

**MINUTES OF THE MEETING OF
THE BOARD OF TRUSTEES
Wednesday, October 16, 2024**

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, October 16, 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 Judith C. Ogden, Jeffrey D. Fischer and Trustee Daniel W. White (late arrival 7:10 PM). Also, in attendance Village Administrator/Clerk, Margaret O’Keefe; Village Treasurer, Patricia Mulderig; Building Inspector, Robert O’Shea; Dir. of Highway Operations, Frank Prinzevalli; Village Attorney, Lisa Perillo and Village Engineer, Daniel Falasco (late arrival). Not in attendance Police Chief, Charles M. Lohmann.

Pledge of Allegiance.

Mayor Michael D. Utevsky:

- It was, upon motion by Trustee Fischer, second by Deputy Mayor Davidson and unanimously adopted:
RESOLUTION #100-24
Minutes of September 18, 2024 at 7:00 PM meeting of the Board of Trustees were presented.
RESOLVED, to adopt the Board of Trustees minutes as presented.

**VILLAGE OF HEAD OF THE HARBOR BOARD OF TRUSTEES
RESOLUTION RATIFYING AND CONFIRMING APPROVAL OF TEMPORARY LEASE AGREEMENT
BETWEEN VILLAGE OF HEAD OF THE HARBOR AND IGINA POOLE TRUST AND
IMA WITH THE TOWN OF SMITHTOWN TO CONSTRUCT A TEMPORARY ACCESS ROAD**

WHEREAS, on August 18, 2024, there was a severe storm event throughout the Village of Head of the Harbor; and

WHEREAS, the effects of the storm collapsed a portion of Harbor Road within the jurisdiction of the Town of Brookhaven, bordering on the village of Head of the Harbor and the partial Mill Creek Road, a private road within the jurisdiction of Head of the Harbor; and

WHEREAS, the undermining of these roads impedes the egress and ingress of five (5) properties and seven (7) homes within Head of the Harbor; and

WHEREAS, pursuant to New York State Executive Law Article 2-B, Mayor Michael Utevsky executed a Proclamation and Declaration of a Local State of Emergency on Monday, August 19, 2024 and Wednesday, September 18, 2024 State; and

WHEREAS, on September 29, 2024 Mayor Utevsky, in his official capacity, and the residents of Mill Creek Rd. executed a Temporary Easement, Hold Harmless and License Agreement and Sean Pool as Trustee of the Igina Poole Irrevocable Trust to provide access the properties on Mill Creek Road; and

WHEREAS, pursuant to General Municipal Law, Article 5-G, on September 19, 2024 Mayor Utevsky, in his official capacity, executed an Intermunicipal Agreement with the Town of Smithtown for the construction and subsequent removal of a temporary access road to afford the affected residents of Mill Creek Rd. a safe means of ingress and egress until such a time that the private road can be repaired.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby adopts and ratifies the above Agreements upon motion by, Deputy Mayor Davidson second by Trustee Ogden with the Board members voting as follows:

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

Filed in the Office of the Village Clerk on the 16th day of October 2024.

Village Clerk

Clerk's note: arrival Daniel White.

- A meeting was held between Ward Melville Organization and Town of Brookhaven regarding the rebuilding of the Mill Creek bluff and stabilization work for Harbor Road.
- It was, upon motion by Trustee Ogden, second by Trustee White and unanimously adopted:
RESOLUTION #101-24
WHEREAS, the Board of Trustees of the village of Head of the Harbor has identified a need to prepare for the recent change in weather patterns by improving drainage and building resilient infrastructure, and
WHEREAS, the Board of Trustees has previously discussed developing an ad hoc committee to address these concerns, and
WHEREAS, this ad hoc committee will have no authority to act or contract on behalf of the village,
THEREFORE, an ad hoc committee will be formed of the following volunteers – Katherine Griffiths, Stephen Casella, and Robin Herrnstein, and
BE IT RESOLVED, to appoint Katherine Griffiths as Chairperson,
BE IT FURTHER RESOLVED, the ad hoc committee will report its progress and recommendations at the regularly scheduled Board of Trustees meetings.
 - Special Use Permit –preliminary presentation of Nissequogue Farm Special Use Permit Application. Trustee Judith Ogden recused herself and stepped down from the dais. Howard Bergeson, Esq. made a presentation for a Special Use permit. Planning Board's recommendation dated October 7, 2024 was provided to the Board. Discussion ensued. Prior to setting a public hearing date, the Trustees has requested a Traffic Study be submitted.
- It was, upon motion by Trustee Fischer, second by Deputy Mayor Davidson and unanimously adopted:
RESOLUTION #102-24
RESOLVED, that the village attorney is hereby authorized and directed to draft 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. 1 of 2024, "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c". Said hearing is to be held on Wednesday, November 20, 2024 at 7 PM, time then in effect, at Village Hall, 500 North Country Rd., St. James, New York 11780.
- It was, upon motion by Trustee White, second by Trustee Ogden and unanimously adopted:
RESOLUTION #103-24
RESOLVED, that the village attorney is hereby authorized and directed to draft a local law to amend "VILLAGE CODE § 153-3, STOP AND YIELD SIGNS AND MARKED INTERSECTION SIGNS", and be it
FURTHER RESOLVED, the village clerk is hereby directed to post and publish notice of a public hearing for LL (Intro.) # 2 of 2024, "A LOCAL LAW AMENDING VILLAGE CODE § 153-3, STOP AND YIELD SIGNS AND MARKED INTERSECTION SIGNS" for Wednesday, November 20, 2024 at 7 PM, time then in effect, at Village Hall, 500 North Country Rd., St. James, New York 11780.

Financials – Patricia A. Mulderig, Village Treasurer:

- It was, upon motion by Trustee Ogden, second by Trustee Fischer and unanimously adopted:
RESOLUTION #104-24
RESOLVED, to adopt Batch Abstracts #71, 73, 74, 77-80, 83, 84, 88, 89 and 91 in the total amount of \$152,633.79 paid from the General Fund.
- It was, upon motion by Trustee Ogden, second by Trustee Fischer and unanimously adopted:
RESOLUTION #105-24

RESOLVED, to adopt Batch Abstract #90 in the total amount of \$2,552.50 be paid from the Trust & Agency Fund.

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

RESOLUTION #106-24

RESOLVED, to authorize and direct the village treasurer to refund the taxes as per the successful grievances in the amount of \$390.73 as noted:

34	7100	2	1	14	Manizha&Tawfiqulhaqi Parand	81 Harbor Road, SJ	16-Oct-24	11-Oct-24	10925	9570	(1,355)	298.78
35	15800	3	2	23	Kenneth Kern & Diana Choy Shan	17 Valleywood Court East	16-Oct-24	11-Oct-24	10248	9931	(417)	91.95
ASSESSMENT ADJUSTMENTS - OCTOBER 16, 2024											(1,772)	390.73

- It was, upon motion by Deputy Mayor Davidson, second by Trustee Fischer and unanimously adopted:

RESOLUTION #107-24

RESOLVED, the village treasurer is authorized and directed to make modifications to the 2024/2025 budget in the amount totaling \$147,132.69 for a net change of zero, as noted:

	02/28/2025	ADJUSTMENT	02/28/2025
AA5142440 STORM EMERGENCY EXPENSES	15,000.00	100,800.00	115,800.00
AA8510.410 COMM BEAUTIFICATION-TREE PLANT	250.00	3,100.00	3,350.00
AA1990.000 CONTINGENCY	31,082.69	(3,100.00)	27,982.69
	46,332.69	100,800.00	147,132.69

- Clerk’s note arrival of Dan Falasco, Village Engineer at 8:02 PM

Highway Department – Judith C. Ogden, Highway Commissioner:

- Temporary gate at Harbor Road has been secured.
- Pond Woods meeting with residents to discuss traffic concerns went well.

- It was, upon motion by Trustee Ogden, second by Deputy Mayor Davidson and unanimously adopted:

RESOLUTION #108-24

WHEREAS, the Board of Trustees has determined that 1) Bacon Road (from Hitherbrook Triangle to Harbor Rd.) and 2) Harbor Rd. (from Bacon Rd. to Shep Jones) should be repaved as part of the Village’s 2024 Road Repaving Program, and

WHEREAS, the Village Engineer has received from Suffolk Paving Corp., 30 North Duncan Avenue, Medford, NY 11763 a cost proposal totaling an estimated \$259,000.00 for the roads above to be paved, and

WHEREAS, the Village, given the conditions of the marketplace including limited availability of vendors, use of a Town of Babylon contract price, product supply and seasonality, has elected to utilize Suffolk Paving Corp., which has assured its ability to commence and conclude the work immediately, and

WHEREAS, the Board of Trustees has determined that additional drainage structures are need on 1) Bacon Rd., 2) Fox Meadow Lane and 3) Hilltop Rd., and should be part of the Village’s 2024 Drainage Program, and

WHEREAS, the Village Engineer has received three written competitive quotes for said work and has concluded that the best value is from 1) All Island Excavating, 27 Montclair Avenue, St. James, NY 11780 at cost proposal totaling an estimated \$20,000.00 for 1 (one) drainage structure, pavement repair and creation of a berm on Hilltop, and 2) Du-All Industries, 32 Fradelos St., Port Jefferson Station, NY 11776 at a cost proposal totaling an estimated \$10,000.00 for 1 (one) drainage structure on Fox Meadow Lane, and 3) All Island Plumbing, 916 Lincoln Ave, Bohemia, NY 11716 at cost proposal totaling an estimated \$15,000.00 for 2 (two) drainage structures on Bacon Rd.

WHEREAS, the Village, given the conditions of the marketplace including limited availability of vendors, competitive pricing, product supply and seasonality, has elected to utilize All Island Excavating, Du-All Industries and All Island Plumbing whom have assured their ability to commence and conclude the work immediately, and

WHEREAS, the Board has received and considered the advice of the Village Engineer and the Commissioner of Highways on all such matters listed above,

NOW THEREFORE, it is

RESOLVED, that the Village herewith engages Suffolk Paving Corp., All Island Excavating, Du-All Industries, and All Island Plumbing at the estimated cost proposal above to perform the work described

hereinabove with all work to be completed during 2024 in a fit and workmanlike manner, in accord with industry standards and with the specifications of the Village Engineer, and to the satisfaction of the Village Engineer, and with any payment subject to submission and approval of voucher as required by Village Law §5-524.

- Suffolk County Water Authority surety discussion tabled.

Public Comment:

- John Lovett inquired about construction or repair to Hitherbrook Extension and inquired if any discussions with the Department of Environmental Conservation regarding the same had occurred. The Board of Trustees advised that a dialog had not yet begun.
- Collette Porciello expressed comments on the earlier discussed proposal for Nissequogue Farms and commented on its past use.
- It was, upon motion by Trustee Fischer, second by Trustee White and unanimously adopted, to move to executive session at 8:37 PM to discuss personnel and legal matters. No action taken. It was, upon motion by Deputy Mayor Davidson, second by Trustee Fischer and unanimously adopted, to move back to public session.
- It was, upon motion by Trustee White, second by Trustee Fischer and unanimously adopted:
RESOLUTION #109-24
RESOLVED, the village treasurer is hereby authorized and directed to provide payment to the Igina Poole Irrevocable Trust, 14 Emmet Drive, Stony Brook, NY 11790 pursuant to the terms of the temporary easement agreement until its discontinuation.
- There being no other matters to be brought before the Board; it was, upon motion by Trustee White, second by Trustee Ogden and unanimously adopted, to adjourn the meeting at 9:57 PM.

Respectfully Submitted,

Margaret O'Keefe
Village Administrator/Clerk