Yes; 3-No (**C. Anderson, J. Johnson, A. Snyder**)

It was the consensus of the Board members that Mr. **Prudenti** continue in this role on an interim basis as was previously authorized by the Board of Trustees.

11. 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. Pursuant to discussions at the May 17, 2016, and June 1, 2016, Board meetings, Mayor **Sperry** led a discussion among the Board members regarding the written estimates for both electrical work and alarm installation.

Fire Marshal **Carlo Grover** responded to questions posed by members of the Board of Trustees. Following a discussion, it was the consensus of the Board members that a purchase order be prepared and signed to permit the work by **A-Net Technologies, Inc.**, 20 Pinetop Drive, Shirley, New York 11967, in the estimated amount of \$3,000.44. The Board did not take any action relating to the Fire Marshal's recommendations to address electrical work needed at both Village Hall and the Village-Hall trailer.

12. AUTHORIZATION FOR ROAD CLOSURE – BLOCK PARTY

With the support of Fire Marshal **Carlo Grover**, Mayor **Spery** asked Mr. **Grover** to brief the Board members concerning a request for a road closure. Following Mr. **Grover's** report, the following motion was made and voted upon.

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

WHEREAS, the Village Fire Marshall has reviewed an application to authorize a road closure relating to a block party set for July 3, 2016, involving a section of Aspen Road and Neighborhood Road, Mastic Beach, New York 11951; and

WHEREAS, with the support of Fire Marshal **Carlo Grover**, and upon the recommendation of Mayor **Spery**; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the closure of a section of Aspen Road and Neighborhood Road, Mastic Beach, New York 11951, on July 3, 2016, for a block party; and be it further

RESOLVED, that the Fire Marshal is authorized to undertake all actions necessary to effectuate this Resolution.

Motion carried: 5-Yes; 0-No

13. GRACE LUTHERAN REQUEST

Pursuant to discussions at the June 1, 2016, Board meeting, the Board of Trustees was given a copy of the Village's Zoning-fee schedule. Accordingly, Mayor **Spery** led a discussion among the Board members about the written request from **Grace Lutheran Church** for a single flat fee of \$150.00 be approved for the Church's application for Zoning Approval of Setbacks and its application for a Certificate of Existing Use. 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 received a request from the **Grace Lutheran Church** requesting a reduced, flat fee for its Zoning application; now, therefore, be it

RESOLVED, that the Board of Trustees authorize the request of **Grace Lutheran Church** for a flat fee of \$150.00 for the Church's application for Zoning approval of setbacks and its application for a Certificate of Existing (CEU) use.

Motion failed: 0-Yes; 5-No

14. COLLECTION OF BACK TAXES, FINES AND FEES

Mayor **Sperry** led a discussion with the Board members about whether to solicit Requests-for-Proposals (RFP's) or engage a contract under another municipality (i.e., Suffolk County) for services to collect back taxes, fines and fees that remain outstanding and owing to the Village. Additionally, Treasurer **Abel** provided related information. After a discussion, the following motion was made and voted upon.

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

WHEREAS, it is in the Village's best interest to collect as much as reasonably possible of all overdue fines, taxes and fees that are owed to the Village; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the Village Attorney to work with the Village Treasurer to prepare a Request-for-Proposal (RFP) to solicit interest from collection companies for this purpose.

Motion carried: 5-Yes; 0-No

15. COMPREHENSIVE PLAN

Based upon email correspondence the Mayor had sent to the Board, she withdrew this item from the agenda.

16. **BOARD APPOINTMENTS – PLANNING AND ZONING BOARDS**

A. CHARLES ANGONA – PLANNING BOARD

Mayor **Spery** called for a Resolution to appoint a member to the Village Planning Board. Since the time of the Board's Annual Reorganization meeting, no additional résumés have been filed with the Village Clerk/Administrator.

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

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

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

RESOLVED, that the Board of Trustees authorizes Mayor **Spery's** appointment of Mr. **Charles Angona** to fill a vacancy on the Village Planning Board, effective immediately and continuing through April 5, 2021; and be it further

RESOLVED, that this Resolution shall take effect immediately.

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

B. FRANK FUGARINO – PLANNING BOARD

A motion was made by **Joseph Johnson** and seconded by **Anne Snyder** to appoint Mr. **Frank Fugarino** to the Planning Board. A discussion followed during which time Village Attorney **Germano** advised the Board of Trustees that such appointments could only be made upon the Mayor's recommendation. Thereafter, the following motion, as amended, was made and voted upon.

Motion offered by **Joseph Johnson**, seconded by **Anne Snyder** to wit:

RESOLVED, that the Board of Trustees appoints Mr. **Frank Fugarino** to fill a vacancy on the Village Planning Board, effective immediately and continuing through April 5, 2021; and be it further

RESOLVED, that this Resolution is contingent upon the further legal research of the Village Attorney and his related opinion to the Board that this action, without the recommendation of the Mayor, is legally sufficient.

Motion carried: 3-Yes; 1-No (**E. Manzella**) with the Mayor not casting a vote

C. ANDREW LACEY – ZONING BOARD OF APPEALS

Mayor **Spery** called for a Resolution to appoint a member to the Village Zoning Board of Appeals. Since the time of the Board's Annual Reorganization meeting, no additional résumés have been filed with the Village Clerk/Administrator.

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

WHEREAS, it is in the Village's best interests to have a fully functioning Zoning Board of Appeals; and

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

RESOLVED, that the Board of Trustees authorizes Mayor **Spery's** appointment of Mr. **Andrew Lacey** to fill a vacancy on the Village Zoning Board of Appeals, effective immediately and continuing through April 5, 2021; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Vote on motion: 3-Yes; 2-No (**C. Anderson, A. Snyder**)

17. SANITARY-FLOW CREDITS

Pursuant to a request from Mr. **Joseph Ercole**, and related discussions at the June 1, 2016, Board meeting, Mayor **Spery** asked the Village Attorney to discuss with the Board what actions the Village might wish to take concerning Mr. **Ercole's** recent request. Following Village Attorney **Germano's** review of this request, it was the consensus of the Board members that no further action be taken in this regard.

18. VIOLET-COVE PROPERTY

Pursuant to discussions at the June 1, 2016, Board of Trustees' meeting, Mayor **Spery** led a discussion with the Board members about whether the Village is interested in acquiring the property at Violet Cove. Village Attorney **Germano** briefed the Board of Trustees regarding his conversation with the Suffolk County. Mr. **Germano** advised the Board it may wish to speak with its local legislator about introducing and sponsoring a bill regarding the Village's interest in this property. Accordingly, it was the consensus of the Board members that such an expression-of-interest Resolution be included on the July 6, 2016, agenda.

19. GRANT-WRITING SERVICES

Mayor **Spery** called for a Resolution to authorize the Village to enter into a new grant-writing contract with **Endeavor Municipal Development, Inc.**

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize the extension of a contract with one of the Village's grant writers. After a discussion, 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 interests to maximize its opportunities to secure grant-funding awards; and

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

RESOLVED, that the Board of Trustees wishes to continue its contractual relationship with **Endeavor Municipal Development, Inc.**; and be it further

RESOLVED, that the Board of Trustees authorizes the Mayor to execute a new agreement, contingent upon the Village Attorney's review and approval, with **Endeavor Municipal Development, Inc.** P.O. Box 187, Germantown, New York 12526, a copy of which is

annexed hereto and made a part hereof as **Attachment #6**; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

20. CALL FOR SPECIAL HEARING – CHANGE OF ZONING

The Village Clerk/Administrator received a copy of Mr. **Mohammad Waraich's** application for a change of property zoning together with a copy of the Planning Board's recommendation that the Board of Trustees amend the Village Zoning Map and grant the change as petitioned by Mr. **Waraich**. Accordingly, Mayor **Spery** called for a special hearing on this requested change of zoning.

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize the setting of a public hearing on an application for a change of property zoning. After a discussion, voting on the pending motion was as follows.

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

WHEREAS, upon the application of Mr. **Mohammad Waraich** for a change in zoning, together with the Village Planning Board's recommendation that the Board of Trustees adopt such change; now, therefore, be it

RESOLVED, that the Board of Trustees shall conduct a public hearing on this matter at its meeting on Tuesday, July 19, 2016, at 7 p.m.; and be it further

RESOLVED, that the Village Clerk/Administrator is authorized to publish a related legal notice relating to this public hearing; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

21. USE OF MARINA 5

As the transfer of title regarding the settlement agreement between the Village and the Mastic Beach Property Owners' Association (MBPOA) is imminent, Mayor **Sperry** led a discussion with Board members about the management of Marina 5, as well as how to approach the Federal Emergency Management Agency (FEMA) about whether the Village, as a party-in-interest, can obtain FEMA funding for Hurricane Sandy damage to Marina 5.

Thereafter, a motion was made by **Joseph Johnson** and seconded by **Christopher Anderson** to stop all actions relating to the implementation of the settlement agreement between the Village and the Mastic Beach Property Owners' Association (MBPOA). After a discussion, voting on the pending motion was as follows.

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

RESOLVED, that the Board of Trustees directs that all actions concerning the litigation settlement between the Village and the Mastic Beach Property Owners' Association (MBPOA) cease immediately, including and limited to a stop-work order on the execution of anything until further action of the Board of Trustees; and be it further

RESOLVED, that the Board of Trustees will schedule a meeting to conduct related discussions with Special Counsel **J. David Eldridge**, who is the attorney handling this matter for the Village; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 3-Yes; 1-Abstention (**E. Manzella**) with the Mayor not casting a vote

After the voting on the foregoing motion was concluded, Village Attorney **Germano** responded to Trustee **Johnson's** question about the legality of the Resolution.

22. ADDENDUM

A. PROCLAMATION – FRANK PERINO

Mayor **Spery** called for a motion to authorize a Proclamation be presented to Mr. **Frank Perino** for his actions in helping the police apprehend alleged suspects in a recent robbery.

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

WHEREAS, upon Mayor **Spery's** recommendation; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the Mayor to present to Department of Public Works employee Mr. **Frank Perino** a Proclamation from the Mayor, Deputy Mayor and Trustees recognizing with appreciation his heroism and quick thinking in helping Suffolk County Police Department personnel in apprehending alleged suspects in a recent robbery; and be it further

RESOLVED, that the Mayor and Village Clerk/Administrator are authorized to undertake all actions necessary to effectuate this Resolution, which shall take effect immediately.

Motion carried: 5-Yes; 0-No

23. 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.

Name:
Alan Chasinov on behalf of
John Mutt
Theresa Pavanello

Topic:
Donations toward the deficit
Submitted a copy of a petition to
stop additional convenience
stores opening along
Neighborhood Road

24. DEPARTURE AND RETURN OF VILLAGE ATTORNEY

During Item #23 above, Village Attorney **Germano** left the meeting at 9:23 p.m. and returned to the meeting at 9:27 p.m.

25. REFERRAL OF MATTER TO PLANNING BOARD

Following a discussion about Ms. **Theresa Pavanello's** submission to the Village Clerk/Administrator of a copy of a petition to stop additional convenience stores opening along Neighborhood Road, the following motion was made and voted upon.

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

WHEREAS, at this Board meeting, Ms. **Theresa Pavanello** submitted to the Village Clerk/Administrator a copy of a petition to stop additional convenience stores opening along Neighborhood Road, Mastic Beach, New York 11951; now, therefore, be it

RESOLVED, that the Board of Trustees refers this petition to the Village Planning Board for review and recommendations to the Board of Trustees; and be it further

RESOLVED, that the Village Clerk/Administrator is authorized to undertake all actions necessary to effectuate this Resolution.

Motion carried: 5-Yes; 0-No

26. RESUMPTION OF PUBLIC COMMENTS

Name:

John Mutt

William Biondi

Topic:

Donation to reduce deficit

Sidewalk contractor; upgrade microphones; his meeting with Mr. Jon Kaiman and then-New York State Senator Lee Zeldin regarding land acquisition

Darrin Harsch	Purchase of Violet Cove; Union and union dues
Marsha Faison	High-grass concerns; Union (no dues; no union); Applications for employment
Frances Farley	Rental permits; Violet Cove; Drug epidemic
Ewa Wolmut-Stankiewicz	Employment applications; Attorney's opinions; Violet Cove; Union; Garbage collection; Agreement with stopping implementation of Waterfront agreement
Aida Wetzel	Sidewalk project; Billing property owners who leave garbage behind; Neighborhood Aide position; Village-Hall hours; Inspection stickers; Scanner for inspectors; donation checks; Block party; Violet Cove; Curfew for children; Employment applications
Tom Fox	Waterfront settlement and public input for waterfront use and development; Marina 5
Alan Chasinov	NYCOM and Mayor's hiring recommendations; Village Attorney Germano and litigation settlement between Village and Mastic Beach Property Owners' Association (MBPOA)
Nicholas Busa	Village Crier email, "Dissolve or Not to Dissolve"; Article 78 on litigation settlement

27.

MOTION TO ENTER INTO EXECUTIVE SESSION

Mayor **Sperry** requested a motion for the Board of Trustees to enter into executive session for the purpose of discussing particular

personnel and contractual/negotiations matters, as is permitted under the *New York State Public Officers Law*.

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to enter into executive session. Before this pending motion was voted upon, the following motion was made and voted upon.

**28. PUBLIC HEARING –
LITIGATION SETTLEMENT BETWEEN VILLAGE AND MASTIC
BEACH PROPERTY OWNERS’ ASSOCIATION (MBPOA)**

A motion was made by **Joseph Johnson** to call for a public hearing on the litigation settlement between the Village and the Mastic Beach Property Owners’ Association (MBPOA). Before a second on this motion was made, a discussion among the Board members ensued. It was the consensus of the Board members that the Village Clerk/Administrator contact Special Counsel **J. David Eldridge** and obtain suggested dates Mr. **Eldridge** would be available to attend a public hearing starting at 7 p.m.

**29. RESUMPTION OF PENDING MOTION –
ENTER INTO EXECUTIVE SESSION**

Pursuant to the pending motion that was made in Item #27 above, voting was as follows.

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 personnel and contractual/negotiations matters, 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 10:21 p.m. and convened the Board of Trustees’ meeting in executive session at 10:27 p.m.

30. EXECUTIVE SESSION

Mayor **Spery**, Deputy Mayor **Manzella**, Trustees **Anderson, Johnson** and **Snyder**, Village Attorney **Guy W. Germano, Esq.**, Deputy Village Attorney **G. William Germano, Jr.** and Village Clerk/Administrator **Susan F. Alevas, Esq.** were present in executive session. The Board of Trustees discussed particular personnel and contractual/negotiations matters.

31. 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 11:29 p.m. and re-convened the Board of Trustees' meeting in public session at 11:30 p.m.

32. 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 **Elizabeth Manzella** to wit:

RESOLVED, that the Board of Trustees adjourn its meeting at 11:31 p.m.

Motion carried: 5-Yes; 0-No

Respectfully submitted,

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