

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

January 16, 2024

Board Meeting Posted on Village Website: July 11, 2023
Board Meeting Posted in Village: July 13, 2023
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Board Meeting Published in Smithtown News: July 13, 2023

**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 16th DAY OF JANUARY, 2024.**

BOARD MEMBERS PRESENT AT BOARD OF TRUSTEE MEETING:

Mayor: Richard B. Smith
Deputy Mayor: Kurt J. Meyer

Trustees: Michael T. Grosskopf (Telephonically)
Maureen C. Potter
Russell J. von Frank II

ALSO PRESENT:

Village Attorney	Lindsay Crocker
Village Clerk-Treasurer	Patricia Mulderig
Village Deputy Clerk	Laura Winkeler
NQFD Chief	George Gavaris
NQFD 2 nd Assistant Chief	Kenneth Spielman
Deputy Police Commissioner	John Valentine
ZBA Chairperson	Michael Fazio
ZBA Member	William Kent
ZBA Member	Ron Rothman

OTHERS PRESENT: Nancy Fetherston, Rinaldo Pace, Patti McWilliams, Dean Zografakis

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

Public Hearing Local Law – Walls & Fences:

RESOLUTION # 001-24:

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to enter the Public Hearing at 7:06 p.m. for discussion of a proposed Local
Law amending section § 128-27(D) of Chapter 128 (Zoning) of the Code of the Village of
Nissequogue regarding walls and fences to amend the minimum distance from the property
line that a wall or fence can be placed in the front yard.”

Mayor Smith stated the intent of the local law amendment, and asked for any questions or comments from the Trustees as well as members of the public in attendance.

Michael Fazio, William Kent, and Ron Rothman asked questions and expressed their deep appreciation for the rural character of the Village, a sentiment that was echoed by resident Dean Zografakis.

Nancy Fetherston addressed a different concern she had regarding low estate fence heights and ground clearance presenting a danger to wildlife in the Village.

RESOLUTION # 002-24:

Upon a motion by Trustee Meyer, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to close the Public Hearing and re-enter into the regular meeting at 7:51 p.m.”

RESOLUTION # 003-24:

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to approve the Short Environmental Assessment Form prepared by the Village Engineer for the amendment to the local law re the minimum distance from the property line that a wall or fence can be placed in the front yard.”

RESOLUTION # 004-24:

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

WHEREAS, the Board of Trustees of the Incorporated Village of Nissequogue (the “Board”), 631 Moriches Road, St. James, New York 11780, has determined that the adoption of “A local law amending section § 128-27(D) of Chapter 128 (Zoning) of the Code of the Village of Nissequogue regarding walls and fences to amend the minimum distance from the property line that a wall or fence can be placed in a front yard” (the “Local Law”) is in the best interests of the residents of the Village of Nissequogue (the “Village”); and

WHEREAS, the Board, is considered lead agency under the State Environmental Quality Review Act (“SEQRA”) for local laws adopted by the Board; and

WHEREAS, the Village Engineer, Daniel Falasco, prepared the Short Environmental Assessment Form which indicates that the adoption of the Local Law will not cause any significant adverse environmental impact to occur, and

WHEREAS, the Board has compared the adoption of the Local Law against the criteria for determining significance set forth in 6 NYCRR 617.7:

NOW BE IT RESOLVED that the Board reaffirms that it declares itself lead agency in this action pursuant to SEQRA; and

BE IT FURTHER RESOLVED that the Board has determined that based on the attached Environmental Assessment Form, this action is an unlisted action pursuant to SEQRA; and

BE IT FURTHER RESOLVED that the Board finds that the Local Law will not have a significant adverse impact on the environment because its adoption:

- i. Will not cause a substantial adverse change in existing air quality, ground or surface water quality or quantity or traffic or noise levels or a substantial increase in solid waste production or the potential for erosion, flooding, leaching or drainage problems;
- ii. Will not cause the removal or destruction of large quantities of vegetation or fauna or substantial interference with the movement of any resident or migratory fish or wildlife species;
- iii. Will not impact on a significant habitat area or cause a substantial adverse impact on a threatened or endangered species of animal or plant, or the habitat of such a species;
- iv. Will not result in any other significant adverse impacts to natural resources;
- v. Will not result in the impairment of the environmental characteristics of a Critical Environmental Area;

- vi. Will not result in the creation of a material conflict with the community's current plans or goals;
- vii. Will not impair the character or quality of important historical, archeological, architectural, or aesthetic resources or existing community or neighborhood character;
- viii. Will not cause a major change in the use of the quantity or type of energy;
- ix. Will not result in the creation of a hazard to human health;
- x. Will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;
- xi. Will not encourage or attract a large number of people to a place or places for more than a few days, compared to the number of people who would come to that place absent the adoption of the Local Law;
- xii. Will not create a material demand for other actions that would result in one of the above consequences;
- xiii. Will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; and
- xiv. Will not result in cumulative impacts which would cause a significant impact on the environment; and

BE IT FURTHER RESOLVED that the Board adopts this negative declaration pursuant to Article 8 of the Environmental Conservation Law.

Negative Declaration

Action: A local law amending section § 128-27(D) of Chapter 128 (Zoning) of the Code of the Village of Nissequogue regarding walls and fences to amend the minimum distance from the property line that a wall or fence can be placed in a front yard.

Lead Agency: Village of Nissequogue

SEQRA Status: Unlisted Action

Location: Village Wide

Contact Person: Mayor Richard B. Smith
 Village of Nissequogue
 631-862-7400
 631 Moriches Road
 St. James, New York 11780

Dated: January 16, 2024

Motion made by: Trustee Maureen C. Potter
 Seconded by: Trustee Russell von Frank II

Those voting Aye: Mayor Richard B. Smith
 Deputy Mayor Kurt J. Meyer
 Trustee Maureen C. Potter
 Trustee Russell von Frank II

Those voting Nay: None

Those Absent for Voting Purposes: Trustee Michael T. Grosskopf

RESOLUTION # 005-24:

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

“**RESOLVED** to adopt Local Law No. 1 of 2024, a local law amending section § 128-27(D) of Chapter 128 (Zoning) of the Code of the Village of Nissequogue regarding walls and fences to amend the minimum distance from the property line that a wall or fence can be placed in a front yard.”

Review & Approval of Minutes:

RESOLUTION # 006-24:

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

“**RESOLVED** to accept the Minutes of the Regular Monthly Board of Trustees Meeting of December 19, 2023, as amended to correct the spelling of the name of the new part-time Highway Laborer, Geoffrey Boyle III.”

Requests by Member of the Public in Attendance:

Rinaldo Pace and Patty McWilliams appeared on behalf of Ms. McWilliams’ mother, Patricia Jordan, regarding a remediation plan for the bamboo at 16 Beach Plum Lane.

Treasurer’s Report:

Village Clerk-Treasurer Patricia Mulderig presented the Treasurer’s Report to the Board of Trustees, showing the Cash Balances, the Cash Flow Chart, Balance Sheet and Monthly Income and Expense Reports as of January 16, 2024.

RESOLUTION # 007-24:

Upon a motion by Mayor Smith, seconded by Trustee Meyer, and passed 3-0 with Trustee von Frank abstaining, it was

“**RESOLVED** to return the remaining balance of \$5,029.10 from the von Frank Trust & Agency account based upon the unanimous motion of the Village of Nissequogue Planning Board of January 08, 2024.”

RESOLUTION # 008-24:

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

“**RESOLVED** to adopt the 2023/2024 Budget Reclassifications as presented.”

ATTACHED HERETO

RESOLUTION # 009-24:

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

“**RESOLVED** to transfer \$905.00 from the Louro T&A Account for a total of \$905.00 to the General Fund.”

EMS Cost Recovery Funds - Bank Account:

RESOLUTION # 010-24:

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

“**RESOLVED** to open a Flushing Bank Certificate of Deposit in the amount of \$150,000.00.”

ABSTRACTS & INVOICE PAYMENT AUTHORIZATIONS:

RESOLUTION # 011-24:

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

“**RESOLVED** to approve Abstracts #2919 - 2926 for payment in the amount of \$157,975.39.”

RESOLUTION # 012-24:

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

“**RESOLVED** to approve Abstracts# 2927 - 2928 totaling \$2,319.78 to pay invoices that require payment prior to the February 20, 2024 Board of Trustees Meeting.”

RESOLUTION # 013-24:

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to authorize payment of \$9,759.23 to pay additional invoices that require payment prior to the February 20, 2024 Board of Trustees meeting.”

ATTACHED HERETO

Attorney Report:

Lindsay Crocker delivered an oral report in addition to her written litigation report.

Village Clerk:

Village Clerk-Treasurer Patricia Mulderig presented oral and written reports.

RESOLUTION # 014-24:

Upon a motion by Trustee Meyer, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to authorize the Village Clerk-Treasurer to post and publish a notice designating the offices to be filled and the terms thereof for the June 18th Village Election.”

Hand Counted Paper Ballot Use:

RESOLUTION # 015-24:

Upon a motion by Trustee von Frank, seconded by Trustee Meyer, and passed 4-0, it was
“**RESOLVED** to continue the use of hand counted paper ballots for the June 18th Village Election.”

Abolish Village Election Registration Day:

RESOLUTION # 016-24:

Upon a motion by Trustee von Frank, seconded by Trustee Meyer, and passed 4-0, 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.”

Expansion of Election Inspector & Alternate Election Inspector Residency Requirements:

RESOLUTION # 017-24:

Upon a motion by Trustee Meyer, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** that in lieu of any other residency requirement imposed by law, for the Village elections occurring on or after June 18, 2024, village election inspectors, and alternate inspectors, may reside within the County of Suffolk.”

RESOLUTION # 018-24:

Upon a motion by Trustee von Frank, seconded by Trustee Meyer, and passed 4-0, it was
“**RESOLVED** to accept the Certificate of Board of Trustees Comparison of the Account of Unpaid Taxes and the Original Tax Roll presented by the Village Clerk-Treasurer on January 16, 2024.”

ATTACHED HERETO

Budget Work Session:

RESOLUTION # 019-24:

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to authorize the Village Clerk-Treasurer to post and publish notice of a Board of Trustees Work Session on March 02, 2024 at 9:00 a.m.”

Publication Authorization - Local Law #1 of 2024:

RESOLUTION # 020-24:

Upon a motion by Mayor Smith, seconded by Trustee Meyer, and passed 4-0, it was
“**RESOLVED** to authorize the Village Clerk-Treasurer to post / publish notification of the adoption of Local Law # 1 of 2024, a local law amending section § 128-27(D) of Chapter 128

(Zoning) of the Code of the Village of Nissequogue regarding walls and fences to amend the minimum distance from the property line that a wall or fence can be placed in a front yard.”

Department and Committee Reports:

NQFD – Chief Gavaris and 2nd Assistant Chief Spielman presented oral and written reports.

RESOLUTION # 021-24:

Upon a motion by Mayor Smith, seconded by Trustee von Frank, and passed 4-0, it was

“**RESOLVED** to appoint for membership, effective January 11, 2024, Sophia P. Trivigno as a probationary member of the Nissequogue Fire Department, having been previously approved by the Fire Department general membership and FD Council, as required.”

RESOLUTION # 022-24:

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

“**RESOLVED** to appoint for membership, effective January 11, 2024, Michael T. Calabria as a probationary member of the Nissequogue Fire Department, having been previously approved by the Fire Department general membership and FD Council, as required.”

RESOLUTION # 023-24:

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

“**RESOLVED** to appoint for membership, effective January 11, 2024, Shemier C. Bernard as a probationary member of the Nissequogue Fire Department, having been previously approved by the Fire Department general membership and FD Council, as required.”

Length of Service Award Plan:

RESOLUTION # 024-24:

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

“**RESOLVED** to fund the BNB / LPL Financial LOSAP Account in the amount of \$12,476.36, which total reflects contributions for 31 members @ \$480.00 each for the period ending 12/31/2023, equaling \$14,880.00, minus forfeitures for 2022 in the amount of \$2,403.64.”

Department and Committee Reports (continued):

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

ARB – The Board reviewed the minutes of the December 18, 2023 ARB meeting.

Building Department – The Board reviewed Building Inspector Joseph Arico’s written report.

Highway Department – The Board reviewed Highway Superintendent Dominick Alois’ written report.

Nissequogue Highway Department:

RESOLUTION # 025-24:

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

“**RESOLVED** to appoint Daniel G. Ryan as a Part-Time Highway Laborer at an hourly rate of \$23.58/hour, effective January 16, 2024.”

Department and Committee Reports (continued):

JCMC – The Board reviewed Chairman Michael Braaten’s written report of January 04, 2024.

JCMC Member Appointment:

RESOLUTION # 026-24:

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

“**RESOLVED** to appoint James Gallo as a member of the Joint Coastal Committee of the Villages of Nissequogue and Head-of-the-Harbor, effective immediately, with a term expiring on July 01, 2024.”

Department and Committee Reports (continued):

Planning Board – The Board reviewed the minutes of the January 08, 2024 Planning Board meeting.

ZBA – The Board reviewed the minutes of the December 18, 2023 ZBA Public Hearing.

Executive Session:

RESOLUTION # 027-24:

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

“**RESOLVED** to leave the Regular Meeting and enter into Executive Session at 9:15 p.m. for the purpose of discussing matters leading to the appointment of a particular person and to seek legal advice from the Village Attorney.”

RESOLUTION # 028-24:

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

“**RESOLVED** to exit Executive Session at 9:25 p.m. and re-enter the regular meeting.”

RESOLUTION # 029-24:

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

“**RESOLVED** to appoint Richard Senese as a part-time police officer at an hourly rate of \$40.28, effective January 16, 2024.”

RESOLUTION # 030-24:

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

“**RESOLVED** to authorize Mayor Smith to sign memos regarding employee year-end bonuses and proposed hourly rate changes.”

Adjournment:

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

“**RESOLVED** to adjourn at 9:28 p.m.”

Respectfully submitted,

Laura K. Winkeler
Deputy Village Clerk

VILLAGE OF NISSEQUOGUE
2023-2024

16-Jan-24

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT TITLE</u>	<u>BUDGET</u>	<u>BUDGET ADJUSTMENT</u>	<u>MODIFIED BUDGET</u>
A1410.442	CLERK - CONTRACT SERVICES IT SUPPORT	\$1,250.00	\$2,000.00	\$3,250.00
A1450.46	ELECTIONS - MISCELLANEOUS	\$1,950.00	\$250.00	\$2,200.00
A1620.21	BUILDINGS FURNITURE & FIXTURES	\$0.00	\$4,000.00	\$4,000.00
A3120.48	POLICE DEPT - OPERATIONS	\$9,100.00	(\$1,000.00)	\$8,100.00
A3120.481	POLICE - DEPT - CONTRACT SERVICES	\$2,900.00	\$1,000.00	\$3,900.00
A3410.251	FIRE DEPARTMENT - PERSONAL PROT. EQUIP	\$47,000.00	\$12,000.00	\$59,000.00
A3410.261	FIRE DEPARTMENT- AMBULANCE EQUIP	\$12,000.00	(\$12,000.00)	\$0.00
A3410.271	FIRE DEPARTMENT- COMMUNICATIONS EQUIP	\$20,675.00	\$3,650.00	\$24,325.00
A3410.41	FIRE DEPARTMENT - SUPPLIES & MATERIALS	\$0.00	\$0.00	\$0.00
A3410.417	FIRE DEPARTMENT - OPERATIONS	\$2,200.00	\$600.00	\$2,800.00
A3410.444	FIRE DEPARTMENT- REPAIRS & MAINT	\$4,600.00	(\$4,250.00)	\$350.00
A8010.10	ZONING BOARD PERSONAL SVC	\$4,880.00	\$1,000.00	\$5,880.00
A1990.0	CONTINGENT ACCOUNT	46,734.00	(7,250.00)	39,484.00
		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
		<u>\$153,289.00</u>	<u>\$0.00</u>	<u>\$153,289.00</u>

1/16/2024

Please place on the agenda a request for a RESOLUTION for the Board to approve payment of invoices that require payment prior to the February 20, 2024 Board of Trustees Meeting.

Legal Shred	\$	45.79
Shredding Service 1/16/14		
AT&T First Net	\$	71.87
Ambulance Hotspot Service: 1/05/24 - 2/04/24		
GT Power Systems, Inc	\$	708.92
Bldgs.: VH Generator Service & New Battery		
Cablevision - Village LPR	\$	410.67
Service Period: 1/03/24 - 2/02/24		
Harris Computer Systems	\$	5,521.98
2024 Annual Support: A/P, G/L, Tax, Live Vault		
Harris Computer Systems	\$	1,250.00
MicroFund Conversion		
Harris Computer Systems	\$	1,750.00
Tax Pre Conversion		
TOTAL:	\$	<u>9,759.23</u>

VILLAGE OF NISSEQUOGUE
CERTIFICATE OF BOARD OF TRUSTEES COMPARISON OF THE
ACCOUNT OF UNPAID TAXES AND THE ORIGINAL TAX ROLL

The Board of Trustees of the Village of Nissequogue has compared the account of unpaid taxes presented by Village Treasurer Patricia Mulderig on January 16, 2024 (“the Account”) and the Original Tax Roll for the 2024/2024 Year (“Original Tax Roll”).

Pursuant to Real Property Tax Law § 1436, each Trustee hereby certifies that:

1. the Account has been compared to the Original Tax Roll;
2. the Account has been found to be correct; and
3. the total amount of taxes unpaid for the 2023/2024 Year is **\$32,769.41**

Mayor Richard B. Smith

Deputy Mayor Kurt J. Meyer

Trustee Michael T. Grosskopf

Trustee Maureen C. Potter

Trustee Russell von Frank II