

**MINUTES OF THE MEETING OF  
THE BOARD OF TRUSTEES  
Wednesday, November 20, 2024**

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, November 20, 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. Also, in attendance Village Administrator/Clerk, Margaret O’Keefe; Police Chief, Charles M. Lohmann; Building Inspector, Robert O’Shea; Village Attorney, Tim Hill. Not in attendance Dir. of Highway Operations, Frank Prinzevalli and Village Treasurer, Patricia Mulderig.

Pledge of Allegiance.

**Mayor Michael D. Utevsky:**

- Mayor Utevsky convened the public hearing on Local Law (Intro) #1 OF 2024, “A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c.” Discussion ensued. There being no further dialogue, the hearing was closed.
- Mayor Utevsky convened the public hearing on Local Law (Intro) #2 OF 2024, “AMENDING CHAPTER 153-3 OF THE CODE OF THE VILLAGE OF HEAD OF THE HARBOR ENTITLED “STOP AND YIELD SIGNS AND MARKED INTERSECTION SIGNS”” Discussion ensued. There being no further dialogue, the hearing was closed.

**RESOLUTION #110 – 2024 LOCAL LAW TO OVERRIDE THE 2025 TAX CAP LIMIT**

**WHEREAS**, according to New York State’s Property Tax Cap legislation, if a Village government decides to adopt a budget with a property tax levy that exceeds the level set by the State, the Village government must pass a local law to override that cap; and

**WHEREAS**, adopting said local law is not predictive of the final tax levy but will provide the Village Board with flexibility to exceed the Property Tax Cap if it is deemed necessary, and to ensure that any State recalculation of the applicable limit will not make the Village inadvertently out of compliance; and

**WHEREAS**, a public hearing was held before the Village Board of Trustees on November 20, 2024, to hear all persons interested in proposed Local Law (Intro) # 1 of 2024,

**NOW THEREFORE, BE IT**

**RESOLVED**, that Local Law Filed No. 3 of 2024, a Local Law Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law for 2025 is hereby adopted pursuant to subdivision 5 of the General Municipal Law, Section 3-c, which expressly authorizes the Village Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent of the Village Board of Trustees; and be it further

**RESOLVED**, that the Village Clerk shall publish, in the official newspaper of the Village, a notice of adoption containing a synopsis of said local law and shall within twenty days file one certified copy in the Office of the County Clerk, and one copy with the Secretary of State.

**VILLAGE OF HEAD OF THE HARBOR LOCAL LAW FILED #3 OF 2024  
A LOCAL LAW AUTHORIZING PROPERTY TAX LEVY IN EXCESS OF THE LIMIT  
ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c**

Be it enacted by the Village Board if the Village of Head of the Harbor as follows:

### **Section 1. Legislative Intent and Purpose**

It is the intent of this local law to override the limit on the amount of real property taxes that may be levied by the Village of Head of the Harbor pursuant to General Municipal Law §3-c, and to allow the Village to adopt a budget for the fiscal year beginning March 1, 2025 that requires a real property tax levy in excess of the “tax levy limit” as defined in General Municipal Law §3-c.

### **Section 2. Authority**

This local law is adopted pursuant to subdivision 5 of the General Municipal Law §3-c, which expressly authorizes a local government’s governing body to override the property tax levy limit by the adoption of a local law approved by a vote of at least 60% of said governing body.

### **Section 3. Tax Levy Limit Override.**

The Village Board of the Village of Head of the Harbor is hereby authorized to adopt a budget for the fiscal year commencing March 1, 2025, that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

### **Section 4. Severability.**

If any section or subsection, paragraph, clause, phrase, or provision of this law shall be adjudged invalid or held unconstitutional by any court of competent jurisdiction, any judgment made thereby shall not affect the validity of this law as a whole, or any part thereof other than the part or provision so judged to be invalid or unconstitutional.

### **Section 5. Repeal.**

If the Village Board of Trustees of the Village of Head of the Harbor adopts a budget for the fiscal year commencing March 1, 2025, that does not require a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-c (to wit, if the authorization contained in Section 3 of this Local Law is not utilized), the override authority under this local law may be repealed by resolution of the Board of Trustees (to wit, without a public hearing and without any further local law).

### **Section 6. Effective Date.**

This Local Law shall take effect upon adoption.

- It was upon motion by Trustee Fischer, second by Trustee White and voted upon as follows:

#### **RESOLUTION #111 OF 2024**

**AMENDING CHAPTER 153-3 OF THE CODE OF THE VILLAGE OF HEAD OF THE HARBOR ENTITLED “STOP AND YIELD SIGNS AND MARKED INTERSECTION SIGNS**

**WHEREAS**, the Board of Trustees, after undertaking a review, wishes to improve the safety of the motorists at additional road intersections within the Village, specifically the intersection of:

Carman Lane and Cordwood Path (West),  
Rhododendron Drive and Saddle Road (South),  
Saddle Road and Rhododendron Drive (East),  
Deep Wells Lane and North Country Road (North); and

**WHEREAS**, the Village has determined that the installation of “STOP” signs at these intersections is necessary for the health, safety and welfare of the Village, and

**WHEREAS**, the installation, placement and maintenance of traffic control devices must comply with the New York State Manual of Uniform Traffic Control Devices and Title 17 of the New York Code Rules and Regulations

(Department of Transportation):

**NOW, THEREFORE, BE IT RESOLVED**, that Local Law No. 4 of 2024 is hereby adopted, amending Village Code Sec. 153-3 Schedule B to add additional stop sign intersections as follows:

Chapter 153. Vehicles and Traffic

§ 153-3. Stop and yield signs and marked intersection signs.

- A. The driver of a motor vehicle that approaches a stop sign shall stop the vehicle at a stop line, but if there is no stop line then at a point near the intersecting roadway where the driver can see traffic on that roadway, without allowing the vehicle to enter the intersection. The driver of a motor vehicle that approaches a yield sign, if required to stop in the interest of safety, shall stop the vehicle at a stop line, but if there is no stop line then at a point near the intersecting roadway where the driver can see traffic on that roadway, without allowing the vehicle to enter the intersection. After stopping, the driver shall proceed in accordance with state rules of the road for rights-of-way.
- B. For the purpose of maintaining an accurate record of all regulations adopted under the provisions of this section, there is hereby established a system of schedules in which shall be entered all regulations after adoption. Such schedules shall be deemed a part of this section.

**Schedule A. No Left Turn Intersections**

Name of Street	Direction of Travel	Cross Street
Harbor Country Day School exit	North	Three Sisters Road

**Schedule B. Stop Sign Intersections**

Name of Street	Direction of Travel	Cross Street
Bacon Road	North	Valleywood Court East
Bacon Road	North	Harbor Road
Bacon Road	South	Valleywood Court West
Buckingham Court	East	Fifty Acre Road
<u>Carman Lane</u>	<u>West</u>	<u>Cordwood Path</u>
<u>Deep Wells Lane</u>	<u>North</u>	<u>North Country Road</u>
Emmet Drive	South	Harbor Road
Farm Road	West	Harbor Road
Farm Road	South	Three Sisters Road
Fifty Acre Road	North	Buckingham Court

**Schedule B. Stop Sign Intersections**

Name of Street	Direction of Travel	Cross Street
Fifty Acre Road	North	Moriches Road
Fifty Acre Road	South	Edgewood Avenue
Fifty Acre Road	South	Buckingham Court
Gate Road	West	Farm Road
Gate Road	East	Three Sisters Road
Harbor Road	South	North Country Road
Harbor Road	East	Emmet Drive
Harbor Road	West	Emmet Drive
Harbor Road	East	Harbor Hill Road
Harbor Road	South	Harbor Hill Road
High Hedges Lane	North	North Country Road
Highland Avenue	North	Moriches Road
Hitherbrook Road	East	North Country Road
Hitherbrook Road	South	Three Sisters Road
Hitherbrook Road	East	Bacon Road
Hitherbrook Road (North Fork)	West	Harbor Road
Hitherbrook Road (South Fork)	West	Harbor Road
Moriches Road	East	Fifty Acre Road
Moriches Road	West	Fifty Acre Road
Pinoak Lane	South	Three Sisters Road
<u>Rhododendron Drive</u>	<u>South</u>	<u>Saddle Road</u>
<u>Saddle Road</u>	<u>East</u>	<u>Rhododendron Drive</u>
Shep Jones Lane	North	Harbor Road

**Schedule B. Stop Sign Intersections**

Name of Street	Direction of Travel	Cross Street
Shep Jones Lane	South	North Country Road
The Chase	East	Buckingham Court
Thompson Hill Road	West	Three Sisters Road
Three Sisters Road	West	Thompson Hill Road
Three Sisters Road	South	Harbor Hill Road
Three Sisters Road	West	Pinoak Lane
Three Sisters Road	West	Entrance to Methodist Church
Three Sisters Road	North	Hitherbrook Road
Three Sisters Road	South	Hitherbrook Road
Valleywood Court East	West	Bacon Road
Valleywood Court West	East	Bacon Road

**Schedule C. Yield Sign Intersections**

Name of Street	Direction of Travel	Cross Street
Hitherbrook Road (North Fork)	East	Hitherbrook Road (West)
Three Sisters Road	West	Moriches Road

- C. Notwithstanding any official traffic control signal indication to proceed and excepting the order of a police officer otherwise, a driver of a vehicle shall not enter an intersection unless there is sufficient space on the other side of the intersection to accommodate completely the vehicle driven without obstructing in any manner the through passage of vehicles from either side. In no event shall a driver enter an intersection described in Schedule D below marked by a "Do Not Block Intersection" sign, except while observing the restrictions of this subsection.

**Schedule D. Marked Intersection**

Name of Street	Direction of Travel	Cross Street
Edgewood Avenue	East	Fifty Acre Road

**AND, IT IS FURTHER RESOLVED**, that the Village Board authorizes and directs the Village Highway Department, upon the adoption of the above amendment to Village Code Sec. 153-3, to install, place and establish “STOP” Signs at the intersection of Carman Lane and Cordwood Path, Rhododendron Drive and Saddle Roads, to take appropriate actions and measures as the Village Director of Highway Operations deems necessary and appropriate to effectuate the terms of this resolution and ensure public safety at these intersections; and

**FURTHER RESOLVED**, that the Village Board authorizes and directs the Village Director of Highway Operations to perform the above referenced actions in accordance with all appropriate laws and regulations, including but not limited to the New York State Manual of Uniform Traffic Control Devices and Title 17 of the New York Code Rules and Regulations (Department of Transportation).

A vote having been taken upon such resolution; the result was as follows:

Michael 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 Deputy Mayor Davidson and unanimously adopted: **RESOLUTION #112-24**  
Minutes of October 9, 2024, 7 PM meeting of the Board of Trustees were presented.  
**RESOLVED**, to adopt the minutes of the above meeting as presented.
- It was, upon motion by Trustee Fischer, second by Deputy Mayor Davidson, abstention by Trustee White and adopted (4-0-1):  
**RESOLUTION #113-24**  
Minutes of October 16, 2024, 7 PM meeting of the Board of Trustees were presented.  
**RESOLVED**, to adopt the minutes of the above meeting as presented.
- It was, upon motion by Trustee Fischer, second by Trustee Ogden, abstention by Mayor and Deputy Mayor and adopted (3-0-2):  
**RESOLUTION #114-24**  
Minutes of October 31, 2024, 7 PM meeting of the Board of Trustees were presented.  
**RESOLVED**, to adopt the minutes of the above meeting as presented.

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

- It was, upon motion by Trustee Fischer, second by Deputy Mayor Davidson and unanimously adopted: **RESOLUTION #115-24**  
Adjustments to 2024/2025 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 \$479.15 as noted:

36	2600	1	1	26	Griffin Irrevocable Family Trust	2 Emmet Drive, SB	6-Nov-24	31-Oct-24	11500	10875	(625)	137.81
37	22800	4	2	33	Merk Zuckerman & Graziella Coren	17 Farm Road, SJ	6-Nov-24	31-Oct-24	10925	10179	(746)	164.49
38	23500	5	1	6	Omar & Jessica Olero	28 Hillerbrook Road SJ	6-Nov-24	31-Oct-24	9215	8625	(590)	130.10
39	24600	5	1	19	Natale Lanza	12 Gate Road SJ	6-Nov-24	31-Oct-24	8300	7745	(555)	122.38
40	26500	5	2	34.13	Mounasser & Catherine Khalifa	1 High Hedges Court SJ	13-Nov-24	13-Nov-24	8740	8352	(388)	65.55
41	29800	5	2	34.14	John & Justine Gorman	2 High Hedges Court SJ	13-Nov-24	13-Nov-24	8605	8265	(340)	141.12

ASSESSMENT ADJUSTMENTS - NOVEMBER 20, 2024 (2,173) 479.15

- It was, upon motion by Trustee Fischer, second by Trustee White and unanimously adopted: **RESOLUTION #116-24**

**RESOLVED**, to authorize and direct the village treasurer to refund the taxes as per the successful certiorari grievances in the amount of \$523.06 as noted:

2-2-1.7	John & Kathleen Diana	5 Robin Hill Lane SJ	9500	2022	2023	5-Nov-24	16-Nov-23	11,260	10,045	1,215	255.15
2-2-1.7	John & Kathleen Diana	5 Robin Hill Lane SJ	9500	2023	2024	5-Nov-24	16-Nov-23	11,260	10,045	1,215	267.91
ASSESSMENT ADJUSTMENTS APPROVED 11/20/2024- DIANA										2,430	<u>\$523.06</u>

- It was, upon motion by Trustee Fischer, second by Trustee White and unanimously adopted:  
**RESOLUTION #117-24**  
**RESOLVED**, to adopt Batch Abstracts #97, 98, 100, 102, 105, 106, 109, 112-114 in the total amount of \$237,986.24 paid from the General Fund. \* CLERK’S NOTE: Batch Abstract #95 was previously approved by resolution.
- It was, upon motion by Deputy Mayor Davidson, second by Trustee Fischer and unanimously adopted:  
**RESOLUTION #118-24**  
**RESOLVED**, to adopt Batch Abstract #111 in the total amount of \$1,362.50 be paid from the Trust & Agency Fund.
- It was, upon motion by Trustee Fischer, second by Trustee White and unanimously adopted:  
**RESOLUTION #119-24**  
**RESOLVED**, to authorize and direct the Village Treasurer to be outstanding invoices in the total amount of \$214,183.46 paid from the General Fund.
- It was, upon motion by Trustee Fischer, second by Trustee White and unanimously adopted:  
**RESOLUTION #120-24**  
**RESOLVED**, the Village Treasurer is authorized and directed to make modifications to the 2024/2025 budget in the amount totaling \$247,532.69 for a net change of zero, as noted:

VILLAGE OF HEAD OF THE HARBOR  
2024/2025 BUDGET MODIFICATIONS  
11/20/2024

	BUDGET F/Y/E	BUDGET ADJUSTMENT	MODIFIED BUDGET	
	02/28/2025		02/28/2025	
AA1620.800	VILLAGE HALL APPRAISAL	1,550.00	900.00	2,450.00
AA1620.800	VILLAGE HALL REPAIRS & MAINTENANCE	7,000.00	(900.00)	6,100.00
AA1930.400	JUDGEMENTS & CLAIMS	20,000.00	2,000.00	22,000.00
AA5110.110	STREET MAINTENANCE - OVERTIME	6,000.00	1,000.00	7,000.00
AA5110.224	STREET MAINTENANCE ROAD REPAIR	7,000.00	(1,000.00)	6,000.00
AA5142.430	STORM EMERGENCY EXPENSES	115,800.00	43,100.00	158,900.00
AA8000.000	APPROPRIATED SURPLUS	62,200.00	(43,100.00)	19,100.00
AA1990.000	CONTINGENCY	<u>27,982.69</u>	<u>(2,000.00)</u>	<u>25,982.69</u>
		<u>247,532.69</u>	<u>0.00</u>	<u>247,532.69</u>

St. James Fire District Election will be held on Tuesday, December 10, 2024. Polls are open from 3 PM-9 PM.

**RESOLUTION FOR STATE AID (Deemed read into the record)**

- It was, upon motion by Trustee Fischer, second by Trustee White and unanimously adopted:  
**RESOLUTION #121-24**  
**WHEREAS**, until 2024, cities, villages and towns had not received an increase in unrestricted state aid (AIM funding) in 15 years, significantly impacting their ability to provide essential services to their residents; and  
  
**WHEREAS**, after a prolonged period without financial support, local governments finally received an increase of \$50 million in unrestricted state aid; and  
  
**WHEREAS**, local officials express their gratitude for the \$50 million increase in unrestricted state aid, recognizing it as a positive step towards addressing long-standing funding challenges; and  
  
**WHEREAS**, the State has referred to this new aid as Temporary Municipal Assistance, suggesting that such increase may not continue, jeopardizing the sustainability of crucial municipal programs and services; and

**WHEREAS**, the property tax cap further limits the ability of local governments to properly fund the programs and services their residents need; and

**WHEREAS**, increased and ongoing state aid for local governments is vital for maintaining infrastructure, public safety, housing and other municipal services; and

**WHEREAS**, the challenges of inflation, the increasing costs of labor and supplies, and the end of extraordinary federal aid only accentuate the need for consistent and predictable funding to effectively plan for the future and meet the growing needs of their residents;

**NOW, THEREFORE, BE IT RESOLVED**, that Inc. Village of Head of the Harbor calls upon the Governor and the State Legislature to commit to continuing the additional \$50 million in unrestricted state aid in the 2025-26 State Budget and beyond, and

**BE IT FURTHER RESOLVED**, that Inc. Village of Head of the Harbor urges state officials to recognize the need for a long-term plan that ensures consistent and predictable increases in financial support for local governments that keep pace with inflation.

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

- It was, upon motion by Trustee White, second by Trustee Fischer and unanimously adopted:  
**RESOLUTION #122-24**  
**RESOLVED**, to renew the contract and cloud support with Williamson Law Book Company.
- It was, upon motion by **Trustee White, second by Trustee Fischer** and unanimously adopted:  
**RESOLUTION #123-24**  
**RESOLVED**, to accept the resignation of Jose Martinez. This resolution has an effective date of November 8, 2024.
- It was, upon motion by Trustee Fischer, second by Trustee White and unanimously adopted:  
**RESOLUTION #124-24**  
**RESOLVED**, to authorize and direct the village treasurer to release bonds being held in conjunction with highway department permits. Permit #2002 in the amount of \$250.00, Terence Meyer , 46 Three Sisters Road and Permit #1313 in the amount of \$250.00 George Layburn, 4 Thompson Avenue have been deemed complete by Robert O’Shea, Building Inspector, who approves and recommends the release of the funds held.

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

- It was, upon motion by Trustee White, second by Trustee Fischer and unanimously adopted:  
**RESOLUTION #125-24**  
**RESOLVED**, to accept the resignation for the purposes of retirement from Officer Walter Justincic with an effective date of January 5, 2025, and  
**BE IT FURTHER RESOLVED**, to reinstate Officer Justincic as a part-time, non-exempt, Police Officer at an hourly rate of \$41.89 per hour, not to exceed 20 hours per workweek maximum with a hire date of January 8, 2025.
- It was, upon motion by Trustee Fischer, second by Deputy Mayor Davidson and unanimously adopted:  
**RESOLUTION #126-24**  
**RESOLVED**, to accept the resignation of John Zollo as the prosecuting attorney and to appoint Kevin Foreman as the Villages prosecuting attorney as established and previously provided effective January 1, 2025
  - Village Election to be held on Tuesday, March 18, 2025. Polls open from 12:00 PM - 9:00 PM.

**Public comments:**

- Bianca Dresch, 19 Mill Creek Rd., expressed her thanks to the village and the Town of Smithtown for their remediation efforts from the August storm.
- Dan Dresch, 19 Mill Creek Rd., concurred with the above sentiments and apologized to the Board of Trustees and the Village Clerk for incorrect comments he made in the aftermath of the storm.
- Angle Balatore, 121 Harbor Road – asked for clarification on being in the St. James Fire District.
  
- It was, upon motion by Deputy Mayor Davidson, second by Trustee White and unanimously adopted, to move to executive session at 8:01 PM to discuss litigation and personnel matters. No action taken. It was, upon motion by Trustee Fischer, second by Trustee White and unanimously adopted, to move back to public session at 8:31 PM.
  
- It was, upon motion by Deputy Mayor Davidson, second by Trustee Ogden and unanimously adopted:  
**RESOLUTION #127-24**  
**RESOLVED**, in light of the natural disasters and other considerable demands upon the attention of time on the Villages professionals such that in fairness that they have simply not had the opportunity to use their accrued vacation time, the Village extends their time to use vacation accrued from December 31, 2024 to March 31, 2025. Further, if it is demonstrated that professional demands are such that they cannot take vacation and carry out their duties a further extension will be considered.
  
- There being no other matters to be brought before the Board; it was, upon motion by Trustee Ogden, second by Trustee Fischer and unanimously adopted, to adjourn the meeting at 8:37 PM.

Respectfully Submitted,

---

Margaret O’Keefe  
Village Administrator/Clerk