

**INCORPORATED VILLAGE OF MUTTONTOWN
MEETING OF THE BOARD OF TRUSTEES
REGULAR MONTHLY MEETING
December 12, 2018
Minutes**

Call to Order

The meeting of the Incorporated Village of Muttontown was called to order by Mayor Dr. James Liguori, at Village Hall, located at One Raz Tafuro Way, Muttontown, New York, at 6:45 p.m.

Present

Mayor Dr. James M. Liguori
Deputy Mayor Sudha Prasad
Trustee Susan Dasilva
Trustee Chris Economou
Trustee Brian Fagen
Trustee Jeanine Todaro
Trustee Mohinder Singh

Pledge of Allegiance

The Pledge to the Flag of the United States of America was recited by the Board, Village personnel, residents and the general public.

Public Hearing

At 6:45 p.m. Deputy Mayor Prasad moved to open the public hearing on proposed Local Law 2 of 2018 Amending Chapter 46 of the Village Code of the Incorporated Village of Muttontown. Trustee Dasilva seconded the motion, which was unanimously approved.

Acting Clerk/Treasurer Joe Russo read the legal notice that was published in Newsday, posted at Village Hall and on the Village website.

Village Attorney Keith Corbett gave an overview of the proposed Local Law which addressed the indemnification and defense of public officials and employees.

Mayor Liguori asked for comments from the Board of Trustees and the public. Julianne Beckerman of Linden Lane, Julia Albernas of 21 Geralind Drive, and Thelmo Dasilva of 2 Wakefield Road addressed the Board during the public comment period.

There being no one further wishing to comment, Trustee Fagen moved to close the public hearing at 7:07 p.m. which was seconded by Trustee Dasilva and unanimously approved.

Deputy Mayor Prasad made a motion to adopt proposed Local Law 2 of 2018 which was seconded by Trustee Dasilva. Mayor Liguori asked Acting Clerk-Treasurer Joe Russo to poll the Board:

Trustee Dasilva aye
Trustee Fagen aye
Deputy Mayor Prasad aye
Trustee Economou aye
Trustee Todaro aye
Trustee Singh aye
Mayor Liguori aye

Mayor Liguori declared the law adopted as Local Law 2 of 2018.

Department Reports

Trustee Economou gave a report on the Muttontown Police Department. Sergeant Ernst of the Muttontown Police Department gave a report on Police activity for the month of November 2018.

Trustee Dasilva gave a report on the Building Department.

Deputy Mayor Prasad gave a technology report.

Mayor Liguori asked Acting Clerk Joe Russo to give a treasurer's report for the month ending November 2018. Acting Clerk Russo discussed the bank reconciliation data from village statements ending October 31, 2018 through statement end date November 30, 2018.

ADVISORY BOARDS

Trustee Todaro gave an update on the Neighborhood Outreach Committee.

Deputy Mayor Prasad gave an update on the Community Events Advisory Committee.

NEW BUSINESS

Mayor James Liguori presented five Muttontown Residents with citations in recognition of their contributions to the Village as they volunteered their time to assist at Village Hall starting in July. Andrea Lynch, Randi Lehman, Janice Meigel, Toni Bardong, and Amy Wilson were presented with citations from the Mayor on behalf of the Board of Trustees.

Resolution 18-46 – A motion was made by Trustee Economou, seconded by Trustee Dasilva and carried to waive the reading of the prior meetings minutes.

Resolution 18-47 – A motion was made by Trustee Fagen, seconded by Trustee Todaro and carried to approve the prior meeting's minutes.

Resolution 18-48- A motion was made by Trustee Economou, seconded by Trustee Todaro and carried to approve the prior meetings Executive Board minutes.

Resolution 18-49 – A motion was made by Deputy Mayor Prasad, seconded by Trustee Singh and carried to approve the warrants as presented.

Resolution 18-50 – A motion was made by Trustee Dasilva and seconded by Deputy Mayor Prasad to approve the 2019 Board of Trustee meeting schedule.

Resolution 18-51 – A motion was made by Deputy Mayor Prasad and seconded by Trustee Todaro and carried to approve the 2019 Planning Board meeting schedule. A copy is annexed to these minutes.

Resolution 18-52 – A motion was made by Trustee Fagen, seconded by Trustee Economou and carried to approve the 2019 Zoning Board meeting schedule. A copy is annexed to these minutes.

Resolution 18-53 – A motion was made by Trustee Dasilva, seconded by Deputy Mayor Prasad and carried to approve the 2019 SARB meeting schedule. A copy is annexed to these minutes.

Resolution 18-54- A motion was made by Trustee Economou, seconded by Trustee Singh and carried to approve the establishment of a Village Court Petty Cash Fund.

Resolution 18-55- A motion was made by Trustee Todaro, seconded by Deputy Mayor Prasad and carried to authorize a loan of \$200 to the Village Court to be repaid.

Public Input

Julie Albernese of 21 Geralind Drive, and Julianne Beckerman of Linden Lane addressed the Board during public input.

Motion to Adjourn

At 7:25 p.m. Trustee Economou made a motion, seconded by Trustee Singh and carried to enter into executive session to discuss the Village of Muttontown Collective Bargaining Agreement.

Resolution 18-56 - A motion was made by Trustee Singh, seconded by Deputy Mayor Prasad and carried to approve pursuant to the negotiated settlement agreement the Tax Certiorari case regarding 6901 Jericho LLC.

At 9:24 p.m. a motion as made by Trustee Fagen, seconded by Deputy Mayor Prasad and carried to re-open executive session.

There being no further business, at 9:30 p.m. a motion as made by Trustee Economou, seconded by Deputy Mayor Prasad and carried to adjourn the public meeting.

Submitted By: _____ **Joe Russo** _____

Minutes Approved on: _____ **1/9/2019** _____

Resolution No: _____ **19-2** _____

**INCORPORATED VILLAGE OF MUTTONTOWN
MEETING OF THE BOARD OF TRUSTEES
REGULAR MONTHLY MEETING
December 12, 2018
Executive Session Minutes**

Present

Mayor Dr. James M. Liguori
Deputy Mayor Sudha Prasad
Trustee Chris Economou
Trustee Brian Fagen
Trustee Susan Dasilva
Trustee Mohinder Singh
Trustee Jeanine Todaro

At 7:35 p.m. a motion as made by Deputy Mayor Prasad, seconded by Trustee Economou and carried to open executive session.

A discussion with counsel was had concerning the Village of Muttontown Collective Bargaining Agreement.

At 9:22 p.m. a motion as made by Trustee Singh, seconded by Trustee Dasilva and carried to close executive session and reopen the public meeting.

A discussion with counsel was had concerning the Village of Muttontown Collective Bargaining Agreement.

At 9:30 p.m. a motion as made by Trustee Singh, seconded by Trustee Dasilva and carried to close executive session.

Submitted By: _____ Joe Russo _____

Minutes Approved on: ____1/9/2019_____

Resolution No: ____19-3_____

**PROPOSED LOCAL LAW 2 OF THE YEAR 2018 AMENDING
CHAPTER 46 OF THE VILLAGE CODE OF THE INCORPORATED
VILLAGE OF MUTTONTOWN**

BE IT ENACTED, by the Board of Trustees of the Incorporated Village of Muttontown, County of Nassau, State of New York, as follows:

The Board of Trustees of the Incorporated Village of Muttontown does hereby make the following findings relative to the matters set forth in this Local Law:

Article I. General Provisions

- A. The purpose of this Local Law is to provide for revisions to Chapter 46 of the Village Code of the Incorporated Village of Muttontown so as to adopt § 18 of the Public Officers Law. The Board of Trustees of the Village of Muttontown has heretofore recognized the increasing litigation exposure faced by public employees and officers and conferred the defense and indemnification benefits contained in § 18 of the Public Officers Law on the village's public officials and employees by this Local Law. The Board of Trustees wishes to codify § 18 of the Public Officers Law to provide additional indemnification and defense protection pursuant to law.
- B. The Board of Trustees of the Incorporated Village of Muttontown find that this Local Law advances the governmental purposes of the Incorporated Village of Muttontown and provide for the health, safety and welfare of persons and property within the Incorporated Village of Muttontown.
- C. This Local Law is adopted pursuant to the Village Law of the State of New York and Article 2 of the Municipal Home Rule Law of the State of New York.
- D. All other laws and ordinances of the Incorporated Village of Muttontown that are inconsistent with the provisions of this local law are hereby repealed provided, however, that such repeal shall only be to the extent of such inconsistency. In all other respects, this Local Law shall be in addition to such other local laws or ordinances regulating and governing the subject matter covered herein.
- E. If any clause, sentence, paragraph, word, section or part of this Local Law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.
- F. This Local Law will take effect upon filing in the office of the New York State Secretary of State.

Article II. Amendment to Chapter 46 of the Village Code of the Incorporated Village of Muttontown

Chapter 46, sections 46-1 through 46-4 of the Village Code of the Incorporated Village of Muttontown shall be amended with the following text:

§ 46-1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

EMPLOYEE

Unless the context otherwise requires, any person holding a position by election, appointment or employment in the service of the Village of Muttontown, whether or not compensated, but shall not include an independent contractor. The term "employee" shall include a former employee, his estate or judicially appointed personal representative. The benefits of this article shall inure only to employees as defined herein and shall not enlarge or diminish the rights of any other party.

§ 46.2. Duty to provide for defense; exception.

A. The Village shall provide for the defense of the employee in any civil action or proceeding in any state or federal court arising out of any alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting within the scope of his public employment or duties or which is brought to enforce a provision of Section 1981 or 1983 of Title 42 of the United States Code; provided, however, that the duty of the Village to defend or save harmless shall be conditioned upon:

(1) The delivery to the Village Attorney at his office by the employee of the original or a copy of any summons, complaint, process, notice, demand or pleading within 10 days after he is served with such document. Such delivery shall be deemed a request by the employee that the Village provide for his defense pursuant to this article.

(2) The full cooperation of the employee in the defense of such action or proceeding and in defense of any action or proceeding against the Village based upon the same act or omission and in the prosecution of any appeal.

B. This duty to provide for a defense shall not arise where such civil action or proceeding is brought by or on behalf of the Village of Muttontown.

§ 46.3. Representation by Village Attorney or private counsel.

Subject to the conditions set forth in § 46.2 of this article, the employee shall be entitled to be represented by the Village Attorney; provided, however, that the employee shall be entitled to representation by private counsel of his choice in any civil judicial proceeding whenever the Village Attorney determines, based upon his investigation and review of the facts and circumstances of the case, that representation by the Village Attorney would be inappropriate or

whenever a court of competent jurisdiction, upon appropriate motion or by a special proceeding, determines that a conflict of interest exists and that the employee is entitled to be represented by private counsel of his choice. The Village Attorney shall notify the employee, in writing, of such determination that the employee is entitled to be represented by private counsel.

§ 46.4. Representation of groups by same counsel; fees and expenses.

The Village Attorney may require, as a condition to payment of the fees and expenses of such representation by private counsel, that appropriate groups of such employees be represented by the same counsel. If the employee or group of employees is entitled to representation by private counsel under the provisions of § 46.3 of this article, the Village Attorney shall so certify to the Village Treasurer. Reasonable attorneys' fees and litigation expenses shall be paid by the Village to such private counsel from time to time during the pendency of the civil action or proceeding, subject to certification that the employee is entitled to representation under the terms and conditions of § 46.3 of this article by the head of the department, commission, division, office or agency in which such employee is employed and upon the audit and warrant of the Village Treasurer. Any dispute with respect to representation of multiple employees by a single counsel or the amount of litigation expenses or the reasonableness of attorneys' fees shall be resolved by the court upon motion or by way of a special proceeding.

§ 46.5. Responsibility of Village Attorney.

Where the employee delivers process and a request for a defense to the Village Attorney, as required by § 46.2 of this article, the Village Attorney shall take the necessary steps, including the retention of private counsel, under the terms and conditions therein provided on behalf of the employee to avoid entry of a default judgment pending resolution of any question pertaining to the obligation to provide for a defense.

§ 46.6. Village to indemnify employees; judgments and settlements.

A. The Village shall indemnify and save harmless its employees in the amount of any judgment obtained against such employees in any state or federal court for compensatory and/or punitive damages, in the amount of any settlement of a claim, provided that the act or omission from which such judgment or settlement arose occurred while the employee was acting within the scope of his public employment or duties.

B. An employee represented by private counsel shall cause to be submitted to the head of the department, commission, division, office or agency in which he is employed any proposed settlement which may be subject to indemnification by the Village, and, if not inconsistent with the provisions of this section, such head of the department, commission, division, office or agency in which he is employed shall certify such settlement and submit such settlement and certification to the Village Attorney. The Village Attorney shall review such proposed settlement as to form and amount and shall give his approval if, in his judgment, the settlement is in the best

interest of the Village. Nothing in this section shall be construed to authorize the Village to indemnify or save harmless an employee with respect to a settlement not so reviewed and approved by the Village Attorney.

C. Upon entry of a final judgment against the employee or upon the settlement of the claim, the employee shall cause to be served a copy of such judgment or settlement, personally or by certified or registered mail, within 30 days of the date of entry or settlement, upon the head of the department, commission, division, office or agency in which he is employed, and, if not inconsistent with the provisions of this section, such judgment or settlement shall be certified for payment by such head of the department, commission, division, office or agency.

§ 46.7. Exceptions.

A. Except as provided in Subsection **B** of this section, nothing in this article shall authorize the Village to indemnify or save harmless an employee with respect to punitive or exemplary damages, fines or penalties or money recovered from an employee pursuant to General Municipal Law § 51.

§ 46.8. Construal.

A. The provisions of this article shall not be construed to affect, alter or repeal any provision of the Workers' Compensation Law.

B. This article shall not in any way affect the obligation of any claimant to give notice to the Village under any provision of law.

C. The provisions of this article shall not be construed to impair, alter, limit or modify the rights and obligations of any insurer under any policy of insurance.

D. Except as otherwise specifically provided in this article, the provisions of this article shall not be construed in any way to impair, alter, limit, modify, abrogate or restrict any immunity available to or conferred upon any unit, entity, officer or employee of the Village or any right to defense and/or indemnification provided for any governmental officer or employee by, in accordance with or by reason of any other provision of state or federal statutory or common law.

§ 46.9. Liability insurance.

The Board of Trustees may, by resolution, undertake to purchase liability insurance for its officers and employees for acts within the purview of this article.

§ 46.10. Applicability; when effective.

A. The provisions of this article shall apply to all actions and proceedings pending upon the effective date thereof or thereafter instituted.

B. This article shall become effective immediately upon filing with the Secretary of State.

§ 46.11 Village liable for costs; additional benefits.

Pursuant to the provisions of § 18 of the Public Officers Law, the Incorporated Village of Muttontown hereby agrees to be held liable for costs incurred under the provisions of said section, by conferring upon the officers and employees of the Incorporated Village of Muttontown the benefits of § 18 of the Public Officers Law. Such benefits shall supplement and shall be available in addition to the defense or indemnification protection conferred by Chapter **46**, Article I, §§ **46-1** through **46-11** of the Code of the Incorporated Village of Muttontown.

Village of Muttontown
Warrants
As of December 11, 2018

| | <u>Current</u> | <u>1 - 30</u> | <u>>30</u> | <u>TOTAL</u> | |
|---|--------------------------|--------------------|--------------------|--------------------------|---------|
| Accudata Payoll 81 & 82 | 130,983.41 | 0.00 | 0.00 | 130,983.41 | |
| Andreas Sofoklis | 630.00 | 0.00 | 0.00 | 630.00 | |
| ATLANTIC BLUEPRINT | 25.00 | 0.00 | 0.00 | 25.00 | |
| Corelogic Tax Services LLC | 25.16 | 0.00 | 0.00 | 25.16 | |
| DANIEL FINLEY ALLEN & CO., INC. | 50.00 | 0.00 | 0.00 | 50.00 | |
| DENNIS W. FARRELL & ASSOCIATES, LLC | 12,500.00 | 0.00 | 0.00 | 12,500.00 | |
| Dr Sudha Prasad | 48.94 | 0.00 | 0.00 | 48.94 | |
| Drs. Natalya & Grigoriy Krichmar (T&A) | 21,000.00 | 0.00 | 0.00 | 21,000.00 | |
| DWIGHT KENNEDY | 300.00 | 0.00 | 0.00 | 300.00 | |
| FERRARI'S AUTO REPAIR | 4,125.05 | 0.00 | 0.00 | 4,125.05 | |
| Flexible Systems | 2,652.33 | 0.00 | 0.00 | 2,652.33 | |
| GALLS, LLC | 688.02 | 0.00 | 0.00 | 688.02 | |
| GLOBAL COMMERCIAL CLEANING SVCS., INC. | 601.00 | 0.00 | 0.00 | 601.00 | |
| Harris Beach, PLLC | 36,968.53 | 0.00 | 0.00 | 36,968.53 | |
| HORAN SAND & GRAVEL | 5,777.50 | 0.00 | 0.00 | 5,777.50 | |
| ICD Consultants, Inc | 12,045.00 | 0.00 | 0.00 | 12,045.00 | |
| James Liguori | 87.88 | 0.00 | 0.00 | 87.88 | |
| Jeong Soon Chiang & Ching Kuo Chiang | 5,525.00 | 0.00 | 0.00 | 5,525.00 | |
| LIRO ENGINEERS, INC. | 4,316.00 | 0.00 | 0.00 | 4,316.00 | |
| Melinda Leon | 175.00 | 0.00 | 0.00 | 175.00 | |
| MINUTEMAN PRESS | 158.50 | 0.00 | 0.00 | 158.50 | |
| NAS Healthcare Corp | 128.07 | 0.00 | 0.00 | 128.07 | |
| NASSAU SUFFOLK COURT CLERK'S ASSOC. | 25.00 | 0.00 | 0.00 | 25.00 | |
| New York State Magistrates Association | 50.00 | 0.00 | 0.00 | 50.00 | |
| NYGFOA | 170.00 | 0.00 | 0.00 | 170.00 | |
| NYS & LOCAL RETIREMENT SYSTEM | 2,279.36 | 0.00 | 0.00 | 2,279.36 | |
| NYS DEFERRED COMPENSATION PLAN | 2,220.00 | 0.00 | 0.00 | 2,220.00 | |
| NYS EMPLOYEE'S HEALTH INS. PENDING ACCT. | 29,926.97 | 0.00 | 0.00 | 29,926.97 | |
| NYS UNEMPLOYMENT INSURANCE | 30.45 | 0.00 | 0.00 | 30.45 | |
| OES Global | 952.50 | 0.00 | 0.00 | 952.50 | |
| OPTIMUM | 387.91 | 0.00 | 0.00 | 387.91 | |
| PERILLO BROS. FUEL OIL CORP. | 343.24 | 0.00 | 0.00 | 343.24 | |
| PITNEY BOWES INC. | 690.11 | 0.00 | 0.00 | 690.11 | |
| PSEGLI 01-2 | 15.53 | 0.00 | 0.00 | 15.53 | |
| PSEGLI 02-0 | 458.65 | 0.00 | 0.00 | 458.65 | |
| PSEGLI 59-9 | 564.29 | 0.00 | 0.00 | 564.29 | |
| READY REFRESH | 120.32 | 0.00 | 0.00 | 120.32 | -247.63 |
| RYNKAR VAIL & BARRETT | 5,885.00 | 0.00 | 0.00 | 5,885.00 | |
| SHERRIFF OF NASSAU COUNTY Payroll 81 & 82 | 396.16 | 0.00 | 0.00 | 396.16 | |
| Susan DaSilva | 1,757.03 | 0.00 | 0.00 | 1,757.03 | |
| THE LITTLE REPORTING COMPANY | 2,252.50 | 0.00 | 0.00 | 2,252.50 | |
| UNITED HEALTHCARE | 1,422.43 | 0.00 | 0.00 | 1,422.43 | 267.03 |
| VERIZON-PD | 279.20 | 0.00 | 0.00 | 279.20 | |
| VERIZON-VC | 49.16 | 0.00 | 0.00 | 49.16 | |
| VERIZON WIRELESS-MODEMS | 157.30 | 0.00 | 0.00 | 157.30 | |
| VERIZON WIRELESS-PD | 350.24 | 0.00 | 0.00 | 350.24 | |
| VERIZON WIRELESS-VILLAGE | 49.41 | 0.00 | 0.00 | 49.41 | |
| WB KIRBY HILL, LLC | 12,830.20 | 0.00 | 0.00 | 12,830.20 | |
| WB Mason | 179.28 | 0.00 | 0.00 | 179.28 | |
| WELSBACH | 281.75 | 0.00 | 0.00 | 281.75 | |
| WILLIAM PENN LIFE INSURANCE CO. | 877.50 | 0.00 | 0.00 | 877.50 | |
| WRIGHT EXPRESS FLEET SERVICES | 2,891.46 | 0.00 | 0.00 | 2,891.46 | |
| XEROX CORPORATION | 47.82 | 0.00 | 0.00 | 47.82 | |
| TOTAL - January 9th 2019 | <u>306,751.16</u> | <u>0.00</u> | <u>0.00</u> | <u>306,751.16</u> | 19.40 |
| TOTAL - December 12th 2018 | <u>306,731.76</u> | <u>0.00</u> | <u>0.00</u> | <u>306,731.76</u> | |