

**MINUTES OF THE MEETING OF
THE BOARD OF TRUSTEES
WEDNESDAY, MAY 18, 2022**

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, May 18, 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 and L. Gordon Van Vechten. Not in attendance this evening Trustee Jeffrey D. Fischer. Also in attendance Village Administrator/Clerk, Margaret O’Keefe; Building Inspector, Robert O’Shea; Village Treasurer, Patricia Mulderig and Co-Counsel, Philip Butler. Not in attendance Police Chief, Charles M. Lohmann and Village Attorney, Anthony S. Guardino.

Pledge of Allegiance

1. Mayor – Douglas A. Dahlgard

Mayor Dahlgard convened the public hearing on the cable franchise agreement with Cablevision Systems of Smithtown. Mr. Frank Allewa and Ms. Joan Gilroy of Suffolk Cable of Smithtown made a presentation to the Board. Discussion ensued. There being no further comments, the public hearing was closed.

- It was, upon motion by Mayor Dahlgard, second by Trustee Van Vechten, and unanimously adopted: **RESOLUTION #032-22** (deemed read into the record in its entirety)

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

**RESOLUTION RENEWING CABLE FRANCHISE AGREEMENT WITH
CABLEVISION SYSTEMS HUNTINGTON CORPORATION TO OPERATE A CABLE
SYSTEM IN THE VILLAGE OF HEAD OF THE HARBOR**

WHEREAS, the Village of Head of the Harbor (the “Village”) is a “franchising authority” in as defined in Title VI of the Communications Act of 1934, (the “Communications Act”), and is authorized to grant one or more nonexclusive cable television franchises pursuant to Article 11 of the New York Public Service Law, as amended, and Title 16, Chapter VIII, Parts 890.60 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York, as amended (collectively the “Cable Laws”); and

WHEREAS, the Village executed a franchise agreement with Suffolk Cable of Smithtown (the “Franchisee”) on August 17 2011, which was thereafter confirmed and made effective by the New York State Public Service Commission on January 25, 2012 for a term of ten (10) years (Case No. 11-V-0609), and

WHEREAS, said franchise agreement expired on January 25, 2022; and

WHEREAS, Franchisee has submitted a proposed franchise renewal agreement (the “Franchise Renewal Agreement”) to continue operating its system within the Village; and

WHEREAS, The Village and Franchisee have mutually agreed to the terms of said Franchise Renewal Agreement; and

WHEREAS, the Village has determined that the Franchisee is and has been in substantial compliance with all terms/provisions of its existing franchises and applicable law; and

WHEREAS, the Village has determined that Franchisee has the requisite legal, technical and financial capabilities to operate a Cable Systems within the Village and that Franchisee’s proposals for renewal of the franchises meet the cable related needs of the Community; and

WHEREAS, a duly noticed public hearing, affording an opportunity for all those interested parties within the Village to be heard on the proposed Franchise Renewal Agreement was held before the Village on May 18, 2022; and

WHEREAS, the proposed Franchise Renewal Agreement is a Type II Action for purposes of the State Environmental Quality Review Act and its implementing regulations (SEQRA), and therefore, no further environmental review is required and no environmental impact study shall be prepared.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees determines that it is in the best interest of the Village and the public to award the Franchise Renewal Agreement to the Franchisee; and be it

FURTHER RESOLVED, that the Board hereby authorizes and directs the Mayor to execute and enter into the Franchise Renewal Agreement with Franchisee on the Village’s behalf, and to execute any other documents necessary to effectuate the granting of the franchise renewal on behalf of the Village.

The Board of Trustees adopted the foregoing resolution at a duly noticed public meeting held on May 18, 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	ABSENT

Filed in the Office of the Village Clerk on the 18th day of May, 2022.


Margaret O’Keefe, Village Clerk

- It was, upon motion by Trustee Ogden, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #033-22
RESOLVED, to authorize and direct Mayor Dahlgard, in his official capacity, to execute the agreement dated May 16, 2022, with J. O’Connell & Associates for the purpose of grant administration for the NYS DEC Urban and Community Forestry Grant. Fees are in the sum of Seventy-Five Dollars (\$75) per hour, with a cost not to exceed \$15,000 per contract year 200 hours per contract year.
 - Update on Urban Forestry Grant inventory work. No action taken.

- It was, upon motion by Trustee Ogden, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #034-22
WHEREAS, on Thursday, September 23rd, 2021 the village participated in a MS4 Desktop Inspection performed by the US Environmental Protection Agency, and
WHEREAS, via Administrative Compliance Order dated November 8, 2021, the village’s Stormwater Management Program Plan was noted as an area of concern, and
WHEREAS, the Board of Trustees have received a copy of the Administrative Compliance Order and has reviewed the updated Stormwater Management Program Plan as submitted by Village Engineer, Daniel Falasco,
NOW THEREFORE, BE IT RESOLVED, to adopt 2022 Stormwater Management Program Plan effective immediately.
 - Easement with Avalon – Tabled.

- Minutes of April 20, 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, and unanimously adopted:
RESOLUTION #035-22
RESOLVED, to adopt the minutes of the above meeting as presented.

- Minutes of April 25, 2022 at 7:00 PM meeting of the Board of Trustees were presented. It was, upon motion by Trustee Ogden, second by Trustee Van Vechten and abstention by Deputy Mayor White and adopted (3-1-1):
RESOLUTION #036-22
RESOLVED, to adopt the minutes of the above meeting as presented.

- Minutes of May 4, 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, and abstention by Trustee Van Vechten and adopted (3-1-1):
RESOLUTION #037-22
RESOLVED, to adopt the minutes of the above meeting as presented.

2. Financials – Patricia Mulderig, Treasurer:

- It was, upon motion by Trustee Van Vechten, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #038-22
RESOLVED, to adopt Abstracts #127639 through and including #127648 in the total amount of \$44,106.37 paid from the General Fund.

- It was, upon motion by Trustee Van Vechten, second by Deputy Mayor White, and unanimously adopted:
RESOLUTION #039-22
RESOLVED, to adopt Abstract TA #200 in the total amount of \$4,852.50 to be paid from the Trust & Agency Fund.

3. Building Inspector – Bob O’Shea:

- Several permit applications being reviewed.
- Architectural Review Board approved two permits and two additional approvals are pending.
- Planning Board approved a subdivision and several site plans are pending.

- It was, upon motion by Deputy Mayor White, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #040-22
WHEREAS, the Board of Trustees wishes to acknowledge and thank Philip Palmedo for his years of dedicated service to the residents of Head of the Harbor, and
WHEREAS, Philip Palmedo has submitted his resignation from the Planning Board,
BE IT RESOLVED, to accept the resignation of Philip Palmedo effective immediately.

It was, upon motion by Deputy Mayor White, second by Trustee Ogden and unanimously adopted, to enter into Executive Session at 8:37 PM to discuss personnel.

- It was, upon motion by Mayor Dahlgard, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #041-22
RESOLVED, BE IT RESOLVED, that Village Employees devoting their professional efforts to the management of the Village have been unable to use their allotted vacation time accrued which was previously extended to the end of the month, in light of the circumstances and their professional services and dedication the Board is resolved to extend their ability to use accrued vacation time last year to June 3rd of this year.
 - Chief Lohmann is to submit monthly mobile phone invoices to receive reimbursement for the expenditure as per approved 2022/2023 budget.

The next Board of Trustees meeting will be held on May 25th at 7:30PM.

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

There being no other matters to be brought before the Board; it was, upon motion by Deputy Mayor White, second by Trustee Ogden and unanimously adopted, to adjourn the meeting at 9:10 PM.

Respectfully Submitted,

Margaret O’Keefe
Village Administrator/Clerk