

**MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES**  
**Wednesday, October 21, 2009**  
**7 PM**

A meeting of the Board of Trustees of the Inc. Village of Head of the Harbor was held on Wednesday, October 21, 2009 at 7:00 p.m., at the Village Hall located at 500 North Country Road in said Village. Those present were Mayor Natale Tartamella, and the following Trustees: Larry Swanson, J. Ted Naughton, Margaret Shutka and Heiko Folkerts. Also in attendance was Village Clerk, Margaret O'Keefe and Village Attorney, Anthony B. Tohill. Not in attendance this evening Jerry Harris, Building Inspector.

- Mayor Tartamella continued the public hearing on **LOCAL LAW (Intro.) #5 of 2009, "PROVIDING FOR THE SUBDIVISION OF LAND"**. This local law implements Village Law §§ 7-722, 7-724,7-725-b, 7-728, 7-730, 7-732 and 7-738 by enacting regulations governing all aspects of the subdivision process.

**RESOLUTION 091-09**

It was, upon motion by Trustees Swanson, second by Trustee Shutka and unanimously adopted, to accept the Environmental Assessment prepared by Daniel Falasco, and adopt a Negative Declaration with respect to the local law.

- There being no further comments from the floor, it was, upon motion by Trustee Folkerts, second by Trustee Naughton, and unanimously adopted:

**RESOLUTION 092-09**

**RESOLVED**, to close the public hearing on **LOCAL LAW (Intro.) #5 of 2009, "PROVIDING FOR THE SUBDIVISION OF LAND"**.

1. Mayor Tartamella convened the regularly scheduled Board of Trustees meeting.  
Pledge of Allegiance.

- It was, upon motion by Trustee Swanson, second by Trustee Naughton, unanimously adopted:

**RESOLUTION #093-09**

**LOCAL LAW (Intro.) #5 of 2009, "PROVIDING FOR THE SUBDIVISION OF LAND"**.

This local law implements Village Law § 7-722, 7-724,7-725-b, 7-728, 7-730, by enacting regulations governing all aspects of the subdivision process. This is a summary of the proposed local law, a full copy of which is on file at the Village Clerk's office and available for inspection during regular Village Hall business hours.

- It was upon motion by Trustee Folkerts, second by Trustee Naughton and unanimously adopted:

**RESOLUTION #094-09**

**WHEREAS**, pursuant to Municipal Home Rule Law §20 (5) the Board of Trustees of the Inc. Village of Head adopted LOCAL LAW (Intro.) #5 of 2009, "PROVIDING FOR THE SUBDIVISION OF LAND", and

**WHEREAS**, this local law implements Village Law § 7-722, 7-724,7-725-b, 7-728, 7-730, by enacting regulations governing all aspects of the subdivision process, and

**WHEREAS**, the enactment of said local law, is to be effective immediately upon the filing with the NYS Secretary of State, and

**WHEREAS**, the current subdivision application of Mr. Vito Giovanniello has been scheduled for a preliminary public hearing by the Planning Board to be held on Tuesday, November 10, 2009, and

**WHEREAS**, Ms. Louise Moseley is awaiting a Zoning Board of Appeals hearing on Monday, November 16, 2009, and

**WHEREAS**, both applications to subdivide were filed with the Planning Board of the Inc. Village of head of the Harbor prior to the public hearing for this local law,

**NOW THEREFORE**, the current applications of Mr. Vito Giovanniello and Ms. Louise Moseley have been "grandfathered" in respect to the above legislation.

- Mayor Tartamella opened the public hearing on **LL (Intro.) # 6 of 2009, "A LOCAL LAW AMENDING § 116-5(A) OF THE VILLAGE CODE TO REGULATE AND LIMIT NOISES"**. Discussion ensued. Responding to comments from the public, the draft is to be revised. It was, upon motion by Trustee Swanson, second by Trustee Naughton, unanimously adopted:

**RESOLUTION #095-09**

**BE IT RESOLVED**, to hold the hearing open and reconvene on December 16, 2009 at 7 PM; said hearing to be held at Village Hall 500 North Country Rd., St. James, NY 11780.

- Mayor Tartamella opened the public hearing on **LL (Intro.) # 7 of 2009, "A LOCAL LAW AMENDING VILLAGE CHAPTERS 81 and 149 WITH RESPECT TO TREES"**. Discussion ensued. Responding to comments from the public, the draft is to be revised.

It was, upon motion by Trustee Swanson, second by Trustee Folkerts, unanimously adopted:

**RESOLUTION #096-09**

**BE IT RESOLVED**, to hold the hearing open and reconvene on December 16, 2009 at 7 PM; said hearing to be held at Village Hall 500 North Country Rd., St. James, NY 11780.

**Mayor Tartamella- Minutes** of the meeting of the Board of Trustees on September 16, 2009 where presented.

It was, upon motion by Trustee Naughton, second by Trustee Folkerts, and unanimously adopted:

**RESOLUTION #097-09**

**RESOLVED**, to accept the minutes as presented.

- **Minutes** of the executive meeting of the Board of Trustees on October 13, 2009 meeting where presented. It was, upon motion by Trustee Swanson, second by Trustee Folkerts, and unanimously adopted:

**RESOLUTION #098-09**

**RESOLVED**, to accept the minutes as presented.

**2. Legal- Anthony B. Tohill:**

It was, upon motion by Trustee Swanson, second by Trustee Naughton, and unanimously adopted:

**RESOLUTION #099-09**

**WHEREAS**, Verizon is interested installing antennas and related equipment at 500 North Country Rd., St. James, NY 11780; and

**WHEREAS**, such communications facilities would greatly improve cellular service and emergency communications services within the Village; and

**WHEREAS**, a lease agreement allowing for the above proposed activities has been reviewed by the Board of Trustees,

**NOW, THEREFORE BE IT RESOLVED:** that Mayor Natale Tartamella is authorized to sign the lease agreement with Verizon in his official capacity as Mayor.

**3. Highway Department- J. Ted Naughton:**

- Work progressing on Muffins Meadow Rd.

- **RESOLUTION 100-09**

It was, upon motion by Trustee Folkerts, second by Trustee Shutka, and unanimously adopted:

**RESOLVED**, that the bid of Lighthouse Fencing is accepted on the following conditions which will be strictly adhered to 1) that the price is converted to unit price (linear foot price) and that the price is \$13.00 per liner foot, and 2) that no work may commence in acceptance after village engineer of the begin point and end point that the fence shall follow with the proviso and the further understanding that the fence is to be installed exactly on the boundaries lines, not outside the boundary line, nor inside the boundary line, but right on the boundary lines utilizing concrete monument markers if available, otherwise stakes set by the village engineer. The unit price is to include concrete at the base of each metal post, and 6 foot black vinyl chain link.

- **RESOLUTION #101-09**

It was, upon motion by Trustee Swanson, second by Trustee Shutka, and unanimously adopted:

**RESOLVED**, that the quote received from John Trotter for repairs to the Village Hall in the amount of \$3,200.00 is accept with the proviso that this meets satisfies the procurement policy of the village; if not, further quotes are to be obtained.

**4. Financials – Patricia Mulderig:**

- Report submitted to the Board, including itemized journal entries and bank reconciliation reports.
- A request to transfer \$1,200.50 from the Contingency Fund to the Board of Trustees for the municipal official training seminar attended by Trustee Shutka.

It was, upon motion by Trustee Swanson, second by Trustee Folkerts, and unanimously adopted:

**RESOLUTION #102-09**

**RESOLVED**, to approve of the transfer of \$1,200.00 from the Contingency Fund to the Board of Trustees.

- It was, upon motion by Trustee Shutka, second by Trustee Folkerts, and unanimously adopted:

**RESOLUTION #103-09**

**WHEREAS**, an annual financial audit was performed by an independent certified accounting firm; and

**WHEREAS**, the accounting firm of Coughlin, Foundotos, Cullen, Danowski, LLP conducted said audit of the Inc. Village of Head of the Harbor's accounts, including the Justice Court;

**NOW THEREFORE BE IT RESOLVED**, that the Board of Trustees does hereby accept the Coughlin, Foundotos, Cullen, Danowski, LLP audit of the Justice Court.

- It was, upon motion by Trustee Folkerts, second by Trustee Shutka, and unanimously adopted:  
**RESOLUTION #104-09**  
**RESOLVED**, to hereby direct the Village Treasurer to utilize the Town of Smithtown's Equalization Rate.
- It was, upon motion by Trustee Swanson, second by Trustee Naughton, and unanimously adopted:  
**RESOLUTION #105-09**  
**WHEREAS**, effective January 16, 2009, the Incorporated Village of Head of the Harbor ceased to be an assessing unit, and  
**WHEREAS**, the assessment roll has been completed by the Town Assessor, and  
**WHEREAS**, the Board of Trustees does hereby adopt said assessment roll,  
**NOW THEREFORE**, the Board of Trustees does hereby direct the Village Treasurer to file a copy with the Village Clerk, and  
**BE IT FURTHER RESOLVED**, the Village Clerk is hereby directed to make available to the public a copy of the assessment roll during the normal village offices.
- Abstract #126371- Vouchers chosen to be paid from the General Fund in the amount of \$6,394.31. Discussion ensued. It was, upon motion by Trustee Folkerts, second by Trustee Swanson, and unanimously adopted:  
**Resolution #106-09**  
**RESOLVED**, to adopt Abstract #126371 in the amount of \$6,394.31 to be paid as presented.
- Abstract #126372- Vouchers chosen to be paid from the General Fund in the amount of \$29,376.97. Discussion ensued. It was, upon motion by Trustee Folkerts, second by Trustee Shutka, and unanimously adopted:  
**Resolution #107-09**  
**RESOLVED**, to adopt Abstract #126372 in the amount of \$29,376.97 to be paid as presented.
- Abstract #126373- Vouchers chosen to be paid from the General Fund in the amount of \$16,140.68. Discussion ensued. It was, upon motion by Trustee Shutka, second by Trustee Naughton, and unanimously adopted:  
**Resolution #108-09**  
**RESOLVED**, to adopt Abstract #126373 in the amount of \$16,140.68 to be paid as presented.
- Abstract #101- Vouchers chosen to be paid from the Trust & Agency Fund in the amount of \$2,722.50. It was, upon motion by Trustee Folkerts, second by Trustee Shutka, and unanimously adopted:  
**Resolution #109-09**  
**RESOLVED**, to adopt Abstract #101 in the amount of \$2,722.50 to be paid as presented.
- Abstract #126374- Vouchers chosen to be paid from the General Fund in the amount of \$3,516.18. Discussion ensued. This abstract is for a replacement of the October 1, 2009 invoice for Empire BlueCross/Blue Shield; the original check was not received, nor negotiated, and a stop payment was processed. It was, upon motion by Trustee Shutka, second by Trustee Naughton, and unanimously adopted:  
**Resolution #110-09**  
**RESOLVED**, to adopt Abstract #126374 to be paid as presented \$3,516.18.
- Abstract #126375- Vouchers chosen to be paid from the General Fund in the amount of \$94,197.21. Discussion ensued. It was, upon motion by Trustee Shutka, second by Trustee Naughton, and unanimously adopted:  
**Resolution #111-09**  
**RESOLVED**, to adopt Abstract #126373 in the amount of \$94,197.21 to be paid subject to Dan Falasco, Village Engineer's, review of the paving project on Fifty Acre Rd (voucher #8567).

It was, upon motion by Trustee Folkerts, second by Trustee Swanson and unanimously adopted, to move to executive session at 9:10 PM.

Respectfully Submitted,

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Margaret O'Keefe  
Village Clerk

