

**MINUTES OF THE MEETING OF
THE BOARD OF TRUSTEES
Wednesday, February 15, 2023**

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, February 15, 2023 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 and Trustee L. Gordon Van Vechten. Not in attendance this evening Trustee Judith C. Ogden and Trustee Jeffrey D. Fischer. Also in attendance Village Administrator/Clerk, Margaret O’Keefe; Co-Counsel, Philip Butler; Building Inspector, Robert O’Shea; Village Treasurer, Patricia Mulderig; Daniel Falasco, Village Engineer and Frank Prinzevalli, Director of Highway Operations. Not in attendance Police Chief, Charles M. Lohmann and Village Attorney, Anthony S. Guardino. Members of the public were requested to sign-in.

Pledge of Allegiance

• **Mayor – Douglas A. Dahlgard:**

- Mayor Dahlgard convened the public hearing on Special Use Permit for Birdsfoot Farm. Discussion ensued. Exchange between Ms. Katherine Griffiths, Avalon Park & Preserve and the Trustees and public. There being no further discussion, Mayor closed the public hearing.
- Due to prior commitment, Daniel Falasco was excused.

Mayor Regular Meeting

- It was, upon motion by Deputy Mayor White, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #174-22

**RESOLUTION ADOPTING A NEGATIVE DECLARATION OF ENVIRONMENTAL
SIGNIFICANCE FOR PURPOSES OF SEQRA ENVIRONMENTAL REVIEW ON
BIRDSFOOT FARM f/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 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, on November 16, 2022, the Board of Trustees classified the Project as a Type I Action pursuant to SEQRA and declared its intent to serve as Lead Agency for purposes of a coordinated environmental review; and

WHEREAS, on November 21, 2022, the Board of Trustees circulated its Notice of Intent to all involved agencies; and

WHEREAS, on January 20, 2023, following the expiration of the 30-day objection period, the Board of Trustees adopted a resolution declaring itself Lead Agency; and

WHEREAS, the Board of Trustees has reviewed the application, including the Village of Head of the Harbor Full Environmental Assessment Form, Part 1, dated May 4, 2022, and the Planning Board Report and Recommendation, adopted November 8, 2022; and

WHEREAS, the Board of Trustees has prepared the attached Full Environmental Assessment Form, Parts 2 and 3, and has consulted with the Village Planner, Village Engineer, and Village Attorney to their satisfaction;

NOW THEREFORE, BE IT RESOLVED, that upon the attached FEAF, Parts 2 and 3, and the Reasoned Elaboration in support, the Board of Trustees hereby:

- 1) adopts a **Negative Declaration of Environmental Significance** with respect to the Project; and
- 2) directs the Village Clerk to publish this determination of significance immediately on the Village’s website and in the Environmental Notice Bulletin (ENB) in a manner prescribed by the Department of Environmental Conservation, and to mail copies hereof to the Applicant and all Involved Agencies.

WHEREUPON, on motion by Trustee White, seconded by Trustee Van Vechten, the foregoing resolution was adopted at a duly noticed meeting of the Board of Trustees held on Wednesday, February 15, 2023, with the members of the Board voting as follows:

Douglas A. Dahlgard, Mayor	Aye
Daniel W. White, Deputy Mayor	Aye
Judith C. Ogden, Trustee	Absent
L. Gordon Van Vechten, Trustee	Aye
Jeffrey D. Fischer, Trustee	Absent

- It was, upon motion by Trustee Van Vechten, second by Deputy Mayor White, and unanimously adopted:
RESOLUTION #175-22

**RESOLUTION GRANTING A SPECIAL PERMIT FOR
BIRDSFOOT FARM f/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 Board of Trustees is Lead Agency for purposes of a coordinated environmental review of the Project pursuant to the State Environmental Quality Review Act and its implementing regulations (SEQRA); and

WHEREAS, the Board of Trustees previously classified the Project as a Type I Action in accordance with Section 81-24(F) of the Village Code; and

WHEREAS, on February 15, 2023, the Board of Trustees adopted a Negative Declaration of Environmental Significance for the Project, and the SEQRA process is now completed, and no environmental impact statement shall be prepared; and

WHEREAS, on February 15, 2023, the Board of Trustees opened a duly noticed public hearing on the Applicant's request for a special permit for the Project, at which hearing all persons in attendance were given an opportunity to be heard; and

WHEREAS, the Board of Trustees closed the public hearing on the evening of February 15, 2023, and the record is now closed;

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

- 3) Finds that the Project is satisfies the general special permit criteria set forth in Section 165-36 of the Village Code, and the specific criteria set forth in Section 165-23(B)(3) of the Village Code concerning special permits for "agricultural pursuits";
- 4) Finds that any outstanding comments from the Village Planner or Village Engineer shall be addressed as part of the Applicant's site plan approval before the Planning Board; and
- 5) Grants the Applicant's request for a special permit for Birdsfoot Farm.

WHEREUPON, on motion by Trustee Van Vechten, seconded by Trustee White, the foregoing resolution was adopted at a duly noticed meeting of the Board of Trustees held on Wednesday, February 15, 2023, with the members of the Board voting as follows:

Douglas A. Dahlgard, Mayor	Aye
Daniel W. White, Deputy Mayor	Aye
Judith C. Ogden, Trustee	Absent
L. Gordon Van Vechten, Trustee	Aye
Jeffrey D. Fischer, Trustee	Absent

- Minutes of January 18, 2023 7PM meeting of the Board of Trustees were presented. Lacking a quorum, adoption of the minutes was tabled.
- It was, upon motion by Trustee Van Vechten, second by Deputy Mayor White, and unanimously adopted: **RESOLUTION #176-22**
Minutes of February 1, 2023 7 PM work session of the Board of Trustees were presented. **RESOLVED**, to adopt the minutes of the above meeting as presented.
- A Special Use Request presentation was made by the Monastery of the Glorious Ascension. The Board of Trustees hereby authorizes and directs the village clerk to post and publish notice of a public hearing for the Special Use Permit for the Monastery of the Glorious Ascension. Said public hearing is scheduled for Wednesday, March 15, 2023 at 7 PM to be held at Village Hall, 500 North Country Rd., St. James, NY 11780.

2. Highway Department – Frank Prinzevalli, Director of Highway Operations:

- It was, upon motion by Trustee Van Vechten, second by Deputy Mayor White, and unanimously adopted: **RESOLUTION #177-22**
RESOLVED, to authorize Frank Prinzevalli to enter into a lease agreement for a period of one month for a Badger street cleaner machine with the entity that he has been negotiating with this price is to be found on the County list.

- Cunningham Air Duct & Chimney Services proposal tabled until March 1, 2023.
- It was, upon motion by Deputy Mayor White, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #178-22
WHEREAS, the Board of Trustees acknowledges the need for a Managed Services Agreement, and
WHEREAS, the Board of Trustees has reviewed Digital Network Technology’s proposal for professional services dated January 31, 2023,
BE IT RESOLVED, that the Board of Trustees authorize Mayor Dahlgard to execute the proposal with an effective date of March 1, 2023.
- It was, upon motion by Trustee Van Vechten, second by Deputy Mayor White, and unanimously adopted:
RESOLUTION #179-22
BE IT RESOLVED, to authorize and direct Mayor Dahlgard, in his official capacity, to execute the Cyber Security insurance policy with Cowbell Insurance as quoted by Salerno Brokerage Corp.,
BE IT FURTHER RESOLVED, to authorize and direct the village treasurer to release payment in the amount of \$1,765.00 upon receipt of invoice for the same.
- It was, upon motion by Trustee Van Vechten, second by Deputy Mayor White, and unanimously adopted:
RESOLUTION #180-22
RESOLVED, to authorize Mayor Douglas A. Dahlgard to sign, in his official capacity, the annual maintenance agreement for the removal of solid waste with Winter Brothers Waste Systems in the amount of \$75.00 monthly.
- It was, upon motion by Trustee Van Vechten, second by Deputy Mayor White, and unanimously adopted:
RESOLUTION #181-22
RESOLVED, in his official capacity Mayor Dahlgard, is hereby authorized to execute the engagement letter with Cullen & Danowski, LLP to audit the financial statements for year-end February 2023; in the contracted amount of \$14,500.00.
- Village Election March 21, 2023 – sample ballot. Several nominating petitions have been filed, therefore the Village Clerk will be holding a drawing on Thursday, February 16, 2023 at 9:30 AM to determine ballot placement. All public is welcome. The sample ballot will be produced shortly thereafter.

3. Financials – Patricia Mulderig, Treasurer:

- It was, upon motion by Trustee Van Vechten, second by Deputy Mayor White, and unanimously adopted:
RESOLUTION #182-22
Adjustments to tax assessments received from the Town of Smithtown subsequent to the acceptance of the tax rolls.
RESOLVED, to authorize and direct the village treasurer to refund the taxes as per the successful grievances in the amount of \$1,860.70 as noted:

13	2100	1	1	22	George Phillips	4 Emmet Drive SB	23-Jan-23	27-Oct-22	12445	11648	(797)	163.31	
14	12900	3	1	16	Stephen & Tatiana Casella	10 Valleywood Ct w SJ	23-Jan-23	27-Oct-22	12540	11200	(1,340)	274.57	
15	23900	5	1	7	Brian Seitz & Olga Navia	30 Hitherbrook Rd SJ	23-Jan-23	27-Oct-22	9512	9184	(328)	67.21	
16	24201	5	1	15.1	Kenneth Bove	2 Muffins Meadow Rd SJ	23-Jan-23	27-Oct-22	17497	16240	(1,257)	257.58	
17	32500	8	1	13.1	Richard & Sharon Kern	22 Carman Lane SJ	23-Jan-23	28-Nov-22	15100	12680	(2,220)	454.88	
18	19100	4	1	17	Joseph & Emily Rennert	5 Hilltop Court SJ	23-Jan-23	12-Jan-23	9570	8960	(610)	124.99	
19	21200	4	2	17	Oleg Petrovsky	26 Pin oak Lane, SJ	23-Jan-23	12-Jan-23	11070	10080	(990)	202.85	
20	31100	8	1	4	Donald & Celina Murphy	7 Carman Lane SJ	23-Jan-23	12-Jan-23	11753	10976	(777)	159.21	
21	47100	7	4	4.8	Seth & Lisa Klein	3 Deepwells Lane SJ	23-Jan-23	12-Jan-23	11850	11089	(762)	156.13	
											ASSESSMENT ADJUSTMENTS - FEBRUARY 15, 2023	(9,081)	1,860.70

- It was, upon motion by Trustee Van Vechten, second by Deputy Mayor White, and unanimously adopted:
RESOLUTION #183-22

RESOLVED, the Village Treasurer is authorized and directed to make modifications to the 2022/2023 budget in the amount totaling \$215,454.88 for a net change of zero, as noted:

VILLAGE OF HEAD OF THE HARBOR
2022/2023 BUDGET MODIFICATIONS
2/15/2023

		BUDGET	BUDGET	MODIFIED
		F/Y/E	ADJUSTMENT	BUDGET
		<u>2/28/2023</u>		<u>2/28/2023</u>
A1090	INTEREST & PENALTIES ON TAXES	(4,000.00)	(4,036.17)	(8,036.17)
A2401	INTEREST & EARNINGS	(1,500.00)	(1,200.00)	(2,700.00)
A1010.46	BOARD OF TRUSTEES	1,300.00	200.00	1,500.00
A1620.24	VILLAGE Hall- JANITORIAL SUPPLIES	0.00	350.00	350.00
A1620.26	VILLAGE HALL FLOOD DAMAGE REPAIR	156,563.05	628.00	157,191.05
A5110.211	STREET MAINTENANCE GAS & OIL	12,000.00	1,200.00	13,200.00
A5110.221	STREET MAINT - NORMAL MATERIALS & Maint	3,800.00	1,000.00	4,800.00
A5110.223	STREET MAINTENANCE - OPERATIONS	8,700.00	(3,200.00)	5,500.00
A5110.25	DRAINAGE TRUCKING & DISPOSAL	12,000.00	1,000.00	13,000.00
A8010.2	ZONING OFFICE SUPPLIES	800.00	100.00	900.00
A8510.46	COMM BEAUTIFICATION-TREE INVENTORY	16,250.00	4,000.00	20,250.00
A9050.8	UNEMPLOMENT INSURANCE	8,000.00	1,500.00	9,500.00
A1990.0	CONTINGENT ACCOUNT	1,541.83	(1,541.83)	0.00
		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
		<u>215,454.88</u>	<u>0.00</u>	<u>215,454.88</u>

- It was, upon motion by Trustee Van Vechten, second by Deputy Mayor White, and unanimously adopted:
RESOLUTION #184-22
RESOLVED, the Village Treasurer is authorized and directed to pay Deanna Varricchio, Receiver of Taxes \$321.69 for the first half of the taxes due for Section 2 Block 1 Lot 23 for the Hansen property transferred to the Village on March 31, 2022.
- It was, upon motion by Trustee Van Vechten, second by Deputy Mayor White, and unanimously adopted:
RESOLUTION #185-22
RESOLVED, the Village Treasurer is authorized and directed to reimburse the St. James Fire District for the SCWA Hydrant Bill for July – December 2021 in the amount of \$4,005.00.
- It was, upon motion by Deputy Mayor White, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #186-22
RESOLVED, the village treasurer is authorized and directed to transfer \$65,750.00 from the ARPA Funds for the A1 Roofing Expenditure.
- It was, upon motion by Deputy Mayor White, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #187-22
RESOLVED, the village treasurer is authorized and directed to transfer \$21,535.00 from the ARPA Funds for the Williamson Law Book Building Department Software.
- It was, upon motion by Deputy Mayor White, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #188-22
RESOLVED, the village treasurer is authorized and directed to release payment to Selex ES Inc. a Leonardo Company for the LPRs in an amount not to exceed \$18,927.00 once the invoice is reviewed by Chuck Lohmann.
- It was, upon motion by Trustee Van Vechten, second by Deputy Mayor White, and unanimously adopted:
RESOLUTION #189-22
RESOLVED, to adopt Abstracts #127741 through and including #127753 in the total amount of \$34,564.18 be paid from the General Fund.
- It was, upon motion by Deputy Mayor White, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #190-22
RESOLVED, to adopt Abstract TA #208 in the total amount of \$860.00 to be paid from the Trust & Agency Fund.
- Discussion regarding ARPA funds balance.

4. Building Inspector – Bob O’Shea

- Several applications before the Architectural Review Board.
- Two hearings scheduled for Planning Board.
- Zoning Board of Appeals hearing was held.
- Several violations to appear in Village Court.

Public Comment

- Inquiries and comments regarding the Monastery application.
- Discussion regarding potential grant funds for a culvert.
- Joint Coastal Commission – Lisa Davidson, 1 Deepwells was found consistent with LWRP.
- Discussion ensued regarding Village Code.

It was, upon motion by Deputy Mayor White, second by Mayor Dahlgard and unanimously adopted, to move to executive session to discuss litigation. It was, upon motion by Mayor Dahlgard, second by Deputy Mayor White and unanimously adopted to move back to public session.

- It was, upon motion by Deputy Mayor White, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #190-22
RESOLVED, the village clerk is authorized and directed to post and publish a public hearing on Local Law (Intro.)# 1 of 2023, “A LOCAL LAW AMENDING CHAPTER 81 OF THE VILLAGE CODE CONCERNING ENVIRONMENTAL QUALITY REVIEW”. Said hearing is to be held on March 15, 2023, Village Hall, 500 North Country Rd., St. James, NY 11780 at 7 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 8:36 PM.

Respectfully Submitted,

Margaret O’Keefe
Village Administrator/Clerk