

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

**November 21, 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 21<sup>st</sup> DAY OF NOVEMBER, 2023.**

**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 1 <sup>st</sup> Assistant Chief	William Howard
NQFD 2 <sup>nd</sup> Assistant Chief	Kenneth Spielman
Deputy Police Commissioner	John Valentine
ZBA Chairperson	Michael Fazio

**OTHERS PRESENT:** Michael Iacono, Yuliya Viola, Esq., Stephen Lawniczak, P.E., Jean-Paul Salamanca, Lori Russitto (Court Reporter)

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

Deputy Mayor Kurt Meyer asked for a moment of silence to commemorate the recent passing of Catherine Smith, not only a long-term Village employee and volunteer, but a much loved and respected lifelong resident and mother of Mayor Smith.

**Public Hearing – Stephen & Carolyn Louro - Appeal of JCMC Denial – 2 Hunters Way  
RESOLUTION # 230-23:**

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

“**RESOLVED** to continue the Public Hearing at 7:02 p.m. to consider, pursuant to §53 of the Code of the Village of Nissequogue, the application of Stephen and Carolyn Louro relating to 2 Hunters Way (802-4-2-1.5) in Nissequogue, for which the Joint Coastal Management Commission of the Villages of Nissequogue and Head-of-the-Harbor issued a determination of inconsistency dated August 04, 2023.”

A presentation for the applicant was made by Yuliya Viola, Esq. of Certilman, Balin, Adler & Hyman, LLP. and Stephen H. Lawniczak, P.E. of SHL Engineering, P.C. Aerial plans showing the suggested revised planting plan were distributed and Ms. Viola presented a detailed oral report addressing the Village Code requirements. She responded to questions and comments by the Board of Trustees. Mayor Smith then asked if any members of the Board or public in attendance had any questions. The Board reviewed a letter dated October 17, 2023, submitted prior to this meeting by Nissequogue resident Ms. Nancy Fetherston.

**RESOLUTION # 231-23:**

Upon a motion by Trustee Meyer, seconded by Trustee von Frank, and passed 4-0, it was  
“**RESOLVED** to close the Public Hearing at 7:28 p.m.”

**RESOLUTION # 232-23:**

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

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

**RESOLUTION # 233-23:**

**RESOLUTION OF THE BOARD OF TRUSTEES  
OF THE INCORPORATED VILLAGE OF NISSEQUOGUE  
REGARDING THE APPLICATION OF  
STEPHEN & CAROLYN LOURO**

WHEREAS, STEPHEN LOURO & CAROLYN LOURO (“Applicants”) own a residence located at 2 Hunters Way, St. James, New York (“the Property”); and

WHEREAS, Applicants made application to the Planning Board of the Village of Nissequogue (“the Planning Board”) for the installation of a stone revetment and other erosion control/stabilization measures (“the Action”); and

WHEREAS, the Action was found inconsistent with the Village Local Waterfront Revitalization Program (“LWRP”) by the Joint Coastal Management Commission of the Villages of Head-Of-The-Harbor and Nissequogue (“JCMC”) pursuant to a letter from JCMC Chairperson Michael Braaten dated August 4, 2023; and

WHEREAS, pursuant to Section 53-7 of the Code of the Village of Nissequogue (“Village Code”), the recommendation of inconsistency issued by the JCMC was referred to the Board of Trustees of the Village of Nissequogue (“the Board”); and

WHEREAS, a public hearing commenced on October 17, 2023 and was closed on November 21, 2023; and

WHEREAS, Yuliya Viola, Esq., on behalf of the Applicants, presented evidence in support of the position that the Action is consistent with the LWRP; and

WHEREAS, Ms. Viola offered proof that the criteria set forth in Section 53-7(J)(1) of the Village Code has been satisfied; and

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

WHEREAS, at the conclusion of the public hearing, the Board voted 4-0 to close the hearing;

NOW, THEREFORE, be it

RESOLVED that the Board overrules the JCMC's consistency recommendation subject to the following: (i) the Planning Board's approval of a site plan (based upon the revised drawings dated September 22, 2023 which include the use of coir logs) which approval may be subject to practical and reasonable conditions imposed by the Planning Board pursuant to Section 53-7K of the Village Code; (ii) the Applicants' compliance with Chapter 64 of the Village Code, including, but not limited to the Village Building Inspector's receipt of a **written, long-term maintenance plan** (to be referenced in the Certificate of Compliance) which includes specifications for normal maintenance of degradable materials and periodic replacement of removable materials for the life of the structure, which plan must be acceptable to the Village Engineer and Village Building Inspector; (iii) the Village Building Inspector's receipt of all applicable permits and approvals from other governmental entities; and (iv) Applicants' reimbursement of the Village of Nissequogue for the cost of professional consultant review services pursuant to Chapter 91 of the Village Code.

BE IT FURTHER RESOLVED that the Board finds that the following criteria have been fulfilled by Applicant:

1. The Action will minimize all adverse effects on the LWRP policy standards because the Applicant has demonstrated consistency with LWRP standards and the Action will protect the Property, bluff, and adjacent properties from erosion and flooding, the bluff face will be planted with native vegetation, and the Action will not impact the public's access to the beach.
2. The Action cannot reasonably be undertaken by any other action which would be consistent with the LWRP policy standards because of its location between other properties with erosion protection structures of similar design.
3. The Action will advance one or more of the other LWRP policy standards, including:

Policy 12 – The proposed bluff stabilization and restoration involves material identical to the composition of the natural bluff, and native vegetation. The Action, including the stabilization of the bluff and the re-establishment of native vegetation will minimize damage to natural resources and protect the bluff and the Property from erosion and flooding.

Policy 13 – With adequate maintenance, the proposed erosion protection structure has a reasonable probability of having a lifespan of 30 years.

Policy 14 – The Action will minimize erosion and flooding at the Property and neighboring properties.

Policy 17 – Nonstructural measures will be used including the use of natural stones and the planting of native vegetation.

Policy 25 – The native plantings on the bluff and use of natural stones will contribute to the scenic quality of the area and will protect both natural and manmade resources.

4. The Action will result in the overriding benefit to the community by restoring the bluff helping to preserve the shoreline and protect the scenic views within the community.

BE IT FURTHER RESOLVED that the implementation of this resolution will be subject to the oversight of the Village Building Inspector and/or Village Engineer.

Upon motion made by Trustee Meyer and seconded by Trustee Potter, the within Resolution was duly adopted by the Board of Trustees on November 21, 2023.

AYES

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

NAYS

None

Absent for Voting: Trustee Michael T. Grosskopf

**NQFD Renovation Bid:**

**RESOLUTION # 234-23:**

Upon a motion by Trustee von Frank, seconded by Trustee Meyer, and passed 4-0, it was  
“**RESOLVED** to authorize the Village Clerk to re-post/publish Notice of Bid for the NQFD  
Renovations with a return date of December 19, 2023.”

**NQFD Pumper Bid Opening:**

Mayor Smith opened two bids. The first bid opened was from Hendrickson Fire Rescue for \$907,907.00 and the second was from Pierce Manufacturing (Firematic Supply) for \$884,900.00.

The Mayor emphasized that the bids were subject to review and approval by the NQFD Fire Chiefs and Truck Committee, as well as the Fire Commissioner, to assure that all requirements were met and acceptable. He informed those in attendance that upon completion of the review, the awarding of the bid would be scheduled for the December 19, 2023 Board of Trustees meeting.

**Review & Approval of Minutes:**

**RESOLUTION # 235-23:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to accept the Minutes of the Regular Monthly Board of Trustees Meeting of  
October 17, 2023, as amended with a correction to the date in the document footer.”

**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 November 21, 2023.

**RESOLUTION # 236-23:**

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

**ATTACHED HERETO**

**RESOLUTION # 237-23:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to pay the FD High Water Vehicle Bond interest payment not to exceed  
\$1,000.00 on or before December 15, 2023.”

**RESOLUTION # 238-23:**

Upon a motion by Trustee Meyer, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to transfer \$425.00 from the Louro T&A Account and \$325.00 from the  
Pincus T&A Account for a total of \$750.00 to the General Fund.”

**RESOLUTION # 239-23:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was  
“RESOLVED to return \$1,157.50 from the Sinkin Trust & Agency account based upon the resolution and authorization of the Planning Board at the November 6, 2023 meeting, as the application for the project at 25 Spring Hollow Road was withdrawn.”

**ABSTRACTS & INVOICE PAYMENT AUTHORIZATIONS:**

**RESOLUTION #240-23:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was  
“RESOLVED to approve Abstracts #2890 - 2901 for payment in the amount of \$274,808.27.”

**RESOLUTION # 241-23:**

Upon a motion by Trustee Meyer, seconded by Trustee Potter, and passed 4-0, it was  
“RESOLVED to approve Abstracts# 2902 - 2904 totaling \$7,134.66 to pay invoices that require payment prior to the December 19, 2023 Board of Trustees Meeting.”

**SCVOA Resolution:**

**RESOLUTION # 242-23:**

Upon a motion by Mayor Smith, seconded by Trustee Meyer, and passed 4-0, it was  
“RESOLVED to authorize payment of up to \$750.00 to the Suffolk County Village Officials Association for up to ten Village personnel and board members to attend the December 06, 2023 SCVOA 2023 Holiday Celebration at Lombardi’s On The Bay in Patchogue, NY.”

**Public Hearing – Proposed Local Law:**

**RESOLUTION # 243-23:**

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 the Public Hearing regarding a local law modifying Section 128.27 of the Code of the Village of Nissequoque regarding fencing setbacks to be scheduled for January 16, 2024 at 7:00 p.m. at the Nissequoque Village Hall.”

**Attorney Report:**

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

**Village Clerk:**

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

**Town of Smithtown – Intermunicipal Agreement – Snow and Ice Removal:**

**RESOLUTION # 244-23:**

Upon a motion by Trustee Potter, seconded by Trustee Meyer, and passed 4-0, it was  
“RESOLVED to re-affirm and approve the amended Intermunicipal Agreement with the Town of Smithtown for Snow and Ice Removal for the period starting October 01, 2023 and expiring on September 30, 2024, and authorize the Mayor to sign the Agreement on behalf of the Village.”

**Bid for Highway Department 2014 Ford Explorer SUV:**

**RESOLUTION # 245-23:**

Upon a motion by Trustee Meyer, seconded by Trustee Potter, and passed 4-0, it was  
“RESOLVED to accept the Auctions International bid in the amount of \$3,450.00 for the 2014 Ford Explorer, VIN# 1FM5K8AR0EGC60436.”

**Department and Committee Reports:**

**ZBA** – Chairman Michael Fazio presented oral and written reports.

**RESOLUTION # 246-23:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to approve payment not to exceed \$1,700.00 for the purchase of a laptop for the use of the Zoning Board of Appeals Secretary.”

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

**NQFD** – 1<sup>st</sup> Assistant Chief Howard and 2<sup>nd</sup> Assistant Chief Spielman presented oral and written reports.

**RESOLUTION # 247-23:**

Upon a motion by Trustee von Frank, seconded by Trustee Meyer, and passed 4-0, it was  
“**RESOLVED** to authorize the payment of up to \$5,000.00 for purchase of a trailer for the NQFD water rescue equipment.”

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

**ARB** – The Board reviewed the minutes of the October 30, 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.

**JCMC** – The Board reviewed Chairman Michael Braaten’s written report of November 02, 2023.

**Planning Board** – The Board reviewed the minutes of the November 06, 2023 Planning Board meeting.

**Safety Committee:** The Board reviewed the minutes of the September 05, 2023 Safety Meeting.

**Executive Session:**

**RESOLUTION # 248-23:**

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 8:34 p.m. for the purpose of discussing matters that would impact public safety and to seek legal advice from the Village Attorney.”

**RESOLUTION # 249-23:**

Upon a motion by Trustee von Frank, seconded by Trustee Potter, and passed 4-0, it was  
“**RESOLVED** to exit Executive Session at 8:49 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 8:49 p.m.”

Respectfully submitted,

Laura K. Winkeler  
Deputy Village Clerk

VILLAGE OF NISSEQUOGUE  
2023-2024

21-Nov-23

<u>ACCOUNT NUMBER</u>	<u>ACCOUNT TITLE</u>	<u>BUDGET</u>	<u>BUDGET ADJUSTMENT</u>	<u>MODIFIED BUDGET</u>
A1410.411	CLERK- OFFICE SUPPLIES	\$4,500.00	(\$375.00)	\$4,125.00
A1410.442	CLERK- CONT SVCS - IT SUPPORT	\$1,000.00	\$250.00	\$1,250.00
A1410.461	CLERK- MISCELLANEOUS -MILEAGE	\$125.00	\$125.00	\$250.00
A3120.25	POLICE - OTHER EQUIPMENT	\$1,360.00	\$600.00	\$1,960.00
A3410.271	FIRE DEPARTMENT - COMMUNICATIONS EQUIP	\$15,125.00	\$5,550.00	\$20,675.00
A3410.417	FIRE DEPARTMENT - OPERATIONS	\$0.00	\$900.00	\$900.00
A3410.431	FIRE DEPARTMENT - COMMUNICATIONS	\$16,450.00	(\$6,700.00)	\$9,750.00
A3410.443	FIRE DEPARTMENT- LICENSES & PERMITS	\$0.00	\$250.00	\$250.00
A5110.445	MAINT OF ROADS - VEHICLE MAINT & REPAIR	\$1,500.00	\$1,500.00	\$3,000.00
A8010.10	ZONING BOARD PERSONAL SVC	\$2,380.00	\$1,500.00	\$3,880.00
A8040.46	LWRP - MISCELLANEOUS	\$6,000.00	\$1,850.00	\$7,850.00
A1990.0	CONTINGENT ACCOUNT	55,984.00	(5,450.00)	50,534.00
		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
		<u>\$104,424.00</u>	<u>\$0.00</u>	<u>\$104,424.00</u>