

**MINUTES OF THE MEETING OF
THE BOARD OF TRUSTEES
Wednesday, August 2, 2023**

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, August 2, 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 (arrival 7:11 PM), Trustees Judith C. Ogden, L. Gordon Van Vechten and Trustee Jeffrey D. Fischer. Also, in attendance Village Administrator/Clerk, Margaret O’Keefe; Village Attorney, Anthony S. Guardino (arrival 7:08 PM); Co-Counsel, Philip Butler; Building Inspector, Robert O’Shea; Village Treasurer, Patricia Mulderig and Director of Highway Operations, Frank Prinzevalli. Not in attendance Police Chief, Charles M. Lohmann. Members of the public were requested to sign-in.

Pledge of Allegiance.

• **Mayor – Douglas A. Dahlgard:**

- Mayor Dahlgard convened the public hearing on LOCAL LAW (Intro.) NO. 2 OF 2023, A LOCAL LAW AMENDING CHAPTER 88 OF THE CODE OF THE VILLAGE OF HEAD OF THE HARBOR WITH RESPECT TO FEES AND DEPOSITS IN CONNECTION WITH THE REVIEW OF LAND USE APPLICATIONS. Discussion ensued. There being no further comments from the public or the Board, the public hearing was closed. It was, upon motion by Trustee Fischer, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #064-23
RESOLVED, to close the public hearing.

- It was, upon motion by Trustee Fischer, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #065-23
A public hearing was concluded on the 2nd day of August 2023, 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.) #2 of 2023, A LOCAL LAW AMENDING CHAPTER 88 OF THE CODE OF THE VILLAGE OF HEAD OF THE HARBOR WITH RESPECT TO FEES AND DEPOSITS IN CONNECTION WITH THE REVIEW OF LAND USE APPLICATIONS
BE IT RESOLVED, the village Board hereby finds that adoption of the proposed Local Law (Intro.) #2 of 2023, to be a Type II Action under the State Environmental Quality Review Act (SEQRA), thereby concluding the SEQRA process.

- It was, upon motion by Trustee Fischer, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #066-23
RESOLVED, to adopt the above local law, which is to be filed as LOCAL LAW NO. 1 OF 2023, A LOCAL LAW AMENDING CHAPTER 88 OF THE CODE OF THE VILLAGE OF HEAD OF THE HARBOR WITH RESPECT TO FEES AND DEPOSITS IN CONNECTION WITH THE REVIEW OF LAND USE APPLICATIONS.

BE IT ENACTED, by the Board of Trustees of the Incorporated Village of Head of the Harbor, as follows:

Section 1. Enactment

Chapter 88 of the Village Code, entitled “Fees and Deposits”, is hereby amended as follows:

§ 88-1 Findings; intent and purpose.

The Board of Trustees of the Village of Head of the Harbor finds that the Village incurs costs and expenses as part of the consideration of certain land developments and construction projects submitted to the various boards of the Village. These costs and expenses include routine administrative costs, such as for mailing and publication of legal notices and decisions, ~~taking of stenographic minutes and public hearing transcripts.~~ The Village also incurs costs and expenses for the services of an attorney to provide legal advice with respect to issues raised by a particular

application and, when necessary, to negotiate and draft agreements with applicants, to obtain, review and approve necessary securities, insurance and other legal documents, to review and record deeds, easements and covenants required as a condition to the approval of an application. The Village may also incur costs and expenses for the other services, including stenographic services, or the services of an engineer, planner or other professional consultant for purposes of engineering, scientific, land use planning, environmental, or similar professional reviews of the adequacy or substantive aspects of applications, or of issues raised during the course of review of applications for special permit approvals, site plan approvals, subdivision approvals, use or area variances, appeals to and requests for interpretation by the Zoning Board of Appeals, applications for the rezoning of parcels to accommodate site-specific land development proposals, or for any other or ancillary land use or development permits or approvals required under the Village Code. The Board of Trustees further finds that the costs and expenses associated with the processing of these applications should ultimately be paid by those who seek to benefit from such developments and construction projects, rather than by general Village funds which are raised by assessments and/or general taxes paid by taxpayers of the Village.

§ 88-2 Filing fees.

All applications seeking a discretionary land use approval from the Board of Trustees, Zoning Board of Appeals, Planning Board, Architectural Review Board or Joint Village Coastal Management Commission shall be accompanied by a nonrefundable filing fee in an amount established by resolution of the Board of Trustees and amended from time to time. Said filing fee shall cover the Village's routine administrative costs, ~~such as for including mailing and publication of legal notices and decisions, taking of stenographic minutes and public hearing transcripts,~~ which are necessary to fulfill the reviewing board's statutory charge, and shall bear a reasonable relationship to the customary fee charged by villages in the New York metropolitan region in connection with comparable applications for land use or development.

Section 2. Severability

If a court of competent jurisdiction declares any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 3. Effective Date

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

- A presentation was made by the St. James Fire District EMS Services - Kit Gabrielson, Fire Commissioner, Mr. Harrington, EMS Coordinator and Mr. Campanon, Paramedic.

- Arrival of Anthony Guardino, Esq. at 7:08 AM
- Arrival of Deputy Mayor White at 7:11 AM

- Discussion regarding potential draft legislation in regard to trees. No action taken.
- Frank Prinzevalli, Director of Highway Operations was excused at 8:00 PM.
- Discussion regarding the potential functions of a Tree Board/Tree Committee. No action taken.
- Mr. Anthony Guardino, Village Counsel was excused at 8:37 PM.
- Discussion regarding Small Claims Assessment Review. No action taken.

There being no other matters to be brought before the Board; it was, upon motion by Deputy Mayor White, second by Trustee Fischer and unanimously adopted, to adjourn the meeting at 8:44 PM.

Respectfully Submitted,

Margaret O'Keefe
Village Administrator/Clerk