

**MINUTES OF THE MEETING OF
THE BOARD OF TRUSTEES
Wednesday, November 18, 2015 at 7 PM**

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, November 18, 2015 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 Jeffrey D. Fischer. Not in attendance this evening Village Attorney Anthony B. Tohill. Also in attendance Village Clerk Margaret O'Keefe and Village Treasurer Patricia Mulderig.

Pledge of Allegiance.

1. Mayor – Douglas A. Dahlgard:

- Mayor Dahlgard reconvened the public hearing originally convened on the 17th day of June 2015, at 7:00 P.M., at Village Hall, 500 North Country Road, St. James, New York, to consider the adoption of Local Law (Intro.) #2 of 2015, “A LOCAL LAW ENACTING VILLAGE CODE CHAPTER 80, DRIVEWAYS”. It was , upon motion by Trustee Fischer , second by Trustee Van Vechten and unanimously adopted:

RESOLUTION #096-15

WHEREAS, the proposed local law amending Village Code Chapter 80 is hereby withdrawn from consideration,

RESOLVED, that the village attorney is hereby authorized and directed to redraft a “A LOCAL LAW ENACTING VILLAGE CODE CHAPTER 80, DRIVEWAYS” incorporating comments made, and be it

FURTHER RESOLVED the village clerk is hereby authorized and directed to post and publish a public hearing on the new draft entitled Local Law (Intro.) NO. 6 of 2015, “A LOCAL LAW ENACTING VILLAGE CODE CHAPTER 80, DRIVEWAYS”. Said hearing is to be held on Wednesday, December 16, 2015 at 7 PM, time then in effect, at Village Hall, 500 North Country Rd., St. James New York 11780.

- Mayor Dahlgard reconvened the public hearing originally convened on Wednesday, October 21, 2015 at 7 PM, , at Village Hall, 500 North Country Rd., St. James New York 11780 to consider the adoption of Local Law (Intro.) #4 of 2015, “REPEALING THE DEFINITION OF AREA, FLOOR AT VILLAGE CODE § 165-5”. There being no comment from the floor, nor the Board of Trustees, it was , upon motion by Trustee White , second by Trustee Van Vechten and unanimously adopted:

RESOLUTION #097-15

RESOLVED, to close the public hearing on Local Law (Intro.) #4 of 2015, “REPEALING THE DEFINITION OF AREA, FLOOR AT VILLAGE CODE § 165-5”.

- The public hearing on Local Law (Intro.) #5 of 2015, “A LOCAL LAW ENTITLED PROPERTY MAINTENANCE” will be noticed to be held on Wednesday, December 16, 2015 at 7 PM, time then in effect, at Village Hall, 500 North Country Rd., St. James New York 11780.

- **Minutes of October 21, 2015 at 7 PM**, Trustees meeting minutes were presented. One amended noted, resolution #092-15 the amount should read \$420.99. It was, upon motion by Trustee White, second by Trustee Fischer, and unanimously adopted:

RESOLUTION #098-15

RESOLVED, to adopt the minutes of the above referenced meeting as amended.

- **Minutes of November 10, 2015 at 7 PM** Trustee work session were presented. It was, upon motion by Trustee White, second by Trustee Ogden, and unanimously adopted:

RESOLUTION #099-15

RESOLVED, to adopt the minutes of the above referenced meeting as presented.

- A public hearing was concluded on the 18th day of November, 2015, at 7:00 P.M., at the Village Hall, 500 North Country Road, Head-of-the-Harbor, New York, to consider the adoption of Local Law (Intro.) #4 of 2015, “REPEALING THE DEFINITION OF AREA, FLOOR AT VILLAGE CODE § 165-5”. It was It was, upon motion by Trustee Fischer, second by Trustee White and unanimously adopted:

RESOLUTION #100-15

WHEREAS, the village Board hereby finds that adoption of the proposed Local Law (Intro) #4 is an Unlisted Action under the State Environmental Quality Review Act (SEQRA), and **WHEREAS**, the Board of Trustees authorizes Mayor Dahlgard to execute Part 1 of a SEQRA Short Environmental Assessment Form ("EAF"); determination: Project is an Unlisted Action and will not have a significant impact on the environment, and **WHEREAS**, The SEAF and a Negative Declaration will remain on file with the Village Clerk, **NOW THEREFORE BE IT RESOLVED**, to adopt Local Law (Intro.) #4 of 2015, “REPEALING THE DEFINITION OF AREA, FLOOR AT VILLAGE CODE § 165-5” as presented and direct the Village Clerk to file said local law with the Secretary of State as Local Law #2 of 2015 as follows:

A LOCAL LAW REPEALING THE DEFINITION OF AREA, FLOOR AT VILLAGE CODE § 165-5 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 clarify that the calculation of floor area shall be solely pursuant to the definition of “Floor Area” in Village Code § 165-5 as added by Local Law No. 1 of 2004 and Local Law No. 10 of 2005.

SECTION 2. REPEAL OF DEFINITION OF AREA, FLOOR AT VILLAGE CODE § 165-5.

The definition of Area, Floor at Village Code § 165-5 is repealed.

SECTION 3. SUPERSESSSION.

This Local Law shall supersede any inconsistent law, state, or local. This declaration of supersession is made by authority of the Village’s municipal home rule law powers, pursuant to §§10(1) (ii) (a) (14) and 10(1) (ii) (e) (3) of the Municipal Home Rule Law, §10(6) of the Statute of Local Governments, and Article 9, §2(b) (3) of the New York State Constitution.

SECTION 4. SEQRA.

This is a Type II action under 6 NYCRR § 617.5(c)(20).

SECTION 5. 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 6. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State as provided by law except this local law shall not apply for a period of one year after its enactment to any application filed prior to the date of enactment under the definition herein repealed.

- It was, upon motion by Trustee Van Vechten, second by Trustee Ogden and unanimously adopted:

RESOLUTION #101-15

RESOLVED, to appoint Stephanie Gress to the Planning Board filling the vacancy caused by Stephen Neidells’s resignation, term expires April 2019 this resolution is effective immediately.

- Election Day- the next General Elections for the Incorporated Village of Head-of-the-Harbor for officers will be held on March 15, 2016.

It was, upon motion by Trustee Fischer, second by Trustee White and unanimously adopted:

RESOLUTION #102-15

RESOLVED, to authorize the Mayor, Douglas A. Dahlgard, to accept in his official capacity the annual maintenance agreement for the Village Hall 25 KW Generac generator with Long Island Emergency Power for \$500.00.

- It was, upon motion by Trustee White, second by Trustee Ogden, and unanimously adopted:

RESOLUTION #103-15

RESOLVED, the village treasurer is hereby authorized and directed to issue payment to the Suffolk County Village Officials Association payment for \$470.00 for the attendance of officials at the December 2, 2015 meeting.

2. Financials – Patricia Mulderig, Treasurer:

- Report submitted to the Board.

- It was, upon motion by Trustee White, second by Trustee Van Vechten and unanimously adopted:

RESOLUTION #104-15

RESOLVED, to adopt Abstracts #126826 through and including #126834 in the total amount of \$237,043.15 to be paid from the General Fund.

- It was, upon motion by Trustee Fischer, second by Trustee Ogden and unanimously adopted:

RESOLUTION #105-15

RESOLVED, to adopt Abstracts #TA 133 & TA 134 in the total amount of \$833.75 be paid from the Trust & Agency Account.

- It was, upon motion by Trustee Van Vechten, second by Trustee Fischer and unanimously adopted:

RESOLUTION #106-15

RESOLVED, the village treasurer is authorized and directed to make the budget modifications as noted:

		BUDGET F/Y/E	BUDGET ADJUSTMENT	MODIFIED BUDGET
		2/28/2016		2/28/2016
A1090	INT & PENALTIES ON TAXES	(4,786.47)	(883.96)	(5,670.43)
A1255	CLERK FEES	(100.00)	(102.03)	(202.03)
A1256	MISCELLANEOUS INCOME	0.00	(100.00)	(100.00)
A1560	BUILDING PERMITS	(70,424.50)	(7,557.20)	(77,981.70)
A2110	ZONING FEES	0.00	(2,000.00)	(2,000.00)
A2709	EMPLOYEE HEALTH CARE CONTRIBUTIONS	(5,173.96)	(116.74)	(5,290.70)
A4089	FEDERAL AID - HOMELAND SECURITY	0.00	(20,420.13)	(20,420.13)
A1410.91	RETIREMENT - VILLAGE EMPLOYEES	80,000.00	3,167.00	83,167.00
A1440.41	ENGINEER-GENERAL	5,000.00	2,450.00	7,450.00
A1620.25	VILLAGE HALL - EQUIPMENT	0.00	500.00	500.00
A1620.8	VILLAGE HALL REPAIRS & MAINTENANCE	18,611.39	13,659.10	32,270.49
A1920.41	MUNI ASSOCIATION DUES	2,500.00	23.00	2,523.00
A5110.11	STREET MAINT - OVERTIME	6,172.79	180.00	6,352.79
A5110.5	STREET - EQUIP PURCHASE	1,941.28	2,317.44	4,258.72
A1990	CONTINGENCY	25,212.07	8,883.52	34,095.59
		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
		<u>58,952.60</u>	<u>0.00</u>	<u>58,952.60</u>

3. Highway Department –John Lendino, Deputy Hwy. Comm. and Judith C. Ogden Hwy. Comm.:

- Paving of Highland Avenue is complete.
- Readyng the equipment for snow.
- It was, upon motion by Trustee Ogden, second by Trustee Van Vechten and unanimously adopted:

RESOLUTION #107-15

WHEREAS, village engineer has reviewed and certified changes to the 2015 New York State Department of Transportation Annual Certification of Local Highway Inventory (LHI), and

WHEREAS, that the Board of Trustees accepts the responsibility for the operation and maintenance of the road mileage identified in said inventory,
RESOLVED, the village authorizes the following amendments to the Annual Certification of Local Highway Mileage:

- Remove DOT #254266 Friends Way from the inventory
- Remove DOT #254279 North Country Rd. from the inventory
- Remove DOT # 2854279 North Country Rd. from the inventory

BE IT FURTHER RESOLVED to:

- Amend DOT #254258 Edgewood Avenue to reflect End of Section being Fifty Acre Road. (0.16 miles).
- Add new DOT #, Edgewood Avenue to include a third lane from Fifty Acre Road to State Route 25A. (0.06 miles),
- Amend DOT # 25425 Meadow Gate West to reflect a length of 0.25 miles
- Amend DOT #254268 Harbor Rd. limits to be from Cordwood Path to the Village Line.
- Amend DOT #254270 Highland Avenue to reflect End of Section being Village Line.
- Amend DOT#254280 Oak Ridge end to reflect End of Section being end of road.
- Amend DOT #254283 Rhododendron Rd. to reflect End of Section being Village Line.

NOW THEREFORE BE IT RESOLVED, the village engineer is hereby authorized and directed to file the amendments with the NYS DOT, and further a copy of said report is to be filed with the official minutes.

4. Police Department – Chief Martin J. Thompson:

- Two new officers to begin shortly.

5. Public Comment:

- Discussion regarding trespass. No action taken.
- Two incidents' of deer trapped in fence pickets. No action taken.
- Signage. No action taken.

It was, upon motion by Trustee White, second by Mayor Dahlgard and unanimously adopted, to move to executive session to discuss personnel. No action taken. It was, upon motion by Trustee White, second by Trustee Ogden and unanimously adopted, to move to public session.

- It was, upon motion by Trustee Van Vechten, second by Trustee Fischer and unanimously adopted:

RESOLUTION #108-15

RESOLVED, to authorize and direct the village clerk to post and publish a public hearing on the tentative 2016/2017 budget to be held on Wednesday, December 16, 2015 at 7 PM, Village Hall, 500 North Country Rd., St. James, NY 11780.

There being no other matters to be brought before the Board; it was, upon motion by Trustee White, second by Mayor Dahlgard and unanimously adopted to adjourn the meeting at 9:11 PM.

Respectfully Submitted,

Margaret O'Keefe
Village Clerk