

Incorporated Village of Asharoken
Board of Trustees Meeting & Public Hearing
Held on Tuesday, February 6, 2024 6:30pm
Village Hall
Approximate Attendance (23)

DRAFT

Officers Present:

Greg Letica, Mayor
Laura Burke, Trustee
Ian Jablonski, Trustee

Officials & Appointees Present:

Michelle Glennon, Village Clerk
Bruce Migatz, Village Attorney
Emily Hayes, Village Treasurer
Doug Adil, Superintendent of Buildings
Bill Raisch, Emergency Manager

The Pledge of Allegiance was said.
Publication of meeting was confirmed.

Trustee Burke made a motion to approve the Board Meeting minutes for January 2, 2024, seconded by Deputy Trustee Jablonski.

Trustee Jablonski	AYE
Trustee Burke	AYE
Trustee Ettinger	Absent
Deputy Mayor Pierce	Absent
Mayor Letica	AYE

Motioned Carried.

The approval of the minutes for the Special Meeting on January 16, 2024 was adjourned to the next BOT meeting on March 5th, 2024.

Resolutions:

Resolution (2024-10) Be It Resolved that the Village Board approves the budget transfers for the month of January 2024.

Trustee Jablonski made a motion to approve, seconded by Trustee Burke.

Trustee Jablonski	AYE
Trustee Burke	AYE
Trustee Ettinger	Absent
Deputy Mayor Pierce	Absent
Mayor Letica	AYE

Resolution (2024-11) Be It Resolved that the Village Board does hereby approve the vouchers for the month of January 2024 in the amount of \$47,093.90

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

Trustee Jablonski	AYE
Trustee Burke	AYE
Trustee Ettinger	Absent
Deputy Mayor Pierce	Absent

52 Mayor Letica AYE

53

54 **Resolution (2024-12)** Be It Resolved that the Village Board does hereby appoint a committee of
55 the Board of Trustees to include, Mayor Letica, Deputy Mayor Pierce, Trustee Ettinger, Trustee
56 Burke and Trustee Jablonski as the Board of Assessment Review for the purpose of reviewing any
57 complaints regarding the 2024/2025 assessments filed on or before Grievance Day, February 20th,
58 2024 and to be reviewed in-person during the hours from 12:00pm to 4:00pm at Village Hall, One
59 Asharoken Avenue, Northport, NY 11768.

60

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

62 Trustee Jablonski AYE

63 Trustee Burke AYE

64 Trustee Ettinger Absent

65 Deputy Mayor Pierce Absent

66 Mayor Letica AYE

67

68 **Resolution (2024-13)** Be It Resolved that the Village Board, does hereby authorize the Village
69 Clerk to change the Board of Trustees meeting from Tuesday, April 2nd to Tuesday, April 9th at
70 6:30pm due to the Presidential Primary election.

71

72

73 Mayor Letica made a motion to approve, seconded by Trustee Burke.

74 Trustee Jablonski AYE

75 Trustee Burke AYE

76 Trustee Ettinger Absent

77 Deputy Mayor Pierce Absent

78 Mayor Letica AYE

79

80 **Resolution (2024-14)** Be It Resolved that the Village Board does hereby authorize the Mayor to
81 sign the Newport Engineering agreement for engineering services for the partial repaving of
82 Asharoken Ave from Bevin Rd to 561 Asharoken Ave for a lump sum of \$12,500. Payment to be
83 reimbursed to the village by PSEG.

84 Mayor Letica made a motion to approve seconded by Trustee Burke

85 Trustee Jablonski AYE

86 Trustee Burke AYE

87 Trustee Ettinger Absent

88 Deputy Mayor Pierce Absent

89 Mayor Letica AYE

90

91 **Resolution (2024-15)** Be It Resolved that the Board of Trustees authorizes the Village Clerk to
92 solicit bids for the paving of Bevin Road and the paving of Asharoken Avenue from Bevin Road 561
93 Asharoken Ave.

94 Trustee Jablonski made a motion to approve, seconded by Trustee Burke.

95 Trustee Jablonski AYE

96 Trustee Burke AYE

97 Trustee Ettinger Absent

98 Deputy Mayor Pierce Absent

99 Mayor Letica AYE

100

101 **Resolution (2024-16)** Be It Resolved that the Board of Trustees authorizes the Village Clerk to
 102 solicit RFP's for the engineering design for replacement of the seawall and renourishment of the
 103 beach seaward of the wall to be funded by the Hazard Mitigation grant.

104 Trustee Jablonski made a motion to approve, seconded by Trustee Burke.

105 Trustee Jablonski AYE
 106 Trustee Burke AYE
 107 Trustee Ettinger Absent
 108 Deputy Mayor Pierce Absent
 109 Mayor Leticia AYE
 110

111 **Resolution (2024-17)**

112 Be It Resolved that the Village Board, pursuant to Article 14 of the Real Property Tax Law of the
 113 State of New York, determines to collect the amount of such unpaid taxes levied or assessed for the
 114 year 2023/2024 as certified by the Board of Trustees at the Special Meeting held January 16th,
 115 2024, by a tax lien sale in accordance with procedures authorized by the Board of Trustees in the
 116 manner and after the form and resolution, certified by the Clerk, shall be transmitted forthwith to
 117 the Treasurer of the Village with the account, affidavit, and certificate of such unpaid taxes and is
 118 authorized and directed to cause to be published in the official paper of the Village, once each week
 119 for three consecutive weeks, a list as shown in the tax roll, with the amount of the tax, penalties, and
 120 charges thereon, excepting there from such parcels of property on which the Village holds and
 121 owns one or more unredeemed certificates of tax sale; and also a notice that the said real estate
 122 will, on a day subsequent to the expiration of said three weeks to be determined by said Village
 123 Clerk and specified in said notice, be sold at a place in said Village to be designated by said Village
 124 Clerk, to discharge the tax, penalties, and charges aforesaid, which may be due thereon at the time
 125 of such sale, and that the said Village Clerk, at the time and place specified in said notice, proceed
 126 with the sale of said real estate upon which such taxes are unpaid, as set forth above, and continue
 127 the same from day to day until the sale is completed. That such real estate shall be sold subject to
 128 any unpaid assessments thereon levied by the Village of Asharoken and also subject to any unpaid
 129 tax liens purchased and held by the Village.
 130

Name of Owner 2023/2024 Real Prop. Taxes	Dist/Section/Block/Lot	Taxes	Penalty	Pub. Fee	Total
Berkowitz, Lynne	0401-003-02-006-000	\$4907.33	\$539.81	\$7.50	\$5454.64
Fosella	0401-003-02-034-000	\$1974.90	\$217.24	\$7.50	\$2199.64
Berkowitz, Lynne	0401-004-01-016-001	\$89.77	\$9.87	\$7.50	\$107.14
Ward, Nicholas	0401-004-01-061-000	\$59.85	\$6.58	\$7.50	\$73.93
Ward, Nicholas	0401-004-02-045-000	\$29.92	\$3.29	\$7.50	\$40.71
Kleinman, Mark	0401-006-01-020-000	\$299.23	\$32.92	\$7.50	\$339.65
Dream Designs	0401-003-02-010-002	\$538.61	\$59.25	\$7.50	\$605.36
Totals		\$7,899.61			

131
 132

133 AND BE IT FURTHER RESOLVED, that in all cases where no bid shall be made on a lot or parcel of
 134 land so offered for sale for an amount sufficient to pay the said tax, penalties, and charges, the said
 135 premises shall be deemed to have been sold to and purchased by the Village of Asharoken, New
 136 York
 137 The Village Clerk has advised that the tax sale referred to in the foregoing resolution would be held
 138 on Tuesday, March 12, 2024, at 10am to 12 noon, at the Village Hall, 1 Asharoken Avenue,
 139 Northport, New York, and that the publication of the list of properties to be sold would commence
 140 on or about February 15, 2024, and be it further resolved that the Village Board reserves its right to
 141 authorize and direct the Village Treasurer on behalf of the Village to reject any and all bids for
 142 parcels of lands listed in the annual tax lien sale to be held as set forth herein and, to bid in and
 143 purchase if necessary the same for the Village.
 144 AND BE IT FURTHER RESOLVED, that the Village Board reserves the right to withhold any and all said
 145 tax liens from sale and/or to cancel said tax lien sale.

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146

147 Mayor Letica made a motion to approve, seconded by Trustee Burke.

148 Trustee Jablonski AYE
 149 Trustee Burke AYE
 150 Trustee Ettinger Absent
 151 Deputy Mayor Pierce Absent
 152 Mayor Letica AYE

153

154 **Resolution (2024-18)** Be It Resolved that the Board of Trustees approves the firearms permit
 155 application for Peter Aroniadis at 540 Asharoken Avenue.

156 Mayor Letica made a motion to approve, seconded by Trustee Burke.

157 Trustee Jablonski AYE
 158 Trustee Burke AYE
 159 Trustee Ettinger Absent
 160 Deputy Mayor Pierce Absent
 161 Mayor Letica AYE

162

163

164

165 **Public Hearing: Local Law #3-2024 amending chapter 86 of the code of the Village of**
166 **Asharoken entitled "Noise".**

167 Clerk Glennon read the publication.

168 The public hearing was opened with remarks by Trustee Burke addressing the need and rationale
169 for an updated code, which was written in 1981. Four letters received in advance were summarized
170 entered into the record.

171 Residents in attendance provided the following questions and commentary, summarized as follows:

172 What was the reason for addressing this now? What drives the new ordinance? It was explained
173 that the police asked for a more enforceable code by adding an end time for music and clarifying
174 use of landscaping equipment.

175 Concern about the language in the code being unclear, specifically "reasonable person of normal
176 sensitivities." What is reasonable, particularly with the 50' foot properties. Feels fines are too
177 punitive. Concerns about enforceability. Village attorney discussed "test of reasonableness" in the
178 use of law and a discussion of decibel meters occurred.

179 The language is "Unconstitutionally Vague" Should be a provision that allows for a warning.

180

181 What is the village's role in dealing with noise disputes between neighbors; not the time to be
182 engaged in a new law. A concern was expressed about documents not being publicly available.

183 Second sentence in 86-5-(3) should be eliminated, as too vague. 86-5-(6) should be eliminated as
184 well. Questioned an exemption for firearms when early morning firearms noise is a problem. Needs
185 option of warning given. Clear time parameters needed.

186 Good job on landscaping guidelines, agrees with prior speaker's comments regarding 86-5 (3) and
187 86-5-(6) Language too broad. Concern about the way code is written will prompt more phone calls
188 to police and neighbor disputes. Prefers no landscaping on Sunday. Seems everything would be
189 subject to a violation and substantial fine, the way it is written. Too arbitrary, reconsider use of
190 decibel meter to make less subjective.

191 Neighbors talking preferable to calling police. Eliminate arbitrariness and consider decibel meters.

192 Concerned about 86-5 (6) loudspeaker, noise from loudspeakers. Needs a warning written into
193 code.

194 Overall did a great job, issues with 86- 5 and 6 ; asks for extended hours during week for home
195 landscaping.

196 Consider incentivizing electric Leaf blowers; suggest different hours for electric equipment that is
197 not so loud; decibel on property line should be considered.

198

199

200 Mayor Letica made a motion to close the public hearing, seconded by Trustee Jablonski

201	Trustee Jablonski	AYE
202	Trustee Burke	AYE
203	Trustee Ettinger	Absent
204	Deputy Mayor Pierce	Absent
205	Mayor Letica	AYE

206 No vote was taken on Local Law #2024-3 at the meeting.
207 Time to submit comments was extended two weeks, at the time these minutes were published no
208 new comments had been received.

209

210 **Mayors Report:**

211

212 On February 1st I received a response from the United States Army Corps of Engineers
213 answering my request that they assist the Village in redoing the seawall area. Colonel Alexander
214 Young, Commander the ACOE NY District, reiterated what the Corps told the Village in 2019.
215 The only way the ACOE would get involved is if the entire beach was restored from the power
216 plant to the seawall and that public access would be granted to the entire beach. In 2016, over
217 80% of the Village residents voiced their opposition to this plan. So, at this point, the Village
218 will continue to pursue other opportunities for seawall restoration.

219 The Village spent much of the month finishing the Request For Proposal (RFP) to select an
220 engineering firm to make a full design of a reconstruction of the seawall and the beach in front of
221 it. The RFP should be ready for distribution mid-month. Approximately 90% of the cost of the
222 engineering work will be paid for by a \$1,000,000 FEMA Hazard Mitigation Grant.

223 The Village also work very hard with Senator Schumer, State Senator Mario Mattera and
224 Assemblyman Keith Brown to get the Federal Highway Administration to release the \$1,000,000
225 allocated to the Village from a Senator Schumer earmark to rebuild the most compromised area
226 of the wall. I am optimistic that the Village will have a final answer in the very near future.
227 The tentative assessment roll is available for review at Village Hall and on the Village website
228 asharoken.com.

229 The holiday party at the Northport Yacht Club on Saturday January 13th was a terrific evening.
230 Almost 100 Village residents had a great night socializing, dining on delicious food and dancing.
231 The raffle of many exceptional prizes raised a lot of money to support the July 4th fireworks.
232 Trustee Laura Burke was honored for her years of service to the Village. I would like to thank
233 Carole Casamassima for all her hard work to make the party such an incredible success. Carole
234 outdoes herself every year and is already planning next year's event.

235 **Trustees:**

236

237 Trustee Ettinger: Trustee Ettinger was not present, his report was ready by Mayor Letica.
238 Firstly, I want to apologize for missing tonight's meeting. I believe that this is the first BOT
239 meeting that I missed in my 12 plus years as a Trustee. My wife and I have not vacationed since
240 the start of the pandemic just about 4 years ago. Today, we are finally back in Antigua for our
241 21st time, in the last 26 years.

242 During the past month, as usual, I had numerous meetings and conversations with Officer-in-
243 Charge Ray Mahdesian regarding a number of police related matters. Once again, I am happy to

244 report that we had another “good month” that Ray Mahdesian will comment on further in his
245 report. Also during the month, Ray and I met several times regarding the new Police Budget for
246 the 2024-2025 fiscal year. Toward the end of last month we finalized our draft budget and have
247 recently submitted it to the Village Clerk and Mayor for their review and comments. Ray and I
248 believe that we once again prepared a very fiscally responsible Police Budget for the coming
249 year.

250 In addition, some other matters that I was involved in during the month were as follows:
251 I reviewed the proposed changes to the Noise Code that we are considering revising, and some
252 various correspondences that we received from some residences regarding this. I also reviewed
253 some additional correspondence that we received from some residents. I also reviewed the foils
254 that we received. I also reviewed last month’s BOT Regular Meeting’s Minutes and the Special
255 Minutes and this month’s Abstract for the Payment Vouchers.

256
257 **Trustee Burke:** I attended the 1/16 special meeting to certify unpaid taxes, completed the
258 Workplace Violence and discrimination and harassment on line classes as required by NYS,
259 reviewed the RFP for the Seawall Engineering, the minutes, vouchers, firearm permit
260 application, the Newport contract , and misc village communications, including comments for
261 the public hearing on Noise. Thanks to Carole Cassamasima for a wonderful gathering.

262
263 **Trustee Jablonski:** This month; I reviewed the minutes, the vouchers, the police report, the RFP and
264 various other correspondence.

265
266 **Attorney Migatz:** The Zoning Board did meet on January 22nd, a continued hearing, 71 Bevin Rd,
267 Brad Goldner seeking variances for an existing porch, pergola and pool. It is continued again until
268 March 18th. The Planning Board did not meet and there is no decision yet on the dock litigation.

269
270 **Village Treasurer:** Treasurer Emily Hayes reported that January vouchers totaled \$47,093.90.
271 There was a separate resolution to approve the vouchers and budget transfers. Nothing unusual to
272 report.

273
274 **Police Report:** Officer Mahdesian was absent.

275
276 **Superintendent of Buildings:** Doug Adil reported; Reviewed proposed tree removal permit at 1
277 Lobster Way.
278 Reviewed revised drawings window and door replacement at 44 South harbor Rd. Plans were
279 approved for a building permit under an earlier plan submission, the follow up plans were
280 submitted with some non-structural revisions “for information”.
281 Reviewed drawings for a generator addition at 9Clamshell Lane, which was denied for a permit, due
282 to the need for a variance. Denial letter was issued.
283 Provided feedback to the Town of Huntington for a dock application at 8 Bevin Rd. east.
284 Reviewed drawings for an addition at 3 Bevin Road which was denied for a permit, due to the need
285 for a variance. Denial letter was issued.
286 Reviewed final paperwork for the certificate of occupancy for 122 Asharoken Av. We determined
287 that the final survey was flawed and needed to be re-done.
288 Issued the Final Inspection report for 103 Asharoken Av. Project is ready for a C/O to be issued.
289 Re-reviewed drawings for a generator addition at Lobster Way, which were previously denied for a
290 permit, due to insufficient front yard; corrected plans were resubmitted and subsequently
291 approved for a Building permit.
292 Re-reviewed drawings for a PV solar installation permit at 7 Kew Court, which were previously
293 denied for a Building Permit. Corrected plans were resubmitted and subsequently approved for a
294 Building permit.

295 Reviewed drawings for construction of a swimming pool at 279 Asharoken Av. Drawings were
296 disapproved, due to inadequate side yard on one side, and returned for revisions.
297
298 No new business was discussed

299 Public session:

300 A resident had questions regarding the paving of Bevin Rd and a portion of Asharoken Avenue and
301 the engineering firm retained by the village.

302 There was discussion regarding the condition of the seawall and the various agencies involved.

303 Mayor Letica made a motion to exit public session, seconded by Trustee Ettinger.
304 Trustee Jablonski AYE
305 Trustee Burke AYE
306 Trustee Ettinger AYE
307 Deputy Mayor Pierce AYE
308 Mayor Letica AYE
309 Motioned Carried

310 Mayor Letica made a motion to adjourn the meeting, seconded by Trustee Ettinger.
311 Trustee Jablonski AYE
312 Trustee Burke AYE
313 Trustee Ettinger AYE
314 Deputy Mayor Pierce AYE
315 Mayor Letica AYE
316 Motioned Carried.
317

318 The February 6th, 2024, Regular board meeting of the Board of Trustees was adjourned at
319 approximately 7:11pm.
320

321 Signed: _____
322 Michelle Glennon, Village Clerk