

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

BOARD MEETING
MINUTES
AUGUST 16, 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:

J. David Eldridge, Esq., *Village Attorney*; Susan F. Alevas, Esq., *Village Clerk/Administrator*

STAFF PRESENT AND REPORTING:

Anne Abel, *Treasurer* (left at 9:06 p.m. at the conclusion of Item #14); Anthony Prudenti, *Code-Enforcement Supervisor* (Item #16 only at the times noted therein)

INVITED GUESTS:

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

1. CALL TO ORDER AND WELCOME

Mayor Spery called the meeting to order at 7:03 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** 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. PUBLIC HEARING – CHANGE OF ZONING

Pursuant to a legal notice, dated July 27, 2016, calling for a rescheduled public hearing on a requested change of zoning submitted to the Board of Trustees by Mr. **Mohammad Waraich**, Mayor **Spery** opened up a public hearing on this matter.

1. OPEN PUBLIC HEARING

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

WHEREAS, pursuant to a duly published legal notice on July 27, 2016; now, therefore, be it

RESOLVED, that the Board of Trustees opens a public hearing on a requested change of zoning submitted to the Board of Trustees by Mr. **Mohammad Waraich**, regarding the premises located at 65 Mastic Beach Road, Mastic Beach, New York 11951, from R-1 Zoning to B-1 Zoning.

Motion carried: 5-Yes; 0-No

The following individuals addressed the Board of Trustees in this regard.

Name:

Darrin Harsch

William Biondi

Alan Chasinov

2. CLOSE PUBLIC HEARING

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 a request for a change of zoning submitted by Mr. **Mohammad Waraich**; 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 the application of Mr. **Mohammad Waraich** for a change in zoning.

Motion carried: 5-yes; 0-No

3. RESERVE DECISION ON CHANGE IN ZONING

Motion offered by **Maura Spery**, seconded by **Anne Snyder** 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, the Board of Trustees on August 16, 2016, conducted a public hearing and received related public input; now, therefore, be it

RESOLVED, that the Board of Trustees reserves decision on the requested change of zoning requested by Mr. **Mohammad Waraich**, and supported by the Village Planning Board, for the premises located at 65 Mastic Beach Road, Mastic Beach, New York 11951, from R-1 Zoning to B-1 Zoning.

Motion carried: 5-Yes; 0-No

7. ACKNOWLEDGMENT OF MINUTES

Mayor **Sperry** polled the Board members to see if they had any comments/revisions to the draft August 3, 2016, meeting minutes. Hearing none, the meeting minutes were accepted as presented.

8. AUTHORIZATION FOR THE PAYMENT OF CLAIMS

A motion was made by **Maura Sperry** 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 Sperry**, 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. 3(a)-2016-17, in the total amount of \$25,726.10, a copy of which is annexed hereto and made a part hereof as **Attachment #1**.

Motion carried: 5-Yes; 0-No

9. INTERMUNICIPAL AGREEMENT (IMA) WITH TOWN – CDBG PROGRAMS

Then-Village counsel **Michael Cahill** reviewed and approved the proposed intermunicipal agreement (IMA) with the Town of Brookhaven for CDBG (community-development block grant) programs. There is no cost to the Village, and an agreement is necessary to make these programs available to Village residents. If this IMA is approved, the Town of Brookhaven will administer the program and Village residents will apply through the Town. Accordingly, Mayor **Sperry** called for a related motion.

A motion was offered by **Maura Sperry** and seconded by **Elizabeth Manzella** to authorize the Village entering into an IMA with the Town of Brookhaven for CDBG programs. During a

discussion on this motion, the following motion to table was made and voted upon as noted below.

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

RESOLVED, that the Board of Trustees tables action on whether to authorize an intermunicipal agreement with the Town of Brookhaven for the administration of Community-Development Block Grants (CDBG).

Motion carried: 5-Yes; 0-No

10. APPLICATION FOR BUILDING-PERMIT EXTENSION

At the request of Mr. **Michael Spano**, 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 7 Dahlia Drive, Mastic Beach, New York 11951.

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

WHEREAS, at the request of applicant Mr. **Michael Spano** 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. **Michael Spano** for the premises located at 7 Dahlia 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**)

11. **FINANCIAL-IMPACT STATEMENT – ARCHIVING EMAILS**

Mayor **Spery** submitted a financial-impact statement relating to the costs associated (and the future savings) with introducing a new Village-archive system for email accounts for former employees and former Board members. Accordingly, she called for a related motion to authorize the cost for the Village's IT consultant, **LICN**, to undertake this work and train Village staff to do this moving forward.

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize the expenditure of funds necessary to establish a system to archive emails of former employees and former board members. After a discussion, the following, as amended, was voted upon as noted below.

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 its IT vendor, **LICN**, to undertake work necessary to create a new Village-archive system for email accounts of former employees and former Board members in accord with applicable records-retention requirements; and be it further
- RESOLVED,** that the Board of Trustees has received the Mayor's financial-impact statement for this work, 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 expenditure of between \$684.24 to 781.25 (with the latter figure including an expanded hard drive if needed) pursuant to a cost estimate from **Long Island Computer Networks, Inc. (LICN)**, PO Box 506, Bayport, New York 11705; 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 shall take effect immediately.

Motion carried: 5-Yes; 0-No

12. LEXIS-NEXIS MONTHLY-ACCOUNTABILITY REPORT

Pursuant to the Board's established Lexis-Nexis procedures, Mayor **Spery** reported there weren't any Lexis-Nexis searches performed by the Public-Safety Supervisor during the month of July 2016. Treasurer **Abel** responded to related cost questions.

13. ADDENDUM

A. 24/7 VILLAGE-HALL ACCESS FOR BOARD MEMBERS

Trustee **Anderson** requested the Board members discuss Board members having 24/7 access to Village Hall. After a discussion, the following motion was made and voted upon.

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

RESOLVED, that the Board of Trustees authorizes all members of the Board to be granted 24/7 Village-Hall access; and be it further

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

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

B. MUNICIPALITY-SOFTWARE ACCESS

Trustee **Anderson** requested the Board members discuss Board members having full, read-only access to the Village's Municipality-software program. During the discussion among the Board members, Village Attorney **Eldridge** responded to questions. At the conclusion of this discussion, Trustee **Anderson** withdrew his request in this regard.

C. MONTHLY TREASURER'S REPORTS

Trustee **Anderson** requested the Board members discuss specific information for inclusion in the monthly Treasurer's reports.

A motion was made by **Christopher Anderson** and seconded by **Joseph Johnson** to include revenue-stream details in the monthly Treasurer reports. During a discussion on the pending motion, Treasurer **Abel** responded to related questions. Thereafter, voting on the pending motion was as follows.

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

RESOLVED,

that the Board of Trustees directs the Treasurer to include in the monthly Treasurer reports details about the Village's revenue stream.

Motion carried: 5-Yes; 0-No

D. BUDGET-PLANNING COMMITTEE

Trustee **Johnson** distributed and reviewed a proposed motion to create a budget-planning committee. After a discussion, the following motion, as read by Trustee **Johnson**, was made and voted upon.

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

RESOLVED,

that the Board of Trustees shall create a budget-advisory committee that shall meet monthly to develop a five-year Capital-Budget Plan and a multi-year Village-Budget Plan in order to estimate projections on future income and expenditures, as well as anticipated needs for future revenue increases; and be it further

RESOLVED,

that the Committee shall collect information from all necessary sources in order to create realistic, long-term budget projections; and be it further

RESOLVED,

that the Board of Trustees makes clear, this is not the yearly budgetary process overseen by the Mayor; although it is anticipated that any future Mayor will have the opportunity to utilize the Committee's budgetary projections and data in preparing the

Village's yearly budgets, it is at the discretion of future Mayors; and be it further

RESOLVED, that the Village Treasurer, as a duly qualified municipal financial expert, shall supervise and oversee the work of the Committee; and be it further

RESOLVED, that the Village Treasurer is designated as Chairperson and responsible for management of the Committee's work; and be it further

RESOLVED, that as the Committee is advisory in nature, the Village Treasurer will determine the final recommendations reported to the Village Board; however, the work of the Budget Committee should be carefully considered by the Treasurer; and be it further

RESOLVED, that one appointee shall be chosen by each Village Board member; and be it further

RESOLVED, that all appointees should be submitted to the Board by the next Village work session on Wednesday, September 7, 2016; and be it further

RESOLVED, that the Treasurer shall begin the work of the Committee as soon as possible and the final products of the Committee should be completed within time to be useful when the 2016-17 budget is being prepared; and be it further

RESOLVED, that the Treasurer shall be allocated an additional maximum of ten (10) hours per month, at her discretion, to oversee development of the Budgeting Plans; and be it further

RESOLVED, that in addition, the Treasurer is authorized to utilize Village employees "as needed" for this process and as determined by her; and be it further

RESOLVED, that the Treasurer is also authorized to utilize the Village's independent auditing firm in the budget-development process; and be it further

RESOLVED, that the Treasurer shall make bi-monthly reports to the Village Board regarding the progress of the committee and related expenses, which shall be made at the Village work sessions and/or regular monthly meetings; and be it further

RESOLVED, that the additional allotment of ten (10) hours per month to the Treasurer would be an increased cost of approximately \$2,400.00.

Motion carried: 5-Yes; 0-No

E. RENTAL-PERMIT DATA ON WEBSITE

Trustee **Anderson** led a discussion among the Board members about placing rental-permit information on the Village's website. This matter will be deferred until such time as a Financial-Impact Statement is provided to the Board.

F. FUTURE OF VILLAGE'S SHOREFRONT

Trustee **Johnson** distributed and reviewed a proposed motion regarding the future of the Village's shorefront. After a discussion, the following motion, as read by Trustee **Johnson**, was made and voted upon.

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

RESOLVED, that the Board of Trustees authorizes that in accordance with this legally binding and duly passed Resolution by the Village Board of the Village of Mastic Beach, the Village Board is advising all below-listed entities and all other government agencies and municipalities, listed or otherwise, of the following:

The Village of Mastic Beach on this date is stating its clear intention to seek all funding and other resources available in order to create a more storm-resilient waterfront within the boundaries of the Village; and be it further

RESOLVED, that this includes funding and other resources for the raising of roads, raising of homes, improvements to drainage systems and the installation of dykes and other methods employed to further protect our waterfront and its residents from flooding, storm surge, regular tidal actions, sea-level rise and severe-weather events; and be it further

RESOLVED, that the Village of Mastic Beach and the majority of its elected Village Board is advising that we, as a Village municipality within the State of New York, have no intentions or plans to force Village

residents to abandon our one true natural resource, the shorefront; and be it further

RESOLVED, that our Village's shorefront is key to our long-term survival, growth and economic future; and be it further

RESOLVED, that no other entity, other than the majority of this duly elected Village Board is empowered to state otherwise or participate in meetings where planning for anything other than the protection of this Village's shorefront and economic revitalization is discussed; and be it further

RESOLVED, that the Village Board of Trustees hereby states that this Village expects and will demand its fair share of all funding and resources allocated for every other community along the south shore of Long Island; and be it further

RESOLVED, that it is also the publicly declared intent of the Village Board's majority to consider the shorefront as a cornerstone to the revitalization and economic growth of our Village and that the shorefront is key to the future of the Village; and be it further

RESOLVED, that specifically, no other voice including the Mayor of Mastic Beach may make plans or commit this Village to any actions unless authorized by the majority of the Mastic Beach Board; and be it further

RESOLVED, that with the passage of this Resolution by the Village Board's majority voice, we are formally notifying all municipal and governmental agencies that any actions or commitments to act contrary to this Resolution, whether already begun or being planned, shall cease immediately; and be it further

RESOLVED, that while the Board's majority understands certain duties fall upon the Mayor under Village and New York State law, the decision-making process regarding land use clearly is the prerogative of the Village Board and the Mayor has but one vote in that process; and be it further

RESOLVED, that this Board is informing all aforementioned entities that the Mayor holds no legal authority to create plans or unilaterally determine the future of Mastic Beach Village and its shorefront; and be it further

RESOLVED, in order to ensure that the Village Board's majority is properly represented at such meetings, the Village Board hereby appoints the following residents and/or Board members as representatives of the Village Board's majority at all meetings and planning forums regarding the future of Mastic Beach Village and its shorefront¹; and be it further

RESOLVED, that the Board of Trustees authorizes that the Village Clerk/Administrator is hereby tasked with notifying all listed governmental agencies and elected officials of this duly-passed Resolution by transmitting a verified copy to all entities; and be it further

RESOLVED, that the Board of Trustees directs the Village Clerk/Administrator to ensure that the entire Board and any designated representatives are informed of all communications related in any way to this Resolution; and be it further

RESOLVED, that the Mayor is specifically prohibited from unilaterally acting to authorize or approve plans or determinations by any given governmental agencies without specific authorization voted upon by the Mastic Beach Village Board; and be it further

RESOLVED, that distribution of this Resolution shall be made to the following:

Col. **David A. Caldwell**, *Commander of the Army Corps of Engineers, New York District;*

U.S. Representative **Lee Zeldin**;

U.S. Senator **Charles Schumer**;

U.S. Senator **Kirsten Gillibrand**;

New York State Senator **Thomas Croci**;

New York State Representative **Fred Thiele**;

New York State Representative **Dean Murray**;

Suffolk County Executive **Steve Bellone**;

Suffolk County Legislator (3rd District) **Kate Browning**;

¹ No specific residents were appointed via this Resolution.

Brookhaven Town Supervisor **Edward Romaine**; and

Brookhaven Town Council Member (6th District) **Dan Panico**.

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

G. MONTHLY REPORTS FROM DEPARTMENT HEADS

It was the consensus of the Board members that department heads submit monthly reports at the public meetings.

14. 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:

Maureen DiMeo

Frank Fugarino

Aida Wetzel

Topic:

Town of Brookhaven Senior Program; Public Library Board meeting; Donations for school supplies

Request-for-Proposal (RFP) for collection agency; second Court night addition; dispatcher ad loss of revenue; March 22, 2016, resolution to demolish ten homes.

Disappointed in negative tone of recent *Newsday* article; aggressive code enforcement; train volunteers to process citations; franchise fees; timeframe for processing Freedom-of-Information Law (FOIL) requests; code-enforcement staff; volunteers to help out; opposed to take over of the waterfront;

Board correct to determine future of waterfront

Alan Chasinov Waterfront; abstract for public review

William Biondi PTNY.org roadway-improvement funding

Susan Plunkett Huntington initiative to hire rangers with guns

Deon Hampton Question to Trustee **Snyder** about franchise-fee revenues and insight into tax that is being suggested

Frank Fugarino *Newsday* reporter questioning the Board at this meeting; lack of positive response when bringing up legitimate concerns; issue of waterfront

Frances Farley Issue with portion of Board and their positions

15.

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 matters, as is permitted under the *New York State Public Officers Law*.

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

RESOLVED, that the Board of Trustees enter into executive session for the purpose of discussing particular personnel 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 9:06 p.m. and convened the Board of Trustees' meeting in executive session at 9:14 p.m.

16. EXECUTIVE SESSION

Mayor **Spery**, Deputy Mayor **Manzella**, Trustees **Anderson**, **Johnson** and **Snyder**, Village Attorney **J. David Eldridge, Esq.**, **Anthony Prudenti**, Code-Enforcement Supervisor (9:15 p.m. – 9:48 p.m.) and Village Clerk/Administrator **Susan F. Alevas, Esq.** were present in executive session. The Board of Trustees discussed particular personnel matters.

During the executive-session discussions, Trustee **Snyder** left the meeting at 9:15 p.m. and returned at 9:17 p.m.

17. ADJOURNMENT OF EXECUTIVE SESSION

Motion offered by **Maura Spery**, seconded by **Anne Snyder** 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 9:55 p.m. and re-convened the Board of Trustees' meeting in public session at 9:56 p.m.

18. 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 9:57 p.m.

Motion carried: 5-Yes; 0-No

Respectfully submitted,

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