

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

**July 18, 2023**

**Board Meeting Posted on Village Website:** July 11, 2023

**Board Meeting Posted in Village:** July 13, 2023  
1 Official Bulletin Board

**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 18<sup>th</sup> DAY OF JULY, 2023.**

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

Mayor:	Richard B. Smith
Deputy Mayor:	Kurt J. Meyer at 7:06 p.m.
Trustees:	Michael T. Grosskopf (Observed via videoconference) Maureen C. Potter Russell J. von Frank II

**ALSO PRESENT:**

Village Attorney	Eugene Barnosky
Village Clerk-Treasurer	Patricia Mulderig
Village Deputy Clerk	Laura Winkeler
NQFD Chief	George Gavaris at 7:04 p.m.
NQFD 1 <sup>st</sup> Assistant Chief	William Howard
Building Inspector	Joseph Arico
Deputy Police Commissioner	John Valentine

**OTHERS PRESENT:** Mikayla Wolf

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

**Review & Approval of Minutes:**

**RESOLUTION # 155-23:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 3-0, it was  
“**RESOLVED** to accept the Minutes of the Regular Monthly Board of Trustees Meeting of  
June 27, 2023 as amended.”

**RESOLUTION # 156-23:**

Upon a motion by Trustee Potter, seconded by Trustee von Frank, and passed 3-0, it was  
“**RESOLVED** to accept the Minutes of the Board of Trustees Organizational Meeting of  
July 03, 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 July 18, 2023.

**RESOLUTION # 157-23:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 3-0, it was  
“**RESOLVED** to transfer \$50.00 from the Pincus T&A Account for a total of \$50.00  
to the General Fund.”

**RESOLUTION # 158-23:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to accept the 2023/2024 Assessment Adjustment Refunds in the amount of  
\$1,232.24 concomitant with the successful tax grievances of five (5) property owners.”

**ATTACHED HERETO**

**RESOLUTION # 159-23:**

Upon a motion by Trustee Potter, seconded by Trustee Meyer, and passed 4-0, it was  
“**RESOLVED** to reappoint:  
Daniel Falasco, P.E., P.C. as Village Engineer for a period of one (1) year from June 1, 2023  
through May 31, 2024 at a per hour rate of \$135.00. Either party may terminate the agreement  
on thirty (30) days’ notice.”

**EMS Billing - Bank Account:**

**RESOLUTION # 160-23:**

Upon a motion by Trustee von Frank, seconded by Trustee Meyer, and passed 4-0, it was  
“**RESOLVED** to approve and authorize the Mayor to sign the Flushing Bank Third Party  
Collateral Agreement.”

**ATTACHED HERETO**

**2023 / 2024 PSEG Tax Payment:**

**RESOLUTION # 161-23:**

Upon a motion by Trustee Meyer, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to accept the PSEG payment of \$12,411.82 for the 2023/2024 taxes of \$14,803.70  
that have been adjusted by LIPA by \$2,391.88 to comply with the 2013 LIPA Reform Act.”

**ATTACHED HERETO**

**RESOLUTION # 162-23:**

Upon a motion by Trustee von Frank, seconded by Trustee Meyer, and passed 4-0, it was  
“**RESOLVED** to adopt the 2022/2023 Budget Reclassifications as presented.”

**ATTACHED HERETO**

**ABSTRACTS & INVOICE PAYMENT AUTHORIZATIONS:**

**RESOLUTION # 163-23:**

Upon a motion by Trustee Meyer, seconded by Trustee von Frank, and passed 4-0, it was  
“**RESOLVED** to approve Abstracts #2831 - 2837 for payment in the amount of \$77,979.19.”

**RESOLUTION # 164-23:**

Upon a motion by Trustee Potter, seconded by Trustee Meyer, and passed 4-0, it was  
“**RESOLVED** to approve Abstract# 2838 totaling \$23,197.12 to pay invoices that  
require payment prior to the August 15, 2023 Board of Trustees Meeting.”

**Attorney Report:**

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

**ARB Determination Appeal Request:**

Mikayla Wolf of Long Island Power Solutions made an informal presentation on behalf of her client at 663  
Horse Race Lane. The Mayor and Trustees reviewed the plan and asked questions. Mayor Smith suggested that  
Ms. Wolf attend the August 15, 2023 Board of Trustees meeting with the homeowner’s counsel prior to the  
Village proceeding further with the appeal request.

**Village Clerk:**

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

**RESOLUTION # 165-23:**

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

“**RESOLVED** to approve payment, subject to review and approval by Trustee von Frank, to Assured Partners Northeast LLC. for the annual insurance renewal of the Village Municipal Commercial Package in the amount of \$64,285.86 that require payment prior to the August 15, 2023 Board of Trustees Meeting.”

**RESOLUTION # 166-23:**

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

“**RESOLVED** to approve payment to Assured Partners Northeast LLC. for the additional insurance premium in the amount of \$603.00 for Supplemental Spousal Liability that requires payment prior to the August 15, 2023 Board of Trustees Meeting.”

**Department and Committee Reports:**

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

**Sale of Fire Department Vehicle 4-5-1:**

**RESOLUTION # 167-23:**

**RESOLUTION OF THE BOARD OF TRUSTEES  
OF THE INCORPORATED VILLAGE OF NISSEQUOGUE  
REGARDING THE SALE OF NISSEQUOGUE FIRE DEPARTMENT VEHICLE**

WHEREAS, the Incorporated Village of Nissequogue (“the Village”) is the owner of the Brush Truck / High Water / Fire Vehicle known as 4-5-1 (“the Vehicle”); and

WHEREAS, the Vehicle is no longer needed for Village of Nissequogue Fire Department purposes; and

WHEREAS, the Village has received an offer from the Wading River Fire District to purchase the Vehicle for \$133,000.00 (\$140,000.00 less five percent broker’s commission); and

WHEREAS, the Village of Nissequogue Fire Chiefs have certified to the Village Board of Trustees that the purchase price is fair and adequate consideration and that the purchaser is prepared to accept the vehicle “as is”, “where is” with no more representation or warranty.

NOW, THEREFORE, be it

RESOLVED that the Village of Nissequogue is hereby authorized to transfer the Vehicle to the purchaser for the net sum of \$133,000.000 pursuant to a Bill of Sale “as is” “where is” with no representation or warranty.

Upon a motion made by Mayor Smith and seconded by Trustee von Frank, the within Resolution was adopted 4-0 by the Board of Trustees on July 18, 2023.

AYES

NAYS

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

None

Absent for purposes of voting: Trustee Michael T. Grosskopf

**Nissequogue Fire Department Reimbursement Requests:**

**RESOLUTION # 168-23:**

Upon a motion by Trustee von Frank, seconded by Trustee Meyer, and passed 4-0, it was  
“**RESOLVED** to approve reimbursement of \$10,000.00 to the Nissequogue Fire Department for the Village portion of the June 03, 2023 Nissequogue Fire Department Annual Installation Dinner.”

**RESOLUTION # 169-23:**

Upon a motion by Trustee von Frank, seconded by Trustee Meyer, and passed 4-0, it was  
“**RESOLVED** to approve reimbursement of \$512.00 to the Nissequogue Fire Department for the June 2023 refreshments for practices and trainings.”

**RESOLUTION # 170-23:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to approve payment of \$423.00 to Efficient Mechanical Corp. for the repair of the Nissequogue Fire Department ice machine, which requires payment prior to the August 15, 2023 Board of Trustees Meeting.”

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

**Building Department** – Building Inspector Joseph Arico presented oral and written reports. The status of 523 Long Beach Road was discussed.

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

**ARB** – The Board reviewed the minutes of the May 22, 2023 ARB meeting.

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

**JCMC** – The Board reviewed Chairman Michael Braaten’s written report of July 06, 2023.

**Planning Board** – The Board reviewed the minutes of the June 05, 2023 Planning Board meeting.

**ZBA** – The Board reviewed Chairman Michael Fazio’s report.

**EMS Cost Recovery:**

The Proclaim EMS Solutions & Billing cost recovery program was reviewed and discussed by the Board.

**Executive Session:**

**RESOLUTION #171-23:**

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 9:02 p.m. to discuss pending litigation against the Village and other municipalities and to seek legal advice from the Village Attorney.”

**RESOLUTION # 172-23:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to exit Executive Session at 9:13 p.m. and re-enter the regular meeting.”

**Adjournment:**

Upon a motion by Trustee Meyer, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to adjourn at 9:13 p.m.”

Respectfully submitted,

Laura K. Winkeler  
Deputy Village Clerk

VILLAGE OF NISSEQUOQUE  
2023/2024 ASSESSMENT ADJUSTMENTS

SECTION BLOCK/LOT	HOMEOWNER	Address	PROPERTY ID	ASSESSOR LETTER	DATE CHANGED	ASSESSMENT	CORRECTED ASSESSMENT	DIFFERENCE	TAXABLE DIFFERENCE
1-2-5.16	Steve Kass & Wayne Kass	13 Pheasant Run	1900	23-Jan-23	12-Jan-23	13,853	11,760	2,093	488.92
3-2-30	Alexander & Jenna Sonnenberg	514 Long Beach	13300	23-Jan-23	12-Jan-23	8,360	7,952	408	95.31
3-3-12	Diamond & Yania Armello	8 Stillwater Rd.	15400	23-Jan-23	12-Jan-23	10,050	8,736	1,314	306.95
4-2-6.7	Judi Harris	3 Bluff Road	21700	23-Jan-23	12-Jan-23	18,865	17,920	945	220.75
9-3-48	Marie Parrinelli	5 WoodcuttersPath	45500	23-Jan-23	12-Jan-23	8,915	8,400	515	120.30
<b>ASSESSMENT ADJUSTMENTS APPROVED 7/18/2023</b>								<b>5,275</b>	<b>\$1,232.24</b>
<b>TOTAL 2023/2024 ASSESSMENT ADJUSTMENTS</b>								<b>5,275</b>	<b>\$1,232.24</b>
<b>ASSESSMENT ADJUSTMENTS APPROVED 7/18/2023</b>								<b>(5,275)</b>	<b>(\$1,232.24)</b>
								<b>0</b>	<b>\$0.00</b>
								<b>0</b>	<b>\$0.00</b>
								<b>0</b>	<b>\$0.00</b>
								<b>0</b>	<b>\$0.00</b>
<b>BALANCE DUE</b>								<b>0</b>	<b>\$0.00</b>

Local Government: Inc. Village of Nissequogue

Amendment to Original Third Party Custodian Agreement Exhibit dated: 12-15-2015

**BNYM EXHIBIT C  
CERTIFICATE OF AUTHORIZED PERSONS  
(Local Government - Oral and Written Instructions)**

The undersigned hereby certifies that he/she is the duly authorized and Mayor of Inc. Village of Nissequogue (the "Local Government"), and further certifies that the following officers or employees of the Local Government have been duly authorized in conformity with the Local Government's Investment Policy to deliver Oral and Written Instructions to The Bank of New York Mellon ("Custodian") pursuant to the Third Party Custodian Agreement between the Local Government, Flushing Bank ("Bank") and Custodian dated 12-15-2015, and that the signatures appearing opposite their names are true and correct:

<u>Patricia A. Mulderig</u>	<u>Village Clerk Treasurer / Administrator</u>	_____
Name	Title	Signature
_____	_____	_____
Name	Title	Signature
_____	_____	_____
Name	Title	Signature
_____	_____	_____
Name	Title	Signature
_____	_____	_____
Name	Title	Signature
_____	_____	_____
Name	Title	Signature
_____	_____	_____
Name	Title	Signature
_____	_____	_____
Name	Title	Signature

This certificate supersedes any certificate of authorized individuals you may currently have on file.

**Local Government**

\_\_\_\_\_  
Signature

Mayor Richard B. Smith  
Title

\_\_\_\_\_  
Date

**Flushing Bank**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**BNYM**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date



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**Jon R. Mostel**  
General Counsel and Secretary  
jmostel@lipower.org

May 22, 2015

Mr. Gary Ahern  
Director of Finance & Accounting  
333 Earle Ovington Blvd., 4<sup>th</sup> Floor  
Uniondale, NY 11553

Dear Mr. Ahern:

As you may recall, in 2013, the New York State Legislature adopted the LIPA Reform Act. One requirement of the act placed limits on what the Long Island Power Authority ("Authority") may legally remit as a payment in lieu of taxes beginning January 1, 2015.

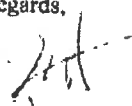
Under the LIPA Reform Act, the Authority is not authorized to make payments in lieu of taxes to municipalities and school districts that exceed, by more than two percent (2%), the payments in lieu of taxes made in the immediately preceding year. The statutory limit is calculated on a calendar year basis which may differ from the fiscal year followed by individual municipalities. It will also be determined on a parcel by parcel basis.

The Authority recognizes that PSEG Long Island has received, and may receive, invoices that exceed the 2% cap placed on payments in lieu of taxes by the LIPA Reform Act.

To ensure compliance with the law, PSEG Long Island shall remit payment that represents an amount that is no greater than 2% of the amount stated on the corresponding bill for the same tax parcel in the immediately preceding calendar year.

Should any of the taxing authorities to which you make payments in lieu of taxes on behalf of the Authority have any questions, please direct them to contact me at 516.719.9860.

Regards,

  
Jon R. Mostel  
General Counsel and Secretary  
Long Island Power Authority  
jmostel@lipower.org

VILLAGE OF NISSEQUOGUE  
2022-2023

31-May-23

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT TITLE</u>	<u>BUDGET ADJUSTMENT</u>
A3410.241	FIRE DEPARTMENT -BUILDING IMPROVEMENTS	\$8,000.00
A3410.25	FIRE DEPARTMENT - OTHER EQUIP	(8,000.00)
A8010.00	ZONING BOARD OF APPEALS	(1,000.00)
A8020.46	PLANNING BOARD MISCELLANEOUS	1,000.00
		<u>0.00</u>
		<u>\$0.00</u>