

**REGULAR MEETING OF THE BOARD OF TRUSTEES
INCORPORATED VILLAGE OF NISSEQUOGUE**

February 15, 2022

Board Meeting Posted on Village Website: July 13, 2021

Board Meeting Posted in Village: July 14, 2021
1 Official Bulletin Board

Board Meeting Published in Sm. News: July 15, 2021

**THE REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE INCORPORATED
VILLAGE OF NISSEQUOGUE WAS HELD AT THE VILLAGE HALL;
631 MORICHES ROAD
NISSEQUOGUE, NEW YORK ON THE 15th DAY OF FEBRUARY, 2022.**

BOARD MEMBERS PRESENT AT BOARD OF TRUSTEE MEETING:

Mayor: Richard B. Smith

Trustees: James F. Donahue
Kurt J. Meyer (@ 8:20 p.m.)
Michael T. Grosskopf
Maureen C. Potter

ALSO PRESENT:

Village Attorney	Lindsay Crocker
Village Clerk-Treasurer	Patricia Mulderig
Village Deputy Clerk	Laura Winkeler
NQFD Chief	Chris Knott
NQFD 1 st Assistant Chief	George Gavaris
Building Inspector	Joseph Arico
Highway Superintendent	Dominick Alois
Deputy Police Commissioner	John Valentine

OTHERS PRESENT: Glenn Gruder and Ali Reza Moghadasi

At 7:00 p.m. the Mayor opened the meeting with the Pledge of Allegiance.

Public Hearing - Renewal of Verizon Franchise Agreement:

RESOLUTION # 020-22:

Upon a motion by Trustee Potter, seconded by Trustee Donahue, and passed 4-0, it was

“**RESOLVED** to enter the Public Hearing at 7:01 p.m. for discussion of the proposed renewal of a cable franchise agreement by and between the Village of Nissequogue and Verizon New York Inc.”

Mayor Smith stated that the public hearing notice had been duly published on January 27, 2022 as well as February 03, 2022 in The Smithtown News, and that the proposed Franchise Renewal Agreement had been made available for public inspection at the Village Hall, pursuant to legal requirements. The Mayor then described the purpose and term of the renewal agreement and asked for any questions or comments from the Trustees.

RESOLUTION # 021-22:

Upon a motion by Trustee Donahue, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to close the Public Hearing and re-enter into the regular meeting at 7:04.”

RESOLUTION # 022-22:

Upon a motion by Trustee Donahue, seconded by Trustee Potter, the following Resolution was passed 4-0:

“WHEREAS, the Village of Nissequogue, (the “Village”) is a “franchising authority” in accordance with Title VI of the Communications Act, (*see* 47 U.S.C. §522(10)) and is authorized to grant one or more nonexclusive cable franchises pursuant to Article 11 of the New York Public Service Law, as amended, and Title 16, Chapter VIII, Parts 890.60 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York, as amended (collectively the “Cable Laws”); and

WHEREAS, the Village granted to Verizon New York Inc., a corporation duly organized under the applicable laws of the State of New York (the “Franchisee”), effective as of September 21, 2007, a nonexclusive initial Franchise to install, maintain, extend, and operate a Cable System in the Village for a term of fifteen (15) years (the “Initial Franchise”), which will expire in September 2022; and

WHEREAS, the Franchisee has operated a Cable System in accordance with the Initial Franchise as of the effective date on its existing Telecommunications Facilities consisting of a Fiber to the Premises Telecommunications Network in the Franchise Area which also transmits Non-Cable Services pursuant to authority granted by Section 27 of the New York Transportation Corporations Law, as amended, and Title II of the Communications Act, which Non-Cable Services are not subject to the Cable Law or Title VI of the Communications Act; and

WHEREAS, pursuant to and in accordance with applicable federal and state law, the Village undertook a process to determine whether it should renew the Initial Franchise and the terms for such a renewal; and

WHEREAS, the Village has examined the past performance of Franchisee and has determined that Franchisee is and has been in material compliance with the Initial Franchise and applicable law; and

WHEREAS, the Village has identified the future cable-related needs and interests of the Village and its community, has considered and approved the financial, technical and legal qualifications of Franchisee, and has determined that Franchisee’s Cable System is adequate and feasible in a full public proceeding affording due process to all parties;

WHEREAS, pursuant to and in accordance with applicable federal and state law, the Franchisee submitted to the Village a proposal to renew the Initial Franchise to operate a Cable System in the Franchise Area; and

WHEREAS, following good faith negotiations between the parties, the Village and the Franchisee have agreed on the terms for a renewal Franchise for a period of five (5) years, under which Franchisee will continue to operate its Cable System in the Franchise Area; and

WHEREAS, the Village has determined that in accordance with the provisions of the Cable Law, the Franchise complies with the NY PSC's franchise standards and the grant of a nonexclusive franchise to Franchisee is consistent with the public interest; and

WHEREAS, a duly noticed Public Hearing, affording an opportunity for all those interested parties to be heard on the proposed Franchise Renewal Agreement was held before the Village on February 15, 2022; and

WHEREAS, the project, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Village Board determines that it is in the best interest of the public to award the Franchise Renewal Agreement to the Franchisee; and be it

FURTHER RESOLVED that the Village Board hereby authorizes the Village Mayor to enter into the Franchise Renewal Agreement with Verizon New York Inc., and to execute any other documents necessary to effectuate the granting of the franchise renewal on behalf of the Village of Nissequogue.”

<u>Village Board</u>	<u>Vote</u>
Richard B. Smith, Mayor	Yes
James F. Donahue, Deputy Mayor	Yes
Maureen C. Potter, Trustee	Yes
Michael T. Grosskopf, Trustee	Yes

Those Absent: Kurt J. Meyer, Trustee

The foregoing having received a 4-0 yes vote was thereby declared adopted.

Requests by Members of the Public in Attendance:

Mayor Smith acknowledged the presence of Glenn Gruder, Esq. of Certilman, Balin, Adler, & Hyman, LLP. who requested an appeal of the Joint Coastal Management Commission’s determination of inconsistency regarding the application of Joseph DeSimone of 4 Yens Way (802-04-2-3.2) to the Village Board of Trustees, pursuant to § 53-7J of the Nissequogue Village Code.

RESOLUTION # 023-22:

Upon a motion by Trustee Potter, seconded by Trustee Grosskopf, and passed 4-0, it was

“**RESOLVED** to authorize the Village Clerk to publish and post a notice of a public hearing to take place on Tuesday, March 15, 2022, at 7:00 p.m. at the Village Hall to consider, pursuant to Chapter 53 of the Code of the Village of Nissequogue, the application of Joseph DeSimone relating to 4 Yens Way in Nissequogue for which the Joint Coastal Commission of the Villages of Nissequogue and Head-of-the-Harbor issued a determination of inconsistency dated January 24, 2022.”

Requests by Members of the Public in Attendance (continued):

Village resident Ali Reza Moghadasi of 28 Wilderness Road, requested that the Board of Trustees inspect and review the repair / replacement of a preexisting structure on Wilderness Home Owners’ Association property adjacent to his home. Mr. Moghadasi offered to forward some photographs of the structure; past and present. Mayor Smith stated that the Board would follow up on the matter.

Minutes:

RESOLUTION # 024-22:

Upon a motion by Trustee Donahue, seconded by Trustee Potter, and passed 4-0, it was

“**RESOLVED** to accept the Minutes of the Regular Monthly Board of Trustees Meeting of January 18, 2022, as presented.”

Treasurer's Report:

The Treasurer's Report was presented to the Board of Trustees, showing the Cash Balances, the Cash Flow Chart, Balance Sheet and Monthly Income and Expense Reports as of February 15, 2022.

RESOLUTION # 025-22:

Upon a motion by Trustee Grosskopf, seconded by Trustee Potter, and passed 4-0, it was
"RESOLVED to adopt the 2021/2022 Budget Reclassifications, as presented."

ATTACHED HERETO

RESOLUTION # 026-22:

Upon a motion by Trustee Donahue, seconded by Trustee Potter, and passed 4-0, it was
"RESOLVED to accept the 2021/2022 Assessment Adjustment Refunds in the amount of
\$1,402.40 concomitant with the successful tax grievances of four (4) property owners."

ATTACHED HERETO

RESOLUTION # 027-22:

Upon a motion by Trustee Grosskopf, seconded by Trustee Potter, and passed 4-0, it was
"RESOLVED to transfer \$1,062.50 from the Greco T&A Account and \$465.50 from the
Sinkin T&A for a total of \$1,528.00 to the General Fund."

ABSTRACT PAYMENT AUTHORIZATIONS:

RESOLUTION # 028-22:

Upon a motion by Trustee Donahue, seconded by Trustee Potter, and passed 4-0, it was
"RESOLVED to approve Abstracts #2579 - 2592 in the amount of \$69,323.66."

RESOLUTION # 029-22:

Upon a motion by Trustee Donahue, seconded by Trustee Potter, and passed 4-0, it was
"RESOLVED to approve Abstract #2593 in the amount of \$17,684.21 to pay invoices that
require payment prior to the March 15, 2022 Board of Trustees Meeting."

Attorney Report:

Lindsay Crocker delivered an oral report in addition to Eugene Barnosky's written litigation report.

Department and Committee Reports:

NVPD – Deputy Police Commissioner John Valentine presented an oral report.

Building Department – Building Inspector Joseph Arico presented oral as well as written reports.

NQFD – Chief Chris Knott presented written and oral reports.

Length of Service Award Plan:

RESOLUTION # 030-22:

Upon a motion by Trustee Donahue, seconded by Trustee Potter, and 4-0, it was
"RESOLVED to fund the BNB / LPL Financial LOSAP Account in the amount of \$11,206.43,
reflecting contributions for 34 members @ \$480.00 each for the period ending 12/31/2021,
equaling \$16,320.00 minus \$4,695.36 in forfeitures and \$418.21 in prepaid contributions."

ATTACHED HERETO

Department and Committee Reports(continued):

Highway Department – Highway Superintendent Dominick Alois presented written and oral reports.

Skid Steer Loader:

RESOLUTION # 031-22:

Upon a motion by Trustee Grosskopf, seconded by Trustee Potter, and unanimously passed, it was
“**RESOLVED** to authorize the purchase of a Cat® Model 242D3 Caterpillar Skid Steer and Compact Truck Loader with front forks and bucket from the NY State Contractor Bid List for a cost not to exceed \$61,000.00.”

Department and Committee Reports(continued):

JCMC - The Board reviewed the written report submitted by Chairperson Kaylee Engellenner.

ZBA – The Board reviewed Chairperson Michael Fazio’s previously submitted written report.

Village Clerk:

Patricia Mulderig presented oral and written reports.

Abolish Village Election Registration Day:

RESOLUTION # 032-22:

Upon a motion by Trustee Donahue, seconded by Trustee Meyer, and unanimously passed, it was
“**RESOLVED** that pursuant to §15-118, subdivision 3, of the Election Law of the State of New York, the Village of Nissequogue hereby abolishes the Village registration day for village elections in the Village of Nissequogue effective for all elections occurring more than 60 days after the passing of this resolution.”

Town of Smithtown – Fire Prevention Permit Renewal:

RESOLUTION # 033-22:

Upon a motion by Trustee Grosskopf, seconded by Trustee Meyer, and unanimously passed, it was
“**RESOLVED** to approve the Town of Smithtown Fire Prevention Permit Renewal.”

SCVOA Resolution:

RESOLUTION # 034-22:

Upon a motion by Mayor Smith, seconded by Trustee Donahue, and unanimously passed, it was
“**RESOLVED** to authorize payment of up to \$750.00 to the Suffolk County Village Officials Association for up to ten Village board personnel to attend the April 13, 2022 SCVOA Legislative Dinner & Awards Night in Riverhead, NY.”

Grant Report

Trustee Donahue presented an oral report

The Board discussed plans for the Village entrances, as well as Willow Pond at the intersection of Moriches and Nissequogue River Roads.

Executive Session:

RESOLUTION # 035-22:

Upon a motion by Trustee Grosskopf, seconded by Trustee Donahue, and unanimously passed, it was
“**RESOLVED** to leave the Regular Meeting and enter into Executive Session at 8:48 p.m. to discuss matters leading to the appointment of a particular person and to seek legal advice from the Village Attorney.”

RESOLUTION # 036-22:

Upon a motion by Trustee Donahue, seconded by Trustee Meyer, and unanimously passed, it was
“**RESOLVED** to exit Executive Session at 9:00 p.m. and re-enter the regular meeting.”

RESOLUTION # 037-22:

Upon a motion by Trustee Donahue, seconded by Trustee Meyer, and unanimously passed, it was
“**RESOLVED** to appoint Anthony Russo as a part-time police officer at an hourly rate of
\$37.00, effective February 15, 2022.”

Village Election:

RESOLUTION # 038-22:

Upon a motion by Mayor Smith, seconded by Trustee Meyer, and unanimously passed, it was
“**RESOLVED** to authorize payment of up to \$200.00 to the New York Conference of
Mayors (NYCOM) for up to eight people to attend Village Election training.”

Adjournment:

Upon a motion by Trustee Donahue, seconded by Trustee Potter, and unanimously passed, it was
“**RESOLVED** to adjourn at 9:02 p.m.”

Respectfully submitted,

Laura K. Winkeler
Deputy Village Clerk

VILLAGE OF NISSEQUOGUE
2021-2022

15-Feb-22

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT TITLE</u>	<u>BUDGET</u>	<u>BUDGET ADJUSTMENT</u>	<u>MODIFIED BUDGET</u>
A2665.0	SALES OF EQUIPMENT	0.00	(1,500.00)	(1,500.00)
A2680.0	INSURANCE RECOVERIES	(9,135.56)	(822.49)	(9,958.05)
A1410.445	CLERK- CONT SVCS - WEB SITE	2,575.00	500.00	3,075.00
A1620.447	BUILDING - CONT SVCS - REPAIRS & MAINT	9,000.00	1,000.00	10,000.00
A3120.47	POLICE VEHICLE MAINTENANCE & REPAIR	22,735.56	822.49	23,558.05
A3410.23	FIRE DEPT MOTOR VEHICLE EQUIP	56,059.00	2,300.00	58,359.00
A8010.10	ZONING -PERSONAL SERVICE	2,728.00	2,000.00	4,728.00
A9060.0	GRANT SPECIALIST	3,500.00	1,500.00	5,000.00
A8030.10	ARCHITECTURAL REVIEW - PERSONAL SVC	3,130.00	1,000.00	4,130.00
A1990.0	CONTINGENT ACCOUNT	91,333.00	(6,800.00)	84,533.00
		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
		<u>181,925.00</u>	<u>0.00</u>	<u>181,925.00</u>

VILLAGE OF NISSEQUOGUE
2021/2022 ASSESSMENT ADJUSTMENTS

SECTION BLOCK/LOT	HOMEOWNER	Address	PROPERTY ID	ASSESSOR LETTER	DATE CHANGED	ASSESSMENT	CORRECTED ASSESSMENT	DIFFERENCE	TAXABLE DIFFERENCE
9-1-6.3	Joseph & Judith Verderber	104 Boney Lane	36100	1-Feb-22	1-Dec-21	12,250	11,385	865	\$198.09
9-3-36	Kevin & Ingrid Hamilton	625 Moriches Road	44300	1-Feb-22	1-Dec-21	10,209	9,775	434	\$99.39
2-2-9.14	Jonathan & Kati Ann Bellezza	1 Northfield Lane	5000	1-Feb-22	27-Jan-22	13,750	10,350	3,400	\$778.60
3-2-31	Thomas & Susan Faulhaber	516 Long Beach Rd	13400	1-Feb-22	27-Jan-22	12,925	11,500	1,425	\$326.33
								6,124	\$1,402.40

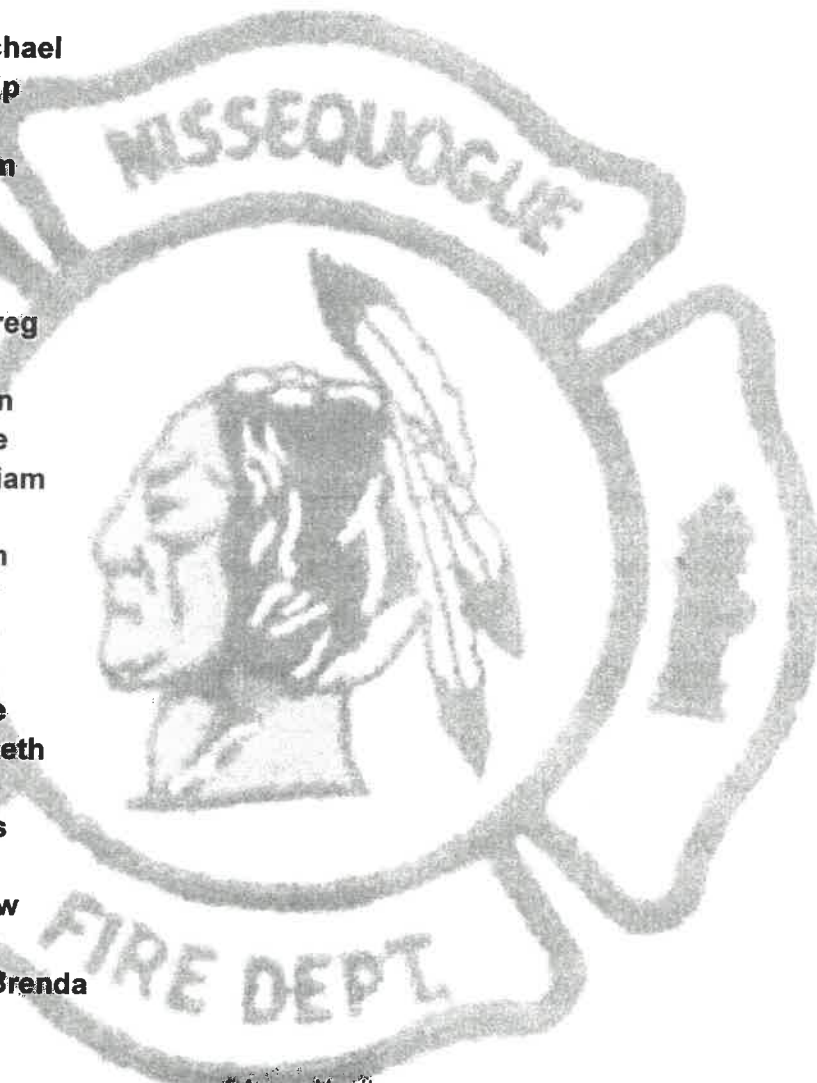
ASSESSMENT ADJUSTMENTS APPROVED 2/15/2022

2021 Nissequogue Fire/Rescue LOSAP Census

20 January 2022

1. Augier, Jon Paul
2. Barron, Steve
3. Celikoyar, Buket
4. Christephides, Jodi
5. Deleon, Orlando
6. Faulhaber, Tom
7. Ferreri, Dennis
8. Gavaris, George
9. Glenn, Tom
10. Grosskopf, Michael
11. Hennings, Philip
12. Howard, Linda
13. Howard, William
14. Jansen, Keith
15. Knott, Chris
16. Krauth, Al
17. Lehenbauer, Greg
18. Marsh, Cynthia
19. Musemeci, John
20. Musemeci, Mike
21. Musemeci, William
22. Patel, Vinal
23. Raschdorf, Alan
24. Reilly, Richard*
25. Rubman, Claire
26. Smith, Richard
27. Spatola, Joanne
28. Spielman, Kenneth
29. Tellone, Greg
30. Toledo, Douglas
31. Toledo, John
32. Trivigno, Andrew
33. Winkeler, Laura
34. Zaino Murphy, Brenda

*Resigned 1/9/2022.



Chris Knott

**Chris Knott
Chief of Department**