

**MINUTES OF THE MEETING OF  
THE BOARD OF TRUSTEES  
WEDNESDAY, SEPTEMBER 18, 2019**

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, September 18, 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, Trustees L. Gordon Van Vechten and Judith C. Ogden. Not in attendance this evening Deputy Mayor Daniel W. White and Trustee Jeffrey D. Fischer. Also in attendance Village Attorney, Anthony B. Tohill; Village Administrator/Clerk, Margaret O’Keefe; Police Chief, Charles M. Lohmann; Village Treasurer, Patricia Mulderig (late arrival 7:48pm) and Building Inspector, Robert O’Shea.

Pledge of Allegiance.

**1. Mayor – Douglas A. Dahlgard**

- Mayor Dahlgard convened the public hearing on Local Law (Intro) #3 OF 2019, “A LOCAL LAW REQUIRING ABATEMENT OF UNSAFE BUILDINGS”. Discussion ensued. It was, upon motion by Trustee Ogden, second by Trustee Van Vechten and unanimously adopted:

**RESOLUTION #079-19**

**RESOLVED**, the public hearing on Local Law (Intro) #3 OF 2019, “A LOCAL LAW REQUIRING ABATEMENT OF UNSAFE BUILDINGS” was closed.

- Mayor convened the regularly scheduled meeting of the Board of Trustees.
- A public hearing was concluded on the 18<sup>th</sup> day of September 2019, at 7:00 PM at the Village Hall, 500 North Country Road, Head-of-the-Harbor, New York, to consider the adoption of a local law as Local Law (Intro) #3 OF 2019, “A LOCAL LAW REQUIRING ABATEMENT OF UNSAFE BUILDINGS”. It was, upon motion by Trustee Ogden, second by Trustee Van Vechten, and unanimously adopted:  
**RESOLUTION #080-19** as follows:

TRUSTEE FISCHER	-----
TRUSTEE VAN VECHTEN	AYE
TRUSTEE OGDEN	AYE
DEPUTY MAYOR WHITE	-----
MAYOR DAHLGARD	AYE

LOCAL LAW (INTRO) NO. 3 OF 2019  
A LOCAL LAW  
REQUIRING ABATEMENT OF UNSAFE BUILDINGS

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 provide a procedure for abatement of unsafe buildings.

SECTION 2. ENACTMENT OF CHAPTER 66, BUILDINGS, UNSAFE.

§ 1. Applicability.

This chapter shall apply to the territory of the Village of Head-of-the-Harbor.

§ 2. Abatement of hazards required.

A building or structure or equipment therein shall be deemed to be unsafe or unsanitary if found to be dangerous to life, health, property or safety of the public or occupants. Such condition may be as a result of a lack of provision of minimum safeguards to protect or warn occupants in the event of fire, or because such structure is unsanitary or vermin or rat infested, contains filth and contamination or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this chapter, or contains unsafe equipment or nonfunctioning equipment that is so damaged, decayed, dilapidated, structurally unsafe or unsound that partial collapse is possible. For purposes of this chapter, "structure" is anything constructed or erected on or under the ground or upon another structure or building, excluding walkways and driveways. "Structure" includes the word "building." All such buildings and structures are hereby declared to be illegal and

are prohibited and shall be abated by repair and rehabilitation or by demolition and removal in accordance with the procedures of this chapter.

### § 3. Inspection and report.

The Building Inspector shall inspect any building or structure, either upon a complaint or upon his own knowledge, where a building or structure may be dangerous or unsafe pursuant to the provisions of this chapter. The Building Inspector shall file a report with the Board of Trustees with regard to the condition of any building or structure so inspected. The report shall include the date of the inspection, the condition of the building or structure, a determination as to whether the building or structure is dangerous or unsafe, and an opinion as to what caused the condition and recommendations for the correction of any dangerous or unsafe condition.

### § 4. Resolution to serve notice.

Where the Board of Trustees, pursuant to the Building Inspector's report, finds a building or structure to be dangerous or unsafe, the Board, by resolution, shall direct the Building Inspector to give notice to be served on the owner or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in the same.

### § 5. Notice requirements.

A. Notice shall be served either personally or by registered or certified mail, addressed to the last known address, if any, as shown by the records of the Village Clerk and/or in the office of the County Clerk. If service is made by registered or certified mail, a copy of such notice shall be posted on the premises.

B. Notice shall contain the following:

- (1) A description of the premises.
- (2) A statement of the particulars of why the building is unsafe or dangerous.
- (3) An order requiring buildings or structures to be repaired or removed.
- (4) A statement that the securing or removal of the building or structure shall commence within 10 days from the date of service of the notice and shall be completed within 30 days thereafter. The Building Inspector may extend the time of compliance specified in the notice where there is evidence of intent to comply within the time specified and conditions exist which prevent immediate compliance. In granting any such extension of time, the Building Inspector may impose such conditions as he may deem appropriate.
- (5) A statement that, in the event of the neglect or refusal of the person served with notice to comply with the same, a hearing will be held before the Board of Trustees, notice of which and the time and place thereof to be specified in the notice to the owner referred to in this section.
- (6) A statement that, in the event that the Board of Trustees, after hearing, shall determine that the building or structure is unsafe or dangerous to the public, the Board of Trustees may order the building or structure to be repaired and secured or taken down and removed.
- (7) A statement that in the event that the building or structure shall be determined by the Village to be unsafe or dangerous, and in the event of the neglect or refusal of the owner to repair or remove the same within the time provided, the Village may cause to be removed such building or structure by whatever means it deems appropriate and assess all costs and expenses incurred by the Village in connection with the proceedings to remove or secure, including the cost of actually removing said building or structure, against the land on which said buildings or structures are located.

### § 6. Filing of notice.

Notice served pursuant to this chapter shall also be filed in the office of the County Clerk. Such notice shall be filed by such Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules and shall have the same effect as a notice of pendency, except as otherwise provided. Notice so filed shall be effective for a period of one year from the date of filing, provided however, that it may be vacated upon the order of a judge or justice of a court of record or upon the consent of the Village Attorney. The Clerk of the county where such notice is filed shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.

### § 7. Public hearing.

Before a building or structure may be removed hereunder, a public hearing shall be held.

### § 8. Emergency measures to vacate premises.

If the Building Inspector so determines, in his/her inspection of any building or structure, that said building or structure or equipment is dangerous, unsafe or unsanitary pursuant to the provisions of this chapter, he/she shall promptly require the building or structure or portion thereof to be vacated forthwith and not be reoccupied until the specified repairs are completed, inspected and approved by the Building Inspector. For this purpose, he/she may enter such building or structure or land on which it stands or adjoining land or structures with such assistance and at such cost as may be necessary. He/she may also order adjacent structures to be vacated and protect the public by appropriate barricades or such other means as may be necessary, and for this purpose may close a private or public right-of-way. The Building Inspector shall cause to be posted at each entrance to such building or structure a notice stating: "This building is unsafe and its use or occupancy has been prohibited by the Building Inspector." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents or other persons to remove

such notice without written permission of the Building Inspector or for any person to enter the building except for the purpose of making the required repairs or the demolition thereof.

§ 9. Costs and expenses; liens.

All costs and expenses incurred by the Village in connection with any proceeding or any work done to remove the danger or in connection with the demolition and removal of any such building or structure shall be assessed against the land on which such building or structure is located, and a statement of such expenses shall be presented to the owner of the property, or if the owner cannot be ascertained or located, then such statement shall be posted in a conspicuous place on the premises. Such assessment shall be and constitute a lien upon such land. If the owner shall fail to pay such expenses within 10 days after the statement is presented or posted, a legal action may be brought to collect such assessment or to foreclose such lien. As an alternative to the maintenance of any such action, the Building Inspector may file a certificate of the actual expenses incurred as aforesaid, together with a statement identifying the property in connection with which the expenses were incurred and the owner thereof with the assessors, who shall, in the preparation of the next assessment roll, assess such amount upon such property. Such amount shall be included in the levy against such property, shall constitute a lien and shall be collected and enforced in the same manner by the same proceedings, at the same time and under the same penalties as is provided by law for the collection and enforcement of real property taxes in the Village of Head-of-the-Harbor.

§ 10. Penalties for offenses; other remedies.

A. Any person who neglects, refuses or fails to comply with any order or notice issued hereunder shall be guilty of an offense punishable by a fine not to exceed \$1,000 or by imprisonment for a term not to exceed 15 days.

B. Nothing in this chapter shall be construed as depriving the Village of any other available remedy relevant to a violation of this chapter.

### 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.

- It was, upon motion by Trustee Ogden, second by Trustee Van Vechten and unanimously adopted:  
**RESOLUTION #081-19**  
**BE IT RESOLVED**, that the Board of Trustees of the Village of Head of the Harbor does hereby accept donations in the amount of \$5,000.00 and \$300.00 from residents who wish to remain anonymous, and  
**BE IT FURTHER RESOLVED**, that the Board of Trustees of Head of the Harbor appreciates and wishes to thank both of these residents for the kind and generous donations to the village.
- It was, upon motion by Trustee Ogden, second by Trustee Van Vechten and unanimously adopted:  
**RESOLUTION #082-19**  
**WHEREAS**, subsequent to acceptance of a quote for Terrorism Insurance Coverage the rate increased from \$162.00 to \$163.00, and  
**WHEREAS**, the inclusion of the Falcon Hot Patcher was not noted by the underwriter in said quote coverage at an expense of \$635.00,  
**BE IT RESOLVED**, to authorize Mayor Dahlgard to execute agreement for said increase, and  
**BE IT FURTHER RESOLVED**, to authorize and direct the village treasurer to issue payment to Williams and Williams in the amount of \$636.00. This resolution is effective immediately.
- It was, upon motion by Trustee Ogden, second by Trustee Van Vechten and unanimously adopted:  
**RESOLUTION #083-19**  
Minutes of August 21, 2019 7 PM session of the Board of Trustees were presented.  
**RESOLVED**, to adopt the minutes of the above meeting as presented.
- Lacking a quorum, the adoption of the minutes of September 3, 2019 is hereby tabled.
- It was, upon motion by Trustee Van Vechten, second by Trustee Ogden and unanimously adopted:  
**RESOLUTION #084-19**  
Minutes of September 4, 2019 7PM work session of the Board of Trustees were presented.  
**RESOLVED**, to adopt the minutes of the above meeting as presented.

**2. Highway Department – Judith C. Ogden, Highway Commissioner:**

- It was, upon motion by Trustee Ogden, second by Trustee Van Vechten and unanimously adopted:  
**RESOLUTION #085-19**  
**WHEREAS**, the Board of Trustees finds that the highway department’s 2004 Freighliner, ID# 1FVDBXAKX4HM81942, comparable values between \$14,000.00 - \$20,000.00 to be a surplus vehicles and should be placed for sale, and  
**WHEREAS**, the Highway Commissioner has confirmed that said vehicle is surplus,  
**BE IT RESOLVED**, the Board of Trustees does hereby authorize Margaret O’Keefe, Village Administrator/Clerk to list said items for sale with Auctions International.
- It was, upon motion by Trustee Ogden, second by Trustee Van Vechten and unanimously adopted:  
**RESOLUTION #086-19**  
**WHEREAS**, the Planning Board by resolution of September 10, 2019 has recommended that the Board of Trustees release the Trust & Agency balance and interest due to applicant Dr. Scott Schwartz,  
**BE IT RESOLVED**, to authorize and direct the treasurer to release the balance of said Trust & Agency Account as provided to the Board to Trustees in the amount of \$4,736.57 plus an interest due.

**3. Financials – Patricia A. Mulderig, Village Treasurer:**

- Report submitted to the Board.
- Abstracts #127284 through and including #127290 were presented. Discussion ensued. Voucher #20190484 to ECO LED Inc. in the amount of \$6,173.70 was tabled for further review. It was, upon motion by Trustee Ogden, second by Trustee Van Vechten and unanimously adopted:  
**RESOLUTION #087-19**  
**RESOLVED**, Abstracts #127284 through and including #127290 in the total amount of \$149,521.38 to be paid from the General Fund.
- It was, upon motion by Trustee Ogden, second by Trustee Van Vechten and unanimously adopted:  
**RESOLUTION #088-19**  
**RESOLVED**, to adopt Abstract #TA157 in the total amount of \$1,887.50 to be paid from the Trust & Agency Fund.
- It was, upon motion by Trustee Van Vechten, second by Trustee Ogden and unanimously adopted:  
**RESOLUTION #089-19**  
**RESOLVED**, the Village Treasurer is authorized and directed to make budget modifications to the 2018/2019 budget totaling \$14,188.55, for a net change of zero, as noted:

VILLAGE OF HEAD OF THE HARBOR  
2019/2020 BUDGET MODIFICATIONS  
9/18/2019

	BUDGET F/Y/E	BUDGET ADJUSTMENT	MODIFIED BUDGET
	2/29/2020		2/29/2020
A2110 ZONING FEES	(2,200.00)	(1,000.00)	(3,200.00)
A2115 PLANNING BOARD FEES	(2,350.00)	(200.00)	(2,550.00)
A2705.0 GIFTS & DONATIONS	(92,516.55)	(5,000.00)	(97,516.55)
A5110.21 ST MAINT TRUCK REPAIRS	14,300.00	(2,400.00)	11,900.00
A5110.225 STREET - EQUIP PURCHASE<\$1,000.00	7,500.00	(1,000.00)	6,500.00
A5110.5 STREET - EQUIP PURCHASE>\$1,000.00	22,800.00	3,400.00	26,200.00
A1990 CONTINGENCY	38,278.00	6,200.00	44,478.00
	0.00	0.00	0.00
	(14,188.55)	0.00	(14,188.55)

**4. Police Department – Charles M. Lohmann, Police Chief:**

- Police Department and Avalon Park to work on improving communications.
- Public inquiry regarding Avalon Park status.

**5. Building Department – Robert O’Shea, Building Inspector:**

- Several applications being reviewed.
- Preliminary applications for two new buildings.

- It was, upon motion by Trustee Van Vechten, second by Trustee Ogden and unanimously adopted:  
**RESOLUTION #090-19**  
**WHEREAS**, the use and operation of premises at 32 Fifty Acre Road have come to the attention of the Building Inspector who has requested that the Board of Trustees consider commencement of a plenary code enforcement proceeding against North Country Tree and Landscaping and/or the owner and/or operator of the aforesaid premises, and  
**WHEREAS**, the Board desires to ascertain the facts sufficient to identify how next to proceed, including obtaining injunctive relief,  
**NOW THEREFORE**, the Mayor is authorized and directed to confer with John Zollo, Esq. and Kevin Foreman Esq. to establish an understanding for their engagement to supply professional services including the cost thereof, and it is further  
**RESOLVED**, the Village Clerk shall place this matter on the Board's agenda for its next meeting to enable adoption of an appropriate resolution of enforcement.

#### 6. Public Comment:

- Dr. Kaloyanides inquired about roadwork and public notification.
- Dr. Fishkin inquired about agricultural and private properties and various activities.
- It was, upon motion by Trustee Ogden, second by Trustee Van Vechten and unanimously adopted, to move to executive session to discuss potential litigation. No action taken. It was, upon motion by Trustee Ogden, 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 Trustee Ogden, second by Trustee Van Vechten and unanimously adopted, to adjourn the meeting at 8:40 PM.

Respectfully Submitted,

---

Margaret O'Keefe  
Village Administrator/Clerk