

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

May 16, 2023

Board Meeting Posted on Village Website: July 14, 2022

Board Meeting Posted in Village: July 13, 2022
1 Official Bulletin Board

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**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 MAY, 2023.**

BOARD MEMBERS PRESENT AT BOARD OF TRUSTEE MEETING:

Mayor:	Richard B. Smith
Deputy Mayor:	Kurt J. Meyer
Trustees:	Michael T. Grosskopf Maureen C. Potter Russell J. von Frank II

ALSO PRESENT:

Village Attorney	Lindsay Crocker (Departed @ 8:20 p.m.)
Village Clerk-Treasurer	Patricia Mulderig
Village Deputy Clerk	Laura Winkeler
NQFD 2 nd Assistant Chief	Kenneth Spielman
Building Inspector	Joseph Arico
Highway Superintendent	Dominick Alois
Deputy Police Commissioner	John Valentine (Telephonically)

OTHERS PRESENT: Hanneke Talbot, Matthew Talbot, Kevin Orlando, John Marques Sr., John Marques Jr., Jack Cutrone, Tracie Cinquemani ('On Time' Court Reporter), Frank Harte (at 7:22 p.m.)

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

**Public Hearing – Hanneke & Matthew Talbot - Appeal of ARB Denial – 317 Old Mill Road
RESOLUTION # 081-23:**

Upon a motion by Trustee von Frank, seconded by Trustee Grosskopf, and unanimously passed, it was
“**RESOLVED** to enter the Public Hearing at 7:01 p.m. to consider, pursuant to § 5-10 of the Code of the Village of Nissequogue, the application of Hanneke and Matthew Talbot relating to the installation of solar panels on the front of the residence at 317 Old Mill Road in Nissequogue (802-12-1-4.4) which was denied by the Architectural Review Board of the Village of Nissequogue.

A presentation for the applicant was made by Kevin Orlando of Long Island Power Solutions. Mr. Orlando distributed plans and he, as well as Mr. and Mrs. Talbot responded to questions and comments by the Board of Trustees. Mayor Smith then asked for questions or comments from the public in attendance.

RESOLUTION # 082-23:

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and unanimously passed, it was
“**RESOLVED** to close the Public Hearing at 7:15 p.m.”

RESOLUTION # 083-23:

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and unanimously passed, it was
“**RESOLVED** to re-enter the regular meeting at 7:15 p.m.”

A court reporter was present and a transcript of the public hearing is available.

RESOLUTION # 084-23:

**RESOLUTION OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF NISSEQUOGUE
REGARDING THE APPLICATION OF
HANNEKE AND MATTHEW TALBOT**

WHEREAS, Hanneke and Matthew Talbot (“Applicants”) own a residence located at 317 Old Mill Road, Nissequogue, New York, 11780; and

WHEREAS, Applicants made application to the Village of Nissequogue for a building permit for the installation of solar panels on the residence (“the Application”); and

WHEREAS, the Application was referred to the Village of Nissequogue Architectural Review Board (“ARB”) by the Building Inspector; and

WHEREAS, at a meeting on November 28, 2022, the ARB considered the Application and passed a resolution denying the application because proposed solar panels were to be located “on the front of the structure”; and

WHEREAS, pursuant to §5-10 Code of the Village of Nissequogue (“Village Code”), the Applicants requested a hearing before the Board of Trustees of the Village of Nissequogue (“the Board”); and

WHEREAS, at a public hearing commenced and closed on May 16, 2023, the Applicants and Kevin Orlando of Long Island Power Solutions, on behalf of the Applicants, presented evidence in support of the position that the determination of the ARB should be overturned, and the Application should be approved pursuant to Chapter 5 of the Village Code ; and

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

NOW, THEREFORE, be it

RESOLVED that the Board overrules the ARB’s determination and approves the Application pursuant to Chapter 5 of the Code of the Village of Nissequogue, subject to the 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: (1) having considered the suitability of design and the materials to be used in relation to the surroundings and immediate neighborhood of the building site; (2) having considered the location of the solar panels on the structure in relation to the topographical features of the land and natural screening, if any; (3) having considered the effect of the location of the solar panels upon neighboring buildings; and (4) being guided by the rural nature, historical features, topographical and vegetational characteristics, and unique geographic location of the Village, the Board finds that the following has been established by Applicant:

1. The design, location and construction of the solar panels will not make the structure so uniform, markedly similar or incongruous with neighboring buildings or be so incompatible with the topographical features of its environs.
2. The proposed solar panels will not adversely affect the desirability of immediate and surrounding areas and thereby lessen the benefits of occupancy of improved real property.
3. The proposed solar panels will not impair the value of real property within the Village.
4. The proposed solar panels will not produce degeneration or deterioration of real property within the Village.
5. The proposed solar panels will not destroy the proper relationship between the taxable value of real property in the Village and the costs of municipal services provided therefor.

Upon motion made by Trustee von Frank and seconded by Trustee Grosskopf, the within Resolution was duly adopted by the Board of Trustees on May 16, 2023.

AYES

NAYS

Mayor Richard B. Smith
 Deputy Mayor Kurt J. Meyer
 Trustee Michael T. Grosskopf
 Trustee Maureen C. Potter
 Trustee Russell J. von Frank II

None

Trustees Absent: N/A

523 Long Beach Road:

John Marques Jr. and Jack Cutrone of Millionaire Club addressed the Board regarding 523 Long Beach Road. The status of the property was discussed, as well as the next steps required to address this public hazard.

Department and Committee Reports:

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

Request by Member of the Public in Attendance:

Village resident Frank Harte asked the Board to look into the drainage on Old Mill Road. The Mayor stated that they would follow up on this matter with the Highway Superintendent.

Review & Approval of Minutes:

RESOLUTION # 085-23:

Upon a motion by Trustee Meyer, seconded by Trustee Potter, and unanimously passed, it was
 “**RESOLVED** to accept the Minutes of the Regular Monthly Board of Trustees Meeting of April 11, 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 May 16, 2023.

RESOLUTION # 086-23:

Upon a motion by Trustee Meyer, seconded by Trustee von Frank, and unanimously passed, it was
 “**RESOLVED** to adopt the 2022/2023 Budget Reclassifications as presented.”

ATTACHED HERETO

RESOLUTION # 087-23:

Upon a motion by Trustee Meyer, seconded by Trustee von Frank, 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, 2023.”

RESOLUTION # 088-23:

Upon a motion by Trustee Meyer, seconded by Trustee von Frank, and unanimously passed, it was
“**RESOLVED** to pay the FD High Water Vehicle Bond interest payment not to exceed
\$3,000.00 on or before June 15, 2023.”

RESOLUTION # 089-23:

Upon a motion by Trustee Potter, seconded by Trustee Grosskopf, and unanimously passed, it was
“**RESOLVED** to reclassify Part-Time Police Officers as Seasonal for the period May 16, 2023
to September 19, 2023.”

ABSTRACTS & INVOICE PAYMENT AUTHORIZATIONS:

RESOLUTION # 090-23:

Upon a motion by Trustee Grosskopf, seconded by Trustee Meyer, and unanimously passed, it was
“**RESOLVED** to approve Abstracts #2789 – 2802 for payment in the amount of \$107,726.89.”

RESOLUTION # 091-23:

Upon a motion by Trustee Meyer, seconded by Trustee Potter, and unanimously passed, it was
“**RESOLVED** to approve Abstract# 2803 totaling \$22,955.18 to pay invoices that
require payment prior to the May 30, 2023 Work Session.”

Attorney Report:

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

EMS Cost Recovery:

The few steps remaining to go forward with the Proclaim EMS Solutions & Billing cost recovery program
were reviewed and discussed by the Board.

Department and Committee Reports (Continued):

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

The purchase of a pumper as well as the process required for the potential sale of surplus apparatus were
discussed.

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

NVPD – Deputy Police Commissioner John Valentine presented a telephonic oral report and previously
submitted written reports.

Executive Session:

RESOLUTION # 092-23:

Upon a motion by Trustee Meyer, seconded by Trustee von Frank, and unanimously passed, it was
“**RESOLVED** to leave the Regular Meeting and enter into Executive Session at 8:39 p.m. to
discuss the employment history of a particular person.”

RESOLUTION # 093-23:

Upon a motion by Trustee Meyer, seconded by Trustee Grosskopf, and unanimously passed, it was
“**RESOLVED** to exit Executive Session at 8:46 p.m. and re-enter the regular meeting.”

Nissequoque Police Department:

RESOLUTION # 094-23:

Upon a motion by Trustee Grosskopf, seconded by Trustee Potter, and unanimously passed, it was
“**RESOLVED** to accept with respect and regret, the resignation of Part-Time Police
Officer Matthew Cameron effective May 16, 2023.”

Village Clerk:

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

VILLAGE ELECTION

Election Inspectors:

RESOLUTION # 095-23:

Upon a motion by Trustee Meyer, seconded by Trustee Potter, and unanimously passed, it was
“**RESOLVED** to re-appoint the following individuals as Election Inspectors for the
June 20th Election:

Susan Cimino McGarrigal
Patricia Milano
Maureen Wiedersum
Laura Serpico.”

Alternate Election Inspectors:

RESOLUTION # 096-23:

Upon a motion by Trustee Meyer, seconded by Trustee Potter, and unanimously passed, it was
“**RESOLVED** to appoint the following individuals as Alternate Election Inspectors for the
June 20th Election:

Herta Walsh
Barbara Trampel-Zulawski
Laura Winkeler.”

Election Publication Authorization:

RESOLUTION # 097-23:

Upon a motion by Trustee Grosskopf, seconded by Trustee von Frank, and unanimously passed, it was
“**RESOLVED** to authorize the Village Clerk to post and publish notice of the
June 20, 2023 Village Election setting forth the polling place, hours during which the
polls are open, the names and addresses of the candidates, offices, and terms.”

Department and Committee Reports (continued):

Community Beautification – Plans for Willow Pond were discussed.

ARB – The Board reviewed the minutes of the April 24, 2023 ARB meeting.

JCMC – The Board reviewed Chairman Michael Braaten’s written report.

Planning Board – The Board reviewed the minutes of the May 01, 2023 Planning Board meeting.

ZBA – The Board reviewed Chairman Michael Fazio written report.

Adjournment:

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and unanimously passed, it was
“**RESOLVED** to adjourn at 9:15 p.m.”

Respectfully submitted,

Laura K. Winkeler
Deputy Village Clerk

VILLAGE OF NISSEQUOGUE
2022-2023

16-May-23

ACCOUNT NUMBER	ACCOUNT TITLE	BUDGET	BUDGET ADJUSTMENT	MODIFIED BUDGET
A1410.412	CLERK- MAILINGS	\$1,500.00	\$250.00	\$1,750.00
A1410.461	CLERK- MISCELLANEOUS MILEAGE	\$125.00	\$50.00	175.00
A1410.462	CLERK - MISCELLANEOUS TRAINING	\$500.00	(\$300.00)	200.00
A1420.44PL	LAW CONT SVCS NON RETAINER	\$115,000.00	\$30,000.00	145,000.00
A1620.412	BUILDING SUPPLIES - POLICE DEPT	\$2,500.00	\$2,000.00	4,500.00
A1620.413	BUILDING SUPPLIES - FIRE DEPT	4,000.00	3,000.00	7,000.00
A1620.423	BUILDINGS- UTILITIES - LPR'	0.00	3,000.00	3,000.00
A3120.12	POLICE PERSONAL SERVICE HOLIDAY	19,500.00	0.00	19,500.00
A3120.25	POLICE DEPT OTHER EQUIPMENT	15,000.00	4,500.00	19,500.00
A3120.41	POLICE SUPPLIES & MATERIALS	3,000.00	(3,000.00)	0.00
A3120.48	POLICE DEPT OPERATIONS	10,000.00	5,600.00	15,600.00
A3120.8	POLICE - EMPLOYEE BENEFITS	153,000.00	2,000.00	155,000.00
A3410.271	FIRE DEPT COMMUNICATIONS EQUIP	6,991.00	0.00	6,991.00
A3410.431	FIRE DEPT COMMUNICATIONS	20,897.00	0.00	20,897.00
A3410.411	FIRE DEPT VEHICLE REPAIRS & MAINT	30,629.00	1,100.00	31,729.00
A3410.412	FIRE DEPT EMERGENCY TOOLS & EQUIP	7,092.00	1,000.00	8,092.00
A3410.414	FIRE DEPT - AMBULANCE & EMS	8,600.00	1,200.00	9,800.00
A3410.415	FIRE DEPT - UNIFORMS	3,959.00	1,500.00	5,459.00
A3410.421	FIRE DEPT UTILITIES	14,896.00	1,000.00	15,896.00
A3410.445	FIRE DEPT COVID 19	2,088.00	(2,000.00)	88.00
A3620.45	SAFETY INSPECTOR- CODE ENFORCEMENT	6,600.00	1,000.00	7,600.00
A3410.50	FIRE DEPT TRAVEL	3,916.00	(3,800.00)	116.00
A8020.46	PLANNING BOARD MISCELLANEOUS	500.00	1,000.00	1,500.00
A1990.0	CONTINGENT ACCOUNT	88,857.30	(49,100.00)	39,757.30
		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
		<u>\$519,150.30</u>	<u>\$0.00</u>	<u>\$519,150.30</u>