

REGULAR MEETING OF THE BOARD OF TRUSTEES
INCORPORATED VILLAGE OF NISSEQUOGUE

June 28, 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 28th DAY OF JUNE, 2022.**

BOARD MEMBERS PRESENT AT BOARD OF TRUSTEE MEETING:

Mayor: Richard B. Smith

Trustees: Kurt J. Meyer
Michael T. Grosskopf (@ 7:08 p.m.)
Maureen C. Potter

Trustees Not Present: James F. Donahue

ALSO PRESENT:

Village Attorney	Lindsay Crocker
Village Attorney	Joshua Sprague
Village Clerk-Treasurer	Patricia Mulderig
Village Deputy Clerk	Laura Winkeler
Building Inspector	Joseph Arico
Deputy Police Commissioner	John Valentine
Highway Superintendent	Dominick Alois

OTHERS PRESENT: Hesso Bellem, Gennaro Scotto, Dennis Cole, Amy Thomas (Court Reporter)

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

Public Hearing - Russell & Claire Rubman - Appeal of JCMC Inconsistency Determination – 1 Bluff Road

RESOLUTION # 096-22:

Upon a motion by Trustee Potter, seconded by Trustee Meyer, and passed 4-0, it was
“**RESOLVED** to enter the Public Hearing at 7:02 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 in Nissequogue for which the Joint Coastal Management Commission of the Villages of Nissequogue and Head-of-the-Harbor issued a determination of inconsistency dated February 9, 2021.”

A presentation for the applicant was made by Dennis Cole of Cole Environmental Services, Inc. Mr. Cole delivered the historical photographs and constructions plans (Exhibits A – G) that had been requested by the Board at the May 17, 2022 Board of Trustees meeting. Mayor Smith asked for questions or comments from the Trustees, and then asked the public in attendance for any questions or comments.

RESOLUTION # 097-22:

Upon a motion by Trustee Meyer, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to close the Public Hearing at 7:13 p.m.”

RESOLUTION # 098-22:

Upon a motion by Trustee Meyer, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to re-enter the regular meeting at 7:13 p.m.”

RESOLUTION # 099-22:

**RESOLUTION OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NISSEQUOGUE
REGARDING THE APPLICATION OF
RUSSELL AND CLAIRE RUBMAN**

WHEREAS, Russ & Claire Rubman (“Applicant”) own a residence located at 1 Bluff Road, Nissequogue, New York, 11780 (“the Property”); and

WHEREAS, Applicant made application to the Planning Board of the Village of Nissequogue (“the Planning Board”) for the installation of new beach access stairs (“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 February 9, 2021; 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, the public hearing commenced and closed on June 28, 2022; and

WHEREAS, Dennis Cole of Cole Environmental Services, Inc., on behalf of Applicant, presented evidence in support of the position that the Action is consistent with the LWRP; and

WHEREAS, Mr. Cole 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 subject to the following: (i) 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; (ii) 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; (iii) the Village Building Inspector's receipt of all applicable permits and approvals from other governmental entities; and (iv) 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 adverse effects on the LWRP policy standards because the bluff toe and slope have been stabilized, a trench drain was installed to direct stormwater away from the slope, gutters and leaders have been installed to alleviate run off, and the staircase and landing designs have been designed to minimize any impacts on the slope of the bluff.
2. The Action cannot reasonably be undertaken by any other action which would be consistent with the LWRP policy standards.
3. The Action will advance one or more of the other LWRP policy standards, including:

Policy 12 – The Action will allow the Rubmans to utilize the staircase to monitor the condition of the bluff and to take appropriate restorative actions caused by erosion without walking directly on the bluff.

Policy 14 - The Action will minimize walking directly on the slope and its vegetation, which will prevent damage to the bluff and not otherwise increase erosion or flooding.

4. The Action will result in the overriding benefit to the community by helping to protect the bluff.

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 Grosskopf, the within Resolution was duly adopted by the Board of Trustees on June 28, 2022.

AYES

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

NAYS

None

Trustees Absent: James F. Donahue

RESOLUTION # 100-22:

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

“**RESOLVED** to accept the Minutes of the Regular Monthly Board of Trustees Meeting of May 17, 2022, the Minutes of the Special Meeting of May 24, 2022, and the Minutes of the Work Session of May 31, 2022 as presented.”

Requests by Member of the Public in Attendance:

Village resident Hesso Bellem spoke to the Board about his difficulties in getting Steepbank Road repaved and asked the Board if the Village and Town of Smithtown could assist them. Mayor Smith stated that the Town of Smithtown was legally unable to do any paving or repair on Steepbank Road, a private road. The Mayor said that if they wanted any advice, they could reach out to the Village Highway Superintendent, Dominick Alois' for guidance. Mr. Bellem and Mr. Scotto thanked the Board for listening to their issues.

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 31, 2022 and June 28, 2022.

RESOLUTION # 101-22:

Upon a motion by Trustee Meyer, seconded by Trustee Grosskopf, and passed 4-0, it was
"RESOLVED to accept the 2022/2023 Assessment Adjustment Refunds in the amount of \$4,693.13 concomitant with the successful tax grievances of nineteen (19) property owners."
ATTACHED HERETO

RESOLUTION # 102-22:

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 # 103-22:

Upon a motion by Trustee Meyer, seconded by Trustee Grosskopf, and passed 4-0, it was
"RESOLVED to transfer \$562.50 from the DeSimone T&A Account, \$884.50 from the Georgakopoulos T&A Account, \$147.00 from the Rubman T&A Account, and \$664.00 from the Sinkin T&A Account for a total of \$2,258.00 to the General Fund."

Attorney Report:

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

Village Clerk:

Patricia Mulderig presented oral and written reports.

Town of Smithtown – Intermunicipal Agreement – Use of Edward Mankuski Fire Training Center:

RESOLUTION # 104-22:

Upon a motion by Trustee Grosskopf, seconded by Trustee Meyer, and passed 4-0, it was
"RESOLVED to re-affirm and approve the Intermunicipal Agreement with the Town of Smithtown for Use of the Edward Mankuski Fire Training Center for the period commencing August 13, 2022 and expiring on August 13, 2023."

Procedural Change Due for June Abstract Approval Due to Trustee Donahue Relocation Out of State:

RESOLUTION # 105-22:

Upon a motion by Trustee Meyer, seconded by Trustee Grosskopf, and passed 4-0, it was
"RESOLVED to affirm the approval of only four (4) Board members needed to physically review and initial vouchers presented for approval and payment at the June 2022 Board of Trustees Meeting due to the relocation out of state of Trustee James F. Donahue."

ABSTRACT PAYMENT AUTHORIZATIONS:

RESOLUTION # 106-22:

Upon a motion by Trustee Meyer, seconded by Trustee Potter, and passed 4-0, it was
"RESOLVED to approve Abstracts #2628 - 2645 in the amount of \$98,285.25."

RESOLUTION # 107-22:

Upon a motion by Trustee Meyer, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to approve Abstracts #2646 - 2651 in the amount of \$4,948.72 to pay invoices
that require payment prior to the July 19, 2022 Board of Trustees Meeting.”

Department and Committee Reports:

ZBA – Chairman Michael Fazio presented oral and written reports.

Highway Department – Highway Superintendent Dominick Alois 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.

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

NQFD – The Board reviewed the written report submitted by Chief George Gavaris.

Community Beautification – The Mayor stated that plans would be moving forward with Willow Pond.

Executive Session:

RESOLUTION # 108-22:

Upon a motion by Trustee Meyer, seconded by Trustee Grosskopf, and passed 4-0, it was
“**RESOLVED** to leave the Regular Meeting and enter into Executive Session at 8:11 p.m.
to seek legal advice from the Village Attorney.”

RESOLUTION # 109-22:

Upon a motion by Trustee Meyer, seconded by Trustee Grosskopf, and passed 4-0, it was
“**RESOLVED** to exit Executive Session at 8:56 p.m. and re-enter the regular meeting.”

RESOLUTION # 110-22:

Upon a motion by Trustee Meyer, seconded by Trustee Grosskopf, and passed 4-0, it was
“**RESOLVED** to authorize the extension of the availability of NYSIP Health Insurance to
Patricia Mulderig, the Village Clerk-Treasurer-Administrator, on a self-pay basis.”

Adjournment:

Upon a motion by Trustee Potter, seconded by Trustee Meyer, and passed 4-0, it was
“**RESOLVED** to adjourn at 8:57 p.m.”

Respectfully submitted,

Laura K. Winkeler
Deputy Village Clerk

VILLAGE OF NISSEQUOGUE
2022/2023 ASSESSMENT ADJUSTMENTS

SECTION BLOCK/LOT	HOMEOWNER	Address	PROPERTY ID	ASSESSOR LETTER	DATE CHANGED	ASSESSMENT	CORRECTED ASSESSMENT	DIFFERENCE	TAXABLE DIFFERENCE
1-1-3.1	Louis & Danielle DeBenedittis	504 Long Beach Rd	35900	16-Sep-21	9-Sep-21	10,147	9,200	947	\$216.86
1-1-2-27	Frederick & Eileen Hagenberger	40 Quail Path	58600	16-Sep-21	9-Sep-21	9,200	8,625	575	\$131.68
1-1-3-36	Laura Lupinacci&Adam Oblatz	2 Laurel Hill Path	63100	16-Sep-21	13-Sep-21	10,560	10,178	382	\$87.48
1-2-1-10	Alfred & Vita Gengler	3 Breezy Hollow	64900	16-Sep-21	16-Sep-21	9,325	8,625	700	\$160.30
1-4-4.3	Jon & Kathleen Savastano	3 Saddle Lane	16900	16-Sep-21	13-Sep-21	13,200	12,650	550	\$125.95
1-4-4.5	Dominick & Leslie Loiacono	5 Saddle Lane	17100	16-Sep-21	13-Sep-21	11,245	10,350	895	\$204.96
1-1-6.3	Joseph & Judith Verderber	104 Boney Lane	36100	1-Feb-22	1-Dec-21	12,250	11,385	865	\$198.09
1-3-36	Kevin & Ingrid Hamilton	625 Moriches Road	44300	1-Feb-22	1-Dec-21	10,209	9,775	434	\$99.39
1-2-9.14	Jonathan & Kat Ann Bellezza	1 Northfield Lane	5000	1-Feb-22	27-Jan-22	13,750	10,350	3,400	\$778.60
1-2-31	Thomas & Susan Faulhaber	516 Long Beach Rd	13400	1-Feb-22	27-Jan-22	12,925	11,500	1,425	\$326.33
1-2-1.13	Steven C. Cannata	11 Bareback Court	38300	4-Apr-22	24-Feb-22	10,395	10,235	160	\$36.64
1-2-1-2.3	R. Smith & J. Voesack	327 Old Mill Road	63800	4-Apr-22	7-Mar-22	12,445	10,925	1,520	\$348.08
1-2-9.15	William & Maryann McCulloh	2 Northfield Lane	46600	21-Jun-22	5-May-22	10,700	10,360	340	\$77.86
1-3-4.6	Louis & Dawn Puleo	6 Saddle Lane	46600	21-Jun-22	5-May-22	10,329	9,408	921	\$210.91
1-1-7	Annberry Realty LLC	8 Richard Path	20800	21-Jun-22	5-May-22	18,980	17,920	1,060	\$242.74
1-2-2	Thomas & Magdalena	534 Long Beach Rd.	21300	21-Jun-22	5-May-22	21,040	17,920	3,120	\$714.48
1-1-21.2	Brian & Alicia Cotter	5 Tide Mill Lane	69800	21-Jun-22	5-May-22	10,000	9,520	480	\$109.92
1-3-2-2	Mark & Rita Sakitt	4 Smith Lane	46600	21-Jun-22	18-May-22	12,180	10,640	1,540	\$352.66
1-1-2-3.2	Filippo Bellia	4 Cardinal Lane	55900	21-Jun-22	6-Jun-22	9,470	8,290	1,180	\$270.22
								20,494	\$4,693.13

ASSESSMENT ADJUSTMENTS APPROVED 6/28/2022

TOTAL 2022/2023 ASSESSMENT ADJUSTMENTS
ASSESSMENT ADJUSTMENTS APPROVED 6/28/2022

20,494
(\$4,693.13)

\$0.00
\$0.00

BALANCE DUE

VILLAGE OF NISSEQUOGUE
 2021-2022
 5/31/2022A

ACCOUNT NUMBER	ACCOUNT TITLE	BUDGET	BUDGET ADJUSTMENT	MODIFIED BUDGET
A1325.44	TREAS- CONT SERVICES	5,350.00	200.00	5,550.00
A1325.46	TREAS - MISCELLANEOUS	600.00	(200.00)	400.00
A1410.23	CLERK- OFFICE EQUIPMENT	1,000.00	(750.00)	250.00
A1410.442	CLERK CONT SERVICES - COPIER	1,400.00	50.00	1,450.00
A1410.442	CLERK CONT SERVICES IT SUPPORT	650.00	100.00	750.00
A1410.47	CLERK - RECORDS MANAGEMENT	500.00	600.00	1,100.00
A1420.44	LAW - CONT SERVICES	75,000.00	2,000.00	77,000.00
A1420.44PL	LAW - CONT SERVICES NON RETAINER	55,000.00	3,000.00	58,000.00
A3120.12	POLICE - PERSONAL SVC HOLIDAY	18,600.00	(600.00)	18,000.00
A3120.14	POLICE - PERSONAL SVC PART TIME	378,100.00	600.00	378,700.00
A3120.25	POLICE OTHER EQUIPMENT	44,000.00	(700.00)	43,300.00
A3120.47	POLICE VEHICLE REPAIRS & MAINTENANCE	23,558.05	700.00	24,258.05
A3410.415	FIRE DEPT UNIFORMS	9,855.00	515.00	10,370.00
A3410.418	FIRE DEPT- CPR TRAINING	(260.00)	874.00	614.00
A3410.431	FIRE DEPT - COMMUNICATIONS	1,945.00	450.00	2,395.00
A3410.51	FIRE DEPT- GASOLINE	5,700.00	600.00	6,300.00
A5110.413	MAINT OF ROADS - VILLAGE SIGNS	500.00	(200.00)	300.00
A5110.46	MAINT OF ROADS - MISCELLANEOUS	750.00	200.00	950.00
A5142.44	SNOW REMOVAL - CONT SERVICES	85,246.00	(7,439.00)	77,807.00
		0.00	0.00	0.00
		<u>707,494.05</u>	<u>0.00</u>	<u>707,494.05</u>