

1
2 **Approved**
3 Incorporated Village of Asharoken
4 Board of Trustees Meeting & Public Hearing
5 Due to the Corona virus the Board of Trustees held the meeting via Teleconference.
6 Tuesday, March 2, 2021
7 Attendance was 27
8
9 Mayor Letica: Good evening, everyone. Welcome to the call. This is the regularly scheduled Village
10 of Asharoken Board of Trustees meeting for Tuesday, March 2nd, 2021. Before we get started, I
11 would like to ask everyone on the call this evening to please put your phone on mute if you are not
12 speaking. This way, there will not be any background noise during the meeting coming from your
13 call. So, we'll start out with the Pledge of Allegiance this evening.
14
15 I pledge allegiance to the flag of the United States of America and to the Republic which it stands,
16 one Nation under God, indivisible, with liberty and justice for all.
17
18 This is the regularly scheduled Village of Asharoken Board of Trustees Meeting for March 2, 2021.
19 Nancy, this meeting was properly published and noticed?
20
21 Clerk Rittenhouse: Yes, it was.
22
23 Mayor Letica: Let's just do a quick roll call before we go into the meeting.
24 Deputy Mayor Pierce Present
25 Trustee Ettinger Present
26 Trustee Burke Present
27 Trustee Jablonski Present
28 Clerk Rittenhouse Present
29 Treasurer Emily Hayes Present
30 Village Attorney Migatz Present
31 Building Inspector Doug Adil Not Present
32 Officer-in-Charge Mahdesian Present
33 Emergency Manager Raisch Present
34 Harbormaster Affrunti Not Present
35 Conservation Chair Cohen Present
36 Sanitation Operator Present
37
38 Mayor Letica: Thank you very much. First order of business is to approve the minutes for the last
39 regular board meeting of February 2, 2021.
40 Mayor Letica made a motion to approve, seconded by Trustee Ettinger
41 Trustee Jablonski AYE
42 Trustee Burke AYE
43 Trustee Ettinger AYE
44 Deputy Mayor Pierce AYE
45 Mayor Letica AYE
46 Motioned Carried
47
48
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50

51 Mayor Leticia: Second order of business is to approve the BAR minutes for February 16, 2021.

52 Mayor Leticia made a motion to approve, seconded by Deputy Mayor Pierce

53 Trustee Jablonski AYE

54 Trustee Burke AYE

55 Trustee Ettinger AYE

56 Deputy Mayor Pierce AYE

57 Mayor Leticia AYE

58 Motioned Carried

59

60 Mayor Leticia: Thank you. All right. We're going to move on now to a public hearing and make
61 some amendments to our fence law that we passed in December. I would like Nancy to please read
62 the notice of the public hearing.

63

64 Clerk Rittenhouse: Okay, thank you mayor. Incorporated Village of Asharoken, 1 Asharoken
65 Avenue Northport New York, 11768. This is a notice of a public hearing.

66 Please take notice that a public hearing will be held by the Board of Trustees of the Incorporated
67 Village of Asharoken. This is on Tuesday March 2, 2021 at 6:30 p.m. via teleconference call. The
68 number is 1-866-705-2554, guests passcode is 137432.

69 The public hearing will be held to discuss a proposed local law 2-2021 Chapter 125-10.A and
70 Chapter 125-10.B entitled Fences and Living Fences of the Code of the Village of Asharoken.

71 Any interested person is entitled to be heard upon said proposed local law such public hearing, the
72 proposed local law can be viewed online at www.asharoken.com. And this was by the order of the
73 Board of Trustees of the Incorporated Village of Asharoken on February 2, 2001 -- 2021, excuse me.
74 The publication was dated February 11, 2021, and it was published on February 18, 2021.

75

76 Mayor Leticia: In December, the Village held a public hearing, and then subsequently adopted local
77 law on fences in the village. And there were some very good comments during that public hearing,
78 and the village decided to adopt law at that point. We have a law on the books with the intention
79 that we would revisit it in short order to make some modifications based upon those
80 recommendations. So, we have made three amendments to the local law. One concerns deer fences,
81 which now can completely around your property or in any house and Zone A as long as they're 95%
82 transparent. And this would be the north side or south side of Asharoken Avenue from Village Hall
83 to Bevin Road. There is an addition of a section here specifically for the agricultural district Sand
84 Piper Farm that we discussed with our friends up there and decide that this was appropriate for
85 them. And basically, this amendment exempts any interior fencing that is located 50 feet or more
86 from a property line and exams a split rail fencing with no more than three horizontal rails
87 proposed. Provided, however, that any such fence located along the street shall be set back at least
88 10 feet from the paved portion of the street. And then the last thing we did was amend section 125-
89 10.B which was living fences. Just to clarify that section a little bit. Because people were a little
90 concerned that existing fences were not going to be excluded from the ordinance which they are.
91 So, having said that, we'll open up the public hearing to any comments, specifically towards the
92 three amendments we've made to the local law. As always, the village policy is three minutes per
93 person. And we would like you to state your name if you would like to do so. Having said that, I'll
94 open up the public hearing to any public comments.

95

96 Attorney Migatz: Mayor, this is Bruce Migatz, before you do that, may I comment on something.

97

98 Mayor Leticia: You certainly may Bruce.

99

100 Attorney Migatz: All right. There was another revision that had to do with fences that were located
101 seaward of houses. Section 125-10.A as it presently reads. Any fence that is seaward of any house
102 on the north or south side of Asharoken Avenue that exceeded four feet in height required a special
103 use permit. The proposed change to that, is for fences other than deer fences, but located seaward
104 of any house in Zone A, on the north or south side of Asharoken Avenue, that is a new insertion; and
105 a new insertion from Village Hall to Bevin Road, that exceeds four feet. So, the area of the village
106 that this section applies to is proposed to be limited.

107
108 Mayor Letica: Thank you for that clarification Bruce.

109
110 Trustee Burke: Also Greg if I may 125-10-A-B-1, living fences shall be planted and maintained a
111 sufficient distance from the property line will prevent encroachment onto other adjacent property,
112 that was something that we added as well.

113
114 Mayor Letica: We are now open for any public comment.

115
116 Chris Petersen: Hello, this is Chris Petersen at 167 and 169. Good evening.
117 I have a couple of questions in regards to living fences, Section 125-10.B. I don't know how to say
118 all these things. My two questions. One in the definition, they are listing some shrubs that could be
119 included as possible things for a living fence. And I don't know why. Willow is included. Does
120 anybody want to address why willow would be on there as part of as an example?

121
122 Attorney Migatz: Mayor, I can address that. In our research of what types of trees or shrubs are
123 used for living fencing along borders, a willow was listed as a typical plant that was used for
124 screening.

125
126 Chris Petersen: I think that would be confusing, because what they use willow for is to make things
127 like is wattle fencing, and very fancy fencing, they do it more in England, and in maybe big estates
128 or something where that what they do is they take little wisps of willow and they weave them into
129 fencing. I doubt that people would know what that meant when you use willow, just in general,
130 because willows in general are not like something for fencing. Also you don't mention, privet, which
131 is a great fencing, you know, like living fence material, and it's deciduous, so you can see through it.
132 But you don't mention like other see-through types. Like arborvitae, for instance, they can grow up
133 to 60 feet tall, which I don't know that we should try to be encouraging people to use arborvitae.
134 The other thing would be some of, shrubs that are more fastidious, which means that they're more
135 upright shrubs. And you might want to also include things like hydrangeas and viburnums which
136 are also deciduous but are good hedging plants. That was just my idea of some of the things that
137 were listed, or maybe not necessarily totally appropriate. The other thing was, you do not list
138 anything that I can see about the height of a living fence, except when it pertains to, it's on the
139 seaward side of a house. Fencing in general, people would not appreciate having a 30-foot
140 evergreen on their property line and having a block the sunlight to their house. Whereas we're only
141 we're putting regulations to fences at 6.5 feet, which is perfectly appropriate. But we're not
142 regulating the height of some of these trees and shrubs that can become massive, and very tall, and
143 become actually insurance risks and all kinds of stuff because some of our houses are very close
144 together. I only have a 10-foot side lot and my neighbor does too. So if he's putting up leland
145 cypresses which can grow up to 90 feet. It's a problem. So I think that in the future, we should have
146 a regulation then, as we do for regular fences to have a height specified for living fences.

147

148 Mayor Letica: Thank you very much, Chris. We always appreciate your input. It was very helpful
149 last time as well. Anybody else would like to make a comment.

150
151 Kristin Wenderoth: I would like to just understand whether no permit is required for a living fence.
152 Could you clarify that no permit is required for living fence.

153
154 Attorney Migatz: That's correct, Mayor.

155
156 Kristen Wenderoth: I do have a question about Section 125-B1, which was already read this
157 evening. But living fences shall be planted and maintained a sufficient distance from the property
158 lines to prevent encroachment onto the adjacent property. Is that at the time of planting or after
159 five years? If someone plants a tree, right now, they can put it back two feet, and that is great. But
160 in five years, it will be over six more feet on the neighbor's property. So I don't know whether
161 something could be added there just as a bit of the clarification, since no permit is required, and it
162 would only be the neighbor who would have to be vigilant and quickly tell the neighbor that at
163 planting it to close the line.

164
165 Mayor Letica: Well, in that clause, it says shall be planted and maintained sufficient distance from
166 the property line to prevent encroachment. I believe that the intent of that clause is basically to say,
167 you must plant it far enough away, and you have to maintain it in such a manner, that it's not
168 overhanging your neighbor's property.

169
170 Attorney Migatz: That's correct.

171
172 Mayor Letica: Good. And thank you again.

173
174 Mayor Letica made a motion to close the public hearing, seconded by Trustee Burke.

175 Trustee Jablonski AYE

176 Trustee Burke AYE

177 Trustee Ettinger AYE

178 Deputy Mayor Pierce AYE

179 Mayor Letica AYE

180 Motioned Carried

181

182 **Reports of Officials:**

183 Mayor's Report:

184 February was a very snowy and wet month is quite a contrast to last year when the village had
185 almost no snow. I would like to thank the members of the Huntington Highway Department for the
186 fantastic job they did keeping the roads open. On March 16, Congressman Tom Suozzi is tentatively
187 scheduled to be meeting with me and Deputy Mayor Pam Pierce to review the condition of the
188 seawall and discuss what we can do to get the federal funding to repair it.

189
190 The village just completed its pandemic preparation plan that was mandated by New York State. I'd
191 like to thank our emergency manager Bill Raisch for the absolutely outstanding job he did putting
192 this document together. There is a resolution on the agenda this evening to adopt the plan.

193
194 The village continues to fine tune next year's budget due to the impact of the pandemic. This has
195 been a very challenging budget. And unfortunately, after five consecutive years without a tax

196 increase, it looks like a modest tax increase will be needed next year. The draft Budget will be
197 presented to the Board of Trustees at our Special Meeting held on March 16. And prior to the
198 adoption, there will be a public hearing at next month's Board of Trustees meeting.
199

200 The village is still awaiting a start date for the National Grid gas main replacement. The existing
201 main from village hall the 285 Asharoken Avenue must be replaced due to its age. As more
202 information becomes available, I will let you know.
203

204 And finally, at the last Board of Trustees meeting a discussion was held regarding recycling glass. It
205 was determined that the village is required to recycle glass and therefore we will continue with the
206 present system.
207

208 Deputy Mayor Pierce: Thank you, Mayor. Good evening, everyone. I hope everyone is well. During
209 the month I attended the Board of Assessment Review Meeting regarding tax grievances on
210 February 16th, reviewed the minutes, vouchers, police report, information on the roadway
211 resurfacing and information on recycled glass, the Laserfiche proposal and the emergency health
212 plan. I also participating in the weekly COVID teleconference given by Suffolk County and town of
213 Huntington. End of report.
214

215 Trustee Ettinger: Thank you, Mayor. Good evening, everyone. Firstly, I hope that each of you, your
216 families and all your loved ones are safe, healthy, and well this time.

217 During the month I had numerous conversations with Officer in Charge Ray Mahdesian regarding
218 the number of police related matters, and I'm happy to report that our police department continues
219 to perform well, and that all of our police officers remain healthy.

220 During the month as the mayor reported, we had a lot of snow and I was in constant contact with
221 the police through the three snowstorms that we had in February. We were especially concerned
222 about what might be happening at the seawall during high tides and fortunately, we did not need to
223 close the road during any of the storms.

224 Last month's Board of Trustee meeting we had a public hearing on the New York State Police
225 Reform Act that the governor had enacted. We incorporated all the comments that we received
226 from our residents into the draft plan that we presented. We then posted the final plan on our
227 village website and at the village hall.

228 Tonight, we will offer a resolution for the Board of Trustees to ratify and adopt the final plan and
229 will also authorize the mayor to certify and sign the plan. We will then finally send it to the
230 governor's office prior to April 1, 2021. I want to thank our Officer in Charge Ray Mahdesian once
231 again for all his hard work and developing the plan.

232 During the month, officer in charge, Ray Mahdesian and I continue to work on the new police
233 budget the next fiscal year. We are continuing to review the expenses and are looking for any
234 changes that we can make to improve the budget.

235 Some of the matters that I was involved in during the month were as follows. On February 16, I
236 participated at the Grievance Day Meeting via telephone. I reviewed the foils that we received last
237 month, and I also reviewed last month's Board of Trustees regular meeting minutes as well as the
238 Grievance Day meeting minutes. And finally, I reviewed this month's payment vouchers. End of
239 report.
240

241 Trustee Burke: Thank you. Good evening. I read the New York State Public employer public health
242 emergency plan. Thank you, Bill Raisch, it was extremely thorough and comprehensive, and we
243 appreciate the amount of time you put into that. I reviewed the police report, minutes from prior
244 meeting and the Board of assessment review meeting minutes. I worked with the Deputy Mayor

245 Pierce on updating communications being sent to all beach lot property owners, reviewed the
246 abstracts, and attended tax Grievance Day on February 16. End of report.
247

248 Trustee Jablonski: This month I participated in the Board of Assessment Review on the 16th. I also
249 reviewed the minutes from January's meeting as well as the minutes from the Board of Assessment
250 Review. Reviewed the vouchers, the police report various correspondence. End of report.
251

252 Attorney Migatz: The Zoning Board met on February 23rd. They heard three cases. Maryann Di
253 Palo, 341 Asharoken Avenue was an application for a front yard and side yard setback variances to
254 construct a second story deck on their dwelling and that was granted.
255

256 The second case was 178 Asharoken, LLC, 178 Asharoken Avenue, that was an application for a side
257 yard setback variance to install a generator and that application was also granted.
258

259 Third application was Selma Deniz, 495 Asharoken Avenue, application for side yard setback
260 variances on each side of the dwelling to install exterior staircases. The house was elevated
261 pursuant to NY Rising program after having damage by super Superstorm Sandy. And New York
262 rising requires these exterior staircases. The application was heard, and it was continued to a
263 further date. The applicant was going to meet with her architect to see if the variances could be
264 minimized not to have such an impact on the adjoining properties.
265

266 The Planning Board did not meet last month.
267

268 Update on the lawsuit commenced by the villages of Huntington Bay and Lloyd Harbor against the
269 Town of Huntington is seeking to nullify the town's local law taking jurisdiction over moorings in
270 village waters. The villages move for a preliminary injunction. The town has now cross moved for
271 summary judgment dismissing the action. Both motions were adjourned to March 25th. A
272 temporary restraining order preventing the enforcement of the mooring law remains in effect.
273

274 Treasurer Hayes: The highlights for February, nothing unusual to report in revenues. As far as
275 expenditures, the total for the vouchers is \$28,040.67. Nothing unusual to report on the voucher
276 side either.
277

278 Officer-in-Charge Ray Mahdesian: The Department had a busy month with the three storms. The
279 enforcement end of the report is 34 summonses issued during the month. We are handling court to
280 conform with the safety standards for the pandemic. We are working remotely from the parking
281 lot; a lot of effort is being put into it by Officer O'Connor and it's going well.
282 We can handle the judge appearances and the district attorney appearances without causing any
283 problems for anybody.

284 The village is not immune to what is going on around us obviously. We have three recorded
285 incidents of identity theft involving unemployment benefits within the village. This is taking place
286 throughout the area where people are having fraudulent claims for workman's unemployment
287 benefits. Luckily no reported crimes in the village. I want to thank Mayor Greg Letica, Commissioner
288 Ettinger, Deputy Commissioner Jablonski and village clerk Rittenhouse, for there help with this
289 report that is due to the Governor's Office on April 1. End of report.
290

291 Mayor Letica: All right. Thank you very much Ray. Thank you again for all the hard work and time
292 you put into producing that as well.
293

294 Emergency Manager Raisch: To summarize about the plan itself. I had the opportunity to start with
295 a model plan from New York Conference of Mayors and attended a training program. Modified the
296 plan to accommodate the nuances and specifics of our village operations, then submitted it for
297 wider input from both elected and appointed Asharoken officials received the same and reflected as
298 appropriate. Most recently submitted to our labor management committee, in this case the
299 Asharoken policemen's Benevolent Association, represented by Jeff Josephson. His comments
300 are reflected in the plan and submitted to the Board of Trustees for final consideration and
301 hopefully approval. We have a requirement that the plan be finalized by April 1, and then
302 posted conspicuously to village employees and key contractors. End of reports.
303

304 Sanitation Operator Bradley: The tonnage for the month was 25.13 tons, which at 28 days
305 equals 0.99 tons per day. Total tonnage for recycling 5.41 tons, which is around 21% of the
306 total pickup. Big Blue needs a new transmission wire harness due to getting electronically
307 stuck in first gear, sometimes. It went in last month to have the cables for the engine
308 replaced, but also the cable for the transmission must be replaced. I took the truck in for
309 the repair. The technician that can only do that was not able to do it at that time because he
310 was sick. They are looking for the part throughout the country. As soon as they get it, it will
311 be installed. And that is my report.
312

313 Marty Cohen: Yes, the Conservation Board issued two tree permits last month. And we're working
314 with another homeowner on an ongoing request for a permit. Also working with the village clerk
315 and district attorney on a plan submitted by a property owner who was in violation of cutting trees
316 down without a permit.
317

318 Resolutions:
319

320 **Resolution (2021-18)** Be It Resolved that the Village Board approves the budget transfers for the
321 month of February 2021.

322 Mayor Letica made a motion to approve, seconded by Trustee Ettinger.

323 Trustee Jablonski AYE

324 Trustee Burke AYE

325 Trustee Ettinger AYE

326 Deputy Mayor Pierce AYE

327 Mayor Letica AYE

328 Motioned Carried

329 **Resolution (2021-19)** Be It Resolved that the Village Board does hereby approve the vouchers for
330 the month of February 2021 in the amount of \$28,040.67.
331

332 Mayor Letica made a motion to approve, seconded by Deputy Mayor Pierce

333 Trustee Jablonski AYE

334 Trustee Burke AYE

335 Trustee Ettinger AYE

336 Deputy Mayor Pierce AYE

337 Mayor Letica AYE

338 Motioned Carried
339

340 **Resolution (2021-20)** Be it Resolved that the Village Board does hereby approve the amended
341 local law 2-2021 Section 125-10 (A) FENCES and Section 125-10 (B) LIVING FENCES.
342 Mayor Letica made a motion to approve, seconded by Trustee Burke

343 ROLL CALL:

344 **Trustee Jablonski** **AYE**
345 **Trustee Burke** **AYE**
346 **Trustee Ettinger** **AYE**
347 **Deputy Mayor Pierce** **AYE**
348 **Mayor Letica** **AYE**

349
350 **Resolution (2021-21)** Be It Resolved that the Village Board does hereby adopt the Asharoken
351 Police Departments New York State Police Reform and Reinvention Collaborative Plan; the
352 Asharoken Village board does hereby authorize the Mayor to sign and certify the plan with New
353 York State prior to April 1st, 2021.

354
355 Trustee Ettinger made a motion to approve, seconded by Trustee Jablonski

356 Trustee Jablonski **AYE**
357 Trustee Burke **AYE**
358 Trustee Ettinger **AYE**
359 Deputy Mayor Pierce **AYE**
360 Mayor Letica **AYE**

361 Motioned Carried

362
363 **Resolution (2021-22)** Be It Resolved that the Village Board does hereby approve the scheduling of
364 a public hearing on Tuesday, April 6th, 2021 on the tentative budget for fiscal year beginning
365 6/1/2021.

366
367 Mayor Letica made a motion to approve, seconded by Trustee Ettinger.

368 Trustee Jablonski **AYE**
369 Trustee Burke **AYE**
370 Trustee Ettinger **AYE**
371 Deputy Mayor Pierce **AYE**
372 Mayor Letica **AYE**

373 Motioned Carried

374
375 **Resolution (2021-23)** Be It Resolved that the Village Board does hereby authorize the Mayor to
376 sign the 2021 agreement between the Village of Asharoken and Landscaper Patrick Parker from
377 April 2021 to November 2021 to service the village grounds, clean-up sand at the corner of Bevin
378 Road and around catch basins north of Bevin Road, total contract not to exceed \$4,760.00.

379
380 Trustee Jablonski made a motion to approve, seconded by Trustee Ettinger.

381 Trustee Jablonski **AYE**
382 Trustee Burke **AYE**
383 Trustee Ettinger **AYE**
384 Deputy Mayor Pierce **AYE**
385 Mayor Letica **AYE**

386 Motioned Carried

387

388 **Resolution (2021-24)** Be It Resolved that the Village Board does hereby adopt the Asharoken
389 Public Employer Health Emergency Plan; the Asharoken Village Board does hereby authorize the
390 Mayor to sign and certify the plan with New York State prior to April 1st, 2021.

391
392 Deputy Mayor Pierce made a motion to approve, seconded by Trustee Ettinger.
393 Trustee Jablonski AYE
394 Trustee Burke AYE
395 Trustee Ettinger AYE
396 Deputy Mayor Pierce AYE
397 Mayor Letica AYE
398 Motioned Carried

399
400 **Resolution (2021-25)** Be It Resolved that the Village Board does hereby authorize the Mayor to
401 sign the agreement between the Village of Asharoken and General Code for the Laserfiche upgrade;
402 total upgrade cost is \$2,714.00 with an annual support fee of \$420.00.

403
404 Mayor Letica made a motion to approve, seconded by Trustee Jablonski.

405
406 Clerk Rittenhouse: We already have a Laserfiche system, it is probably about 15 years old with
407 general code, it is obsolete at this point and we are maxed out as far as scanning our documents. We
408 really need to move into the upgrade system that they are offering. We are grandfathered in
409 because they are allowing us to upgrade with one user. Right now, they are only allowing no less
410 than 10 users. The old data will be migrated over to the new upgrade system. We have minutes
411 going back to 1925, COs and surveys that we have been scanning and storing, so especially the
412 minutes it is crucial, and it is important that we have this. It has been working well over these
413 years. The initial costs of \$2,700 is minimal. We were able to reduce it by \$1,500 to take out the
414 training costs since we are already experienced with using the system and the annual support fee of
415 \$420 starts next year, and then ongoing. Of course, it may change slightly as we go forward.

416
417 Mayor Letica: All right. Do we have an annual support fee at this time?

418
419 Clerk Rittenhouse: We do. I do not know the exact number right now.

420
421 Trustee Jablonski: Mayor, I just like to say that I reviewed the proposal. And as you know, I've been
422 in information technology for over 25 years. This is extremely fair pricing.

423
424 Trustee Jablonski AYE
425 Trustee Burke AYE
426 Trustee Ettinger AYE
427 Deputy Mayor Pierce AYE
428 Mayor Letica AYE
429 Motioned Carried

430
431 Mayor Letica: Thank you. Do we have any new business that any of the members of the board
432 would like to bring up this evening or any old business that they would like to discuss?

433
434 Mayor Letica: At this point, we will open it up to public session. Any comments, questions from
435 anyone who would like to do so. Again, our village policy is three minutes per person. The floor is
436 open to any comments or questions.

437 No Comments.

438

439 Mayor Letica made a motion to close public session, seconded by Trustee Ettinger.

440 Trustee Jablonski AYE

441 Trustee Burke AYE

442 Trustee Ettinger AYE

443 Deputy Mayor Pierce AYE

444 Mayor Letica AYE

445 Motion Carried.

446

447 Mayor Letica: I would like to thank everybody who joined the call this evening.

448

449 Mayor Letica made a motion to adjourn the meeting, seconded by Trustee Ettinger.

450 Trustee Jablonski AYE

451 Trustee Burke AYE

452 Trustee Ettinger AYE

453 Deputy Mayor Pierce AYE

454 Mayor Letica AYE

455 Motion Carried.

456

457 The March 2nd, 2021 Regular board meeting of the Board of Trustees was adjourned at
458 approximately 7:20 pm.

459 Signed: _____

460 Nancy Rittenhouse, Village Clerk

461

462

463