

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

SPECIAL BOARD MEETING
MINUTES
JULY 27, 2016

PRESIDING OFFICER: Maura P. Spery, *Mayor*

MEMBERS OF THE BOARD OF TRUSTEES PRESENT AND VOTING:

Elizabeth “Betty” Manzella, *Deputy Mayor*, Christopher Anderson (arrived at 7:18 p.m. during Item #9), Joseph H. Johnson, and Anne Snyder, *Trustees*

MEMBERS OF THE BOARD OF TRUSTEES ABSENT: None

OFFICIALS OF THE BOARD OF TRUSTEES PRESENT:

J. David Eldridge, Esq., *Special Counsel* (left at 7:12 p.m. at the conclusion of Item #7); Susan F. Alevas, Esq., *Village Clerk/Administrator*

STAFF PRESENT AND REPORTING:

None

INVITED GUESTS:

None

1. CALL TO ORDER AND WELCOME

Mayor **Spery** called the meeting to order at 7:02 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. MOTION TO ENTER INTO EXECUTIVE SESSION

Mayor **Spery** advised those in attendance that an Order to Show Cause was served on the Village last week and, consequently, neither the Board members nor Special Counsel would be permitted to speak on this issue or settlement agreement between the Village and the Mastic Beach Property Owners' Association (MBPOA). She then called for a motion to enter into executive session for the purpose of discussing pending litigation.

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 pending litigation, as is permitted under *New York State Public Officers Law*; and be it further

RESOLVED, a related Financial-Impact Statement was submitted by Trustee **Johnson**, a copy of which is annexed hereto and made a part hereof as **Attachment #1**.

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

Upon passage of the foregoing Resolution, Mayor **Spery** adjourned the public session at 7:04 p.m. and convened the Board of Trustees' meeting in executive session at 7:07 p.m.

6. EXECUTIVE SESSION

Mayor **Spery**, Deputy Mayor **Manzella**, Trustees **Johnson** and **Snyder**, Special Counsel **J. David Eldridge, Esq.** and Village Clerk/Administrator **Susan F. Alevas, Esq.** were present in executive session. The Board of Trustees discussed pending litigation.

7. 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: 4-Yes; 0-No; 1-Absent (**C. Anderson**)

Special Counsel **J. David Eldridge, Esq.** left the meeting at that point.

Upon passage of the foregoing Resolution, Mayor **Spery** adjourned the executive session at 7:12 p.m. and re-convened the Board of Trustees' meeting in public session at 7:13 p.m.

8. LIABILITY INSURANCE – WATERFRONT AND MARINA 5

Mayor **Spery** called for a motion to authorize the purchase of liability insurance for the waterfront and Marina 5.

A motion was offered by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize the purchase of liability insurance for the waterfront and Marina 5. Following 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 interest to secure appropriate insurance coverage for the recently-acquired waterfront and Marina 5; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the purchase of liability insurance for the waterfront and Marina 5, at a pro-rated insurance-policy cost of \$5,520.90, effective immediately and continuing for the balance of the insurance-policy period through November 22, 2016; and be it further

RESOLVED, that this action is taken in accord with a related Financial-Impact Statement, a copy of which is annexed hereto and made a part hereof as **Attachment #2**; and be it further

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

Motion failed: 2-Yes; 2-No (**J. Johnson; A. Snyder**); 1-Absent (**C. Anderson**)

9. 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> |
| Kenneth Piotrkowski¹ | Marina 5 |
| James Searfoss | Article 78 |

10. ARRIVAL, DEPARTURE AND RETURN OF BOARD MEMBER

During Item #9 above, Trustee **Anderson** arrived at the meeting at 7:18 p.m., left the meeting at 7:19 p.m. and returned to the meeting at 7:20 p.m.

¹ While Mr. Piotrkowski signed the public-comment book, when his name was called to speak, he was no longer in attendance at the meeting.

11. PUBLIC COMMENT (*Continued*)

| <u>Name:</u> | <u>Topic:</u> |
|------------------------|---|
| Tom Fox | Cost savings |
| Oliver Warren | Marina 5 |
| Bill Brandis | Marina 5 |
| Ewa Wolmut Stankiewicz | MBPOA to continue insuring Marina 5/waterfront until Deed is recorded |
| Alan Chasinov | Article 78 and related matters |
| Frank Fugarino | Availability of attorney for this meeting |

12. REMOVAL OF BLOCKS AT MARINA 5

Trustee **Johnson** led a discussion about removing the blocks at Marina 5 to permit public use of the facility. A motion to this effect was made by Trustee **Johnson** and seconded by **Christopher Anderson** after which a discussion among the Board members continued.

During this discussion, the following individuals addressed the Board on this topic.

| <u>Name:</u> | <u>Topic:</u> |
|-----------------------|--|
| Nick Busa | Insurance issue for Marina 5 |
| Michael Leonardi | Remove blocks and insure Marina 5 |
| William Biondi | Confirmed fire rescue can gain access even with blocks present and cautioned Board members who spoke against having insurance as meeting was being videotaped; status of waterfront and Marina 5 should Village be dissolved |
| Christopher Ricciardi | Questions about Article 78; Insurance |

After the afore-mentioned individuals spoke, Deputy Mayor **Manzella** asked if a compromise could be sought whereby the blocks are removed and the Village Board reconsider authorizing the purchase of liability insurance for the waterfront and Marina 5. After a discussion on this request, the pending motion, as amended, was made and voted upon as follows.

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

WHEREAS, it is in the Village's best interest to secure appropriate insurance coverage for the recently-acquired waterfront and Marina 5; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the purchase of liability insurance for the waterfront and Marina 5, at a pro-rated insurance-policy cost of \$5,520.90, effective immediately and continuing for the balance of the insurance-policy period through November 22, 2016; and be it further

RESOLVED, that this action is taken in accord with a related Financial-Impact Statement, a copy of which is annexed hereto and made a part hereof as **Attachment #2**; and be it further

RESOLVED, that the Mayor, Village Clerk/Administrator and Village Treasurer are authorized to undertake all actions necessary to effectuate this Resolution, which takes effect immediately; and be it further

RESOLVED, that the Board of Trustees authorizes the immediate removal of blocks presently located at Marina 5.

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

13. REMOVAL OF ATTORNEYS – ARTICLE 78

Trustee **Johnson** led a discussion among the Board members and made a motion regarding his interest in removing the Village Attorney from representing the Board of Trustees in an action brought against it by Ms. **Ann Smith**, Mr. **Darrin Harsch** and Ms. **Patricia Harsch** relating to the litigation settlement between the

Village and the Mastic Beach Property Owners' Association (MBPOA) due to the Village Attorney's conflict of interest. During the discussion, Mayor **Spery** raised the issue of having the law firm of **Meyer, Suozzi, English & Klein, P.C.**, as two of the firm's lawyers were previously appointed by the Board of Trustees to serve as special counsel. Trustee **Johnson**, noting the Village doesn't have adequate funds, suggested the Village go unrepresented in this action and let the Judge decide the issues. Thereafter, the initial motion, as amended, was made and voted upon as follows.

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

RESOLVED, that the Village Attorney immediately notify the Court that the Board of Trustees has removed Village counsel from representing the Village in the **Smith, et al v. Mastic Beach Village** matter; and be it further

RESOLVED, as the Village does not have sufficient funds, the Village shall remain unrepresented in the **Smith, et al v. Mastic Beach Village** matter and shall let the Judge decide the matter; and be it further

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

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

14. 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 8:03 p.m.

July 27, 2016

Motion carried: 5-Yes; 0-No

Respectfully submitted,

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

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