

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

**May 17, 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 17<sup>th</sup> DAY OF MAY, 2022.**

**BOARD MEMBERS PRESENT AT BOARD OF TRUSTEE MEETING:**

Mayor:	Richard B. Smith
Trustees:	James F. Donahue Kurt J. Meyer Michael T. Grosskopf Maureen C. Potter

**ALSO PRESENT:**

Village Attorney	Lindsay Crocker
Village Clerk-Treasurer	Patricia Mulderig
Village Deputy Clerk	Laura Winkeler
NQFD Chief	George Gavaris @ 7:15 p.m.
NQFD 2 <sup>nd</sup> Assistant Chief	William Howard
Building Inspector	Joseph Arico @ 7:10 p.m.
Deputy Police Commissioner	John Valentine
Highway Superintendent	Dominick Alois

**OTHERS PRESENT:** James Gallo, Dennis Cole, Claire Rubman, Dennis Rubman

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

**Joseph DeSimone - Appeal of JCMC Inconsistency Determination - 4 Yens Way**  
**RESOLUTION # 073-22:**

**RESOLUTION OF THE BOARD OF TRUSTEES  
OF THE INCORPORATED VILLAGE OF NISSEQUOGUE  
REGARDING THE APPLICATION OF  
JOSEPH DESIMONE**

WHEREAS, Joseph DeSimone (“Applicant”) owns a residence located at 4 Yens Way, St. James, New York (“the Property”); and

WHEREAS, Applicant made application to the Planning Board of the Village of Nissequogue (“the Planning Board”) for the installation of a stone revetment at the toe of the bluff and other erosion control measures (“the Action”); and

WHEREAS, the Action was found inconsistent with the Village Local Waterfront Revitalization Program (“LWRP”) by the Joint Coastal Management Commission of the Villages of Head-Of-The-Harbor and Nissequogue (“JCMC”) pursuant to a letter from JCMC Chairperson Kaylee Engellenner dated January 24, 2022; and

WHEREAS, pursuant to Section 53-7 of the Code of the Village of Nissequogue (“Village Code”), the recommendation of inconsistency issued by the JCMC was referred to the Board of Trustees of the Village of Nissequogue (“the Board”); and

WHEREAS, a public hearing commenced and closed on March 15, 2022; and

WHEREAS, Glenn Gruder, Esq., on behalf of the Applicant, presented evidence in support of the position that the Action is consistent with the LWRP; and

WHEREAS, Mr. Gruder offered proof that the criteria set forth in Section 53-7(J)(1) of the Village Code has been satisfied; and

WHEREAS, at the public hearing all persons present were given the opportunity to be heard; and

WHEREAS, at the conclusion of the public hearing, the Board unanimously voted to close the hearing;

NOW, THEREFORE, be it

RESOLVED that the Board overrules the JCMC’s consistency recommendation subject to the following: (i) the use of coir logs in place of pine boards; (ii) the Planning Board’s approval of a site plan which approval may be subject to practical and reasonable conditions imposed by the Planning Board pursuant to Section 53-7K of the Village Code; (iii) the Applicant’s compliance with Chapter 64 of the Village Code, including, but not limited to the Village Building Inspector’s receipt of a **written, long-term maintenance plan** (to be referenced in the Certificate of Compliance) which includes specifications for normal maintenance of degradable materials and periodic replacement of removable materials for the life of the structure, which plan must be acceptable to the Village Engineer and Village Building Inspector; (iv) the Village Building Inspector’s receipt of all applicable permits and approvals from other governmental entities; and (v) Applicant’s reimbursement of the Village of Nissequogue for the cost of professional consultant review services pursuant to Chapter 91 of the Village Code; and

BE IT FURTHER RESOLVED that the Board finds that the following criteria have been fulfilled by Applicant:

1. The Action will minimize all adverse effects on the LWRP policy standards because the Applicant has demonstrated consistency with LWRP standards and the Action will protect the Property, bluff, and adjacent properties from erosion and flooding, the bluff face will be planted with native vegetation, and the Action will not impact the public's access to the beach.
2. The Action cannot reasonably be undertaken by any other action which would be consistent with the LWRP policy standards because of its location between other properties with erosion protection structures of similar design.
3. The Action will advance one or more of the other LWRP policy standards, including:

Policy 12 – The proposed bluff stabilization and restoration involves material identical to the composition of the natural bluff, and native vegetation. The Action, including the stabilization of the bluff and the re-establishment of native vegetation will minimize damage to natural resources and protect the bluff and the Property from erosion and flooding.

Policy 13 – With adequate maintenance, the proposed erosion protection structure has a reasonable probability of having a lifespan of 30 years.

Policy 14 – The Action will minimize erosion and flooding at the Property and neighboring properties.

Policy 17 – Nonstructural measures will be used including the use of natural stones and the planting of native vegetation.

Policy 20 – The Action is planned landward of mean high water and will not have a negative impact on public access.

Policy 25 – The native plantings on the bluff and use of natural stones will contribute to the scenic quality of the area and will protect both natural and manmade resources.

4. The Action will result in the overriding benefit to the community by restoring the bluff helping to preserve the shoreline and protect the scenic views within the community.

BE IT FURTHER RESOLVED that the implementation of this resolution will be subject to the oversight of the Village Building Inspector and/or Village Engineer.

Upon motion made by Trustee Meyer and seconded by Trustee Donahue, the within Resolution was duly adopted by the Board of Trustees on May 17, 2022.

AYES

NAYS

Mayor Richard B. Smith  
 Trustee James F. Donahue  
 Trustee Kurt J. Meyer  
 Trustee Michael T. Grosskopf  
 Trustee Maureen C. Potter

None

**Request for Appeal of JCMC Inconsistency Determination of Proposed New Beach Access Stairs – 1 Bluff Road (Owners: Russell & Claire Rubman):**

Dennis Cole of Cole Environmental Services, Inc., addressed the Board of Trustees.

The application of his clients, Russell and Claire Rubman, was found to be inconsistent by the Joint Coastal Management Commission. Mayor Smith and the Trustees reviewed the preliminary plans for installation of new beach access stairs. The Board of Trustees agreed to schedule a Public Hearing regarding this matter at the June 28, 2022 Board of Trustees meeting, conditioned upon the replenishment of the previously established T&A Account. JCMC Chairperson Kaylee Engellenner submitted information related to the JCMC Inconsistency Determination.

**RESOLUTION # 074-22:**

Upon a motion by Trustee Donahue, seconded by Trustee Grosskopf, and unanimously passed, it was  
“**RESOLVED** to authorize the Village Clerk to post & publish public notice of a Public Hearing on June 28, 2022 at 7:00 p.m. to consider, pursuant to Chapter 53 of the Code of the Village of Nissequogue, the application of Russell and Claire Rubman relating to 1 Bluff Road, for which the Joint Coastal Commission of the Villages of Nissequogue and Head-of-the-Harbor issued a determination of inconsistency dated February 9, 2021.”

**Minutes:**

**RESOLUTION # 075-22:**

Upon a motion by Trustee Donahue, seconded by Trustee Potter, and unanimously passed, it was  
“**RESOLVED** to accept the Minutes of the Regular Monthly Board of Trustees Meeting of April 12, 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 May 17, 2022.

**RESOLUTION # 076-22:**

Upon a motion by Trustee Donahue, seconded by Trustee Grosskopf, and unanimously passed, it was  
“**RESOLVED** to adopt the 2021/2022 Budget Reclassifications, as presented.”

**ATTACHED HERETO**

**RESOLUTION # 077-22:**

Upon a motion by Trustee Meyer, seconded by Trustee Grosskopf, and unanimously passed, it was  
“**RESOLVED** to transfer \$548.25 from the DeSimone T&A Account, \$1,265.50 from the Georgakopoulos T&A Account, and \$1,989.50 from the Sinkin T&A Account for a total of \$3,803.25 to the General Fund.”

**RESOLUTION # 078-22:**

Upon a motion by Trustee Grosskopf, seconded by Trustee Potter, and unanimously passed, it was  
“**RESOLVED** to pay the FD High Water Vehicle principal bond payment of \$25,000.00 on or before June 15, 2022.”

**RESOLUTION # 079-22:**

Upon a motion by Trustee Grosskopf, seconded by Trustee Potter, and unanimously passed, it was  
“**RESOLVED** to pay the FD High Water Vehicle Bond interest payment not to exceed \$4,000.00 on or before June 15, 2022.”

**ABSTRACT PAYMENT AUTHORIZATIONS:**

**RESOLUTION # 080-22:**

Upon a motion by Trustee Meyer, seconded by Trustee Donahue, and unanimously passed, it was  
“**RESOLVED** to approve Abstracts #2609 - 2621 in the amount of \$46,243.18.”

**RESOLUTION # 081-22:**

Upon a motion by Trustee Meyer, seconded by Trustee Donahue, and unanimously passed, it was  
“**RESOLVED** to approve Abstract #2622 in the amount of \$49,313.38 to pay invoices that  
require payment prior to the June 28, 2022 Board of Trustees Meeting.”

**Attorney Report:**

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

**Requests by Member of the Public in Attendance:**

Village resident James Gallo asked the Board about the status of the unsafe structure at 523 Long Beach Road. Mayor Smith detailed the many steps that have been taken to address this public hazard. Mr. Gallo thanked the Board for addressing his concerns.

**Department and Committee Reports:**

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

**NQFD** – Chief George Gavaris presented oral and written reports.

**NVPD** – Deputy Police Commissioner John Valentine presented oral and written reports.

**Building Department** – Building Inspector Joseph Arico presented oral report and written reports.

**Community Beautification** – The Mayor thanked Trustee Potter for all of her efforts with plantings.

**Village Clerk:**

Patricia Mulderig presented oral and written reports.

**Additional Alternate Village Election Inspectors:**

**RESOLUTION # 082-22:**

Upon a motion by Trustee Potter, seconded by Trustee Grosskopf, and unanimously passed, it was  
“**RESOLVED** to appoint the following individuals as Alternate Election Inspectors:  
Joanne Christophides, Jordyn Christophides and Ian Winkeler.”

**Department and Committee Reports (Continued):**

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

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

**Executive Session:**

**RESOLUTION # 083-22:**

Upon a motion by Trustee Potter, seconded by Trustee Meyer, and unanimously passed, it was  
“**RESOLVED** to leave the Regular Meeting and enter into Executive Session at 8:12 p.m.  
to discuss matters leading to the possible termination of a particular person and to seek  
legal advice from the Village Attorney.”

**RESOLUTION # 084-22:**

Upon a motion by Trustee Donahue, seconded by Trustee Meyer, and unanimously passed, it was  
“**RESOLVED** to exit Executive Session at 8:55 p.m. and re-enter the regular meeting.”

**RESOLUTION # 085-22:**

Upon a motion by Mayor Smith, seconded by Trustee Donahue, and unanimously passed, it was  
“**RESOLVED** to authorize the Village Clerk to post and publish notice of a Board of Trustees  
Special Meeting on May 24, 2022 at 6:00 p.m.”

**Adjournment:**

Upon a motion by Trustee Donahue, seconded by Trustee Meyer, and unanimously passed, it was  
“**RESOLVED** to adjourn at 8:56 p.m.”

Respectfully submitted,

Laura K. Winkeler  
Deputy Village Clerk

VILLAGE OF NISSEQUOGUE  
2021-2022

17-May-22

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT TITLE</u>	<u>BUDGET</u>	<u>BUDGET ADJUSTMENT</u>	<u>MODIFIED BUDGET</u>
A1410.421	CLERK-CALEVISION	3,700.00	400.00	4,100.00
A1410.442	CLERK- CONT SERVICES IT SUPPORT	600.00	50.00	650.00
A1410.444	CLERK- CONT SERVICES - ADVERTISING	475.00	100.00	575.00
A1410.447	CLERK- CONT SERVICES VILLAGE CODE	1,005.00	(1,000.00)	5.00
A1410.448	CLERK- CONT SERVICES - COVID 19	250.00	(250.00)	0.00
A1410.46	CLERK- MISCELLANEOUS	850.00	100.00	950.00
A1410.47	CLERK- RECORDS MANAGEMENT	500.00	600.00	1,100.00
A1420.44PL	LAW CONT SERVICES NON RETAINER	35,000.00	20,000.00	55,000.00
A1620.442	CLERK- PEST CONTROL	1,000.00	(100.00)	900.00
A1620.446	BUILDINGS CONT SVCS WATER & COFFEE	400.00	100.00	500.00
A1620.447	BUILDINGS CONT SVCS REPAIRS & MAINT	10,000.00	1,500.00	11,500.00
A1930.0	JUDGEMENTS & CLAIMS	16,250.00	4,500.00	20,750.00
A3120.48	POLICE - OPERATIONS	16,000.00	1,000.00	17,000.00
A3120.80	POLICE - EMPLOYEE BENEFITS	174,000.00	(1,000.00)	173,000.00
A3410.411	FIRE DEPT - VEHICLE REPAIR & MAINT	25,000.00	7,000.00	32,000.00
A3410.413	FIRE DEPT FIRE & EMS TRAINING	13,890.00	(7,000.00)	6,890.00
A3410.415	FIRE DEPT - UNIFORMS	9,700.00	300.00	10,000.00
A3410.421	FIRE DEPT - UTILITIES	16,008.00	1,000.00	17,008.00
A3410.431	FIRE DEPT - COMMUNICATIONS	5,525.00	(1,300.00)	4,225.00
A5110.411	MAINT OF ROADS - VILLAGE MAINTENANCE	4,500.00	500.00	5,000.00
A5110.48	MAINT OF ROADS - STORM EXPENSES	4,500.00	(500.00)	4,000.00
A8010.10	ZONING PERSONAL SERVICE	4,728.00	3,500.00	8,228.00
A1990.0	CONTINGENT ACCOUNT	71,733.00	(29,500.00)	42,233.00
		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
		<u>415,614.00</u>	<u>0.00</u>	<u>415,614.00</u>