

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
Wednesday, May 20, 2020

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, May 20, 2020 at 7 PM via Zoom Video Conferencing. Those present were the following members Mayor Douglas A Dahlgard, Deputy Mayor Daniel W. White, Trustees L. Gordon Van Vechten, Judith C. Ogden and Trustee Jeffrey D. Fischer. Also in attendance Village Administrator/Clerk, Margaret O’Keefe; Village Treasurer, Patricia Mulderig; Village Attorney, Anthony S. Guardino; Co-Counsel, Philip Butler and Building Inspector, Robert O’Shea. Not in attendance Police Chief, Charles M. Lohman. Also joining were village residents Leighton Coleman, Margaret Shutka, Michael Utevsky and Alexandra Leighton.

1. Mayor – Douglas A. Dahlgard

- Mayor Dahlgard convened the public hearing on Local Law (Intro.) #2 of 2020, “A Local Law Amending Chapter 88 of The Code of The Village Of Head of the Harbor With Respect To Fees And Deposits In Connection With The Review of Land Use Applications”. Discussion ensued. Resident Michael Utevsky expressed concerns. Further clarification of intent of the local law was provided.

The public hearing on Local Law (Intro.) #3 of 2020, “A Local Law Amending Chapter 59, 81, 143 and 165 of The Code of The Village Of Head of the Harbor With Respect To Fees And Deposits In Connection With The Review of Land Use Applications” was convened. Discussion ensued. Further discussion and opposition expressed by resident Michael Utevsky.

It was upon motion by Mayor Dahlgard, second by Trustee Fischer, unanimously to close the public hearings on Local Law (Intro.) #2 of 2020, “A Local Law Amending Chapter 88 of The Code of The Village Of Head of the Harbor With Respect To Fees And Deposits In Connection With The Review of Land Use Applications” and Local Law (Intro.) #3 of 2020, “A Local Law Amending Chapter 59, 81, 143 and 165 of The Code of The Village Of Head of the Harbor With Respect To Fees And Deposits In Connection With The Review of Land Use Applications”.

- On Wednesday, April 15, 2020 the Board of Trustees of the Incorporated Village of Head-of-the-Harbor adopted RESOLUTION # 007-20 scheduling a public hearing pursuant to Chapter 66 of the Village Code to be held tonight May 20, 2020. The purpose of tonight’s public hearing is to determine whether the building or structures located at the 3 Pin Oak Lane Head-of-the-Harbor, Suffolk County, bearing Suffolk County Tax Map Number 801-4-2-23, are unsafe or dangerous to the public or unsanitary pursuant to the provisions of Chapter 66 and must be removed, and further assess whether the condition of the structures on the premises pose a risk or threat to the health and safety of the general public and must be removed.

The scheduling of the public hearing was as result of the building inspectors report dated October 21, 2019. That report was accepted by the Village Board of Trustees. It is my understanding, as well as the members of this Board, that the conditions that were the subject of the April 15, 2020 resolution, requiring tonight’s public hearing, still remain. As such, we are obligated to proceed with tonight’s public hearing to determine whether the building at 3 Pin Oak Ln. is unsafe and/or dangerous to the public and must be removed.

Letters were sent via regular and Certified R/R/R to the property owner Scott Felicetti and the mortgagee Barbara Schumer. (Proof of mailings should be placed on the record and filed with the Village Clerk as part of the record.) The notice was also posted at the property. In speaking with our building inspector, Robert O’Shea, he has not received any response from the property owner or the mortgagee. The conditions remain unchanged.

As set forth in the report of Mr. O’Shea, the particulars why the building is unsafe are as follows:

1. Collapsed section of main house
2. Complete overgrowth of all buildings and structures
3. Broken and missing windows
4. Rotted window frames
5. Collapsed exterior stairs on accessory buildings
6. Birds and rodents entering and exiting buildings
7. Holes in roof and walls of all buildings
8. Rubbish strewn about the property
9. Collapsed swimming pool with ponding of stagnant water
10. Peeling, flaking and chipped paint on all buildings
11. Broken or missing handrails and guards
12. Overall and complete neglect of the property and all buildings and structures on it

Each of these items represents a violation of one or more sections of the 2015 International Property Maintenance Code as amended by the 2017 New York State Uniform Code Supplement. The structures have been damaged through deterioration, neglect and abandonment to such an extent that they are likely to completely or partially collapse. The buildings and structures are clearly unsafe for use and occupancy. The buildings are neglected, damaged, dilapidated, unsecured and abandoned so as to become an attractive nuisance to children who might play in them to their danger, and become a harbor for vagrants, criminals, immoral persons, or enable persons to resort to them for committing a nuisance or an unlawful act.

The purpose of tonight's hearing is to consider whether to order the removal of said structures and to assess costs against the premises. Discussion ensued. Neither Mr. Scott Felicetti nor the mortgagee Ms. Barbara Schumer attended. Mr. O'Shea stated that the condition of the property has not improved since his earlier report, and has in fact deteriorated further. Further discussion on the condition of the property ensued. It was upon motion by Mayor Dahlgard, second by Deputy Mayor White, and unanimously adopted to close the hearing.

2. Mayor – Douglas A. Dahlgard

- It was upon motion by Deputy Mayor White, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #018-20
RESOLVED, Local Law (Intro.) #2 of 2020, "A Local Law Amending Chapter 88 of the Code of Village of Head of the Harbor with respect to fees and deposits in connection with review of Land Use Applications" is found to be a Negative Declaration under SEQRA."
- It was upon motion by Deputy Mayor White, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #019-20
RESOLVED, to adopt Local Law (Intro.) #2 of 2020, "A Local Law Amending Chapter 88 of The Code of The Village Of Head of the Harbor With Respect To Fees And Deposits In Connection With The Review of Land Use Applications".
- It was upon motion by Trustee Fischer, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #020-20
RESOLVED, with regard to Local Law (Intro.) #3 of 2020, "A Local Law Amending Chapter 59, 81, 143 and 165 of the Code the Village of Head of the Harbor With Respect To Fees and Deposits In Connection With The Review of Land Use Applications,"
BE IT RESOLVED, that the Board of Trustees finds this amendment to be a Negative Declaration under SEQRA."
- It was upon motion by Trustee Van Vechten, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #021-20
RESOLVED, to adopt Local Law (Intro.) #3 of 2020, "A Local Law Amending Chapter 59, 81, 143 and 165 of The Code of The Village Of Head of the Harbor With Respect To Fees And Deposits In Connection With The Review of Land Use Applications".

- It was upon motion by Trustee Fischer, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #022-20
RESOLVED, that pursuant to the public hearing vote on May 20, 2020 premises known as 3 Pin Oak Lane, SCTM # 4.-2.-23. The Building Inspector is authorized to prepare and to mail a second notice to the last known owner of the property and the Mortgagee asking for a receipt of their reasonable time of 10 days for a receipt and also that the will Village Clerk schedule a public hearing with regard to action on 3 Pin Oak Lane for the July 15, 2020 Board of Trustees meeting at 7 PM if allowed by the Executive Orders it will take place at 500 North Country Road, St. James New York 11780 if not the Zoom platform will be utilized.
- It was upon motion by Trustee Ogden, second by Deputy Mayor White, and unanimously adopted:
RESOLUTION #023-20
WHEREAS, as authorized by Executive Order No. 202.1-202.15, signed by Governor Andrew M. Cuomo, the Board of Trustees of the Incorporated Village of Head of the Harbor wishes to protect the public health while continuing to perform necessary government functions,
RESOLVED, the Board of Trustees of the Village of Head of the Harbor will be conducting a work session via video conferencing on the 3rd of June, 2020 at 7 PM,
<https://us02web.zoom.us/j/83742513899?pwd=dXo2UDRXb2RTSDN6THI1RDFFYzZmZQT09>, Meeting ID 837 4251 3899, Password 716127, dial in +1 646 558 8656 US (New York), and
BE IT RESOLVED, the Board of Trustees will be conducting their regularly monthly meeting, and any other issues that may come before the Board, via video conferencing on the 17th of June, 2020 at 7 PM, <https://us02web.zoom.us/j/82449787414?pwd=S09CcXR3NDc1YTRKQUc3VkN3Yk5kUT09>, Meeting ID 824 4978 7414, Password 063321, dial in +1 646 558 8656 US (New York), and
BE IT FURTHER RESOLVED, that the Village Clerk is hereby authorized and directed to post said notices as required.
- It was upon motion by Trustee Ogden, second by Trustee Fischer, and unanimously adopted:
RESOLUTION #024-20
Minutes of April 15, 2020 7 PM meeting of the Board of Trustees to be amended to reflect the meeting was held via Zoom conferencing, not at Village Hall due to COVID-19.
RESOLVED, to adopt the minutes of the above meeting as amended.
- It was upon motion by Trustee Van Vechten, second by Deputy Mayor White, and unanimously adopted:
RESOLUTION #025-20
Minutes of May 6, 2020 7 PM meeting of the Board of Trustees were presented.
RESOLVED, to adopt the minutes of the above meeting as presented.
- St. James Fire District. No action taken.
- Gate Road pillar repair work. No action taken.
- It was upon motion by Trustee Fischer, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #026-20
WHEREAS, Head of the Harbor wishes to remain a participating agency in the Suffolk County Hazard Mitigation Plan,
BE IT RESOLVED, the Board of Trustees authorizes the following individuals be listed as the HMP Points of Contact; primary point of contact Mayor Douglas A. Dahlgard, alternate point of contact Deputy Mayor White and Mr. O'Shea as Flood Plan Administrator.

3. BUILDING DEPARTMENT- Robert O’Shea, Building Inspector:

- It was upon motion by Trustee Ogden, second by Trustee Fischer, and unanimously adopted:
RESOLUTION #027-20
RESOLVED, to authorize and direct the building inspector to extend the time of any open building permit, any valid issued building permit, in effect during the period of NY PAUSE. The duration is changed from 1 year from the date it was issued to 18 months from the date it was issued.

4. FINANCIAL – Patricia Mulderig, Village Treasurer:

- It was upon motion by Trustee Van Vechten, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #028-20
RESOLVED, to adopt Abstracts #127368 through and including #127381 in the total amount of \$56,536.91 to be paid from the General Fund.
- It was upon motion by Trustee Fischer, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #029-20
RESOLVED, to adopt Abstract TA #165 in the total amount of \$412.50 to be paid from the Trust & Agency Fund.
- It was upon motion by Trustee Fischer, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #030-20
RESOLVED, the Village Treasurer is authorized and directed to make budget modifications to the 2020/2021 village budget totaling \$56,074.65 for a net change of zero, as noted:

		BUDGET F/Y/E	BUDGET ADJUSTMENT	MODIFIED BUDGET
		2/29/2020		2/29/2020
A1090.0	INT & PENALTIES ON TAXES	(4,000.00)	(1,650.00)	(5,650.00)
A1410.221	CLERK -COVID 19	0.00	50.00	50.00
A1450.41	ELECTION - COVID 19	0.00	350.00	350.00
A1989.4	OTHER GENERAL GOV'T SUPPORT	5,300.00	1,195.00	6,495.00
A5110.227	STREET MAINT - TREE OUTSIDE CONT	0.00	1,800.00	1,800.00
A1990	CONTINGENCY	54,774.65	(1,745.00)	53,029.65
		0.00	0.00	0.00
		<u>56,074.65</u>	<u>0.00</u>	<u>56,074.65</u>

5. HIGHWAY DEPARTMENT – Judith C. Ogden, Highway Commissioner:

- Village Engineer submitting letter to Town of Smithtown regarding paving project of 2019. No action taken.
- 2020 paving projects to be planned when NYS funding is confirmed. No action taken.
- Sweeper auction to conclude June 14th. No action taken.

6. PUBLIC COMMENT:

- Discussion regarding unsafe structures. No action taken.
- Deer population. No action taken.
- Draft driveway and tree codes. No action taken.

There being no other matters to be brought before the Board; it was, upon motion by Trustee Ogden, second by Trustee Fischer and unanimously adopted, to adjourn the meeting at 9:01 PM.

Respectfully Submitted,

Margaret O’Keefe
Village Administrator/Clerk
Page 4 of 4