

**MINUTES OF THE MEETING OF  
THE BOARD OF TRUSTEES  
Wednesday, July 17, 2024**

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, July 17, 2024 at 7 PM at the Village Hall located at 500 North Country Rd., St. James, NY 11780. Those present were the following members Mayor Michael D. Utevsky, Deputy Mayor Lisa Davidson, Trustees Daniel W. White (late arrival 7:08 PM), Judith C. Ogden and Trustee Jeffrey D. Fischer. Also, in attendance Village Administrator/Clerk, Margaret O’Keefe; Police Chief, Charles M. Lohmann; Village Treasurer, Patricia Mulderig; Village Attorney, Lisa Perillo and Building Inspector, Robert O’Shea. Not in attendance Dir. of Highway Operations, Frank Prinzevalli.

Pledge of Allegiance

Mayor Michael D. Utevsky convened the public hearing on this 17<sup>th</sup> day of July 2024, at 7:00 PM for the purpose of considering a Special Use Permit application by Harbor Country Day School for the construction of construction of a Building addition (9,544 Sq Ft.), entrance driveway addition (6,055 Sq Ft.) and bus loop addition (32,878 Sq. Ft.). Representative for the application, Robert Retnauer, RDA Landscape Architecture made a presentation to the Board and submitted the following:

Exhibit A – site plan, existing and proposed site condition photo depicting Three Sisters Rd. entrance, and existing and proposed site condition photo depicting Thompson Hill Rd. entrance.

Exhibit B- Statement by Robert Retnauer, RDA Landscape Architecture.

Subsequent to the presentation, inquiry was made by both the public and the Board of Trustees. Official transcript attached hereto. No action was taken by the Trustees.

The public was given the opportunity to speak and submit documents. Although requested to sign up to speak, the public did not utilize the sign in sheet. Official transcript attached hereto. No documents were submitted to the Board, but public comment was made by, but not limited to, (see official transcript):

- Tetrault, Robert
- Sperling, Andy
- Bradshaw, Dana
- Fischer, Jeff- Trustee
- Shea, Timothy
- Bergen, Garrette
- Davidson, Lisa- Trustee
- Utevsky, Michael - Mayor
- Leighton, Alexandra
- Tetrault, Robert
- Tetrault, Karen
- White, Daniel - Trustee
- Bradshaw, Dana
- Ogden, Judith - Trustee
- Komich, Jonathan

**RESOLUTION #054-24**

It was, upon motion by Trustee Fischer, second by Deputy Mayor Davidson, and unanimously adopted to close the public hearing, vote as follows:

Michael D. Utevsky, Mayor	AYE
Lisa Davidson, Deputy Mayor	AYE
Judith C. Ogden, Trustee	AYE
Daniel W. White, Trustee	AYE
Jeffrey D. Fischer, Trustee	AYE

- It was, upon motion by Trustee White, second by Trustee Fischer and unanimously adopted:  
**RESOLUTION #055-24**  
**RESOLVED**, the village clerk is hereby directed to post and publish a special meeting by and before the Board of Trustees on Wednesday, July 31, 2024 at 7:00 PM to consider the Special Use Application submitted by Harbor Country Day School and any other matters that may come before the Board. Said meeting will be held at the Incorporated Village of Head of the Harbor Village Hall, located at 500 North Country Road, St. James, NY 11780.  
**BE IT FURTHER RESOLVED**, that the previously scheduled work session of the Board of Trustees set to be held on Wednesday, August 7, 2024 at 7 PM is hereby cancelled.

**Mayor**

- It was, upon motion by Deputy Mayor Davidson, second by Trustee Fischer and unanimously adopted:  
**RESOLUTION #056-24**  
Minutes of June 26, 2024, 7 PM meeting of the Board of Trustees were presented.  
**RESOLVED**, to adopt the minutes of the above meeting as presented.
  - Fifteen acres on Harbor Road were acquired by the County of Suffolk.
- It was, upon motion by Deputy Mayor Davidson, second by Trustee Ogden and unanimously adopted:  
**RESOLUTION #057-24**  
**RESOLVED**, to appoint Branda Luckow, to fulfill the vacancy on the Joint Coastal Commission for term to expire April 2025, and  
**BE IT FURTHER RESOLVED**, to appoint John Honkanen, Planning Board member liaison to JCMC.

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

- It was, upon motion by Trustee Fischer, second by Trustee White and unanimously adopted:  
**RESOLUTION #058-24**  
**RESOLVED**, to adopt Batch Abstracts #7, 8, 9, 11, 14, 15, 16, 17, 18, 20 and 22 in the total amount of \$52,099.70 be paid from the General Fund.
- It was, upon motion by Trustee White, second by Trustee Fischer and unanimously adopted:  
**RESOLUTION #059-24**  
**RESOLVED**, to adopt Abstract Batch 24 in the total amount of \$352.50 be paid from the Trust & Agency Fund.
- It was, upon motion by Trustee Fischer, second by Trustee White and unanimously adopted:  
**RESOLUTION #060-24**  
**RESOLVED**, the village treasurer is authorized and directed to make budget modifications to the 2023/2024 budget totaling \$29,300.00 for a net change of zero, as noted:

VILLAGE OF HEAD OF THE HARBOR  
2023/2024 BUDGET MODIFICATIONS  
07/17/2024

		BUDGET F/Y/E	BUDGET ADJUSTMENT	MODIFIED BUDGET
		02/29/2024		02/29/2024
A1110.2	JUSTICE COURT- SUPPLIES & EQUIPMENT	3,000.00	300.00	3,300.00
A1110.4	JUSTICE COURT--CONTRACTUAL	3,500.00	(300.00)	3,200.00
A1320.4	AUDITOR	14,500.00	1,000.00	15,500.00
A3620.2	BLDG INSPECTOR SUPPLIES & EQUIPMENT	2,000.00	100.00	2,100.00
A3620.4	BLDG INSPECTOR - TOS CODE ENFORCEMENT	1,000.00	(100.00)	900.00
A1989.4	OTHER GENERAL GOV'T SUPPORT	5,300.00	(1,000.00)	4,300.00
		0.00	0.00	0.00
		<u>29,300.00</u>	<u>0.00</u>	<u>29,300.00</u>

- It was, upon motion by Trustee Fischer, second by Trustee White and unanimously adopted:  
**RESOLUTION #061-24**

**RESOLVED**, the village treasurer is authorized and directed to make budget modifications to the 2024/2025 budget totaling \$58,663.57 for a net change of zero, as noted:

VILLAGE OF HEAD OF THE HARBOR  
2024/2025 BUDGET MODIFICATIONS  
07/17/2024

		BUDGET F/Y/E	BUDGET ADJUSTMENT	MODIFIED BUDGET
		02/28/2025		02/28/2025
AA1450.400	ELECTIONS	1,600.00	25.00	1,625.00
AA5110.251	VACUUM TRUCK RENTAL	0.00	17,300.00	17,300.00
AA5110.252	VACUUM TRUCK - DRAINAGE WASTE DISPOSAL	0.00	1,392.44	1,392.44
AA1990.000	CONTINGENCY	57,063.57	(18,717.44)	38,346.13
		58,663.57	0.00	58,663.57

- Discussion regarding summer 2024 newsletter.
- It was, upon motion by Trustee Fischer, second by Trustee Ogden and unanimously adopted: **RESOLVED**, to submit payment to Alarms R Us for the amount of \$420.00. Upon further comment the foregoing resolution was rescinded for further review. It was, upon motion by Trustee Fischer, second by Trustee Ogden and unanimously adopted, to table the payment to Alarms R Us in the amount of \$420.00.

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

- Use of Vacuum truck rental was successful.
- Maintenance and paving preparation in the next weeks.

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

- A fallen tree blocked Bacon Road for a short period of time.
- It was, upon motion by Trustee White, second by Deputy Mayor Davidson and unanimously adopted: **RESOLUTION #062-24**  
**WHEREAS**, the Board of Trustees finds that the police department’s 2017 Ford Explorer, Vin#1FM5K8AR6HGC27560, to be a surplus vehicle and should be placed for sale, and **WHEREAS**, the Police Chief has confirmed that said vehicle is surplus, and **WHEREAS**, the Spring Valley Fire Department has made an offer above the fair market value of \$12,500.00 and without the necessity and expense to remove the light bar and other emergency lights, **BE IT RESOLVED**, the Board of Trustees does hereby authorize the sale of said surplus vehicle.

**Building Department – Robert O’Shea, Building Inspector:**

- No Architectural Review Board and Planning Board this month.
- August Planning Board will have hearing on Timothy & Harbor County Day School.
- Zoning Board of Appeals granted on Emmet Way.
- It was, upon motion by Trustee Fischer, second by Deputy Mayor Davidson and unanimously adopted: **RESOLUTION #063-24**  
**RESOLVED**, the Village authorizes the adoption of this fee schedule, for content format may be edited  
This resolution is effective immediately.

1. <b><u>Building Permits</u></b>	
a. application fee	\$200.00 required for all applications unless otherwise noted
b. any building permit for principal building or accessory structure	\$3.00 per square foot, not less than \$300.00
c. patios	\$0.30 per square foot, not less than \$100.00

d. swimming pool	\$500.00
Tree removal	\$50.00 application fee + \$50.00 per tree
Driveways	\$100.00 application fee + \$150.00 permit fee
e. tennis court	\$500.00
f. hot tubs and similar structures	\$250.00
g. demolition permits *valid for a period of sixty (60) days	\$1,000.00 principal building \$ 200.00 each accessory building
h. fences	\$ 50.00 application fee + \$150.00 permit fee
i. tank installations	\$100.00 application fee + \$150.00 permit fee
j. generator	\$100.00 application fee + \$150.00 permit fee
plumbing or electrical	\$100.00 application fee + \$150.00 permit fee
k. updated certificate of occupancy / certificate of completion	\$50.00
l. building permit for work started without building permit	300% of fee for building permit
m. certificate of existing use / letter in lieu of a C.O. (including required inspection)	\$500.00
n. any renovation or remodeling project not described hereinabove:	\$2.00 / square foot, not less than \$300.00
o. tent permits  closed sided open sided	\$100 application fee + \$0.30 / square foot, not less than \$200.00 \$100.00
p. renewals 1. first 12 Month renewal 2. second, third, fourth renewals 3. each subsequent renewal	50% of initial fee 100% of initial fee 200% of initial fee
<b>2. <u>Planning Board</u></b>	
a. site plan review 1. \$250.00 for the first two acres plus \$150.00 for each additional acre or fraction thereof. 2. Trust & Agency deposit (for Professional Services): \$2,500.00. (If account drops below half of amount received, additional monies will be requested. Remaining balance will be refunded upon approval of Planning Board.)	
b. subdivisions 1. \$600.00 for the first two acres plus \$200.00 for each additional acre or fraction thereof. 2. Trust & Agency fee (for Professional Services): \$5,000.00.  (If account drops below half of amount received, additional monies will be requested. Remaining balance will be refunded upon approval of Planning Board and Board of Trustees.)	
<b>3. <u>Zoning Board of Appeals</u></b>	
a. area variance or interpretation 1. up to two (2) items 2. each additional item	\$1,000.00 \$ 200.00
b. use variance	\$2,000.00
c. variance in a or b, for work completed or commenced prior to the issuance of a building permit.	300% of fee for a variance application

Trust & Agency deposit (for Professional Services): \$2,500.00. (If account drops below half of amount received, additional monies will be requested. Remaining balance will be refunded upon approval of Board of Trustees.)	
<b>4. <u>Board of Trustees</u></b>	
a. Change of Zone	\$2,000.00
b. Special Permits	\$1,500.00
c. All Other Applications	\$1,500.00
Trust & Agency deposit (for Professional Services): \$2,500.00. (If account drops below half of amount received, additional monies will be requested. Remaining balance will be refunded upon approval of Board of Trustees.)	
<b>5. <u>General</u></b>	
a. any request for a demolition permit shall be accompanied by a current title report listing any mortgagee and by a written consent from the mortgagee.	
b. all fees are nonrefundable except Trust & Agency deposits.	
c. all building permits expire one (1) year after date of issuance	

Reasonable and necessary costs incurred by the Village of Head-of-the-Harbor for the hiring of an engineer, planner or other professional consultant to assist a board in the review of an application will be billed to the applicant in accordance with Local Law No. 2 of 2020.

Any fee set forth hereinabove shall be subject to amendment, including increase, by resolution adopted by the Board of Trustees of the Village of Head-of-the-Harbor.

**Other:**

- Village Clerk advised upon insurance renewal. Discussion regarding designation of icehouse; determination that it is not historic in terms of insurable value.
- Partnering with the Town of Smithtown, Head of the Harbor is the recipient of a second phase of LGRMIF funds for the digitization of building documents. The Village Clerk reminded the Board that whereas the grant funds do not require a match, the records are not scanned, nor returned, in chronological order. The Board has decided to accept the grant funds, acknowledging that the village’s budget does not support the cost of digitization. File reorganization will be a project for future discussion.
- Trustee Daniel White reported on the St. James Fire District bond referendum vote passing.

**Public Comment:**

- Inquiry regarding the St. James Fire District taxes.
- Complaint regarding signage on private property.
- At 9:39 PM -It was, upon motion by Trustee Fischer, second by Trustee White and unanimously adopted, to move to executive session to discuss litigation. No action taken. At 9:57 PM-It was, upon motion by Trustee Fischer, second by Trustee White and unanimously adopted, to move back to public session.
- There being no other matters to be brought before the Board; it was, upon motion by Trustee Fischer, second by Trustee White and unanimously adopted, to adjourn the meeting at 9:57 PM.

Respectfully Submitted,

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Margaret O’Keefe  
Village Administrator/Clerk