REGULAR MEETING OF THE BOARD OF TRUSTEES INCORPORATED VILLAGE OF NISSEQUOGUE

February 21, 2023

Board Meeting Posted on Village Website: July 14, 2022

Board Meeting Posted in Village: July 13, 2022

1 Official Bulletin Board

Board Meeting Published in Sm. News: July 21, 2022

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 21st DAY OF FEBRUARY, 2023.

BOARD MEMBERS PRESENT AT BOARD OF TRUSTEE MEETING:

Mayor:

Richard B. Smith

Trustees:

Kurt J. Meyer

Michael T. Grosskopf Maureen C. Potter Russell J. von Frank II

ALSO PRESENT:

Village AttorneyEugene BarnoskyVillage Clerk-TreasurerPatricia MulderigVillage Deputy ClerkLaura WinkelerNQFD ChiefGeorge GavarisNQFD 2nd Assistant ChiefWilliam Howard

Building Inspector Joseph Arico
ZBA Chairperson Michael Fazio @, 7:10 p.m.

Highway Superintendent Dominick Alois
Deputy Police Commissioner John Valentine

OTHERS PRESENT: Michael LaMalfa, Nancy Fetherston, Gilbert High, Lisa Blake Davidson, Maria LaMalfa (@ 7:50 p.m.)

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

<u>Public Hearing Local Law – Alternate ARB Members:</u> RESOLUTION # 019-23:

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and unanimously passed, it was "**RESOLVED** to enter the Public Hearing at 7:02 p.m. for discussion of a proposed Local Law adding Section 5-2A to Chapter 5 of the Code of the Village of Nissequogue to provide a process for appointing alternate members of the Architectural Review Board."

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

RESOLUTION # 020-23:

Upon a motion by Trustee Meyer, seconded by Trustee Grosskopf, and unanimously passed, it was "RESOLVED to close the Public Hearing and re-enter into the regular meeting at 7:04 p.m."

RESOLUTION # 021-23:

Upon a motion by Trustee von Frank, seconded by Trustee Grosskopf, and unanimously passed, it was "RESOLVED to approve the Short Environmental Assessment Form prepared by the Village Engineer for the local law re providing a process for appointing alternate members of the Architectural Review Board."

RESOLUTION # 022-23:

Upon a motion by Trustee von Frank, seconded by Trustee Grosskopf, the following Resolution was unanimously passed:

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 "adding Section 5-2A to Chapter 5 of the Code of the Village of Nissequogue to provide a process for appointing alternate members of the Architectural Review Board" (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 adding Section 5-2A to Chapter 5 of the Code of the

Village of Nissequogue to provide a process for appointing alternate

members of the Architectural Review Board"

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: February 21, 2023

Motion made by: Trustee Maureen C. Potter

Seconded by: Trustee Russell J. von Frank II

Those voting Aye: Mayor Richard B. Smith

Trustee Kurt J. Meyer

Trustee Michael T. Grosskopf Trustee Maureen C. Potter Trustee Russell J. von Frank II

Those voting Nay: None

Those Absent: None

RESOLUTION # 023-23:

Upon a motion by Trustee Potter, seconded by Trustee von Frank, and unanimously passed, it was "**RESOLVED** to adopt Local Law No. 1 of 2023, a local law adding Section 5-2A to Chapter 5 of the Code of the Village of Nissequogue to provide a process for appointing alternate members of the Architectural Review Board."

RESOLUTION # 024-23:

Upon a motion by Trustee Grosskopf, seconded by Trustee Meyer, and unanimously passed, it was "RESOLVED to authorize the Village Clerk to post / publish notification of the adoption of Local Law # 1 of 2023, adding Section 5-2A to Chapter 5 of the Code of the Village of Nissequogue to provide a process for appointing alternate members of the Architectural Review Board."

RESOLUTION # 025-23:

Upon a motion by Trustee Grosskopf, seconded by Trustee von Frank, and unanimously passed, it was "**RESOLVED** to accept the Minutes of the Regular Monthly Board of Trustees Meeting of January 17, 2023 as presented."

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 February 21, 2023.

RESOLUTION # 026-23:

Upon a motion by Trustee Meyer, seconded by Trustee Grosskopf, and unanimously passed, it was "**RESOLVED** to transfer \$24.50 from the Georgakopoulos T&A Account and \$24.50 from the Sinkin T&A Account for a total of \$49.00 to the General Fund."

RESOLUTION # 027-23:

Upon a motion by Trustee Grosskopf, seconded by Trustee Potter, and unanimously passed, it was "**RESOLVED** to accept the 2022/2023 Assessment Adjustment Refunds in the amount of \$1,650.40 concomitant with the successful tax grievances of nine (9) property owners."

ATTACHED HERETO

NQFD Chief's Vehicle Purchase:

RESOLUTION # 028-23:

Upon a motion by Trustee von Frank, seconded by Trustee Meyer, and unanimously passed, it was "RESOLVED to accept the serial bond financing from Bank of Greene County in the amount of \$50,000.00 at the Nominal Annual Rate of 4.400%, with an annual callable prepayment option for the purchase of the NQFD Chief's Vehicle."

Length of Service Award Plan:

RESOLUTION # 029-23:

Upon a motion by Trustee Grosskopf, seconded by Trustee Meyer, and unanimously passed, it was "**RESOLVED** to fund the BNB / LPL Financial LOSAP Account in the amount of \$15,360.00, reflecting contributions for 32 members @ \$480.00 each for the period ending 12/31/2022."

RESOLUTION # 030-23:

Upon a motion by Mayor Smith, seconded by Trustee Meyer, and unanimously passed, it was "RESOLVED to accept and acknowledge that the Village of Nissequogue Annual Audit Report for the year ending May 31, 2022, was completed by R.S. Abrams on January 19, 2023."

RESOLUTION # 031-23:

Upon a motion by Trustee Grosskopf, seconded by Trustee von Frank, and unanimously passed, it was "RESOLVED to accept and acknowledge that the Annual Court 'Agreed Upon Procedures'

Required by Section 2019-a of the Uniform Justice Court Act for the Village of Nissequogue Justice Court for the year ending May 31, 2022, was completed by R.S. Abrams on January 19, 2023."

Mayor Smith commented that both the Village Annual Audit Report as well as the Village Justice Court Annual Audit Report for May 31, 2022 contained no audit comments from R.S. Abrams.

RESOLUTION # 032-23:

Upon a motion by Trustee Grosskopf, seconded by Trustee Potter, and unanimously passed, it was "RESOLVED to adopt the 2022/2023 Budget Reclassifications as presented."

ATTACHED HERETO

ABSTRACTS & INVOICE PAYMENT AUTHORIZATIONS:

RESOLUTION # 033-23:

Upon a motion by Trustee von Frank, seconded by Trustee Meyer, and unanimously passed, it was "RESOLVED to approve Abstracts #2741 - 2759 in the amount of \$125,446.23."

RESOLUTION # 034-23:

Upon a motion by Trustee Meyer, seconded by Trustee Potter, and unanimously passed, it was "**RESOLVED** to approve Abstract #2760 totaling \$6,634.44 to pay invoices that require payment prior to the March 21, 2023 Board of Trustees Meeting."

RESOLUTION # 035-23:

Upon a motion by Trustee Meyer, seconded by Trustee von Frank, and unanimously passed, it was "RESOLVED to approve payment at the NYS OGS Contract price of \$63,700.00 to Command Fleet Corp. for the purchase of the 2022 Chevrolet Silverado 1500 SSV NQFD Chief's vehicle upon receipt of vehicle and proper invoice, that requires payment prior to the March 21, 2023 Board of Trustees Meeting."

Attorney Report:

Eugene Barnosky delivered an oral report in addition to his written litigation report.

Requests by Member of the Public in Attendance:

Michael LaMalfa presented a copy of a letter from his wife, Maria LaMalfa regarding a recent dock application in the Village. Nancy Fetherston spoke in approval of the recent JCMC decision regarding the dock application.

Nancy Fetherston also asked if the Highway Department would be re-striping the double yellow lines in the Village. She also complimented the paving work done on River Road.

Gilbert High asked the Mayor and the Board to look into the dramatic effect that the Town of Smithtown dredging was having upon the shoreline in Nissequogue.

Village Clerk:

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

VILLAGE ELECTION

Election Inspectors:

RESOLUTION # 036-23:

Upon a motion by Trustee Meyer, seconded by Trustee Potter, and unanimously passed, it was "**RESOLVED** to appoint the following individuals as Election Inspectors: Susan Cimino McGarrigal and Patricia Milano."

Budget Public Hearing:

RESOLUTION # 037-23:

Upon a motion by Trustee von Frank, seconded by Trustee Meyer, and unanimously passed, it was "**RESOLVED** to authorize the Village Clerk to post/publish notice of the Public Hearing on the 2023/2024 Village Budget scheduled for April 11, 2023 at 7:00 p.m. at the Nissequogue Village Hall."

<u>Town of Smithtown – Intermunicipal Agreement – Extension of Fire Marshall Agreement:</u> RESOLUTION # 038-23:

Upon a motion by Trustee Meyer, seconded by Trustee von Frank, and unanimously passed, it was "**RESOLVED** to re-affirm and approve the continuance of the Intermunicipal Agreement with the Town of Smithtown for the use of the Town Fire Marshals and / or other qualified personnel to make inspections, as well as enforce violations of the NYS Uniform Fire Prevention and Building Code for the period commencing February 23, 2023 and expiring on December 31, 2023."

SCVOA Alert: Governor's New York Housing Contract:

Mayor Smith discussed the SCVOA Alert regarding "Home Rule" and Local Zoning "property affairs and government" and asked those present to educate themselves on the *New York Housing Compact* that was inserted into the 2023-2024 NYS Budget.

<u>Town of Smithtown – Department of Public Safety Permit Renewal:</u> RESOLUTION # 039-23:

Upon a motion by Trustee Grosskopf, seconded by Trustee von Frank, and unanimously passed, it was "**RESOLVED** to re-affirm and approve for another year the renewal of the Town of Smithtown Department of Public Safety – Fire Prevention Division Permit currently expiring on March 28, 2023."

Department and Committee Reports:

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

RESOLUTION # 040-23:

Upon a motion by Trustee von Frank, seconded by Trustee Meyer, and unanimously passed, it was "RESOLVED to transfer the 2014 Ford Police Department vehicle previously known as N-2, to the Nissequogue Highway Department."

Department and Committee Reports (continued):

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

ZBA – Chairman Michael Fazio presented oral and written reports.

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

NQFD - Chief George Gavaris presented oral and written reports.

NOFD Clerk Appointment:

RESOLUTION # 041-23:

Upon a motion by Mayor Smith, seconded by Trustee von Frank, and unanimously passed, it was "**RESOLVED** to appoint Barbara Trampel-Zulawski as clerk of the Nissequogue Fire Department, effective immediately, with a term expiring on July 03, 2023."

EMS Cost Recovery:

Cost recovery program with Proclaim EMS Solutions & Billing was discussed.

Department and Committee Reports (continued):

JCMC – The Board reviewed Chairman Michael Braaten's written report and discussed proposed new members.

Planning Board – The Board reviewed the minutes of the February 06, 2023 Planning Board meeting. **ARB** – The Board reviewed the minutes of the January 30, 2023 ARB meeting.

523 Long Beach Road:

The status of the property was discussed, as well as further steps to address this public hazard.

Additional Request by Member of the Public in Attendance:

Maria LaMalfa spoke further about a recent dock application.

Executive Session:

RESOLUTION # 042 -23:

Upon a motion by Trustee Groskopf, seconded by Trustee von Frank, and unanimously passed, it was "**RESOLVED** to leave the Regular Meeting and enter into Executive Session at 9:21 p.m. to discuss the employment history of a particular person, matters leading to the appointment of a particular corporation, and to seek legal advice from the Village Attorney."

RESOLUTION # 043-23:

Upon a motion by Trustee von Frank, seconded by Trustee Meyer, and unanimously passed, it was "RESOLVED to exit Executive Session at 10:07 p.m. and re-enter the regular meeting."

RESOLUTION # 044-23:

Upon a motion by Trustee Grosskopf, seconded by Trustee Meyer, and unanimously passed, it was "RESOLVED to accept Police Officer Giacomo Marchese's resignation, with thanks for his many years of service."

RESOLUTION # 045-23:

Upon a motion by Trustee Grosskopf, seconded by Trustee Meyer, and unanimously passed, it was "RESOLVED to authorize Mayor Smith and Trustee von Frank to enter into a contract with Proclaim EMS Solutions & Billing upon renegotiation of the contract to reflect recommendations by the Village Attorney."

Adjournment:

Upon a motion by Trustee von Frank, seconded by Trustee Meyer, and unanimously passed, it was "RESOLVED to adjourn at 10:09 p.m."

Respectfully submitted,

Laura K. Winkeler Deputy Village Clerk

Page 1 of 1 2022/2023 2021/2022		DIFFERENCE		\$210.80	\$131.68	\$87.48	\$160.30	\$125.95	\$204.96	\$198.09	\$99.39	\$778.60	\$326.33	\$36.64	\$348.08	\$77.86	\$210.91	\$242.74	\$714.48	\$109.92	\$352.66	\$270.22	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	64,683.13	\$2,381.60 \$2,381.60	\$2,381.60 \$2,381.60	\$117.25	48.55	143.13	250.98	361.82	93.43	300.91	216.41	117.94	\$1.650.40
		DIFFERENCE	!	947	575	382	700	929	982	865	434	3,400	1,425	160	1,520	340	921	1,060	3,120	480	1,540	1,180		20,494	10,400	10,400	512	212	625	1,096	1,580	408	1,314	945	515	7 207
STMHMTS	CORRECTED	ASSESSMENT		9,200	8,625	10,178	8,625	12,650	10,350	11,385	9,775	10,350	11,500	10,235	10,925	10,360	9,408	17,920	17,920	9,520	10,640	8,290			33,600		8,848	12,888	15,960	11,200	11,760	7,952	8,736	17,920	8,400	
VILLAGE OF NISSEQUOGUE	SOESSIMEN SESSI	ASSESSMENT		_		10,560	9,325	13,200		12,250	10,209	13,750	12,925	10,395	12,445	10,700	10,329	18,980	21,040	10,000	12,180	9,470		6/28/2022	2 44,000	7/19/2022	9,360	2 13,100	2 16,585	12,296	3 13,340	3 8,360	3 10,050	3 18,865	3 8,915	3/34/3003
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	Y ASSESSOR			35900 16-Sep-21	58600 16-Sep-21	63100 16-Sep-21		_	_	36100 1-Feb-22	44300 1-Feb-22	5000 1-Feb-22	13400 1-Feb-22	38300 4-Apr-22	63800 4-Apr-22	5100 21-Jun-22	17200 21-Jun-22	20800 21-Jun-22	21300 21-Jun-22	69800 21-Jun-22	46600 21-Jun-22	55900 21-Jun-22		ENT ADJUSTMEN	53300 12-Jul-22	ENT ADJUSTME	14700 23-Jan-23	36800 23-Jan-23	40700 23-Jan-23	63400 23-Jan-23	1900 23-Jan-23	13300 23-Jan-23	15400 23-Jan-23	21700 23-Jan-23	45500 23-Jan-23	0001907 GENERAL ABBBONIES 194909
	PROPERTY	Ω			586				171															ASSESSM	533	ASSESSM	147							217		NOCECON
		Address		504 Long Beach Rd	40 Quail Path	2 Laurel Hill Path	3 Breezy Hollow	3 Saddle Lane	5 Saddle Lane	104 Boney Lane	625 Moriches Road	1 Northfield Lane	516 Long Beach Rd	11 Bareback Court	327 Old Mill Road	2 Northfield Lane	6 Saddle Lane	8 Richard Path	534 Long Beach Rd.	5 Tide Mill Lane	4 Smith Lane	4 Cardinal Lane			4 Swan Place		7 Short Path	649 Moriches Rd	471 Niss River Rd		13 Pheasant Run	514 Long Beach	8 Stillwater Rd.	3 Bluff Road	5 WoodcuttersPath	
		HOMEOWNEB		Louis & Danielle DeBenedittis	Frederick & Eileen Hagenberger	I aura I noinacci&Adam Obletz	Garrett & Brooke Bergen	Jon & Kathleen Savastano	Dominick & Leslie Loiacono	Joseph & Judith Verderber	Kevin & Ingrid Hamilton	Jonathan & Kati Ann Bellezza	Thomas & Susan Faulhaber	Steven C. Cannata	R. Smith & J. Voesack	William & Maryann McCulloh	Louis & Dawn Puleo	Annberry Realty LLC	Thomas & Maddalena Urena	Brian & Alicia Cotter	Shehzad & Jehanoir Shaikh	Filippo Bellia			Xenophon C& Helayne Damianos		Robert & Barbara Bianco	Mary Mongioi	Robert Antonacci&Alexandra Perkins	John & Olga Prufeta	Steve Kass & Wayne Kass	Alexander & Jenna Sonnenberg	Diamond & Vania Armello	Judi Harris	Marie Parrinelli	
	NOIF CE O	BLOCK/LOT		9-1-6.1	11-2-27	11-3-36	12-1-10	3-4-43	3-4-45	9-1-6-3	0-3-36	2-2-9.14	3-2-31	9-2-1.13	12-1-2.3	2-2-9.15	3-4-4.6	4-1-7	4-2-2	13-1-21.2	10-2-2	11-2-3.2			10-4-9.4		3-3-5	9-1-13.1	9-3-4.1	12-1-1,2	1-2-5.16	3-2-30	3-3-12	4-2-6.7	9-3-48	

BALANCE DUE

TOTAL 2022/2023 ASSESSMENT ADJUSTMENTS
ASSESSMENT ADJUSTMENTS APPROVED 6/28/2022
ASSESSMENT ADJUSTMENTS APPROVED 7/19/2022
ASSESSMENT ADJUSTMENTS APPROVED 2/21/2023

\$0.00

\$0.00

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\$2,381.60 (\$2,381.60)

\$8,725.13 (\$4,693.13) (\$2,381.60) (\$1,650.40)

38,101 (20,494) (10,400) (7,207)

VILLAGE OF NISSEQUOGUE 2022-2023

21-Feb-23

ACCOUNT NUMBER	ACCOUNT TITLE	BUDGET	BUDGET ADJUSTMENT	MODIFIED BUDGET
A1450.46	ELECTIONS MISCELLANEOUS	\$1,275.60	\$25.00	\$1,300.60
A3410.241	FIRE DEPARTMENT - OTHER EQUIP	32,035.00	(8,000.00)	24,035.00
A3410.414	FIRE DEPARTMENT - AMBULANCE & EMS	7,100.00	1,000.00	8,100.00
A3410.418	FIRE DEPARTMENT - CPR TRAINING	348.00	52.00	400.00
A3410.431	FIRE DEPARTMENT -COMMUNICATIONS	14,897.00	5,000.00	19,897.00
A3410.441	FIRE DEPARTMENT - SUPPLIES & EQUIPMENT	2,611.00	600.00	3,211.00
A3410.444	FIRE DEPARTMENT - BLDG REPAIRS & MAINT	10,974.00	(6,677.00)	4,297.00
A3410.47	FIRE DEPARTMENT - PHYSICALS	13,000.00	2,000.00	15,000.00
A3410.51	FIRE DEPARTMENT- GASOLINE	7,787.00	6,000.00	13,787.00
A5110.442	MAINT OF ROADS - TREE REMOVAL	9,000.00	(2,000.00)	7,000.00
A5110.443	MAINT OF ROADS- ROAD REPAIR	8,000.00	2,000.00	10,000.00
A8010.10	ZONING BOARD - PERSONAL SVCS	3,798.00	1,500.00	5,298.00
A9060.00	GRANT SPECIALIST	5,500.00	2,100.00	7,600.00
A1990.0	CONTINGENT ACCOUNT	99,457.34	(3,600.00)	95,857.34
		0.00	0.00	0.00
		\$215,782.94	\$0.00	\$215,782.94