

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

MEETING HELD AT WILLIAM FLOYD HIGH SCHOOL
240 MASTIC BEACH ROAD
MASTIC BEACH, NEW YORK 11951

BOARD MEETING
MINUTES
OCTOBER 18, 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*

INVITED GUESTS:

Police Inspector **Gerald McCarthy**, *Suffolk County Police Department, Seventh Precinct* (Item #5); **Benjamin Syden**, **Nicole Allen**, **John Rodat** and **Monique Wahba**, *The Laberge Group* (Item #16)

1. **CALL TO ORDER AND WELCOME**

Mayor **Spery** called the meeting to order at 6:09 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 Inspector **Gerald McCarthy** who provided an update on police activities within the Village during the past month.

6. ACKNOWLEDGMENT OF MINUTES

Mayor **Spery** polled the Board members to see if they had any comments/revisions to the draft October 5, 2016, meeting minutes. Hearing none, the meeting minutes were accepted as presented.

7. AUTHORIZATION FOR THE PAYMENT OF CLAIMS

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. 5(a)-2016-17, in the total amount of \$32,819.15, a copy of which is annexed hereto and made a part hereof as **Attachment #1**.

Motion carried: 5-Yes; 0-No; 1-Abstention (**C. Anderson**)

8. BUDGET TRANSFER FOR UNEMPLOYMENT COSTS

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize a budget transfer to cover the Village's unemployment costs 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, the Board of Trustees has received a Financial-Impact Statement from Treasurer **Abel** regarding the need to make a budgetary transfer to cover the Village's unemployment costs; and

WHEREAS, at the request of Treasurer **Abel** and upon the recommendation of Mayor **Spery**; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the Village Treasurer to make a budgetary transfer, in the amount of \$26,606.00 from the A36201 budgetary line to the A90508 budgetary line for fiscal 2016-17 for the purpose of covering the Village's unemployment costs, pursuant to a Financial-Impact Statement prepared by the Village Treasurer, a copy of which is annexed hereto and made a part hereof as **Attachment #2**; and be it further

RESOLVED, that the Village Treasurer is authorized to undertake all actions necessary to effectuate this Resolution, which shall take effect immediately.

Motion carried: 5-Yes; 0-No

9. CONFERENCE ATTENDANCE

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize a conference attendance for one of the Village's building inspectors 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, Building Inspector **Linwood Staton** is required to attend training through the New York State Fire Prevention and Control Program in order to maintain an appropriate level of certification; and

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

RESOLVED, that the Board of Trustees authorizes Building Inspector **Linwood Staton** to attend the **New York State Fire Prevention and Control Program**, offered through the New York State Academy of Fire Science, 600 College Avenue, Montour Falls, New York 14865-9634, during the period October 18, 2016, through October 21, 2016, inclusive; and be it further

RESOLVED, that the Board of Trustees authorizes the payment of Mr. **Staton's** registration cost of \$25.00 and materials-fee cost of \$5.00; and be it further

RESOLVED, that once Mr. **Staton** finalizes his hotel and travel arrangements, these will be presented to the Board of Trustees at a future meeting for reimbursement authorization; and be it further

RESOLVED, that the 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

10. LEXIS-NEXIS MONTHLY-ACCOUNTABILITY REPORT

Pursuant to the Board's established Lexis-Nexis procedures, Mayor **Spery** reported to the Board that there were a total of 208 searches conducted by Public-Safety Supervisor **Anthony Prudenti** during the month of September 2016. Of those searches conducted last month, 203 related to searches to obtain updated address information for data-breach victims whose original notification letters were returned as undeliverable. The remaining five searches related to a matter requiring verification of the current

address for the owner of a property that was the subject of a police matter involving squatters.

11. RENAMING DUCKY LANE, MASTIC BEACH, NEW YORK 11951 IN HONOR AND MEMORY OF FORMER MAYOR PAUL BRESCHARD

Pursuant to discussions at the October 5, 2016, Mayor **Sperry** continued discussions with the Board of Trustees about the renaming of Ducky Lane, Mastic Beach, New York 11951, in honor and memory of former Village Mayor Paul Breschard, who passed away on October 2, 2016. She shared that in speaking with Ms. **Jerri Breschard**, a request was made not to modify the name of Ducky Lane given its history. Ms. **Breschard** was amenable to having another street within the Village renamed in honor and memory of her late husband.

Following a discussion, there was consensus among the Board members that Lincoln Avenue should be renamed as "Paul Breschard Avenue". Accordingly, Village Attorney **Eldridge** will draft the necessary local law and this item will be placed on a future board-meeting agenda so that a public hearing on the matter can be set.

12. MONTHLY REPORTS

Mayor **Sperry** asked the Board members to acknowledge their receipt of the following monthly reports, copies of which are attached as **Attachments 3-5**, inclusive:

Department of Public Works
Department of Public Safety
Department of Zoning and Planning.

13. CALL FOR A SPECIAL MEETING

Mayor **Sperry** called for a special Board meeting to be held on Wednesday, November 9, 2016, at 6 p.m. at William Floyd High School, 240 Mastic Beach Road, Mastic Beach, New York 11951, for the purpose of **The Laberge Group** representatives providing

additional information to the community about the proposed dissolution of the Village.

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

WHEREAS, while there is no legal requirement to conduct public meetings in advance of the dissolution vote on November 16, 2016; and

WHEREAS, the Board of Trustees believes it is in the Village's best interest to offer as much public information as reasonably possible in advance of the Village's dissolution vote on November 16, 2016; now, therefore, be it

RESOLVED, that the Board of Trustees authorizes that a special meeting be conducted on **Wednesday, November 9, 2016**, at 6:00 p.m. at the William Floyd High School, 240 Mastic Beach Road, Mastic Beach, New York 11951, for the purpose of **The Laberge Group** representatives to provide additional public information to residents about the proposed dissolution of the Village; and be it further

RESOLVED, that the Village Clerk/Administrator is authorized to undertake all actions necessary to effectuate this Resolution, which shall take effect immediately.

Motion carried: 5-Yes; 0-No

14. STOP-SIGN REQUEST

Trustee **Snyder** discussed with the Board a request she received for a stop sign on Jefferson Drive between Aspen and Pine. Should the Board members wish to pursue this matter, the related local law will need to be amended and a public hearing set. Following a discussion on this matter, it was the consensus of the Board members that the Village obtain a price quote from its engineering firm, **H2M**, regarding the cost of conducting a traffic study.

15. **ADDENDUM**

A. ASPHALT-SMELTING MACHINE

Trustee **Johnson** on behalf of Trustee **Snyder** and himself discussed with the Board members the sale of the asphalt-smelting machine that is currently unused after being replaced by alternative equipment. The proceeds from the sale of the asphalt-smelting machine could then be used to offset the future repair and purchase costs for the Department of Public Works. After 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 authorizes the Village Attorney to prepare the necessary bid documents for the sale of the Village's asphalt-smelting machine.

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

B. MASTIC BEACH YACHT CLUB JOURNAL

A motion was made by **Maura Spery** and seconded by **Joseph Johnson** to authorize the purchase of a \$100.00 journal page for the **Mastic Beach Yacht Club** annual-installation dinner. After a discussion, voting on the pending motion was as follows.

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

RESOLVED,

that the Board of Trustees authorizes the placement of a congratulatory full-page journal ad on the occasion of the **Mastic Beach Yacht Club's** Annual-Installation Dinner; and be it further

RESOLVED,

that the Village Treasurer is authorized to undertake all actions necessary to effectuate this Resolution, which shall take effect immediately.

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

16. DISSOLUTION PRESENTATION

Representatives from the Village's consultant, **The Laberge Group**, led a presentation about the proposed dissolution of the Village. Copies of the presentation are annexed hereto and made a part hereof as **Attachment #6**.

Following their presentation, they responded to questions posed by the following individuals who signed up to speak on this topic:

Name:

John Mutt

Arthur Curley

Susan Steinmann

Joseph Ferrara

Ernest Hoeffstaetter

Frank Fugarino

Susan Plunkett

Lorraine (no last name given)

Darrin Harsch

Christopher Hugo

17. STATEMENT – TOWN OF BROOKHAVEN

David J. Moran, Esq., Deputy Brookhaven Town Attorney, read a statement into the record, a copy of which is annexed hereto and made a part hereof as **Attachment #7**.

18. PRESENTATION – FIRE ISLAND-TO-MONTAUK-PROJECT

Mr. **Tom Fox** delivered a presentation regarding the Fire Island-to-Montauk Project.

19. 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.

<u>Name:</u>	<u>Topic:</u>
Joseph Ferrara	Survival; proposed dissolution
Frank Fugarino	Budget deficit
Nancy Johnson	Financial disclosure/abstracts; Petition to dissolve
Susan Steinmann	Dissolution results; Democracy; Disrespect toward Village by Town of Brookhaven, Suffolk County and Suffolk County Police

20. MOTION TO ENTER INTO EXECUTIVE SESSION

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 pending litigation 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 8:58 p.m. and convened the Board of Trustees' meeting in executive session at 9:05 p.m.

21. 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 a pending litigation matter and engaged in confidential, legally-privileged communications with the Village Attorney.

22. 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 9:12 p.m. and re-convened the Board of Trustees' meeting in public session at 9:13 p.m.

23. LEGAL REPRESENTATION OF VILLAGE

At the Board's July 27, 2016, meeting, a resolution was passed by a majority of the members directing that the then-Village Attorney be removed 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). In the same resolution, the Board majority directed that no substitute attorney be appointed to represent the Village in this pending litigation matter.

Based upon the legal requirement that the Board of Trustees be represented in this pending litigation matter, the following motion was made and voted upon.

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

WHEREAS, that in view of legal requirements that the Board of Trustees be represented in a pending Article 78 matter against the Village (*Smith, et al v. Incorporated Village of Mastic Beach*); now, therefore, be it

RESOLVED, that the Board of Trustees rescinds that part of its July 27, 2016, Resolution that stipulated the Village would not be represented by counsel in the matter of *Smith, et al v. Incorporated Village of Mastic Beach* Article 78 proceeding; and be it further

RESOLVED, that the Board of Trustees now authorizes Village Attorney **J. David Eldridge** to represent the Village in this pending Article 78 proceeding; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Motion carried: 5-Yes; 0-No

24. MEETING ADJOURNMENT

There being no further items to come before the Board of Trustees, Mayor **Spery** called for a motion to adjourn.

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

RESOLVED, that the Board of Trustees adjourn its meeting at 9:15 p.m.

Motion carried: 5-Yes; 0-No

Respectfully submitted,

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

CONFIDENTIAL DRAFT -- SUBJECT TO MODIFICATION BY BOARD OF TRUSTEE/VILLAGE ATTORNEY