

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

BOARD MEETING  
MINUTES  
SEPTEMBER 15, 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 (arrived at 6:21 p.m. during Item #6), 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:

None

INVITED GUESTS:

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 6:12 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 Suffolk County Police Officer **James Anson** from the Seventh Precinct. Officer **Anson** advised that Inspector **McCarthy** was leading his regular monthly community meeting at the Seventh Precinct and, due to the Board's rescheduled meeting for this date, was unable to attend. Inspector **McCarthy** will provide the Mastic Beach Village residents with his updated report at the October 18, 2016, Board meeting. Officer **Anson** responded to questions from members of the audience about recent police activity within the area.

**6. ACKNOWLEDGMENT OF MINUTES**

Mayor **Spery** polled the Board members to see if they had any comments/revisions to the draft September 6, 2016, and September 7, 2016, meeting minutes. Hearing none, the meeting minutes were accepted as presented.

**7. ARRIVAL OF TRUSTEE**

Trustee **Joseph Johnson** arrived at the meeting at 6:21 p.m. just at the start of Item #6 above and was present for the Mayor's polling of the Board members to if they had any comments/revisions to the two sets of draft meeting minutes that were presented.

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

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize the payment of claims. 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 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. 4(a)-2016-17, in the total amount of \$38,134.65, a copy of which is annexed hereto and made a part hereof as **Attachment #1**.

Motion carried: 5-Yes; 0-No

**9. APPLICATIONS FOR BUILDING-PERMIT EXTENSION**

**A. 58 LAURELTON DRIVE, MASTIC BEACH, NY 11951**

At the request of Ms. **Jennifer McQuilkin**, with the support of Village Building Inspector **Richard Palazzotto**, Mayor **Spery** called for a motion to authorize an extension of a building permit for the premises located at 58 Laurelton Drive, Mastic Beach, New York 11951.

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize an extension on a building-permit application. After a discussion, the pending motion was amended, and voted upon as follows:

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

**WHEREAS,** at the request of applicant Ms. **Jennifer McQuilkin** 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. **Jennifer McQuilkin** for the premises located at 58 Laurelton Drive, Mastic Beach, New York 11951, for a six-month period, conditioned upon the Building Inspector filing with the Board of Trustees additional, related documentation; and be it further

**RESOLVED,** that the Village Building Inspector is authorized to take all appropriate actions necessary to effectuate this Resolution pursuant to the conditional authorization granted above; and be it further

**RESOLVED,** that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

### **B. 323 NEIGHBORHOOD ROAD, MASTIC BEACH, NY 11951**

At the request of Mr. **Shahidul Islam**, with the support of Village Building Inspector **Richard Palazzotto**, Mayor **Spery** called for a motion to authorize an extension of a building permit for the premises located at 323 Neighborhood Road, Mastic Beach, New York 11951. After a discussion, a related motion was made and voted upon as follows.

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

**WHEREAS,** at the request of applicant Mr. **Shahidul Islam** 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. **Shahidul Islam** for the premises located at 323 Neighborhood Road, Mastic Beach, New York 11951, for a six-month period, conditioned upon the Building Inspector filing with the Board of Trustees additional, related documentation; and be it further

**RESOPLVED,** that the Village Building Inspector is authorized to take all appropriate actions necessary to effectuate this Resolution pursuant to the conditional authorization granted above; and be it further

**RESOLVED,** that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

**10. POLICE REPORT (*Continued...*)**

During the discussion of Item #9. B. above and prior to the Board's vote in that regard, Suffolk County Police Officer **Anson** returned to the meeting to give an update in response to one of the questions from the public made earlier in the meeting.

**11. BOARD APPOINTMENT – PLANNING BOARD – CHARLES ANGONA**

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize the Mayor's recommended appointment of Mr. **Charles Angona** to the Village's Planning Board. After a discussion, the following motion to table action on this item was made and voted upon as follows.

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

**WHEREAS,** the Mayor has recommended an appointment to fill a vacancy on the Village's Planning Board; now, therefore, be it

**RESOLVED,** that the Board of Trustees agrees to table action on this item.

Motion carried: 5-yes; 0-No

**12. LEXIS-NEXIS MONTHLY-ACCOUNTABILITY REPORT**

Pursuant to the Board's established Lexis-Nexis procedures, Mayor **Spery** reported that there weren't any Lexis-Nexis searches performed by the Public-Safety Supervisor during the month of August 2016.

**13. MONTHLY DEPARTMENTAL REPORTS**

Copies of the Building, Department of Public Works and Department of Public Safety monthly reports were presented to the Board of Trustees, copies of which are annexed hereto and made a part hereof as **Attachments #2, 3 and 4**, respectively.

**14. CALL FOR A PUBLIC HEARING –  
REMOVAL OF FRED KRAGE FROM VILLAGE PLANNING  
BOARD**

Pursuant to discussions at the September 7, 2016, Board of Trustees' meeting, Mayor **Spery** called for a public hearing on the Board majority's interest in removing Mr. **Fred Krage** from the Village's Planning Board. Accordingly, she called for a motion to set a public hearing on Tuesday, October 18, 2016, at 7 p.m., at Village Hall, 369 Neighborhood Road, Mastic Beach, New York 11951. After a discussion, a motion to table action on this item was made and voted upon as follows.

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

**RESOLVED,**

that the Board of Trustees agrees to table action on setting a public-hearing date relating to the removal of Mr. **Fred Krage** from the Village's Planning Board until after the public referendum on the petition to dissolve the Village is conducted.

Motion carried: 5-Yes; 0-No

**15. SET REFERENDUM DATE – PETITION TO DISSOLVE**

On September 8, 2016, the Village Clerk/Administrator notified the Board in writing that she certified the validity of the Petition for Local-Government Dissolution that was filed on August 30, 2016, by Mr. **Robert A. Miller**. Pursuant to the advice previously given to the Board members by Village Attorney **J. David Eldridge** the Board must within thirty (30) days of the Village Clerk/Administrator's determination of petition validity set a referendum date for when this matter will be presented to the Village residents.

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to set a date for a referendum on the petition to dissolve the Village. After a discussion, voting on the pending motion was as follows.

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

**WHEREAS,** a Petition to dissolve the Incorporated Village of Mastic Beach was filed with the Village Clerk/Administrator of said Village on August 30, 2016, by Mr. **Robert A. Miller**, said petition containing 161 pages with 1,474 signatures; and

**WHEREAS,** on September 8, 2016, within the required 10-day statutory period, the Clerk/Administrator notified the Board of Trustees of her determination that the Petition for Local-Government Dissolution, as filed by Mr. **Robert A. Miller**, was determined to be valid with 916 signatures; now, therefore, be it

**RESOLVED,** that pursuant to *inter alia*, *New York State General Municipal Law*, Article 17-A, the Board of Trustees hereby sets Wednesday, November 16, 2016, as the date for a public referendum on the matter of whether the Incorporated Village of Mastic Beach shall be dissolved; and be it further

**RESOLVED,** that the question being placed on the ballot for the voters to decide shall be as follows:

“Shall the Incorporated Village of Mastic Beach be dissolved?

Yes      No      “; and be it further

**RESOLVED,** that the voting place shall be open from 12 noon until 9:00 p.m., U.S., Eastern Prevailing Time, on Wednesday, November 16, 2016, with said voting place<sup>1</sup> being set at either the Mastic Beach Fire Department, 265 Neighborhood Road, Mastic Beach, New York 11951 or the Village Hall, 369 Neighborhood Road, Mastic Beach, New York 11951 based on written confirmation of availability; and be it further

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<sup>1</sup> On September 16, 2016, authorization by the Mastic Beach Board of Fire Commissioners was granted for the Village to use the Mastic Beach Fire Department as the polling place for purposes of the November 16, 2016, referendum vote.

**RESOLVED,** that the Board of Trustees authorizes the Village Clerk/Administrator to undertake all actions necessary, including and not limited to publishing the required legal notices, to effectuate this Resolution, which shall take effect immediately.

Motion carried: 5-Yes; 0-No

**16. PURCHASE OF VIOLET COVE; AUTHORIZATION FOR RELATED FUNDING**

Trustees **Anderson**, **Johnson** and **Snyder** each gave prior express approval for the Village to purchase from the County of Suffolk the property at Violet Cove, including prior express authorization for related loan funding.

A motion was made by **Anne Snyder** and seconded by **Joseph Johnson** to authorize the purchase of Violet Cove and to further authorize related funding. During the discussion that followed among the Board members, Mayor **Sperry**, at the request of Village Treasurer **Anne Abel**, read the following statement into the official record:

"I feel it is necessary in my capacity as the Village Treasurer to state that there is no funding to make this purchase. 1. Nobody has asked for a financial-impact statement. Nobody has informed me as to what Budget Line/Code it would be anticipated to use. There is no money in the budget to have reallocated to a budget line for a purpose such as this. 2. It is my understanding that should we write a check we would not get the reimbursement for many months, possibly into next fiscal year, and that would result in having to take a tax/revenue anticipation note or loan of some kind to fund the overspending (at an extravagant rate of interest due to the current lowered Bond rating of the Village). 3. In addition to the initial cost of the purchase, there is also no money to cover the additional insurance (for which we currently have no estimate) that would be required to cover the building and property. 4. Also, due to the property-usage restriction of general-municipal uses included in the restrictions of sale between the County and the purchaser, we would have to plan for municipal uses so that we don't risk losing the property due to non-compliance. 5. In the NY Rising

Community Reconstruction Plan there is an estimated cost of \$1.4 million to elevate and repair the building after acquisition. There is definitely no funding to cover this cost. 6. The purchase of this property by Mastic Beach Village immediately takes this property off the tax rolls. The purchase of this property by another entity allows for the potential return of the property to the tax rolls.” A discussion among the Board members continued. Thereafter, voting on the pending motion was as follows.

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

**RESOLVED,** that, pursuant to §72(h) of the *New York State General Municipal Law*, the Board of Trustees ratifies Trustees **Anderson, Johnson** and **Snyder’s** September 13, 2016, email authorization to purchase from the County of Suffolk the property known as Violet Cove, Mastic Beach, New York 11951; and be it further

**RESOLVED,** that the Board of Trustees ratifies Trustees **Anderson, Johnson** and **Snyder’s** September 13, 2016, email authorization for related loan financing/funding to cover this purchase; and be it further

**RESOLVED,** that the Board of Trustees authorizes the Village Attorney, Mayor, Village Clerk/Administrator and Treasurer to undertake all actions necessary to effectuate this Resolution, which shall take effect immediately.

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

17.

#### **ADDENDUM**

##### **A. AUTHORIZATION FOR NEW LEXIS-NEXIS CONTRACT (REDUCED COSTS)**

Treasurer **Anne Abel** was able to gain a reduced price schedule from **LexisNexis** regarding the Village’s account. Accordingly, Mayor **Spery** called for a related motion to authorize the execution of the revised agreement.

A motion was offered by **Maura Spery** and seconded by **Joseph Johnson** to authorize a revised contract with **LexisNexis** at a reduced fee structure. After a discussion, during which the Board members publicly acknowledged with appreciate Treasurer **Abel's** ongoing cost-savings efforts, voting on the pending motion was as follows.

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

**WHEREAS,** the Treasurer has been able to renegotiate a reduced fee schedule for the Village's use of **LexisNexis** services; and

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

**RESOLVED,** that the Board of Trustees authorizes a revised agreement with **LexisNexis** for non-law-enforcement search services, at a reduced monthly fee, per user, of \$148.75, a copy of which is annexed hereto and made a part hereof as **Attachment #5**; and be it further

**RESOLVED,** that the Mayor, Village Clerk/Administrator and Treasurer are authorized to undertake all actions necessary to effectuate this Resolution, including and not limited to executing the revised agreement, which shall take effect immediately.

Motion carried: 5-Yes; 0-No

**18. 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:**  
**Susan Steinmann**  
**John Mutt**

**Topic:**  
Professional responsibility  
Questions/various

**Frank Fugarino**

Planning-Board appointment  
comments

Following Mr. **Fugarino's** comments, a discussion ensued among the Board members during which Trustees **Anderson, Johnson** and **Snyder** offered apologies to Mr. **Fugarino** for the Mayor reading a portion of Mr. **Fugarino's** public comments made at the September 7, 2016, Board meeting.

**Ewa Wolmut-Stankiewicz**

Taxes if Village is dissolved

Ms. **Wolmut-Stankiewicz** submitted to the Village Clerk/Administrator a copy of a document she requested be added to the official record, a copy of which is annexed hereto and made a part hereof as **Attachment #6**.

**Maureen DiMeo**

Cost if Village is dissolved

Following Ms. **DiMeo's** comments, a discussion ensued among the Board members. Village Attorney **J. David Eldridge, Esq.** advised the Board members that together with his legal counterpart at the Town of Brookhaven, he will prepare a comprehensive overview of the process and impact should the majority of Village voters authorize dissolution of the Village. There was consensus among the Board members to seek to move the October 18, 2016, Board of Trustees' meeting to a larger meeting venue.

**Susan Plunket**  
**Gail Perugini**  
**Alan Chasinov**

Cost if Village is dissolved  
Dissolving the Village  
Budget committee and Village  
five-year plan

19.

**RESCHEDULE MEETING TIME/LOCATION –  
OCTOBER 18, 2016, BOARD MEETING**

After Ms. **DiMeo's** comments, as noted in Item #18 above were concluded, the following motion was made and voted upon.

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

**RESOLVED,**

that the Board of Trustees authorizes the rescheduling of its previously-noticed October 18, 2016, meeting to start at 6 p.m. instead of 7 p.m.; and be it further

**RESOLVED,** that the Board of Trustees authorizes the Village Clerk/Administrator to obtain a larger-meeting venue for this meeting; and be it further

**RESOLVED,** that once the availability of a larger-meeting venue is confirmed, the Board of Trustees authorizes the Village Clerk/Administrator to undertake all actions necessary to duly notice these changes; and be it further

**RESOLVED,** that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

**20. MOTION TO ENTER INTO EXECUTIVE SESSION**

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

**RESOLVED,** that the Board of Trustees enters into executive session for the purpose of discussing particular personnel matters and to engage in confidential, legally-privileged communications with the Village Attorney, 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 7:49 p.m. and convened the Board of Trustees' meeting in executive session at 7:52 p.m.

**21. DEPARTURE AND RETURN –  
VILLAGE CLERK/ADMINISTRATOR**

Village Clerk/Administrator **Alevas** left the meeting at 7:50 p.m. after the public-session was adjourned and returned to the meeting at 7:53 p.m. during Item # 22 below.

**22. EXECUTIVE SESSION**

Mayor **Spery**, Deputy Mayor **Manzella**, Trustees **Anderson**, **Johnson** and **Snyder**, Village Attorney **J. David Eldridge, Esq.** and Village Clerk/Administrator **Susan F. Alevas, Esq.** were

present in executive session. The Board of Trustees discussed particular personnel matters and engaged in confidential, legally-privileged communications with the Village Attorney.

**23. 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 9:11 p.m. and re-convened the Board of Trustees' meeting in public session at 9:12 p.m.

**24. MAYOR'S STATEMENT**

Mayor **Spery** followed up on comments she made earlier in the meeting and extended an apology to Mr. **Fugarino**.

**25. MEETING ADJOURNMENT**

There being no further items to come before the Board of Trustees, Mayor **Spery**.

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

**RESOLVED,** that the Board of Trustees adjourn its meeting at 9:13 p.m.

Motion carried: 5-Yes; 0-No

Respectfully submitted,

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