

**MINUTES OF THE MEETING OF
THE BOARD OF TRUSTEES
WEDNESDAY, APRIL 20, 2022**

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, April 20, 2022 at 7 PM at the Village Hall located at 500 North Country Rd., St. James, NY 11780. Those present were the following members Mayor Douglas A. Dahlgard, Deputy Mayor Daniel W. White, Trustees Judith C. Ogden, L. Gordon Van Vechten and Trustee Jeffrey D. Fischer. Also in attendance Village Administrator/Clerk, Margaret O’Keefe; Building Inspector, Robert O’Shea; Police Chief, Charles M. Lohmann; Village Attorney, Anthony S. Guardino (late arrival 8:15 PM); Village Treasurer, Patricia Mulderig and Co-Counsel, Philip Butler. Members of the public were requested to sign-in.

Pledge of Allegiance

1. Mayor – Douglas A. Dahlgard

- Minutes of March 16, 2022 at 7:00 PM meeting of the Board of Trustees were presented. It was, upon motion by Deputy Mayor White, second by Trustee Van Vechten, abstention by Trustee Fischer and adopted (4-0-1):
RESOLUTION #007-22
RESOLVED, to adopt the minutes of the above meeting as presented.
- Minutes of March 21, 2022 at 7:00 PM meeting of the Board of Trustees were presented. It was, upon motion by Deputy Mayor White, second by Trustee Ogden, abstention by Trustee Van Vechten and Trustee Fischer and adopted (3-0-2):
RESOLUTION #008-22
RESOLVED, to adopt the minutes of the above meeting as presented.
- Minutes of April 6, 2022 at 7:00 PM meeting of the Board of Trustees were presented. It was, upon motion by Trustee Fischer, second by Deputy Mayor White, abstention by Trustee Van Vechten and Trustee Ogden and adopted (3-0-2):
RESOLUTION #009-22
RESOLVED, to adopt the minutes of the above meeting as presented.
- It was, upon motion by Trustee Fischer, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #010-22
WHEREAS, Suffolk Cable of Smithtown, Inc. (Cablevision), will file a franchise renewal application with the New York State Public Service Commission (PSC) to continue to provide cable services to the Village of Head of the Harbor, and
WHEREAS, the Board of Trustees of the Village of Head of the Harbor will be in receipt of this application, and
WHEREAS, the Board of Trustees of the Village of Head of the Harbor set Wednesday, May 18, 2022 at 7:00 PM as the date of the public hearing to be held at 500 North Country Rd., St. James, NY 11780 for the purpose of receiving comments from Village residents as to the performance of Suffolk Cable of Smithtown, who is requesting a ten (10) year franchise renewal agreement and for public inspection and questioning of the franchise agreement and all relevant documents, which may be inspected at the office of the Village Clerk at 500 North Country Rd., St. James, NY 11780, and further,
BE IT RESOLVED, that the Village Clerk place a notice in the officially designated local publication and post the meeting notice in all other appropriate places.
- Lease Agreement tabled.
- It was, upon motion by Trustee Van Vechten, second by Trustee Ogden, and unanimously adopted:

RESOLUTION #011-22 (deemed read into the record in its entirety)

**VILLAGE OF HEAD OF THE HARBOR
BOARD OF TRUSTEES**

**RESOLUTION ACCEPTING DEDICATION OF VACANT REAL PROPERTY AT THE
INTERSECTION OF STONY BROOK ROAD, SHORE ROAD, AND HITHER BROOK ROAD
IN THE VILLAGE OF HEAD OF THE HARBOR**

WHEREAS, Robert E. Hansen, Jr. (“Grantor”) is fee title owner of certain vacant, unimproved land forming a triangle within the intersection of Stony Brook Road, Shore Road, and Hither Brook Road in the Village of Head of the Harbor, said premises being further known as District 801, Section 002.000, Block 01.00, Lot 023.000 on the Suffolk County Tax Map (the “Premises”); and

WHEREAS, the Premises is an undevelopable lot that cannot be put to any viable private purpose; and

WHEREAS, Grantor has offered to convey the Premises to the Village of Head of the Harbor, without condition and free of consideration; and

WHEREAS, Village Law § 1-102 [2] authorizes the Village, by and through its Board of Trustees, to accept the conveyance of real property to the Village; and

WHEREAS, the Village desires to obtain fee title to the Premises for public purposes, including, but not limited to, road maintenance; and

WHEREAS, Grantor has presented an original deed and tax forms to the Village, which have been reviewed by the Village Attorney and confirmed to be in recordable form; and

WHEREAS, the acceptance of dedication of the Premises is a Type II (Exempt) Action for purposes of the State Environmental Quality Review Act and its implementing regulations (SEQRA), and accordingly, no environmental review is required and no environmental impact statement shall be prepared.

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Head of the Harbor finds that it shall be in the best interests of the Village and its residents for the Village to obtain fee title to the Premises; and be it

FURTHER RESOLVED, that the Board of Trustees hereby consents to the Village’s acceptance of Grantor’s offer of dedication of the Premises to the Village; and be it

FURTHER RESOLVED, that the Mayor is hereby authorized and directed to accept the deed and tax forms on the Village’s behalf, and to take such other and further actions as are necessary to consummate the conveyance of the Premises to the Village and the recording of the deed in the Office of the Suffolk County Clerk.

WHEREUPON, on motion by Trustee Van Vechten, seconded by Trustee Ogden, the foregoing resolution was duly adopted at a duly noticed meeting of the Board of Trustees held on April 20, 2022, with the members of the Board voting as follows:

Douglas A. Dahlgard, Mayor	AYE
Daniel W. White, Deputy Mayor	AYE
Judith C. Ogden, Trustee	AYE
L. Gordon Van Vechten, Trustee	AYE
Jeffrey D. Fischer, Trustee	AYE

Filed in the Office of the Village Clerk on the 20 day of April, 2022.



Margaret O’Keefe, Village Clerk

- It was, upon motion by Trustee Fischer, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #012-22
WHEREAS, the website hosting and maintenance is currently provided by DNT Technologies, and
WHEREAS, the Board of Trustees acknowledges DNT Technologies expertise and professionalism,
THEREFORE, BE IT RESOLVED, that the Board of Trustees authorize Mayor Dahlgard to execute the renewal contract dated April 8, 2022 which will be effective from April 1, 2022 through March 31, 2023 in the total amount of \$4,000.00. Said total includes one-time charge of \$1,500.00 for redesign.
BE IT FURTHER RESOLVED, to authorize and direct the village treasurer to release payment in full.

- It was, upon motion by Trustee Ogden, second by Deputy Mayor White, and unanimously adopted:
RESOLUTION #013-22
WHEREAS, on April 6, 2022 the Board of Trustees reaffirmed the annual agreement for engineering services with Daniel Falasco P.E., and
WHEREAS, the term of the contract does not align with the Board of Trustees organizational year,
BE IT RESOLVED, to amend said agreement to have an effective date of April 1, 2022 through March 31, 2023, and
BE IT FURTHER RESOLVED, to extend the 2021/2022 contact to March 31, 2022.

- It was, upon motion by Trustee Van Vechten, second by Trustee Fischer, and unanimously adopted:
RESOLUTION #014-22
WHEREAS, the Village of Head of the Harbor has previously determined a need to contract for the removal and replacement of roofing at Village Hall,
BE IT RESOLVED, by the Board of Trustees of the Village of Head of the Harbor, in the County of Suffolk, State of New York, that it authorizes Daniel Falasco, Village Engineer and Robert O’Shea, Building Inspector to prepare and solicit bids for the removal and replacement of roofing at Village Hall, 500 North Country Rd., St. James, NY 11780.

- It was, upon motion by Deputy Mayor White, second by Trustee Fischer, and unanimously adopted:
RESOLUTION #015-22
WHEREAS, it has been previously determined that a portion of the HVAC system at Village Hall is in need of emergency repair, and
WHEREAS, due to the conditions caused by the COVID-19 pandemic and the emergency status of this repair, quote #5326 dated April 14, 2022, option #1 in the amount of \$9,100.00 from B & R Plumbing of LI Inc., has been reviewed by the Board of Trustees,
BE IT RESOLVED, to authorize and direct Mayor Dahlgard to accept the quote with B & R Plumbing and Heating of LI, Inc., and
BE IT FURTHER RESOLVED, to authorize and direct the village clerk of schedule the repair immediately.
 - Thanks to the efforts of our village clerk and highway department, Head of the Harbor has achieved Tree City designation for the third year. This program was meant to be supported by our Tree Board, if any residents are interested in volunteering, please call Mayor Dahlgard.
 - Mayor and Trustees wishes to congratulate Trustee Ogden for her successful work to educate our community and to gather grass roots support to oppose the proposed Gyrodyne Development at Flowerfield. Judy has worked tirelessly for several years on the project and has organized a coalition of support and has recently proposed a compromise plan that has been accepted. Such plan will result in additional open space at Flowerfield for the benefit of the entire community.

2. Financials – Patricia Mulderig, Treasurer:

- It was, upon motion by Trustee Fischer, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #016-22

RESOLVED, to adopt Abstracts #127625 through and including #127638 in the total amount of \$36,360.22 paid from the General Fund.

- It was, upon motion by Trustee Van Vechten, second by Trustee Fischer, and unanimously adopted:
RESOLUTION #017-22
RESOLVED, to adopt Abstract TA #198 & 199 in the total amount of \$7,805.00 to be paid from the Trust & Agency Fund. Release of the Gatham & Bennett LLP payment to be held until the corresponding TA account has received sufficient funds.

- It was, upon motion by Trustee Van Vechten, second by Trustee Fischer, and unanimously adopted:
RESOLUTION #018-22
WHEREAS, the Village is eligible for receipt of funds from the Federal government associated with the ARPA (American Rescue Plan Act) Coronavirus Local Fiscal Recovery Fund, and
WHEREAS, on August 18, 2021 the Trustees designated Village Treasurer, Patricia Mulderig as the Point of Contact and Authorized Representative for Reporting,
THEREFORE, BE IT RESOLVED, the Board of Trustees authorizes and directs the use of funds be reported as follows:

Police Guns & Tasers	\$12,000
Roof Repair (includes partial repair of \$16,000)	\$81,000
Air Conditioning	\$ 9,000
Software	\$40,000
Highway Data Internet Line	\$10,000

- It was, upon motion by Trustee Fischer, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #019-22
Adjustments to tax assessments received from the Town of Smithtown subsequent to the acceptance of the tax rolls.
RESOLVED, to authorize and direct the village treasurer to refund the taxes as per the successful grievances in the amount of \$590.73 as noted below:

8	9200	2	2	1.4	Susan Brennan & Eric Stubbs	4 Robin Hill Lane, SJ	4-Apr-22	23-Feb-22	9258	8510	(748)	153.27
9	17000	3	3	2.7	Joseph & Kelly Bollhofer	3 Fox Meadow Ln, SJ	4-Apr-22	10-Mar-22	15080	14000	(1,080)	221.29
10	17	2	2	3.1	William Anderson	5 Evan Court, SJ	4-Apr-22	9-Feb-22	21755	20700	(1,055)	216.17
ASSESSMENT ADJUSTMENTS - APRIL 20, 2022											(2,883)	590.73

3. Highway Department – Judith Ogden:

- The date selection for Arbor Day has been tabled.

4. Building Inspector – Bob O’Shea:

- It was, upon motion by Trustee Fischer, second by Deputy Mayor White, and unanimously adopted:
RESOLUTION #020-22
WHEREAS, per Trustees resolution on May 6, 2020, in accordance with Chapter 131 of the Village Code, Asplundh Construction LLC, contracted by PSEG, made deposits of a performance surety and a maintenance bond in conjunction with the road-opening permit #1946, and
WHEREAS, the Building Inspector, Robert O’Shea; Village Engineer, Daniel Falasco and Highway Crew Leader, Frank Prinzevalli have approved of the restoration work performed and requests the Board approve the release of said funds,
BE IT RESOLVED, to authorize and direct the village treasurer to release the \$500.00 maintenance bond placed on deposit by Asplundh Construction, LLC.

- Several permits issued.
- Architectural Review Board has three applications pending.
- Planning Board approved one subdivision and is reviewing several site plans.
- Zoning Board of Appeals denied one application.

4. Police Department – Chief Charles M. Lohmann:

- Saddle Road discussion regarding traffic control measures. Chief Lohmann to review the request of installation of speed signs on Saddle Road.
- Application for grant moving forward.

Trustee Ogden

- Discussion regarding Town of Smithtown application for Gyrodyne. Much discussion ensued. Counsel Philip Butler recused himself from any discuss due to potential conflicts of interest. Further discussion ensued between the Board and the public. Arrival of Anthony Guardino - no comments were made by Mr. Guardino due to his previously disclosed potential of conflicts of interest. Board and public discussion continued.
- A motion was made by Deputy Mayor White to move to executive session, second by Mayor Dahlgard and voted upon as follows:

Mayor Dahlgard	AYE
Deputy Mayor White	AYE
Judith C. Ogden, Trustee	NAY
L. Gordan Van Vechten, Trustee	NAY
Jeffrey D. Fischer, Trustee	NAY

The motion did not pass.

- The following was resolution was Mayor Dahlgard, second by Trustee Fischer, and adopted (4-1-0):
RESOLUTION #022-22

BOARD OF TRUSTEES

INCORPORATED VILLAGE OF HEAD OF THE HARBOR

RESOLUTION REGARDING PARTICIPATION IN LITIGATION TO PROTECT THE INTERESTS OF THE VILLAGE CONSISTENT WITH SECTION 165 OF THE HEAD OF THE HARBOR VILLAGE CODE

WHEREAS, the Village of Head of the Harbor was established in 1928 in order to protect the unique rural character and historic resources that continue to provide significant benefits to the community and its citizens; and

WHEREAS, the Village includes numerous vulnerable and irreplaceable environmental and historic assets, including Stony Brook Harbor, the Route 25A North Shore Heritage Corridor/ Long Island Heritage Trail and the Mills Pond National Historic District; and

WHEREAS, the Board of Trustees of the Village of Head of the Harbor has enacted Section 165 of the Village Code, which requires that the natural beauty, scenic vistas and historic character of the Village should be preserved to the maximum extent, compatible with the general welfare of Village residents; and

WHEREAS, these assets have been recognized by the New York State and the United States of America as being of statewide and national importance, and designated as such through official actions of the state and federal government; and

WHEREAS, the general character of the Village and the quality of life of its residents can be threatened and significantly impaired as a result of actions and approvals by other levels of government which do not adequately consider the interests of the Village or protect those assets; and

WHEREAS, such approvals can permanently alter the rural character of the Village, create significant new traffic volumes, and negatively impact environmental resources, driving down property values in the Village; and

WHEREAS, the Village has participated in review processes administered by other levels of government of development proposals which if approved would permanently alter the character of the Village, contrary to the intent of the Village Code, and to the significant detriment of Village residents; and

WHEREAS, in instances where the interests of the Village are not adequately considered, and the process does not meet the minimum requirements of New York State Town Law or the State Environmental Quality Review Act (SEQRA), it may be necessary for the Village to assert the interests of the Village and its residents through litigation to ensure that its interests are protected; and

WHEREAS, residents of the Village have made financial contributions to a fund created to ensure that any such litigation will not be a financial burden or expense to the Village, based on representations by Village officials that the Village would become a petitioner in litigation to overturn an approval of the Gyrodyne subdivision application as long as the Village is not financially responsible for the cost of the litigation,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees acknowledges the financial support of Village residents who have contributed to a fund created to ensure that any litigation entered into by the Village to protect the rural character of the Village is not an expense or financial burden to the Village, and be it

FURTHER RESOLVED, that the Board of Trustees does hereby authorize the Village to be a named petitioner in any litigation that may become necessary to challenge the review and approval of the subdivision application by Gyrodyne, so long as the Village is not financially responsible for the cost of the litigation.

On motion by ~~Trustee~~ Mayor Dahlgard, seconded by Trustee Fischer ^(m),
the foregoing resolution was adopted by vote as follows:

Douglas A. Dahlgard, Mayor	- Aye
Daniel W. White, Deputy Mayor	- Nay
Judith C. Ogden, Trustee	- Aye
L. Gordon Van Vechten, Trustee	- Aye
Jeffrey D. Fischer, Trustee	- Aye

Dated: Head of the Harbor, New York

April 20, 2022

Filed in the Office of the Village Clerk on the 20 day of April, 2022

Margaret Keefe

It was, upon motion by Mayor Dahlgard, second by Deputy Mayor White and unanimously adopted, to enter into Executive Session to discuss personnel and potential litigation. No action taken.

- It was, upon motion by Deputy Mayor White, second by Trustee Van Vechten, and unanimously adopted: **RESOLUTION #023-22** **RESOLVED**, to authorize and direct the village treasurer to accept the tax payment for the parcel known as SCTM # 7. 1. 12.5 as paid-in-full without penalty.

It was, upon motion by Trustee Fischer, second by Trustee Van Vechten and unanimously adopted, to move back to public session.

- It was, upon motion by Deputy Mayor White, second by Trustee Fischer, and unanimously adopted: **RESOLUTION #024-22** (Deemed read into the record in its entirety)

**VILLAGE OF HEAD OF THE HARBOR
BOARD OF TRUSTEES**

**RESOLUTION DECLARING THE GLOCK .40 CALIBER HANDGUNS PREVIOUSLY
PURCHASED BY THE VILLAGE AND REGISTERED TO INDIVIDUAL POLICE OFFICERS
OF THE HEAD OF THE HARBOR POLICE DEPARTMENT TO BE SURPLUS AND
AUTHORIZING SAID POLICE OFFICERS TO PURCHASE SAID HANDGUNS**

WHEREAS, the Board of Trustees of the Village of Head of the Harbor ("Board of Trustees") recently purchased new Glock 9MM handguns to replace the Glock .40 caliber handguns that were previously registered to each police officer of the Village of Head of the Harbor Police Department ("Department") following a National Instant Criminal Background Check System (NICS) background check initiated by a licensed firearms dealer; and

WHEREAS, upon the delivery of the new Glock 9MM handguns, the Glock .40 caliber handguns will no longer be needed by the Department;

WHEREAS, AmChar Wholesale Inc, the distributor of the new Glock 9MM handguns, has agreed to issue a credit to the Village in the amount of \$235.00 for each Glock .40 caliber handgun that is traded in; and

WHEREAS, several police officers of the Department have expressed an interest in purchasing the Glock .40 caliber handgun that is currently registered to them for \$235.00, which is the same amount as the credit that the distributor has agreed to issue to the Village for each handgun traded in; and

WHEREAS, upon the delivery of the new Glock 9MM handguns to the police officers of the Department, the Board of Trustees has no objection to each police officer purchasing the Glock .40 caliber handgun that is currently registered to them.


NOW THEREFORE, BE IT RESOLVED, that upon the delivery of the new Glock 9MM handguns to the police officers of the Department, the Glock .40 Caliber handguns previously purchased by the Village shall be deemed surplus.

BE IT FURTHER RESOLVED, that the Board of Trustees hereby authorizes each police officer of the Department to purchase the Glock .40 caliber handgun that is currently registered to them at a cost of \$235.00.

On motion by Trustee White, second by Trustee Fischer, the Board of Trustees adopted the foregoing resolution at a duly noticed public meeting held on April 20, 2022, upon the following vote:

Douglas A. Dahlgard, Mayor	Aye
Daniel W. White, Deputy Mayor	Aye
Judith C. Ogden, Trustee	Aye
L. Gordon Van Vechten, Trustee	Aye
Jeffrey D. Fischer, Trustee	Aye

Filed in the Office of the Village Clerk on the 20 day of April 2022.



Margaret O'Keefe, Village Clerk
Village of Head of the Harbor

There being no other matters to be brought before the Board; it was, upon motion by Deputy Mayor White, second by Trustee Fischer and unanimously adopted, to adjourn the meeting at 9:37 PM.

Respectfully Submitted,

Margaret O'Keefe
Village Administrator/Clerk