

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

September 19, 2023

Board Meeting Posted on Village Website: July 11, 2023

Board Meeting Posted in Village: July 13, 2023
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 19th DAY OF September, 2023.**

BOARD MEMBERS PRESENT AT BOARD OF TRUSTEE MEETING:

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

ALSO PRESENT:

Village Attorney	Eugene R. Barnosky
Village Clerk-Treasurer	Patricia Mulderig
Village Deputy Clerk	Laura Winkeler
NQFD Chief	George Gavaris
Building Inspector	Joseph Arico
Deputy Police Commissioner	John Valentine
ZBA Chairperson	Michael Fazio
ZBA Member	William Kent

OTHERS PRESENT: Joanne Christophides, Joanne Steinberg, Leslie Yost, Josephine Segal, Bob Steinberg, Cassie Skora, Dan Skora, Mikayla Wolf, Yuliya Viola, Stephen Lawniczak, Tracie Cinquemani (Court Reporter)

At 7:01 p.m. the Mayor opened the meeting with the Pledge of Allegiance.

**Public Hearing – David Pincus - Appeal of ARB Denial – 663 Horse Race Lane
RESOLUTION # 188-23:**

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

“**RESOLVED** to enter the Public Hearing at 7:05 p.m. to consider, pursuant to § 5-10 of the Code of the Village of Nissequogue, the application of David Pincus relating to the installation of solar panels on the residence at 663 Horse Race Lane in Nissequogue (802-9-1-10) which was denied by the Architectural Review Board of the Village of Nissequogue.

A presentation for the applicant was made by Mikayla Wolf of Long Island Power Solutions. Ms. Wolf distributed amended plans and responded to questions and comments by the Board of Trustees. Mayor Smith then asked if the homeowner's counsel was in attendance, as advised, to address the steps required to appeal an Architectural Review Board denial to the Board of Trustees. Counsel for the homeowner was not present. Mayor Smith then asked for questions or comments from the public in attendance.

In attendance regarding this matter were Jodi Christophides, Joanne Steinberg, Leslie Yost, Josephine Segal, Bob Steinberg, Cassie Skora, and Dan Skora. The Mayor invited them to look at the revised plans. Joanne Christophides addressed the Board with the concerns and opinions of some Village residents and neighbors of the subject property with regard to the adverse effects that may be the result of approval of this project. Joanne Christophides read into the record three letters written and signed by concerned residents.

RESOLUTION # 189-23:

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to adjourn the Public Hearing at 7:28 p.m. to continue at the October 17, 2023 Board of Trustees meeting to allow the applicant to present evidence in support of the position that the determination of the Architectural Review Board should be overturned, and the application should be approved pursuant to Chapter 5 of the Village Code.”

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

RESOLUTION # 190-23:

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to re-enter the regular meeting at 7:28 p.m.”

Review & Approval of Minutes:

RESOLUTION # 191-23:

Upon a motion by Trustee Potter, 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 August 15, 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 September 19, 2023.

RESOLUTION # 192-23:

Upon a motion by Trustee Meyer, seconded by Trustee von Frank, and passed 4-0, it was
“**RESOLVED** to transfer \$1,700.00 from the Pincus T&A Account and \$2,007.00 from the Talbot T&A Account for a total of \$3,707.00 to the General Fund.”

RESOLUTION # 193-23:

Upon a motion by Mayor Smith, seconded by Trustee Meyer, and passed 4-0, it was
“**RESOLVED** to reclassify Seasonal Police Officers as Part-Time Police Officers effective September 19, 2023.”

FD Brush Truck Funds - Bank Account:

RESOLUTION # 194-23:

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to open a TD Bank Certificate of Deposit for the funds from the sale of the Fire Department Brush Truck.”

RESOLUTION # 195-23:

Upon a motion by Trustee von Frank, seconded by Trustee Meyer, and passed 4-0, it was
“RESOLVED to adopt the 2023/2024 Budget Reclassifications as presented.”

ATTACHED HERETO

ABSTRACTS & INVOICE PAYMENT AUTHORIZATIONS:

RESOLUTION # 196-23:

Upon a motion by Trustee Meyer, seconded by Trustee Potter, and passed 4-0, it was
“RESOLVED to approve Abstracts #2863 - 2875 for payment in the amount of \$100,676.39.”

RESOLUTION # 197-23:

Upon a motion by Trustee Potter, seconded by Trustee Meyer, and passed 4-0, it was
“RESOLVED to approve Abstracts# 2876 - 2877 totaling \$2,842.24 to pay invoices that
require payment prior to the October 17, 2023 Board of Trustees Meeting.”

RESOLUTION # 198-23:

Upon a motion by Trustee von Frank, seconded by Trustee Meyer, and passed 4-0, it was
“RESOLVED to authorize payment of \$3,886.48 to pay additional invoices that require payment
prior to the October 17, 2023 Board of Trustees meeting.”

ATTACHED HERETO

Attorney Report:

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

Department and Committee Reports:

ZBA – Chairman Michael Fazio presented an oral report.

**Appeal of JCMC Inconsistency Determination – 2 Hunter’s Way – Erosion Control Structure -
Stephen and Carolyn Louro:**

Yuliya Viola of Certilman, Balin, Adler & Hyman, LLP. and Stephen H. Lawniczak, P.E. of SHL Engineering, P.C. addressed the Board and made a presentation on behalf of their client at 2 Hunter’s Way regarding the Joint Coastal Management Commission’s Determination of Inconsistency issued on August 04, 2023. The Mayor and Trustees reviewed the plans, asked questions, and made suggestions. Mayor Smith detailed the steps that an applicant is required to follow when a JCMC Inconsistency Determination is referred to the Board of Trustees and advised that there must be strict adherence to the Village Code requirements. It was agreed that the Board of Trustees would schedule a Public Hearing for October 17, 2023.

Public Hearing – Authorization to Post / Publish:

RESOLUTION # 199-23:

Upon a motion by Trustee von Frank, seconded by Trustee Meyer, and passed 4-0, it was
“RESOLVED to authorize the Village Clerk to publish and post a notice of a public hearing
to take place on Tuesday, October 17, 2023, at 7:00 p.m. at the Village Hall to consider,
pursuant to § 53-7 (J) of the Code of the Village of Nissequogue, the application of Stephen
and Carolyn Louro relating to a proposed installation of a bluff stabilization and erosion control
structure at 2 Hunter’s Way (802-4-2-1.5) in Nissequogue which was determined to be
inconsistent by the Joint Coastal Management Commission of the Villages of Head of the
Harbor and Nissequogue.”

Village Clerk:

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

SCVOA Resolution:

RESOLUTION # 200-23:

Upon a motion by Trustee Potter, seconded by Trustee Meyer, and passed 4-0, it was
“**RESOLVED** to authorize payment of up to \$975.00 to the Suffolk County Village
Officials Association for up to fifteen Village board personnel to attend the October 10, 2023
SCVOA Municipal Training in Riverhead, NY.”

Bond Resolution – NOFD Pumper:

RESOLUTION # 201-23:

Upon a motion by Mayor Smith, seconded by Trustee Meyer, and passed 4-0, it was
“**RESOLVED** to accept:

**BOND RESOLUTION
(SUBJECT TO PERMISSIVE REFERENDUM)**

At a regular meeting of the Board of Trustees of the Village of Nissequogue, Suffolk County, New York, held at the Village Hall, in Nissequogue, New York, in said Village, on the 19th day of September, 2023, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Mayor Richard B. Smith, and upon roll being called, the following were

- PRESENT: Richard B, Smith, Mayor

 Kurt J. Meyer, Deputy Mayor

 Maureen C. Potter, Trustee

 Russell J. von Frank II, Trustee
- ABSENT: Michael T. Grosskopf, Trustee

The following resolution was offered by Mayor Smith, who moved its adoption, seconded by Trustee von Frank, to-wit:

BOND RESOLUTION DATED SEPTEMBER 19, 2023.

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE PURCHASE OF A PUMPER TANKER FIREFIGHTING VEHICLE, FOR THE VILLAGE OF NISSEQUOGUE, SUFFOLK COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$800,000 AND AUTHORIZING THE ISSUANCE NOT TO EXCEED \$800,000 OF SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, such regulations provide will not result in any significant adverse environmental impact; and

WHEREAS, it is now desired to authorize such capital project and its financing; NOW, THEREFORE, BE IT

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Nissequogue, Suffolk County, New York, as follows:

Section 1. The purchase of a pumper tanker firefighting vehicle, for the Village of Nissequogue, Suffolk County, New York, including original apparatus and incidental expenses in connection therewith, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$800,000.

Section 2. It is hereby determined that the plan for the financing of the aforesaid maximum estimated cost is by the issuance of not to exceed \$800,000 serial bonds of said Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is 20 years, pursuant to subdivision 27 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized **will exceed five years.**

Section 4. The faith and credit of said Village of Nissequogue, Suffolk County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall

annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Clerk - Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Clerk - Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Clerk - Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk-Treasurer in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. Pursuant to the provisions of Section 36.00 of the Local Finance Law, this resolution is adopted subject to permissive referendum.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

The resolution was thereupon declared duly adopted.

* * * * *

Post and Publish Resolutions

RESOLUTION # 202-23:

Upon a motion by Mayor Smith, seconded by Trustee von Frank, and passed 4-0, it was
“**RESOLVED** to authorize the Village Clerk to post/publish notice of the Adoption of the Bond Resolution dated September 19, 2023, subject to a Permissive Referendum.”

RESOLUTION # 203-23:

Upon a motion by Trustee Meyer, seconded by Trustee von Frank, and passed 4-0, it was
“**RESOLVED** to authorize the Village Clerk to post/publish Notice of Bid for the NQFD Pumper with a return date of November 21, 2023.”

RESOLUTION # 204-23:

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to authorize the Village Clerk to post/publish Notice of Bid for the NQFD Renovations with a return date of November 21, 2023.”

RESOLUTION # 205-23:

Upon a motion by Trustee von Frank, seconded by Trustee Meyer, and passed 4-0, it was
“**RESOLVED** to declare the NVPD Vehicle / transferred to the Highway Department the Vehicle previously known as N-2 (2014 Ford, VIN# 1FM5K8AR0EGC60436), as surplus.”

RESOLUTION # 206-23:

Upon a motion by Mayor Smith, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to authorize the Village Clerk-Treasurer / Administrator to list the surplus vehicle referenced in Resolution #205-23 with Auctions International.”

RESOLUTION # 207-23:

Upon a motion by Trustee Potter, seconded by Trustee von Frank, and passed 4-0, it was
“**RESOLVED** to authorize Mayor Smith to sign the Bill of Sale for the NQFD Brush Truck.”

Department and Committee Reports (continued):

NQFD – Chief Gavaris presented oral and written reports.

RESOLUTION # 208-23:

Upon a motion by Trustee von Frank, seconded by Mayor Smith, and passed 4-0, it was
“**RESOLVED** to appoint for membership Michael Reens as a probationary member of the Nissequogue Fire Department, having been previously approved by the Fire Department general membership and FD Council, as required.”

Department and Committee Reports (continued):

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

The Mayor and the Board of Trustees extended thanks to Joseph Arico and the Town of Smithtown for their assistance with the upcoming Harbor Day celebration.

Department and Committee Reports (continued):

NVPD – Deputy Police Commissioner John Valentine presented oral and written reports. Deputy Police Commissioner Valentine noted that The Village Police Department received Mandatory Certification through 2025 from the Division of Criminal Justice Services Law Enforcement Accreditation Council.

Department and Committee Reports (continued):

ARB – The Board reviewed the minutes of the August 21, 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 September 07, 2023.

JCMC Appointment & Resignation:

RESOLUTION # 209-23:

Upon a motion by Mayor Smith, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to appoint Jody Goldstein as member of the Joint Coastal Commission of the Village of Nissequogue, effective immediately, with a term expiring on July 01, 2024.”

RESOLUTION # 210-23:

Upon a motion by Mayor Smith, seconded by Trustee Potter, and passed 4-0, it was
“**RESOLVED** to accept with thanks for her service, the resignation of Laura Lessard from the Joint Coastal Management Commission, effective immediately.”

Department and Committee Reports (continued):

Planning Board – The Board reviewed the minutes of the September 11, 2023 Planning Board meeting.

Village Code Modification (Section 128.27):

The Mayor and Board of Trustees requested Eugene Barnosky to have drafted a Local Law amending the Village Code Section 128.27 regarding front yard fence setbacks for review at the next Board of Trustees meeting.

Executive Session:

RESOLUTION #211-23:

Upon a motion by Trustee Potter, seconded by Trustee von Frank, and passed 4-0, it was
“**RESOLVED** to leave the Regular Meeting and enter into Executive Session at 9:12 p.m. for the purpose of discussing the employment history of a particular person and to seek legal advice from the Village Attorney.”

RESOLUTION # 212-23:

Upon a motion by Trustee von Frank, seconded by Trustee Meyer, and passed 4-0, it was
“**RESOLVED** to exit Executive Session at 9:37 p.m. and re-enter the regular meeting.”

Adjournment:

Upon a motion by Trustee von Frank, seconded by Trustee Meyer, and passed 4-0, it was
“**RESOLVED** to adjourn at 9:37 p.m.”

Respectfully submitted,

Laura K. Winkeler
Deputy Village Clerk

VILLAGE OF NISSEQUOGUE
2023-2024

19-Sep-23

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT TITLE</u>	<u>BUDGET</u>	<u>BUDGET ADJUSTMENT</u>	<u>MODIFIED BUDGET</u>
A1910.00	UNALLOCATED INSURANCE	\$90,000.00	\$500.00	\$90,500.00
A3410.462	FIRE DEPARTMENT - CHIEF'S COUNCIL	\$4,000.00	(\$200.00)	\$3,800.00
A3410.463	FIRE DEPARTMENT - DISTRICT OFFICERS	\$0.00	\$200.00	\$200.00
A8040.46	LWRP MISCELLANEOUS	\$0.00	\$5,500.00	\$5,500.00
A1990.0	CONTINGENT ACCOUNT	62,484.00	(6,000.00)	56,484.00
		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
		<u>\$156,484.00</u>	<u>\$0.00</u>	<u>\$156,484.00</u>

9/19/2023

Please place on the agenda a request for a RESOLUTION for the Board to approve payment of invoices that require payment prior to the October 17, 2023 Board of Trustees Meeting.

Alois, Dominick	\$	70.09
Rds.: Reimbursed Mileage - June 2023		
Alois, Dominick	\$	75.33
Rds.: Reimbursed Mileage - July 2023		
Alois, Dominick	\$	61.57
Rds.: Reimbursed Mileage - August 2023		
Minuteman Press	\$	2,728.00
Harbor Day Mailers & EDDM Postage		
Potter, Maureen	\$	133.84
Community Beautification - Chrysanthemums		
Sun Life	\$	817.65
October 2023 PD Dental Insurance		
TOTAL:	\$	<u>3,886.48</u>