

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

BOARD MEETING  
MINUTES  
NOVEMBER 2, 2016

PRESIDING OFFICER: Maura P. Spery, *Mayor*

MEMBERS OF THE BOARD OF TRUSTEES PRESENT AND VOTING:

Elizabeth “Betty” Manzella, *Deputy Mayor*; Joseph H. Johnson and Anne L. Snyder, *Trustees*

MEMBERS OF THE BOARD OF TRUSTEES ABSENT: Christopher Anderson, *Trustee*

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* (Item #23 only)

INVITED GUESTS:

Philip Marciano, *Nawrocki Smith, LLP* (Item #23 only)

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.

**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 October 18, 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. During a discussion on the pending motion, a motion to table this matter until after the Board meets in executive session later in the meeting was made and voted upon as follows.

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

**RESOLVED,**

that the Board of Trustees tables action on whether to authorize the payment of claims until after the Board has an opportunity to meet in executive session later in the meeting.

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

**7. APPOINTMENT OF ELECTION INSPECTORS/POLL WORKERS**

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** after which a discussion followed. Thereafter, the pending motion, as amended, was voted upon as follows.

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

**WHEREAS,** under Section 15-116 of the *New York State Election Law*, the Board of Trustees must appoint two or four inspectors for each Village Election District; and

**WHEREAS,** the Village has only one election district; now, therefore, be it

**RESOLVED,** that the Board of Trustees appoints the following individuals<sup>1</sup> to serve as Election Inspectors for the Village's Referendum on whether to dissolve the Incorporated Village of Mastic Beach to be held on Wednesday, November 16, 2016, at the stipend listed:

**Beatrice Blankenship\***, Election Inspector, \$125.00 stipend; and

**Denise Paladino\***, Election Inspector, \$125.00 stipend; and be it further

**RESOLVED,** that **Beatrice Blankenship** shall serve as the chairperson of election inspectors; and be it further

**RESOLVED,** that the following individuals shall serve as Poll Workers for the Village's Referendum on whether to dissolve the Incorporated Village of Mastic Beach to be held on Wednesday, November 16, 2016, at a \$100 stipend for each person<sup>2</sup>:

**Patrice Antz**

**Carmela Cardoza**

**Thomas Cardoza**

**Margaret-Lynn Colwell**

**Michael Donahue\***

**Robin Gallo**

**Joyce Gambina**

**Theresa Jarrett**

**Kathleen Kelly**

**Robert Kelly**

**Barbara Laughlin\***

**David Laughlin\***

**Vincent Nasta\***

**Ellen Peters**

**Yolanda Player-Artis\***

**Lorraine Roarty**

---

<sup>1</sup> Those names notated with an asterisk indicate this individual has worked at Village elections in the past.

<sup>2</sup> Those names notated with an asterisk indicate this individual has worked at Village elections in the past.

**Dorothy Rosenman**  
**Lina Tjondro\***  
**Joseph Todaro\***  
**Marie Todaro\***; and be it further

**RESOLVED,** that the Board of Trustees authorizes each of the above-named Poll Workers to serve as an alternate Election Inspector and/or Election Inspector Chairperson, should the need arise due to the unforeseen availability of either or both Mss. **Blankenship** and **Paladino**, with each substitute receiving the \$125.00 stipend for said alternate appointment; and be it further

**RESOLVED,** that the Board of Trustees authorizes the Village to dinner to the election workers, at a total cost not to exceed \$200.00, who must remain at the polling site during the entire time the polling place is open; and be it further

**RESOLVED,** that the Board of Trustees authorizes the Village Clerk/Administrator and Treasurer to take all necessary actions to effectuate this Resolution; and be it further

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

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

**8. VILLAGE ELECTIONS – 2017**

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

**WHEREAS,** there are statutory-required actions that must be taken in order for the Village to conduct its 2017 elections; and

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

**RESOLVED,** that the Board of Trustees authorizes the Village Clerk/Administrator to undertake all required actions relating to the 2017 Village Elections, including the publishing of related legal ads as required by statute; and be it further

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

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

**9. APPLICATION FOR GRANT – DISSOLUTION STUDY<sup>3</sup>**

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

**WHEREAS,** the Village of Mastic Beach Village Board, has determined that it is desirable and in the public interest to undertake the necessary activities for the submittal of an application under the **Department of State 2016 Local Government Citizens Re-Organization Empowerment Grant (CREG) Expedited Assistance Program** to be titled, **Village of Mastic Beach Dissolution Study**; and

**WHEREAS,** the Village of Mastic Beach Village Board hereby authorizes Mayor **Maura Spery** to submit the grant application; and

**WHEREAS,** Mayor **Maura Spery** will serve as the Contact Person to execute all financial and/or administrative processes relating to the grant program; and

**WHEREAS,** the intent of the proposed project is to provide the Village of Mastic Beach with financial assistance to develop a dissolution study to understand the current services and responsibilities of the Village of Mastic Beach and the Town of Brookhaven, and examine the financial impact of reorganization on all involved local governments, assess potential management and service delivery changes, review potential impediments related to re-organization, list recommended steps to complete the re-organization, as well other efficiency options if the re-organization is not completed; and

**WHEREAS,** the amount of funds to be requested from the **2016 Local Government Citizens Re-Organization Empowerment Grant (CREG) Expedited Assistance Program** are not to exceed \$50,000; and

---

<sup>3</sup> Full title of Resolution required by the New York State Department of State: RESOLUTION AUTHORIZING THE VILLAGE OF MASTIC BEACH MAYOR MAURA SPERY TO SUBMIT AN APPLICATION TO THE DEPARTMENT OF STATE 2016 LOCAL GOVERNMENT CITIZENS RE-ORGANIZATION EMPOWERMENT GRANT (CREG) EXPEDITED ASSISTANCE PROGRAM FOR GRANT FUNDS TO SUPPORT COSTS ASSOCIATED WITH THE DEVELOPMENT AND DISSEMINATION OF INFORMATION TO THE VILLAGE OF MASTIC BEACH REGARDING THE STUDY OF DISSOLUTION

**WHEREAS,** the Village of Mastic Beach hereby commits to providing a 10% local cash match; now, therefore, be it

**RESOLVED,** that the Village of Mastic Beach is the Lead Applicant in an application for financial assistance under the **2016 Local Government Citizens Re-Organization Empowerment Grant (CREG) Expedited Assistance Program for a Village of Mastic Beach Dissolution Study**; and be it further

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

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

**10. APPLICATION FOR GRANT – VILLAGE COURT**

Village Judge **Barbara O'Malley** requested that the Board of Trustees authorizes the Court personnel to file a Justice Court Assistance Program Grant Application (JCAP), for a maximum award of \$30,000.00. If awarded, the grant funds can be used for office and security equipment, furniture, courtroom and court facility improvements and renovations. Accordingly, Mayor **Spery** called for a related motion.

A motion was made by **Maura Spery** and seconded by **Anne Snyder** to authorize the application for a Village-Court grant and a discussion followed. Thereafter, voting on the pending motion was as follows.

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

**WHEREAS,** there are grant funds available for court purposes; and

**WHEREAS,** at the request of Village Judge **Barbara O'Malley** and upon the recommendation of Mayor **Spery**; now, therefore, be it

**RESOLVED,** that the Board of Trustees authorizes Village-court personnel to apply for a Justice Court Assistance Program Grant Application (JCAP), for a maximum award of \$30,000.00 that, if awarded, can be used for office and security equipment, furniture, courtroom and court facility improvements and renovations.

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

**11. DUPLICATE SET OF SURVEYS – G.A. LAND SURVEYORS**

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize payment for the purchase of a duplicate set of surveys from **G.A. Land Surveyors** and a discussion followed. Thereafter, voting on the pending motion, as amended, was as follows.

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

**RESOLVED,** that the Board of Trustees authorizes payment, in the amount of \$800.00, to **G and A Land Surveyors** for the purpose of the Village obtaining an additional set of surveys for the Village's new title company contingent upon the Village exhausting all other options to obtain these surveys for a lesser cost; and be it further

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

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

**12. DEPARTURE AND RETURN OF VILLAGE CLERK/ADMINISTRATOR**

During the discussion of Item #11 above, and before the Board members voted on the motion, Village Clerk/Administrator **Alevas** left the meeting at 6:18 p.m. and returned at 6:20 p.m.

**13. REIMBURSEMENT FOR ATTORNEY FEES**

Former Deputy Mayor **Bruce Summa** on October 25, 2016, filed with the Village Clerk/Administrator an undated letter to the Mastic Beach Village Board of Trustees by which he requested reimbursement for his legal fees incurred while defending himself from a lawsuit that was later dropped by the plaintiff's lawyer rather than face a motion for sanctions for bringing a frivolous lawsuit.

Accompanying Mr. **Summa's** letter was a May 14, 2015, paid invoice, in the amount of \$1,487.50. Accordingly, Mayor **Sperry** called for a related motion.

A motion was made by **Maura Sperry** and seconded by **Elizabeth Manzella** to authorize the reimbursement of attorney fees to a former Board member and a discussion followed. Thereafter, voting on the pending motion was as follows.

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

**WHEREAS,** former Deputy Mayor **Bruce Summa** incurred legal fees relating to the defense of a lawsuit brought against him in his elected-official capacity; and

**WHEREAS,** the lawsuit brought against Mr. **Summa** was withdrawn by plaintiff's attorney rather than face a motion for sanctions for bringing a frivolous lawsuit; and

**WHEREAS,** upon the recommendation of Mayor **Sperry** and in accord with a legal opinion rendered to the Board of Trustees by Village Attorney **Eldridge**; now, therefore, be it

**RESOLVED,** that the Board of Trustees authorizes the reimbursement to former Deputy Mayor **Bruce Summa** of \$1,487.50 in legal fees he paid to **Adrian L. DiLuzio, Esq.** for representing Mr. **Summa** in a lawsuit that was eventually withdrawn by plaintiff's attorney; 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; 0-No; 1-Absent (**C. Anderson**)

**14. SNOW PLOW CONTRACTOR/SUBCONTRACTOR PACKET**

Department of Public Works Superintendent **Peter Costelloe** has confirmed with the Town of Brookhaven that the 2016-17 fee structure in place for snow plow contracts and subcontractors

remains unchanged from fiscal 2015-16. As the Village compensates snow plow contractors and subcontractors at the same level as the Town of Brookhaven in order to remain competitive. The Board members' attention was called to the fact that should the Board wish to have background checks conducted, the required written authorization under applicable statute has been added to the last three pages of the application packet. Mayor **Spery** called for a motion to authorize the distribution of 2016-17 snow plow contract/subcontractor packets with the same wording and fee structure as during fiscal 2015-16 and the additional background-check authorization form.

A motion was made by **Maura Spery** and seconded by **Elizabeth Manzella** to authorize the release of the Village's 2016-17 snowplow contractor/subcontractor packets and a discussion followed. Thereafter, voting on the pending motion, as amended, was as follows.

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

- WHEREAS,** it is in the Village's best interests to secure snow plow contractors and subcontractors in advance of the 2016-17 winter season; and
- WHEREAS,** upon the recommendation of Mayor **Spery**; now, therefore, be it
- RESOLVED,** that the Board of Trustees authorizes the Village's Department of Public Works Superintendent **Peter Costelloe** to solicit snow plow contractors/subcontractor for the 2016-17 winter season for consideration for appointment by the Board of Trustees; and be it further
- RESOLVED,** that the Board of Trustees authorizes the use of an application packet for this purpose, without forms for background-check authorization, a copy of which is annexed hereto and made a part hereof as **Attachment #1**; and be it further
- RESOLVED,** that the Department of Public Works Superintendent, 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-Absent (**C. Anderson**)

**15. FORMER MAYOR PAUL BRESCHARD – MEMORIAL ACTION**

Trustee **Anne Snyder** via an October 20, 2016, email reported to the Board of Trustees that former Mayor Paul Breschard's wife Jerri does not believe that naming a street after her late husband is an appropriate honor. Rather, Ms. **Breschard** advised Trustee **Snyder** that a more fitting memorial to former Mayor Breschard would be to have Village Hall named after him. Mayor **Sperry** advised she would be making a motion to table this item until after the results of the dissolution vote on November 16, 2016. This would enable the Board, should the Village residents vote to dissolve the Village, to select another option for honoring the late former Mayor Paul Breschard that would be more lasting.

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

**RESOLVED,**

that the Board of Trustees defers action on how to best honor the late former Mayor Paul Breschard until after the results of the dissolution vote on November 16, 2016, are known.

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

**16. ADDENDUM**

**A. SIDEWALK PAVING – APPOINTMENT OF CONTRACTOR**

Mayor **Sperry** advised that since the Village has more time to complete the grant-funded sidewalk-paving project, she wanted to table action on appointing a contractor to enable the Village to obtain additional price quotations.

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

**RESOLVED,** that the Board of Trustees tables action on appointing a contractor to undertake sidewalk-paving work under a related grant in order for the Village to obtain additional price quotations.

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

**B. INSURANCE-COVERAGE RENEWALS**

Ms. **Nicole Morton** of **Salerno Brokerage Corp.** provided the Board of Trustees with insurance-coverage proposals for the policy period November 22, 2016, through November 21, 2017. Accordingly, Mayor **Spery** called for a related motion to authorize the purchase of insurance coverage.

A motion was made by **Maura Spery** and seconded by **Joseph Johnson** to authorize the placement of insurance coverage and a discussion ensued. Thereafter, voting on the pending motion was as follows.

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

**WHEREAS,** it is incumbent upon the Incorporated Village of Mastic Beach to have appropriate insurance coverage in effect; and

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

**RESOLVED,** that the Board of Trustees authorizes the Village Clerk/Administrator to secure continued insurance coverage for the Village as follows:

<u>Policy</u>	<u>Annualized Premium 11/22/2015-16</u>	<u>Premium 11/22/2016-17</u>	<u>Carrier</u>
Municipal Package	\$91,360.29	\$77,969.27	NYMIR
Municipal Automobile	Included	Included	NYMIR
Municipal Public Officials	Included	\$41,750.00	Ironshore
Municipal Umbrella - \$10MM	\$17,318	\$29,603.00	ACE
Municipal Excess Umbrella. \$5MM	\$ 5,000	\$ 7,500.00	AAIC
Tail Coverage – 2 Year	N/A	\$11,229.63	NYMIR
Capitalization	\$923.16	\$ 923.16	NYMIR
	Year Three	Year Four	
Terrorism – Primary	Included	Included	
Terrorism – Umbrella	Rejected	Included	
Terrorism – Excess Umbrella desired.)	Rejected	Rejected (Available for \$750.00, if	

**TOTAL** **\$114,601.45** **\$168,975.06;** and be it further

**RESOLVED,** that the Board of Trustees further authorizes the purchase of cyber-liability coverage with a \$1,000,000.00 limit; \$5,000.00 deductible at a \$2,480.00 premium; and be it further

**RESOLVED,** that the above-described insurance policies shall be placed through the Village's broker, **Salerno Brokerage Corp.**, 117 Oak Drive, Syosset, New York 11791, for the period November 22, 2016, through November 21, 2017; and be it further

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

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

**17. 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.

<b><u>Name:</u></b>	<b><u>Topic:</u></b>
<b>Helen Lefkowitz</b>	Background checks; Village grants; paving streets
<b>Alan Chasinov</b>	Data breach; Lifelock; Settlement agreement with the Mastic Beach Property Owners' Association (MBPOA)

**18. MOTION TO ENTER INTO EXECUTIVE SESSION I**

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

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

Upon passage of the foregoing Resolution, Mayor **Spery** adjourned the public session at 7:02 p.m. and convened the Board of Trustees' meeting in executive session at 7:05 p.m.

**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 complied with the Village Attorney's security directive.

**20. EXECUTIVE SESSION I**

Mayor **Spery**, Deputy Mayor **Manzella**, Trustees **Johnson** and **Snyder**, Village Attorney **J. David Eldridge, Esq.**, and Village Clerk/Administrator **Susan F. Alevas, Esq.** were present in executive session. The Village Attorney engaged in a legally-privileged discussion with the Board of Trustees about pending and potential litigation matters, as is permitted under law.

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

Upon passage of the foregoing Resolution, Mayor **Spery** adjourned the executive session at 8:08 p.m. and re-convened the Board of Trustees' meeting in public session at 8:09 p.m.

**22. MOTION TO ENTER INTO EXECUTIVE SESSION II**

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

**RESOLVED,** that the Board of Trustees re-enter into executive session for the purpose of discussing inter-agency matters, as is permitted under *New York State Public Officers Law*.

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

Upon passage of the foregoing Resolution, Mayor **Spery** adjourned the public session at 8:09 p.m. and re-convened the Board of Trustees' meeting in executive session at 8:10 p.m.

**23. EXECUTIVE SESSION II**

Mayor **Spery**, Deputy Mayor **Manzella**, Trustees **Johnson** and **Snyder**, Village Attorney **J. David Eldridge, Esq.**, Village Clerk/Administrator **Susan F. Alevas, Esq.**, Treasurer **Anne Abel** and **Nawrocki Smith** auditor **Philip Marciano** were present in executive session. A discussion followed regarding inter-agency matters, as is permitted under law.

**24. ADJOURNMENT OF EXECUTIVE SESSION II**

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

**RESOLVED,** that the Board of Trustees adjourn its executive session.

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

Upon passage of the foregoing Resolution, Mayor **Spery** adjourned the executive session at 8:31 p.m. and re-convened the Board of Trustees' meeting in public session at 8:32 p.m.

**25. 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. A6-2016-17, in the total amount of \$133,387.81, a copy of which is annexed hereto and made a part hereof as **Attachment #2**.

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

**26. MEETING ADJOURNMENT**

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

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

**RESOLVED,** that the Board of Trustees adjourn its meeting at 8:33 p.m.

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

Respectfully submitted,

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

DRAFT -- SUBJECT TO REVIEW/MODIFICATION BY BOARD OF TRUSTEES