

**MINUTES OF THE MEETING OF
THE BOARD OF TRUSTEES
Wednesday, November 17, 2021**

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, November 17, 2021 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; Village Attorney, Anthony S. Guardino and Village Treasurer, Patricia Mulderig. Not in attendance Co-Counsel, Philip Butler; Police Chief, Charles M. Lohmann and Building Inspector, Robert O’Shea. Members of the public were requested to sign-in.

Pledge of Allegiance

• **Mayor – Douglas A. Dahlgard:**

- Mayor Dahlgard convened the public hearing on this 17th day of November 2021, at 7:00 PM on Local Law (Intro) #3 OF 2021, “A LOCAL LAW AMENDING CHAPTERS 149 AND 165 OF THE CODE OF THE VILLAGE OF HEAD OF THE HARBOR REGARDING TREES AND DISTURBANCE OF NATURAL VEGETATION.” Discussion ensued. Correspondence dated November 17, 2021 from Mr. Joseph Bollhofer was noted. There being no further comments from the public or the Board, it was, upon motion by Mayor Dahlgard, second by Deputy Mayor White and unanimously adopted:
RESOLUTION #119-21
RESOLVED, to close the public hearing.
- Minutes of October 20, 2021 at 7 PM meeting of the Board of Trustees were presented, with a comment to amend page 3, item 2 to read “9 mm Glock”. It was, upon motion by Trustee Van Vechten, second by Deputy Mayor White, and unanimously adopted:
RESOLUTION #120-21
RESOLVED, to adopt the minutes of the above meeting as amended.
- Minutes of November 3, 2021 at 7 PM work session of the Board of Trustees were presented, with a comment to amend page 1 item 4 to read “multimodal”. It was, upon motion by Deputy Mayor White, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #121-21
RESOLVED, to adopt the minutes of the above meeting as amended.
- A public hearing was concluded on the 17th day of November 2021, at 7:00 PM, to consider the adoption of Local Law (Intro) #3 OF 2021, “A LOCAL LAW AMENDING CHAPTERS 149 AND 165 OF THE CODE OF THE VILLAGE OF HEAD OF THE HARBOR REGARDING TREES AND DISTURBANCE OF NATURAL VEGETATION”. It was, upon motion by Trustee Ogden, second by Trustee Van Vechten, and unanimously adopted to adopt the local law, deemed read into the record in its entirety, as follows:
RESOLUTION #122-21

Be it hereby enacted by the Board of Trustees of the Incorporated Village of Head of the Harbor as follows:

Section 1. Amendments.

A. Chapter 149 of the Village Code, entitled “Trees,” is hereby amended to read as follows:

* * *

§ 149-3. Prohibited acts; permit required; exceptions.

- A. Permit for substantial alteration or removal of mature trees. It shall be unlawful for any person to remove, destroy or substantially alter or to cause the removal, destruction or substantial alteration of any mature tree located on any real property within the Village of Head of the Harbor without a permit.
- B. Permit for substantial clearing. It shall be unlawful for any person to perform a substantial clearing of brush or woody vegetation on any real property located within the Village of Head of the Harbor without a permit.
- C. The foregoing provisions of this section shall not apply to:
 - (1) Horticultural pruning done pursuant to customarily accepted ornamental or therapeutic practice, which does not substantially alter the habitat of the tree.
 - (2) Any emergency situation in which the removal, destruction or substantial alteration of any tree is necessary to prevent imminent danger to human life or property.
 - (3) The removal of a dead tree.
 - (4) Approved removal of invasive species.
 - (5) The removal or substantial alteration of any tree or substantial clearing of brush or woody vegetation required for the maintenance of any road or utility right-of-way or easement.
 - (6) The removal or substantial alteration of any tree or substantial clearing of brush or woody vegetation approved by the Planning Board as part of site plan review.

§ 149-3a. Limitations on tree removal and substantial clearing.

Except for trees and vegetation that qualify for one or more of the exceptions set forth in Section 149-3(C), the Building Inspector shall not issue a permit for the removal of trees or substantial clearing within the following areas:

- (1) Within 25 feet of the border, lot line, or boundary of the property with an adjoining property.
- (2) Within 25 feet of any roadside frontage of the property, except for construction of a driveway.
- (3) Within 100 feet of mean high water of Long Island Sound or Stony Brook Harbor.
- (4) Within 100 feet of the landward edge of any barrier bluff.
- (5) Within 100 feet of the boundary of any freshwater or saltwater wetland, marshland, lake, seasonal drainage channel, stream, pond, or other water body, including but not limited to, any freshwater or tidal wetland, as identified on and shown on the Freshwater or Tidal Wetlands Maps, as such maps may be from time to time amended, prepared by or for the State of New York, and filed by the Department of Environmental Conservation pursuant to Article 24 and Article 25 of the Environmental Conservation Law of the State of New York.
- (6) On any slope exceeding 25% in grade, except as permitted on any steep slope as defined and as allowed in Chapter 85.

* * *

B. Chapter 165 of the Village Code, entitled "Zoning and Land Development," is hereby amended to read as follows:

* * *

§ 165-21. Limitations on disturbance of natural vegetation.

A. The amount of disturbance of natural vegetation shall not exceed the following percentages on all residential lots:

| Lot Size (square feet) | Percentage of Site |
|---------------------------|--------------------|
| 1 to 15,000 | 75% |
| 15,001 to 30,000 | 60% |
| 30,001 to 60,000 | 50% |
| 60,001 to 90,000 | 35% |
| 90,001 to 120,000 | 30% |
| 120,000 or greater | 20% |

B. On nonresidential lots, the amount of disturbance of natural vegetation shall be determined by the Planning Board as an element of site plan review, in no event to exceed 50% of the lot.

* * *

Section 2. Severability.

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which judgment should have been rendered.

Section 2. Effective date.

This local law shall take effect immediately upon filing with the New York Secretary of State.

- Monastery of the Glorious Ascension and Mr. Joseph F. Buzzell, Esq., made a presentation regarding an application for a Special Use Permit. The application, EAF and site plan (dated 11/17/2021) were amended from the original request to include tax lots and to illustrate a change the proposed parking. Discussion ensued.

VILLAGE OF HEAD OF THE HARBOR
BOARD OF TRUSTEES

RESOLUTION #123-21

RESOLUTION REGARDING SEQRA CLASSIFICATION, NOTICE OF INTENT, REFERRAL PURSUANT TO GML § 239-M, AND THE SCHEDULING OF A PUBLIC HEARING ON AN APPLICATION BY MONASTERY OF THE GLORIOUS ASCENSION, INC. FOR A SPECIAL PERMIT FOR 481 NORTH COUNTRY ROAD IN HEAD OF THE HARBOR

WHEREAS, the Monastery of the Glorious Ascension, Inc. ("Applicant"), as owner of the premises known as 481 North Country Road, Saint James, New York (SCTM: 0801-007.000-03.00-029.001, 037.000), has applied to the Village of Head of the Harbor Board of Trustees ("Board of Trustees"), pursuant to Section 165-23(B)(1) of the Village Code, seeking a special permit for the construction of a place of religious worship on said premises (the "Project"); and

WHEREAS the application was referred to the Village of Head of the Harbor Planning Board (“Planning Board”) for a report and recommendation in accordance with Section 165-36 of the Village Code; and

WHEREAS, the Board of Trustees is in receipt of the Planning Board’s final report and recommendation, adopted October 12, 2021; and

WHEREAS The Board of Trustees plans to serve as Lead Agency for purposes of a coordinated environmental review of the Project pursuant to the State Environmental Quality Review Act (SEQRA).

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby acknowledges and accepts the Planning Board’s report and recommendation of October 12, 2021; and be it

FURTHER RESOLVED, that in accordance with Section 81-24(D), (F), (H), and (I) of the Village Code, the Project is hereby reclassified as a Type I Action for purposes of SEQRA review. The Board’s prior classification of the Project as Unlisted was in error and is hereby expressly rescinded; and be it

FURTHER RESOLVED, that the Village Clerk is hereby authorized and directed to circulate a notice, on behalf of the Board of Trustees, notifying the following involved agencies of the Board’s intent to serve as Lead Agency for purposes of a coordinated SEQRA review:

1. Village of Head of the Harbor Planning Board
2. Village of Head of the Harbor Zoning Board of Appeals
3. Village of Head of the Harbor Board of Architectural Review
4. Joint Coastal Management Commission
5. Town of Smithtown
6. Suffolk County Department of Health Services
7. New York State Department of Transportation

and be it

FURTHER RESOLVED, that the Village Clerk is hereby authorized and directed to send a complete copy and full statement of the application to the Suffolk County Planning Commission for report and recommendation in accordance with GML § 239-m; and be it

FURTHER RESOLVED, that the Board of Trustees shall hold a public hearing on the application for special permit at its regularly scheduled meeting at 7:00 PM on March 16, 2022. The Village clerk is authorized and directed to publish the required notices.

WHERE UPON, the Board of Trustees adopted the foregoing resolution, upon motion by Deputy Mayor White, second by Trustee Ogden, and unanimously adopted. RESOLUTION #123-21

Filed in the Office of the Village Clerk on the 17 day of November 2021.

Margaret O’Keefe
Village Clerk

2. Financials – Patricia Mulderig, Treasurer:

- It was, upon motion by Trustee Van Vechten, second by Deputy Mayor White, and unanimously adopted:
RESOLUTION #124-21
RESOLVED, to adopt Abstracts #127568 through and including #127576 in the total amount of \$351,797.70 be paid from the General Fund.
- It was, upon motion by Trustee Van Vechten, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #125-21
RESOLVED, to adopt Abstracts TA #192 & TA #193 in the total amount of \$3,138.20 to be paid from the Trust & Agency Fund.
- It was, upon motion by Trustee Van Vechten, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #126-21
RESOLVED, the Village Treasurer is authorized and directed to make modifications to the 2021/2022 budget in the amount totaling \$26,339.88 for a net change of zero, as noted:

| VILLAGE OF HEAD OF THE HARBOR 2021/2022 BUDGET MODIFICATIONS 11/17/2021 | | | | BUDGET F/Y/E | BUDGET ADJUSTMENT | MODIFIED BUDGET |
|---|---------------------------------------|--|--|-----------------|----------------------|--------------------|
| | | | | 2/28/2022 | | 2/28/2022 |
| A2705 | GIFTS & DONATIONS | | | (112,201.65) | (2,419.25) | (114,620.90) |
| A1410.41 | ENGINEER GENERAL | | | 6,000.00 | 4,000.00 | 10,000.00 |
| A5110.33 | STREET MAINTENANCE - DOUBLE TIME | | | 2,500.00 | 1,000.00 | 3,500.00 |
| A5110.21 | STREET MAINTENANCE - TRUCK REPAIRS | | | 11,000.00 | 1,000.00 | 12,000.00 |
| A5110.221 | STREET MAINT NORM MAT & MAINT | | | 0.00 | 1,500.00 | 1,500.00 |
| A5110.225 | STREET MAINT - EQUIPMENT < \$1,000.00 | | | 7,500.00 | (3,500.00) | 4,000.00 |
| A9050.8 | UNEMPLOYMENT INSURANCE | | | 7,600.00 | 2,000.00 | 9,600.00 |
| A8989.4 | DEER PROGRAM | | | 8,201.65 | 2,419.25 | 10,620.90 |
| A1990.0 | CONTINGENT ACCOUNT | | | 43,060.12 | (6,000.00) | 37,060.12 |
| | | | | 0.00 | 0.00 | 0.00 |
| | | | | 0.00 | 0.00 | 0.00 |
| | | | | 0.00 | 0.00 | 0.00 |
| | | | | (26,339.88) | 0.00 | (26,339.88) |

- Adjustments to tax assessments received from the Town of Smithtown subsequent to the acceptance of the tax rolls.
It was, upon motion by Trustee Van Vechten, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #127-21
RESOLVED, to authorize and direct the village treasurer to refund the taxes as per the successful grievances in the amount of \$2,443.59 as noted:

| | | | | | | | | | | | | | |
|----|-------|---|---|------|-----------------------------|-------------------------|-----------|-----------|-------|-------|--|---------|----------|
| 34 | 21600 | 4 | 2 | 21.2 | Gary & Michelle Rocco | 17 Pinoak Lane, SJ | 16-Sep-21 | 8-Aug-21 | 9315 | 8625 | (690) | 195.86 | |
| 35 | 22900 | 4 | 2 | 34 | Jeffrey & Margaret Flecher | 24 Pinoak Lane, SJ | 16-Sep-21 | 8-Aug-21 | 9432 | 9200 | (232) | 65.19 | |
| 36 | 21500 | 4 | 2 | 21.1 | James & Stephanie Gallano | 19 Pinoak Lane, SJ | 16-Sep-21 | 8-Sep-21 | 15005 | 11788 | (3,217) | 917.81 | |
| 37 | 24202 | 5 | 1 | 15.2 | Frank & Barbara Catalanotto | 4 Muffin Meadows Rd, SJ | 16-Sep-21 | 8-Sep-21 | 18600 | 16100 | (2,500) | 713.25 | |
| 38 | 25900 | 5 | 1 | 23.1 | Mark & Janice Rathjen | 3 Farmers Lane, SJ | 16-Sep-21 | 8-Sep-21 | 14860 | 13513 | (1,347) | 384.30 | |
| 39 | 14500 | 3 | 2 | 12 | Jonathan & Maria Cavoto | 12 Sanak Road, SJ | 16-Sep-21 | 17-Sep-21 | 11550 | 10971 | (579) | 165.19 | |
| | | | | | | | | | | | ASSESSMENT ADJUSTMENTS - NOVEMBER 17, 2021 | (8,566) | 2,443.59 |

- It was, upon motion by Trustee Ogden, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #128-21
WHEREAS, pursuant to Village Law §4-408(e), the Inc. Village of Head of the Harbor’s annual financial audit was conducted by the independent certified accounting firm of Cullen & Danowski, LLP (the “Auditor”); and
WHEREAS, said Auditor has presented their Audit Report, and prepared the Inc. Village of Head of the Harbor’s Financial Statements for Fiscal Year 2020-2021; and
WHEREAS, these reports have been examined and reviewed by the Board of Trustees,
NOW THEREFORE BE IT RESOLVED, that the Board of Trustees does hereby accept the Cullen & Danowski, LLP Audit Report and Annual Financial Statements for Fiscal Year 2020-2021; and
BE IT FURTHER RESOLVED, that pursuant to GML §30 the Village Treasurer, Patricia Mulderig is hereby authorized and directed to file said report with the State Comptroller, and the Village Clerk, Margaret O’Keefe is hereby authorized and directed to provide notice to the media of the availability to view these documents during regular village office hours and release these reports to the public as requested.

- It was, upon motion by Deputy Mayor White, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #129-21
WHEREAS, pursuant to Section 2019-a of the Uniform Justice Court Act, the Board of Trustees of the Village is required to confirm that the records and dockets of the Village Justice Court be audited, and **WHEREAS**, the Village Board has caused the independent auditing firm of Cullen & Danowski, LLP (the “Auditor”), to audit and examine the records and dockets of the Village Justice Court for the Fiscal Year 2020-2021, and **WHEREAS**, the Auditor has submitted to the Village its audit report of the Village Justice Court, as required under Uniform Justice Court Act § 2019-a (the “Justice Court Audit Report”), and **WHEREAS**, the Village Board desires to comply with the Uniform Justice Court Act § 2019-a, and to reflect in the minutes of its proceedings that such audit has occurred, **NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the Board of Trustees of the Village of Head of the Harbor does hereby acknowledge that the audit of the records of the Village Justice Court required under Uniform Justice Court Act § 2019-a has been conducted, and that the Justice Court Audit Report has been received by the Board, and it is hereby further, **RESOLVED**, that the Village Clerk, Margaret O’Keefe forward to the New York State Office of Court Administration a copy of said Justice Court Audit Report and a copy of this Resolution.

- It was, upon motion by Trustee Van Vechten, second by Deputy Mayor White, and unanimously adopted:
RESOLUTION # 130-21
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 2021, “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 15, 2021, at 7 PM, time then in effect, at Village Hall, 500 North Country Rd., St. James, New York 11780.

- It was, upon motion by Deputy Mayor White, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #131-21
RESOLVED, in accordance with §5-508, the Board of Trustees hereby authorizes and directs the village clerk to post and publish notice of a public hearing on the village’s 2022/2023 tentative budget. Said public hearing is scheduled for Wednesday, December 15, 2021, at 7:00 PM to be held at Village Hall, 500 North Country Rd., St. James, New York 11780.

3. Mayor Dahlgard:

RESOLUTION #132-21

- The following resolution was offered by Deputy Mayor White, second by Trustee Ogden, and unanimously adopted:

WHEREAS, Avalon Nature Preserve, Inc., a Delaware nonprofit corporation, herein referred to as the “LESSEE” desires to enter into a lease for certain property as described herein; and

WHEREAS, LESSEE desires to lease the subterranean rights beneath a portion of Harbor Road that separates the parcel identified as SCTM 0801-003.00-03.00-001.001 from the parcel identified as SCTM 0801-001.00-01.00-003.002, both lots which are owned by LESSEE; and

WHEREAS, LESSEE intends to use the property for a public purpose, the creation and maintenance of a pedestrian underpass that will allow unfettered access of the public to the totality of the Avalon Nature Preserve, a free to enjoy park and nature preserve spanning over 216 vital acres of Long Island’s north shore (the “PARK”), including a yet to be developed overlook of the Stony Brook Harbor that would otherwise be rendered inaccessible to the public; and

WHEREAS, The Village seeks to determine the Fair Market Value of the proposed lease in order to properly evaluate the proposed lease terms; and

WHEREAS, this action for the retention of an appraiser does not require SEQRA review, and therefore no further review is required; and

NOW THEREFORE THE VILLAGE BOARD OF TRUSTEES HEREBY AUTHORIZES, the firm of Gathman & Bennett, 191 New York Avenue, Huntington, New York 11743 to retain the firm of Lynch Appraisal Associates, 15 Dewey Street, Huntington, New York 11743 to conduct the aforementioned appraisal to determine the Fair Market Value of the proposed leasehold.

THE RESOLUTION WAS THEREUPON DECLARED DULY ADOPTED.

Filed in the Office of the Village Clerk on the 17 day of November 2021.

Margaret O'Keefe
Village Clerk

- It was, upon motion by Deputy Mayor White, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #133-21
WHEREAS, Pursuant to Election Law §15-104 the Village General Election is to be held on Tuesday, March 15, 2022, and
WHEREAS, the offices that are vacant at the end of the current official year are (1) Mayor 2-year term and (2) two Trustees 2-year term, and (1) one Justice special 1-year term,
BE IT RESOLVED, said Election will be held on Tuesday, March 15, 2022, 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.
- At 8:30 PM, it was, upon motion by Mayor Dahlgard, second by Trustee Ogden and unanimously adopted, to move to executive session to discuss personnel. It was, upon motion by Mayor Dahlgard, second by Trustee Ogden and unanimously adopted:
RESOLUTION #134-21.
WHEREAS, due to ongoing pandemic conditions and responsibilities demand on the office of the village treasurer and the village clerk it is unlikely accrued vacation time will be utilized by December 21, 2021,
THEREFORE, BE IT RESOLVED, consistent with obligations and workflow demands, said employees may carry forward unused vacation time from 2021 to the last day of the 1st quarter of 2022.
- It was, upon motion by Deputy Mayor White, second by Trustee Ogden and unanimously adopted, to move back to public session at 8:55 PM. There being no other matters to be brought before the Board; it was, upon motion by Mayor Dahlgard, second by Deputy Mayor White and unanimously adopted, to adjourn the meeting at 8:56 PM.

Respectfully Submitted,

Margaret O'Keefe
Village Administrator/Clerk