

**MINUTES OF THE MEETING OF
THE BOARD OF TRUSTEES
WEDNESDAY, MARCH 20, 2019**

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, March 20, 2019 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 L. Gordon Van Vechten, Judith C. Ogden. Not in attendance this evening Trustee Jeffrey D. Fischer, nor Village Attorney, Anthony B. Tohill. Also in attendance Village Administrator/Clerk, Margaret O’Keefe; Building Inspector, Robert O’Shea; Police Chief, Charles M. Lohmann and Village Treasurer, Patricia Mulderig.

Pledge of Allegiance.

1. Mayor – Douglas A. Dahlgard

Mayor Dahlgard reconvened the public hearing on Local Law (Intro) #3 OF 2018, “A LOCAL LAW BED AND BREAKFASTS”. Public comment and discussion ensued. It was, upon motion by Deputy Mayor White, second by Trustee Van Vechten and unanimously adopted, to authorize Mayor Dahlgard to execute the SEQR Short Environmental Assessment Form in his official capacity. No further comment from the public or the Board. It was, upon motion by Trustee Ogden, second by Deputy Mayor White and unanimously adopted, to close public hearing.

Mayor Dahlgard convened the monthly Trustee meeting.

- It was, upon motion by Deputy Mayor White, second by Trustee Ogden and unanimously adopted:
RESOLUTION # 160 -18
LOCAL LAW (Intro.) NO. 3 OF 2018, this is to be filed as local Law #1 of 2019 “A LOCAL LAW BED AND BREAKFASTS”.

A LOCAL LAW
BED AND BREAKFASTS
BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HEAD-
OF-THE-HARBOR AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to enable the use and maintenance of existing residential structures as a bed and breakfast establishment.

SECTION 2. ENACTMENT OF VILLAGE LAW § 165-26.1.

Village Code § 165-26.1 is enacted as follows:

§ 165-26.1. Bed and Breakfast

A. Definitions.

BED AND BREAKFAST ESTABLISHMENT

An owner-occupied building designed, used and occupied as a single-family residence, managed by the property owner and having bedroom accommodations and breakfast provisions served in the host's private dining room or kitchen for those accommodated as paying guests who are referred to, for purposes of this section as "guests."

GUESTS

Person(s) who pay to stay overnight at the bed and breakfast establishment.

HOST-HOSTESS

Owner and occupant of the bed and breakfast establishment.

B. Location.

A bed and breakfast may be established in an existing single-family residence located on or adjacent North Country Road.

C. Permit Required; Application; Issuance.

A permit for a bed and breakfast shall be a special permit issued upon application to the Board of Trustees and completion of a public hearing conducted in accordance with the provisions of this section. Any application fee shall be fixed by resolution of the Board of Trustees.

D. Conditions.

A special permit shall be granted upon satisfaction of the following:

1. The premises shall be the primary residence of the owner/host.
2. Any special permit issued hereunder shall have a duration of one (1) year.
- e. In no event shall there be more than four (4) guest bedrooms, and occupancy is limited to two persons per guest bedroom.
4. Applicant shall demonstrate compliance with all state and local health, electrical, fire, building, sanitation and maintenance codes applicable to the bed and breakfast use.
5. Each guest room shall have one or more windows allowing emergency egress.
6. A smoke and carbon monoxide alarm shall be installed and maintained in each guest room and on each floor.
7. Required on site parking shall be one space per guest room plus two spaces.
8. Only one sign not exceeding two square feet may be installed at the premises.
9. No cooking facilities are permitted in a guest room.
10. Occupancy for any guest is limited to seven nights.

E. Renewal.

Any special permit for a bed and breakfast establishment may be renewed for successive one year periods provided any such renewal shall require a public hearing and a report of an inspection of the Building Inspector addressing current compliance with all applicable conditions.

SECTION 3. SEVERABILITY.

Should any part or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole nor any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 4. EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

- Election Results - March 19, 2019 Village General Elections:
For the 1 village Justice position, 4-year term, the results are as follows:
 - **Ellen D. Fishkin** **49 votes**
 - write-in for Justice 0 votes

For the 2 village Trustee positions, 2-year terms, the results are as follows:

- **Jeffrey D. Fischer** **65 votes**
- **Daniel W. White** **63 votes**
- write-in for Trustee
 - Margaret Shutka 2 votes
 - Collette Porciello 1 vote

TOTAL BALLOTS CAST	73
ABSENTEE VOTES	7
VOIDED BALLOTS	2

- It was, upon motion by Deputy Mayor White, second by Trustee Van Vechten and unanimously adopted:
RESOLUTION #161-18
RESOLVED, the Board of Trustees will be holding their Annual Organizational Trustees Meeting on Wednesday, April 3, 2019 at 7 PM,
BE IT RESOLVED, to direct the village clerk to post and publish said meeting and to be held at Village Hall, 500 North Country Rd., St. James, NY 11780 time then in effect.

- It was, upon motion by Deputy Mayor White, second by Trustee Ogden and unanimously adopted:
RESOLUTION #162-18
RESOLVED, to authorize the Mayor Douglas A. Dahlgard to sign in his official capacity the annual service agreement for the removal of solid waste with Winters Brothers Waste Systems in the amount of \$67.53 monthly.
- It was, upon motion by Trustee Ogden, second by Deputy Mayor White and unanimously adopted:
RESOLUTION #163-18
WHEREAS, the Board of Trustees has received a Cooperative Agreement from the Humane Society of the United States and Avalon Park and Preserve to research immunocontraceptive vaccine on white-tailed deer, and
WHEREAS, said agreement has been approved in form by the village attorney,
BE IT RESOLVED, to authorize Mayor Douglas A. Dahlgard to execute said Cooperative Agreement in his official capacity.
- It was, upon motion by Deputy Mayor White, second by Trustee Ogden and unanimously adopted:
RESOLUTION #164-18
WHEREAS, on March 20, 2019 the village of Head of the Harbor, The Humane Society of the United States and Avalon Park and Preserve entered in to a Cooperative Agreement to research immunocontraceptive vaccine on white-tailed deer, and
WHEREAS, Avalon Park and Preserve has provided a restricted grant to the village in the amount of \$248,290.00 to support such grant, and
WHEREAS, said restricted grant has been approved in form by the village attorney,
NOW THEREFORE BE IT RESOLVED, to authorize Mayor Douglas A. Dahlgard to execute the grant letter in his official capacity.
- Trustees are in receipt of Notice of Conditional Renewal for April's Commercial Crime Policy.
- The Board of Trustees is in receipt of correspondence from General Code regarding future printed amendments to the Code.
- It was, upon motion by Trustee Van Vechten, second by Trustee Ogden and unanimously adopted:
RESOLUTION #165-18
Minutes of February 27, 2019 7 PM meeting of the Board of Trustees were presented. Village Clerk noted the need to correct a typographical error in resolution 153-18, "over" should read "cover".
RESOLVED, to adopt the minutes of the above meeting as amended.
- It was, upon motion by Trustee Van Vechten, second by Trustee Ogden and unanimously adopted:
RESOLUTION #166-18
Minutes of March 6, 2019 7 PM meeting of the Board of Trustees were presented.
RESOLVED, to adopt the minutes of the above meeting as presented.

2. Financials – Patricia A. Mulderig, Village Treasurer:

- It was, upon motion by Trustee Ogden, second by Trustee Van Vechten and unanimously adopted: **RESOLVED**, to adopt Abstracts #127182 through and including #127228 in the total amount of \$135,243.24 to be paid from the General Fund. Immediately noting the cited abstract numbers were incorrect, the following correction was made.
It was, upon motion by Trustee White, second by Trustee Van Vechten and unanimously adopted:
RESOLUTION #167-18
RESOLVED, to adopt Abstracts #127219 through and including #127228 in the total amount of \$135,243.24 to be paid from the General Fund.

- It was, upon motion by Trustee Ogden, second by Trustee Van Vechten and unanimously adopted:
RESOLUTION #168-18
RESOLVED, to adopt Abstract #TA 151 in the total amount of \$1,892.50 to be paid from the Trust & Agency Fund.
- It was, upon motion by Trustee Van Vechten, second by Trustee Ogden and unanimously adopted:
RESOLUTION #169-18
RESOLVED, the Village Treasurer is authorized and directed to make budget modifications to the 2018/2019 budget totaling \$7,265.81 for a net change of zero, as noted:

VILLAGE OF HEAD OF THE HARBOR
 2018/2019 BUDGET MODIFICATIONS
 3/20/2019

		BUDGET F/Y/E	BUDGET ADJUSTMENT	MODIFIED BUDGET
		2/28/2019		2/28/2019
A1560.1	BUILDING PERMITS	(50,000.00)	4,800.00	(45,200.00)
A2810.0	JUSTICE COURT FINES	(70,000.00)	12,900.00	(57,100.00)
A1325.22	TREASURER - OFFICE SUPPLIES	3,185.00	165.00	3,350.00
A1410.22	CLERK - OFFICE SUPPLIES	9,000.00	500.00	9,500.00
A1620.2	VILLAGE HALL UTILITIES	26,000.00	100.00	26,100.00
A3620.2	BLDG INSP EXPENSES	1,500.00	100.00	1,600.00
A5110.11	STREET MAINT OVERTIME	9,400.00	1,000.00	10,400.00
A5110.221	STREET MAINT NORM MAT & MAINT	0.00	1,700.00	1,700.00
A8030.1	ARB CLERK	2,196.80	100.00	2,296.80
A1990	CONTINGENCY	75,984.01	(21,365.00)	54,619.01
		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
		<u>7,265.81</u>	<u>0.00</u>	<u>7,265.81</u>

- It was, upon motion by Trustee Van Vechten, second by Deputy Mayor White and unanimously adopted:
RESOLUTION #170-18
RESOLVED, the Village Treasurer is authorized and directed to make budget modifications the 2018/2019 budget totaling \$59,288.00 for a net change of zero, as noted:

VILLAGE OF HEAD OF THE HARBOR
 2019/2020 BUDGET MODIFICATIONS
 3/20/2019

		BUDGET F/Y/E	BUDGET ADJUSTMENT	MODIFIED BUDGET
		2/28/2019		2/28/2019
A5110.5	STREET EQUIP > \$1,000.00	5,000.00	15,000.00	20,000.00
A1990	CONTINGENCY	54,288.00	(15,000.00)	39,288.00
		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
		<u>59,288.00</u>	<u>0.00</u>	<u>59,288.00</u>

BOND RESOLUTION OF THE VILLAGE OF HEAD OF THE HARBOR, NEW YORK, ADOPTED MARCH 20, 2019, AUTHORIZING THE ACQUISITION OF A TRUCK FOR USE BY THE HIGHWAY DEPARTMENT, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$55,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, INCLUDING THE EXPENDITURE OF \$20,000 FROM OTHER AVAILABLE VILLAGE FUNDS TO PAY A PART OF SAID APPROPRIATION; AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF \$35,000 TO FINANCE THE BALANCE OF SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF HEAD OF THE HARBOR, IN THE COUNTY OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Head of the Harbor, in the County of Suffolk, New York (herein called the "Village"), is hereby authorized to acquire a truck for use by the Highway Department. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$55,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the expenditure of \$20,000 from other available Village funds to pay a part of said appropriation, the issuance of bonds of the Village in the principal amount of not to exceed \$35,000 to finance the balance of said appropriation, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Village in the principal amount of \$35,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance a part of said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said bonds are authorized to be issued is in excess of five years; however, the bonds authorized pursuant to this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five (5) years after the date of original issuance of said bonds or notes.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing credit enhancement agreements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, 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

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Village Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Smithtown News," a newspaper having a general circulation in the Village and hereby designated the official newspaper of said Village for such publication.

* * *

The adoption of the foregoing resolution was seconded by Mayor Dahlgard and duly put to a vote on roll call, which resulted as follows:

AYES: Trustee Van Vechten
Trustee Ogden
Deputy Mayor White
Mayor Dahlgard

NOES: - none -

The resolution was declared adopted. **RESOLUTION #171-18**

- It was, upon motion by Trustee Van Vechten, second by Trustee Ogden and unanimously adopted: **RESOLUTION #172-18 RESOLVED**, to authorize and direct the Village Treasurer to refund the taxes as per the successful grievances in the amount of \$4,506.86 as noted:

SECTION	BLOCK	LOT	HOMEOWNER	Address	ASSESSOR LETTER	ASSESSOR'S DATE	CURRENT ASSESSMENT	CORRECTED ASSESSMENT	DIFFERENCE	ISSUED ADJUSTMENT	
5	1	14	William & Mandy Newton	21 Hethersford Rd. SB	18-Jan-19	20-Feb-19	10412	9659	(753)	189.86	
7	4	4.9	Joseph & Jan Bartone	5 Deepwell Lane, SJ	18-Jan-19	20-Feb-19	9950	9594	(356)	79.25	
7	4	4.13	Edward & Doreen Metz	11 Deepwell Lane	18-Jan-19	20-Feb-19	10300	9594	(706)	162.84	
7	5	3	John & Debbie Baldi	6 Wicks Lane, SJ	18-Jan-19	20-Feb-19	14700	13699	(1001)	223.00	
1	1	13	William & Kathleen Mich	18 Emmet Drive, SB	10-Jan-19	20-Feb-19	32100	29300	(2,800)	726.20	
3	1	17.13	Beth Spertler	1 Piper Lane, SJ	10-Jan-19	20-Feb-19	9888	17220	(1,888)	581.21	
5	1	25.15	Carmela Leslie	8 Farmer's Lane, SJ	10-Jan-19	20-Feb-19	15620	14497	(1,123)	241.86	
5	2	10	Catherine Kenny	12 Three Sides Rd., S	10-Jan-19	20-Feb-19	14800	13200	(1,600)	303.88	
5	2	34.2	Raymond Bernard/MSK Tarrault	11 Three Sides Rd., SJ	10-Jan-19	20-Feb-19	10650	9422	(1,228)	292.16	
7	4	4.21	Dorena Tarrault	29 Deepwell Lane	10-Jan-19	20-Feb-19	11770	10150	(1,620)	419.58	
1	2	14	John Campbell	14 Saddle Road, SB	1-Feb-19	20-Feb-19	15700	14492	(1,208)	327.12	
5	2	12	Jonathan & Marie Cavalli	12 Sarnock Road, SJ	1-Feb-19	20-Feb-19	15400	11550	(3,850)	997.15	
									ASSESSMENT ADJUSTMENTS - MARCH 20, 2019	(17,401)	4,506.86
									TOTAL ASSESSMENT ADJUSTMENTS		4,506.86
									ASSESSMENT ADJUSTMENTS - MARCH 20, 2019		(4,506.86)
										0.00	0.00
									TOTAL 2018/2019 ASSESSMENT ADJUSTMENTS		\$0.00

3. Highway Department – Judith C. Ogden, Highway Commissioner:

- Drainage complete on Harbor Road.
 - Drainage to begin on Watercrest.
 - Paving projects being reviewed.
- It was, upon motion by Trustee Ogden, second by Trustee Van Vechten and unanimously adopted:

RESOLUTION #173-18

WHEREAS, the Village of Head of the Harbor encourages the preservation, expansion, protection, and proper maintenance of the community trees, and

WHEREAS, the Village of Head of the Harbor has heretofore adopted Village Code Chapter 149 "Trees", and

WHEREAS, in order to enhance the beauty of the Village, by stimulating the planting and growing of desirable trees, and educating the public about the community forest; and

BE IT RESOLVED, the Mayor and Board of Trustees of the Village hereby designates Friday, April 26, 2019 as the Village's Arbor Day, and

BE IT FURTHER RESOLVED, to authorize and direct Mayor Dahlgard to complete the renewal Tree City Application on behalf of the Inc. Village of Head of the Harbor.

- It was, upon motion by Trustee Ogden, second by Trustee Van Vechten and unanimously adopted:

RESOLUTION #174-18

RESOLVED, to authorize and direct the purchase of a 2-ton Falcon RME asphalt recycling hot patcher with trailer, strobe lights, electric hoist, heavy-duty roller and bucket from McGrath Municipal Equipment from NYS OFS contract #PC68466.

4. Building Department – Robert O’Shea, Building Inspector:

- Several applications for Zoning Board of Appeals and Planning Board.
- Demolition permit for fire damaged home.
- Program for simplified building application process.

5. Police Department – Charles M. Lohmann, Police Chief:

- Radar signs on order.
- Avalon/Tuffs assist to for deer program.

6. Public:

- Inquiries regarding Deer Program.
- Residents expressed thanks to Avalon Park & Preserve for the Immunocontraceptive Grant.

There being no other matters to be brought before the Board; it was, upon motion by Deputy Mayor White, second by Trustee Van Vechten and unanimously adopted, to adjourn the meeting at 8:40 PM.

Respectfully Submitted,

Margaret O’Keefe
Village Clerk