

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

BOARD MEETING  
MINUTES  
OCTOBER 5, 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 7:49 p.m. after Item #17)

INVITED GUESTS:

Victor Cornelius, *Endeavor Municipal Development, Inc.* (Item #12 only; 6:28 p.m. – 6:46 p.m.)

1. CALL TO ORDER AND WELCOME

Mayor Spery called the meeting to order at 6:06 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 in honor of the memory of former Village Mayor Paul Breschard, who passed away on October 2, 2016.

**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. ACKNOWLEDGMENT OF MINUTES**

Mayor **Sperry** polled the Board members to see if they have any comments/revisions to the September 20, 2016, meeting minutes. Hearing, none the meeting minutes were accepted as presented.

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

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize the payment of claims and a discussion followed. Thereafter, 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. A5-2016-17, in the total amount of \$110,819.97, a copy of which is annexed hereto and made a part hereof as **Attachment #1**.

Motion carried: 5-Yes; 0-No

**7. BOARD APPOINTMENTS – PLANNING BOARD**

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize the Mayor's appointment of Mr. **Charles Angona** to the Village Planning Board. During a

discussion on the pending motion, the following motion to table this item was made and voted upon.

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

**RESOLVED,**

that the Board of Trustees tables action on the Mayor's appointment of Mr. **Charles Angona** to the Village Planning Board until after the executive session to be conducted later in the meeting.

Motion carried: 5-Yes; 0-No

**8. GRANT-WITER PRESENTATION**

As Mr. **Victor Cornelius**, from **Endeavor Municipal Development, Inc.**, was not yet at the Board meeting, Mayor **Spery** advised this item would be deferred until later in the meeting.

**9. RETENTION OF MUNICIPAL-DISSOLUTION CONSULTANT**

The Board of Trustees previously received two proposals from **CGR, Inc.**, 1 South Washington Street, Suite 400, Rochester, New York 14614 and the **Laberge Group**, 4 Computer Drive West, Albany, New York 12205, regarding assistance for the Village as it undertakes activities for the upcoming referendum on whether to dissolve the Village and related matters.

A motion was made by **Maura Spery** and seconded by **Joseph Johnson** to authorize the retention of a consultant to assist with upcoming dissolution-referendum activities and a discussion followed. Thereafter, voting on the pending motion was as follows.

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

**WHEREAS,**

a petition for the dissolution of the Incorporated Village of Mastic Beach has been received and validated; and

**WHEREAS,** there are funding opportunities to help offset some of the cost of related dissolution-vote activities and related matters; and

**WHEREAS,** the Board of Trustees has received two proposals from highly-regarded consultants in this field; now, therefore, be it

**RESOLVED,** that the Board of Trustees authorizes the retention of the **Laberge Group**, 4 Computer Drive West, Albany, New York 12205, for the purpose of assisting the Village with the filing of an expedited New York State grant application to help offset the cost of the dissolution vote, for a one-time fee of \$500.00; and be it further

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

Motion carried: 5-Yes; 0-No

**10. COMMUNITY MICRO GRID**

Mr. **Herb Hodge**, from the William Floyd School District had delivered a presentation to the Board of Trustees at an earlier meeting. At that time, he discussed the opportunity the Village has to partner in a program with the New York State Energy Research and Development Authority (NYSERDA) is offering to encourage community micro grids. This would be at no cost to the Village of Mastic Beach and would serve to strengthen its resiliency during catastrophic events such as storms. This initiative would keep the Village Hall operating when the rest of the Village is without power. This would also allow the Village to add solar panels to the Village-Hall roof to help offset the daily energy costs.

A motion was made by **Maura Spery** and seconded by **Joseph Johnson** to authorize the Village to lead an effort to create a micro grid. Following a discussion, voting on the pending motion was as follows.

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

**WHEREAS,** it is in the Village's best interest to reasonably pursue cost-effective and or cost-free opportunities to make the Village Hall more resilient during times of emergency; and

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

**RESOLVED,** that the Board of Trustees authorizes the Village of Mastic Beach to lead an effort to create a micro-grid, enabling the Village to function normally when commercial electricity has been cut-off by connecting directly to the William Floyd School District cogeneration plant; and be it further

**RESOLVED,** that the Village will lead this effort by preparing, in partnership with and with the full support of, the **William Floyd School District** and its electric power services contractor, **Innoventive Power**; and be it further

**RESOLVED,** that the immediate leadership requirement is to prepare a proposal (NLT October 6, 2016) in response to a recent New York Prize solicitation issued by the **New York State Energy Research and Development Authority (NYSERDA)**, which is offering in two steps an award of up to \$5 million to enable the Mastic Beach Village Community to:

- 1) Create the Mastic Beach Village Community Micro-Grid, initially including, in addition to the William Floyd High School (which has been designated as a civil defense center, which will be available during major storms to house a large segment of the Village population), Paca Middle School and Tangier Elementary School, plus the Village Hall, the Village Fire Station and the Mastic Beach Volunteer Ambulance; the micro-grid will be capable of expanding to a large segment of the Village population; and
- 2) Install solar voltaic plants, which will provide electricity at lower than commercial rates; and be it further

**RESOLVED,** by leading this effort, the Village will achieve elements 1 and 2, above, without having to provide any of the cost required to achieve the goals of the project; and be it further

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

Motion carried: 5-Yes; 0-No

**11. HIRING AN ADDITIONAL VILLAGE PROSECUTOR**

Pursuant to discussions with the Village Court Justice and Village Prosecutor, Mayor **Spery** led a discussion among the Board members about whether to hire a third Village Prosecutor to address the backload of court cases. Following a discussion, the Board of Trustees requested the Village Clerk/Administrator to obtain additional documentation from the Village Justice and the two Prosecutors. Upon receiving this information, the Justice and two Prosecutors will be invited to discuss this matter with the Board of Trustees at a future meeting.

**12. APPLICATIONS FOR BUILDING-PERMIT EXTENSIONS**

**A. 120 STACKYARD DRIVE, MASTIC BEACH, NY 11951**

At the request of Ms. **Patricia Pisciotta**, 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 120 Stackyard Drive, Mastic Beach, New York 11951.

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize the building-permit extension and a discussion followed. Thereafter, voting on the pending motion, as amended below, was as follows.

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

**WHEREAS,** at the request of applicant Ms. **Patricia Pisciotta** 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. **Patricia Pisciotta** for the premises located at 120 Stackyard 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; and be it further

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

Motion carried: 5-Yes; 0-No

#### **B. 57 OCEANVIEW DRIVE, MASTIC BEACH, NY 11951**

At the request of Ms. **Angela Feeser**, 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 57 Oceanview Drive, Mastic Beach, New York 11951.

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize the building-permit extension and a discussion followed. Thereafter, voting on the pending motion, as amended below, was as follows.

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

**WHEREAS,** at the request of applicant Ms. **Angela Feeser** 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. **Angela Feeser** for the premises located at 57 Oceanview 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; and be it further

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

Motion carried: 5-Yes; 0-No

**13. GRANT-WITER PRESENTATION**

Mr. **Victor Cornelius**, from **Endeavor Municipal Development, Inc.**, discussed with the Board of Trustees matters relating to the EFC \$24 million loan and other grant-related matters. He responded to questions posed by members of the Board of Trustees, and a discussion followed.

**14. ADDENDUM**

**A. FUNDING FOR THE PURCHASE OF VIOLET COVE**

Trustee **Anderson** led a discussion among Board members about funding for the Village's purchase of Violet Cove. A discussion followed during which Treasurer **Abel** addressed Trustee **Anderson's** suggested funding sources for the purchase of Violet Cove. During the discussion, Trustee **Anderson** requested that a copy of his budgetary spreadsheet be entered into the record of this meeting, a copy of which is annexed hereto and made a part hereof as **Attachment #2**. In response, Treasurer **Abel** requested that a copy of her previous email response to the Board of Trustees concerning Trustee **Anderson's** budgetary spreadsheet be entered into the record of this meeting, a copy of which is annexed hereto and made a part hereof as **Attachment #3**.

Additionally, Trustee **Johnson** advised the Board that he reviewed the file on the Violet-Cove property and noted there are substantial Department of Environmental Conservation (DEC) concerns regarding this parcel. Mayor **Sperry** thanked Trustee **Johnson** for

undertaking this research. After additional discussion on this topic was concluded, the following motion was made and voted upon.

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

**WHEREAS,** on September 15, 2016, the Board of Trustees, at a duly-noticed meeting, enacted a resolution authorizing the Village's purchase of Violet Cove; and

**WHEREAS,** since the time of the September 15, 2016, resolution, the Board has received additional information concerning, among other things, Department of Environmental Conservation (DEC) issues impacting this parcel and further reiteration by the Village Treasurer about the lack of budgetary funding to support this purchase; now, therefore, be it

**RESOLVED,** that the Board of Trustees fully rescinds its September 15, 2016, Resolution that authorized the purchase of Violet Cove; and be it further

**RESOLVED,** that the Board of Trustees authorizes its Village Attorney to communicate with his counterpart at the County of Suffolk to advise County officials that the Village will not be moving forward with this purchase; and be it further

**RESOLVED,** that this Resolution supersedes in all respects the Board's September 15, 2016, concerning Violet Cove; and be it further

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

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

#### **B. RENAMING DUCKY LANE IN MEMORY OF FORMER VILLAGE MAYOR PAUL BRESCHARD**

Mayor **Spery** led a discussion among the Board members about the possibility of renaming Ducky Lane in Mastic Beach in honor and memory of former Village Mayor Paul Breschard, who passed away on October 2, 2016. After a discussion, it was the consensus

of the Board of Trustees that the Breschard family be contacted for suggestions for the renaming, and the Village Attorney shall draft a proposed local-law change to permit this name change. A related matter will be included on the October 18, 2016, Board-meeting agenda.

### C. AUTHORIZATION TO ATTEND CONFERENCE

A motion was offered by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize the attendance of staff and Village Planning/Zoning Board members at an upcoming conference. 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 Mayor **Spery**; now, therefore, be it

**RESOLVED,** that the Board of Trustees authorizes attendance of the following Zoning/Planning Board Members/Employee at the **Suffolk County Village Officials' Association (SCVOA)** Municipal Training on October 13, 2016, at the Hilton Long Island Huntington, 598 Broad Hollow Road, Melville, New York 11747:

**Thomas Brownell**  
**Thomas Gross**  
**Fred Krage**  
**Christopher Ricciardi**  
**Joseph Scalafani**  
**Kenneth Wersan**  
**James Wisdom**  
**Anthony Zalak**; and be it further

**RESOLVED,** that the Board of Trustees authorizes the payment of \$65.00 per person for this training; and be it further

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

Motion carried: 5-Yes; 0-No

#### **D. LEXIS NEXIS LOG**

Trustee **Anderson** distributed and reviewed a log sheet he developed to track LexisNexis searches that the Village conducts. A discussion followed during which it was made clear that a search log is already being maintained as required by the search-protocol procedures previously adopted by Board resolution.

#### **15. PUBLIC COMMENTS**

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.

<b><u>Name:</u></b>	<b><u>Topic:</u></b>
<b>Susan Steinmann</b>	Transparency
<b>Alan Chasinov</b>	Comprehensive Plan
<b>Gerianne Woods</b>	Opposed to dissolution; Praise for Building-Department Staff
<b>Darrin Harsch</b>	Dissolution effort; Land buy-outs

#### **16. PRESENTATION FOR OCTOBER 18, 2016, BOARD MEETING**

Based upon Mr. **Harsch's** comments to the Board, Trustee **Johnson** requested that the Board of Trustees invite Mr. **Thomas Fox** to the October 18, 2016, Board meeting to make a 15-minute presentation on a related topic. Accordingly, the following motion was made and voted upon.

Motion offered by **Joseph Johnson**, seconded by **Elizabeth Manzella** to wit:

**RESOLVED,** that the Board of Trustees invite Mr. **Thomas Fox** to the October 18, 2016, Board meeting for the purpose of sharing a

presentation he delivered recently to the Pattersquash Creek Civic Association.

Motion carried: 4-Yes; 1-No

**17. 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 and pending legal matters, as are permitted under the *New York State Public Officers Law*.

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

**RESOLVED,**

that the Board of Trustees enter into executive session for the purpose of discussing particular personnel and pending legal 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 7:49 p.m. and convened the Board of Trustees' meeting in executive session at 7:55 p.m.

**18. DEPARTURE OF TREASURER**

Village Treasurer **Abel** left the meeting at 7:49 p.m. at the conclusion of Item #17 above.

**19. CELLULAR DEVICES – SECURITY MEASURES**

Prior to entering into the executive-session meeting room, Village Attorney **Eldridge** asked each Board member and the Village Clerk/Administrator to turn over their cellular devices to Public-Safety Officer **Timothy Boe** who, at the Village Attorney's request, would maintain security for the devices until after the executive session was concluded.

The Village Clerk/Administrator and all Board members except for Trustee **Anderson**, who refused to turn over his cellular device for safekeeping, complied with the Village Attorney's security directive.

**20. 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. Discussions about particular personnel matters and pending litigation were conducted.

**21. 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 9:05 p.m. and re-convened the Board of Trustees in public session at 9:06 p.m.

**22. RETENTION OF DISSOLUTION CONSULTANT**

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

**WHEREAS,** based upon the petition for the dissolution of the Village and the upcoming dissolution vote on November 16, 2016, it is in the Village's best interest to assure that all pertinent information is shared with the community and all applicable laws are met; now, therefore, be it

**RESOLVED,** that the Board of Trustees authorizes the Village's retention of the **LaBerge Group**, 4 Computer Drive West, Albany, New York 12205, for the purposes of having this consultant assist the Village with public-information dissemination and related activities should the Village residents vote to dissolve the Incorporated Village of Mastic Beach, a copy of said agreement annexed hereto and made a part hereof as **Attachment #4**; and be it further

**RESOLVED,** that the Board of Trustees authorizes the Mayor to execute the agreement with the **LaBerge Group**, upon the Village Attorney's review and approval of the same; and be it further

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

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

**23. SALARY ADJUSTMENT**

Pursuant to discussions held in executive session, the following motion was made and voted upon.

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

**RESOLVED,** that the Board of Trustees authorizes the following salary adjustments for Building Inspector **Teresa Madarasz**, pursuant to a related Financial-Impact Statement prepared by Treasurer **Abel**, a copy of which is annexed hereto and made a part hereof as **Attachment #5:**

From \$18.00 hourly to \$23.00 hourly, for the period June 1, 2016, through October 5, 2016, inclusive; and

From \$23.00 hourly to \$25.00 hourly, effective October 6, 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 s Resolution, which shall take effect immediately.

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

**24. RETENTION OF LIFELOCK – DATA-BREACH MONITORING**

Motion offered by **Elizabeth Manzella**, seconded by **Joseph Johnson** to wit:

**WHEREAS,** the Village Attorney has counseled the Board of Trustees about its statutory obligation to provide standard-monitoring services to those individuals impacted by the data breach; now, therefore, be it

**RESOLVED,** that the Board of Trustees authorizes the Village to enter into an agreement with **LifeLock, Inc.**, 60 East Rio Salado Parkway, Suite 400, Tempe, Arizona 85281; at a per-person cost of \$76.91, per year, for those individuals who sign up for this monitoring service, a

copy of said agreement is annexed hereto and made a part hereof as **Attachment #6**; and be it further

**RESOLVED,** that these monitoring services will be provided for a one-year period unless otherwise mandated by applicable state statutes relating to individual-search circumstances and, in those cases, the monitoring services will be provided only for the mandated statutory period; and be it further

**RESOLVED,** that the Deputy Mayor is authorized to execute the agreement between the Village and **LifeLock, Inc.**; conditioned upon the review and approval of the Village Attorney; and be it further

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

Motion carried: 3-Yes; 0-No 2-Recusals (**M. Spery; A. Snyder**)

**25. SETTLEMENT WITH LOCAL 342**

Pursuant to discussions held in executive session, the following motion was made and voted upon.

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

**WHEREAS,** the Board of Trustees had an opportunity to receive advice and counsel from its Labor Attorney **Gerard Glass**; and

**WHEREAS,** it is in the Village's best interest to settle pending unfair-labor practice charges against the Village brought by Local 342 before the Public Employment Relations Board (PERB); now, therefore, be it

**RESOLVED,** that the Board of Trustees authorizes the Village to enter into a Settlement Agreement with Local 342, a copy of which is annexed hereto and made a part hereof as **Attachment #7**; and be it further

**RESOLVED,** that the Board of Trustees authorizes the Mayor to execute the settlement agreement on behalf of the Village; and be it further

**RESOLVED,** that the Board of Trustees authorizes the Mayor, Village Labor Counsel and the Village Clerk/Administrator to undertake all actions

necessary to effectuate this Resolution, which shall take effect immediately.

Motion carried: 5-Yes; 0-No

**26. APPOINTMENT TO FILL PLANNING-BOARD VACANCY**

Pursuant to discussions held in executive session, the following motion was made and voted upon.

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

**27. 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 **Joseph Johnson** to wit:

**RESOLVED,** that the Board of Trustees adjourn its meeting at 9:10 p.m.

Respectfully submitted,

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