

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

BOARD MEETING
MINUTES
JULY 19, 2016

PRESIDING OFFICER: Maura P. Spery, *Mayor*

MEMBERS OF THE BOARD OF TRUSTEES PRESENT AND VOTING:

Christopher Anderson, Joseph H. Johnson, and Anne Snyder, *Trustees*

MEMBERS OF THE BOARD OF TRUSTEES ABSENT: Elizabeth "Betty" Manzella,
Deputy Mayor

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*

INVITED GUESTS:

Inspector **Gerard McCarthy**, *Suffolk County Police Department, Seventh Precinct*;
Police Officer **Anson**, *Suffolk County Police Department, Seventh Precinct*; COPE
Police Officer **Casper**, *Suffolk County Police Department (Item #5)*

1. **CALL TO ORDER AND WELCOME**

Mayor **Spery** called the meeting to order at 7:00 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**, who introduced Police Officer **Anson** and new COPE Police Officer **Casper** 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. RESCHEDULE PUBLIC HEARING – CHANGE OF ZONING

Pursuant to a legal notice, dated June 29, 2016, a public hearing on a requested change of zoning submitted to the Board of Trustees by Mr. **Mohammad Waraich** was to be held at this meeting. Earlier in the day, the Village was advised that the applicant did not meet the notice requirements for this hearing and, thus, it could not be held. Accordingly, Mayor **Spery** called for a motion to reschedule this public hearing.

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

WHEREAS,

as Mr. **Mohammad Waraich** did not meet the legal notice requirements necessary for the Board of Trustees to hold the scheduled public hearing at this meeting; now, therefore, be it

RESOLVED,

that the Board of Trustees shall reschedule a public hearing on this matter at its meeting on Tuesday, August 16, 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 the applicant shall pay for the cost of the Village's legal notice; and be it further

RESOLVED, this Resolution shall take effect immediately.

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

7. ACKNOWLEDGMENT OF MINUTES

Mayor **Spery** polled the Board members to see if they had any comments/revisions to the draft July 6, 2016, meeting minutes. Hearing none, the meeting minutes were accepted as presented.

8. AUTHORIZATION FOR THE PAYMENT OF CLAIMS

A. 2016-17

A motion was made by **Maura Spery** and seconded by **Joseph Johnson** to authorize the payment of claims. After a discussion, voting on the pending motion was as follows.

Motion offered by **Maura Spery**, seconded by **Joseph Johnson** 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. 2(a)-2016-17, in the total amount of \$116,293.50, a copy of which is annexed hereto and made a part hereof as **Attachment #1**.

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

B. 2015-16

Motion offered by **Maura Spery**, seconded by **Joseph Johnson** 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. A12f-2015-16, in the total amount of \$1,485.21, a copy of which is annexed hereto and made a part hereof as **Attachment #2**.

Motion carried: 3-Yes; 1-No (**C. Anderson**); 1-Absent (**E. Manzella**)

9. BOARD APPOINTMENT – PLANNING BOARD

Mayor **Spery** called for a motion to appoint a member to the Village Planning Board since the Board's June 21, 2016, resolution to appoint Mr. **Frank Fugarino** absent the Mayor's recommendation was deemed by the Village Attorney to be legally void. Since the time of the Board's June 21, 2016, meeting, one additional applicant contacted the Village. The advisory recommendations the Mayor received from the Planning-Board members unanimously align with the Mayor's recommended appointment.

A motion was made by **Maura Spery** and seconded by **Joseph Johnson** to appoint a member to the Village Planning Board. During the discussion on this pending motion, the following motion to table was made and voted upon.

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

WHEREAS, the Board majority has requested the Village Attorney to prepare a new local law that would enable the Board majority to appoint a member to the Planning Board in the absence of the Mayor's recommendation; now, therefore, be it

RESOLVED, that action on the Mayor's recommendation to appoint Mr. **Charles Angona** to the Planning Board is tabled.

Motion carried: 3-Yes; 1-No (**M. Spery**); 1-Absent (**E. Manzella**)

Following the vote on the motion to table, Mayor **Spery** reiterated her rationale for recommending the most qualified individual for this appointment and noted the unanimous advisory affirmation of her recommendation by the Planning Board and its Chairperson.

10. APPOINTMENT OF ACTING VILLAGE JUSTICE

Pursuant to discussions held by the Board of Trustees at its last meeting, Mayor **Spery** will call for a motion to appoint an Acting Village Justice to serve on an as-needed basis on those occasions when Village Justice **Barbara O'Malley** is unavailable.

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

WHEREAS, upon the recommendation of Village Court Judge **Barbara O'Malley**; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the appointment of **Karen Gunkel, Esq.** as Acting Village Justice for the Village Court to serve on an as-needed basis on those occasions when Village Justice **Barbara O'Malley** is unavailable, effective July 20, 2016; and be it further

RESOLVED, that the Board of Trustees authorizes Ms. **Gunkel** to be paid a \$350.00 stipend for each time she presides at Village Court, for a maximum of \$5,000.00 for the balance of the 2016-17 fiscal year; and be it further

RESOLVED, that this appointment shall continue through May 31, 2017; and be it further

RESOLVED, that in accordance with *New York State Village Law Section 3-300(2)(a)*, **Karen Gunkel** may reside within the County of Suffolk and outside the Village; and be it further

RESOLVED, that the Mayor, Village Court Judge, Village Clerk/Administrator and Village 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: 4-Yes; 0-No; 1-Absent (**E. Manzella**)

11. ADDENDUM

A. PUBLIC DISCLOSURE OF RENTAL HOMES

At Trustee **Anderson's** request, he led a discussion among the Board members about the possibility of posting on the Village website a list of homes with valid and/or expired rental permits, including permit-issued and permit-expiration dates and any other details that might be helpful (i.e., maximum occupancy) in accord with the applicable provisions of the *New York State Public Officers Law* governing disclosure of such matters. A discussion followed during which time Deputy Village Attorney **Germano** responded to related questions. At the conclusion of the discussion, Mayor **Sperry** requested Trustee **Anderson** to work with Treasurer **Abel** to complete a financial-impact statement for presentation to the Board of Trustees.

B. RENTAL-AMNESTY PROGRAM

At Trustee **Johnson's** request, he led a discussion among the Board members regarding the possibility of creating a rental-amnesty program to encourage compliance. At the conclusion of the discussion, Mayor **Sperry** requested Trustee **Johnson** to work with Treasurer **Abel** to complete a financial-impact statement for presentation to the Board of Trustees. Additionally, Deputy Village Attorney **Germano** will provide the Board of Trustees with an opinion as to any required timelines for such a program.

C. LOCAL LAW – RENTAL

At Trustee **Snyder's** request, she led a discussion among the Board members about the possibility of creating a local law similar to the one in place in East Hampton regarding the creation of a rental registry, a copy of which she emailed to the Board on July 14, 2016. Following a discussion, Mayor **Sperry** read an email Village Prosecutor **Paul Feuer, Esq.** sent shortly before the meeting regarding a number of considerations he raised for the Board members' review.

D. ANNUAL AUDIT

Trustee **Johnson** recommended that the Village's external auditor, **Nawrocki Smith**, be notified of the need to commence the audit of the 2015-16 year as soon as possible. Following a discussion, the following motion was made and voted upon.

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

RESOLVED, that the Board of Trustees instructs Treasurer **Abel** to contact **Nawrocki Smith** regarding the Board's directive that the external auditors commence their audit of the Village's financial records for fiscal 2015-16 on or about August 1, 2016.

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

11. DEPARTURE OF VILLAGE TREASURER

The Village Treasurer left the meeting at 7:31 p.m. during the discussion of Item #12 below.

12. PUBLIC COMMENT

Mayor **Sperry** 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>
Kenneth Piotrkowski	Marina 5
John Mutt	Receipt of Taxes
Aida Wetzel	Marina 5
Theresa Pavanello	Planning Board's response to petition to stop additional convenience stores opening along Neighborhood Road
Ewa Wolmut Stankiewicz	Insurance for Marina 5
Thomas Fox	Insurance for Marina 5

Following Mr. **Mutt's** comments above, Trustee **Snyder** commended Treasurer **Abel** for recent cost savings she secured.

**13. DEPARTURE AND RETURN –
OF VILLAGE CLERK/ADMINISTRATOR**

During Item #11 above, the Village Clerk/Administrator left the meeting at 7:37 p.m. and returned to the meeting at 7:38 p.m.

14. RETURN OF VILLAGE TREASURER

During Item #11 above, the Village Treasurer returned to the meeting at 7:38 p.m.

15. CALL FOR SPECIAL MEETING

Following a discussion about the scheduling of a special meeting for the Board of Trustees to meet with Special Counsel **J. David Eldridge, Esq.** to discuss the settlement agreement between the Village and the Mastic Beach Property Owners' Association (MBPOA), the following motion was made and vote upon.

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

RESOLVED, that the Board of Trustees authorizes the scheduling of a special meeting on Wednesday, July 27, 2016, at 7 p.m. at Village Hall, for the purpose of enabling the Board of Trustees to meet with Special Counsel **J. David Eldridge, Esq.** to discuss the settlement agreement between the Village and the Mastic Beach Property Owners' Association (MBPOA); and be it further

RESOLVED, that the Village Clerk/Administrator is authorized to undertake all actions necessary to effectuate the scheduling of this special meeting; and be it further

RESOLVED, that this Resolution shall take effect immediately.

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

16. 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 **Anne Snyder** to wit:

RESOLVED, that the Board of Trustees adjourn its meeting at 8:07 p.m.

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

Respectfully submitted,

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

DRAFT -- SUBJECT TO MODIFICATION BY BOARD OF TRUSTEES/VILLAGE ATTORNEY