

**MINUTES OF THE MEETING OF  
THE BOARD OF TRUSTEES  
Wednesday, November 16, 2022**

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, November 16, 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; Police Chief, Charles M. Lohmann; Village Treasurer, Patricia Mulderig and Village Attorney, Anthony S. Guardino. Not in attendance Co-Counsel, Philip Butler and Building Inspector, Robert O'Shea.

Pledge of Allegiance.

**1. Mayor – Douglas A. Dahlgard:**

- It was, upon motion by Deputy Mayor White, second by Trustee Fischer and unanimously adopted:  
**RESOLUTION #131-22**

**RESOLUTION ACCEPTING PLANNING BOARD REPORT AND RECOMMENDATION AND  
DECLARING NOTICE OF INTENT TO SERVE AS LEAD AGENCY FOR PURPOSES OF  
SEQRA ENVIRONMENTAL REVIEW ON BIRDSFOOT FARM /k/a PERRY FARM  
17 & 21 SHEP JONES LANE, SAINT JAMES, NEW YORK 11780**

**WHEREAS**, Avalon Nature Preserve, Inc. ("Avalon"), owner of the premises located at 17 & 21 Shep Jones Lane (SCTM: 0801-003.000-03.00-004.000, 005.001, 005.002 & 05.000-01.00-025.000), has applied to the Village of Head of the Harbor Board of Trustees ("Board of Trustees"), pursuant to Section 165-23(B)(3) of the Village Code, seeking a special permit to operate an agricultural use (farm) known as "Birdsfoot Farm" on the former Perry Farm property (the "Project"); and

**WHEREAS**, Avalon's Project also requires site plan approval from the Village of Head of the Harbor Planning Board ("Planning Board") and Zoning Board of Appeals ("Zoning Board"), which applications have been filed or will be filed in the near future; and

**WHEREAS**, the application for special permit was referred to the Planning Board for a report and recommendation in accordance with Section 165-36 of the Village Code; and

**WHEREAS**, the Planning Board conducted a public meeting on the application on October 11, 2022, at which time Avalon and its representatives appeared and made presentations before the Board; and

**WHEREAS**, on November 8, 2022, the Planning Board adopted a report and recommendation to the Board of Trustees finding that the application for special permit should be granted and making certain other findings with respect to the project; and

**WHEREAS**, the Board of Trustees is the sole approval authority with respect to the special permit for the Project; and

**WHEREAS**, the State Environmental Quality Review Act and its implementing regulations (SEQRA) requires that the significant adverse environmental impacts associated with the Project be identified, studied, and mitigated to the extent practicable before any final action on the special permit is taken; and

**WHEREAS**, the Project constitutes a Type I Action pursuant to Section 81-24(C), (D), and (F) of the Head of the Harbor Village Code.

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Trustees hereby:

- 1) Accepts the Planning Board's Report and Recommendation, adopted November 8, 2022; and
- 2) Classifies the Project as a Type I Action pursuant to SEQRA; and
- 3) Declares its intent to serve as Lead Agency for purposes of a coordinated review of the Project pursuant to SEQRA; and
- 4) Directs the Village Clerk to send notice of the Board of Trustees' intent to serve as Lead Agency to all Involved Agencies and Interested Agencies.

**WHEREUPON**, on motion by Deputy Mayor White, seconded by Trustee Fischer, the foregoing resolution was adopted at a duly noticed meeting of the Board of Trustees held on Wednesday, November 16, 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 16th day of November 2022.

  
Margaret O'Keefe, Village Clerk

- It was, upon motion by Trustee Fischer, second by Trustee Van Vechten and unanimously adopted:  
**RESOLUTION #132-22**  
Minutes of October 19, 2022 7PM meeting of the Board of Trustees were presented.  
**RESOLVED**, to adopt the minutes of the above meeting as presented.
- It was, upon motion by Trustee Van Vechten, second by Trustee Fischer and unanimously adopted:  
**RESOLUTION #133-22**  
Minutes of November 2, 2022 7PM work session of the Board of Trustees were presented.  
**RESOLVED**, to adopt the minutes of the above meeting as presented.
- It was, upon motion by Trustee Ogden, second by Trustee Van Vechten and unanimously adopted:  
**RESOLUTION #134-22**  
**WHEREAS**, Pursuant to Election Law §15-104 the Village General Election is to be held on Tuesday, March 21, 2023, and  
**WHEREAS**, the offices that are vacant at the end of the current official year are (1) one village justice 4-year term and (2) two Trustees 2-year term,  
**BE IT RESOLVED**, said Election will be held on Tuesday, March 21, 2023, polls open 12 noon-9 PM; the polling is to take place at Head of the Harbor Village Hall, 500 North Country Rd., St. James, NY 11780, and  
**BE IT FURTHER RESOLVED**, to authorize and direct the village clerk to post and publish all notices in accordance with Election Law.

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

- It was, upon motion by Trustee Fischer, second by Trustee Van Vechten, and unanimously adopted:  
**RESOLUTION #135-22**  
**RESOLVED**, to adopt Abstracts #127704 through and including #127716 in the total amount of \$276,892.29 be paid from the General Fund.
- It was, upon motion by Trustee Van Vechten, second by Trustee Fischer, and unanimously adopted:  
**RESOLUTION #136-22**  
**RESOLVED**, to adopt Abstracts TA #204-205 in the amount of \$3,792.50 to be paid from the Trust & Agency Fund.
- It was, upon motion by Trustee Fischer, second by Trustee Van Vechten, and unanimously adopted:  
**RESOLUTION #137-22**  
**RESOLVED**, the village treasurer is authorized and directed to make modifications to the 2022/2023 budget in the amount totaling \$719,719.13 for a net change of zero, as noted:

VILLAGE OF HEAD OF THE HARBOR  
2022/2023 BUDGET MODIFICATIONS  
11/16/2022

		BUDGET F/Y/E	BUDGET ADJUSTMENT	MODIFIED BUDGET
		2/28/2023		2/28/2023
A1910.4	UNALLOCATED INSURANCE	78,500.00	10,000.00	88,500.00
A3120.1	POLICE - PERSONAL SVCS	492,289.92	(616.00)	491,673.92
A312012	POLICE PERSONAL SVCS COVID 19	0.00	616.00	616.00
A5112.2	PERMANENT ROAD IMPROVEMENT	90,000.00	11,000.00	101,000.00
A8510.41	COMM BEAUTIFICATION TREE PLANTING	500.00	1,600.00	2,100.00
A1990.0	CONTINGENT ACCOUNT	58,429.21	(22,600.00)	35,829.21
		0.00	0.00	0.00
		<u>719,719.13</u>	<u>0.00</u>	<u>719,719.13</u>

- It was, upon motion by Trustee Fischer, second by Trustee Van Vechten, and unanimously adopted:  
**RESOLUTION #138-22**  
**RESOLVED**, the village treasurer is authorized and directed to pay the Humane Society up to \$5,809.50 for the 2022 Deer Program Expenses.

- It was, upon motion by Trustee Van Vechten, second by Trustee Fischer, and unanimously adopted:  
**RESOLUTION #139-22**  
**RESOLVED**, to authorize payment to SCVOA in the amount of \$75.00 per person, for up to 10 village personnel, to attend the SCVOA Event on Wednesday, December 7<sup>th</sup> at Lombardi's on the Bay, 600 South Ocean Avenue, Patchogue, NY 11772.
  
- It was, upon motion by Deputy Mayor White, second by Trustee Fischer, and unanimously adopted:  
**RESOLUTION #140-22**  
**BE IT RESOLVED**, to accept the recommendation of the Joint Coastal Commission and appoint Michael Braaten as JCC Chairperson for the duration of this term. This resolution is effective retroactively to October 26, 2022.
  
- It was, upon motion by Trustee Van Vechten, second by Trustee Fischer, and unanimously adopted:  
**RESOLUTION #141-22**  
**RESOLVED**, that the village attorney is hereby authorized and directed to draft a "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c", and be it  
**FURTHER RESOLVED**, the village clerk is hereby authorized and directed to post and publish a public hearing for Local Law (Intro,) NO. 4 of 2022, "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c". Said hearing is to be held on Wednesday, December 21, 2022 at 7 PM, time then in effect, at Village Hall, 500 North Country Rd., St. James, New York 11780.
  - Please note the Trustees Work Session previously scheduled to be held on Wednesday, December 7, 2022 is hereby cancelled.
  
- It was, upon motion by Trustee Fischer, second by Trustee Ogden, and unanimously adopted:  
**RESOLUTION #142-22**  
**WHEREAS**, the Village maintains its Village Hall at 500 N. Country Road, St. James, New York 11780, which includes a large public meeting room ("Village Hall"); and  
**WHEREAS**, the ST. JAMES FIRE DISTRICT will hold its annual District election on Tuesday, December 13, 2022, from 3:00 pm to 9:00 pm; and  
**WHEREAS**, the Village is part of the District; and  
**WHEREAS**, the District has requested that the Village make Village Hall available as a polling place for the upcoming District election; and  
**WHEREAS**, the Village wishes to accommodate the District's request, but requires that the District agree to indemnify and hold harmless the Village, and its officials and employees, for damages and against claims for damages arising out of the District's use of Village Hall as a polling place for the District election; and  
**WHEREAS**, an indemnity agreement has been drafted by Head of the Harbor's Village Counsel,  
**BE IT RESOLVED**, to authorize and direct Mayor Dahlgard, in his official capacity, to execute said agreement.

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

- All is quiet.
- Discussion regarding building security.

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

- Drainage on Briarwood Court, complete.
- Judith C. Ogden to address the letter received by a resident on Valleywood Court West.
- Village Hall parking lot to be completed this week.
- Discussion regarding meeting for Tree Management and Inventory Grant.

**5. Mayor – Douglas A. Dahlgard:**

- Town of Brookhaven performed improvements on the culvert at Main Street and Rhododendron Road.
  - Village Clerk, Margaret O’Keefe to inform Singco Construction of the Board decision to have Ledges ceiling tiles item #1205 installed in all areas of restoration at Village Hall.
- There being no other matters to be brought before the Board; it was, upon motion by Mayor Dahlgard, second by Trustee Van Vechten and unanimously adopted, to adjourn the meeting at 8:13 PM.

Respectfully Submitted,

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Margaret O’Keefe  
Village Administrator/Clerk