

**MINUTES OF THE MEETING OF
THE BOARD OF TRUSTEES
Wednesday, January 15, 2014 at 7 PM**

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, January 15, 2014 at 7 PM at the Village Hall located at 500 North Country Rd, St. James, NY 11780. Those present were the following members, Mayor Natale J. Tartamella, Deputy Mayor Heiko H. Folkerts, Trustees Judith C. Ogden, Douglas A. Dahlgard and Daniel W. White. Also in attendance Village Clerk Margaret O'Keefe, Village Treasurer Patricia Mulderig, and Village Attorney Anthony B. Tohill.

Mr. Josh Stiller of NYS DEC discussed the current options for controlling the deer population.

1. Mayor – Natale Tartamella:

- Mayor Tartamella convened the public hearing on this 15th day of January 2014, at 7:00 P.M., at Village Hall, 500 North Country Road, St. James, New York, to consider the adoption of LOCAL LAW (Intro) NO. 1 OF 2014, “A LOCAL LAW AMENDING VILLAGE CODE § 153-3 STOP AND YIELD SIGNS.” Discussion ensued. It was, upon motion by Trustee White, second by Trustee Folkerts and unanimously adopted:
RESOLUTION #134-13
RESOLVED, to close the public hearing on LOCAL LAW (Intro) NO. 1 OF 2014, “A LOCAL LAW AMENDING VILLAGE CODE § 153-3 STOP AND YIELD SIGNS.”
- Mayor Tartamella convened the public hearing on this 15th day of January 2014, at 7:00 P.M., at Village Hall, 500 North Country Road, St. James, New York, to consider the adoption of LOCAL LAW NO.(Intro.)2 OF 2014, “A LOCAL LAW AMENDING VILLAGE CODE § 165-23(B)(3)(D).” Discussion ensued. It was, upon motion by Trustee Folkerts, second by Trustee White and unanimously adopted:
RESOLUTION #135-13
RESOLVED, to close the public hearing on LOCAL LAW NO.(Intro.)2 OF 2014, “A LOCAL LAW AMENDING VILLAGE CODE § 165-23(B)(3)(D).”
- **Minutes of December 18, 2013 7 PM** meeting of the Board of Trustees were presented. It was, upon motion by Trustee Ogden, second by Trustee Dahlgard, abstention by Mayor Tartamella (4-0-1) and adopted:
RESOLUTION #136-13
RESOLVED, to adopt the minutes of the above referenced meeting as presented.

2. Legal – Anthony B. Tohill, Village Attorney:

- Discussion regarding SBA producing a survey of the rental property at Village Hall. No action taken.

3. Financials – Patricia Mulderig, Treasurer:

- Report submitted to the Board.
- Abstract report submitted to the Board. Discussion ensued regarding voucher #20130562. Payment to Comtech 2-Way Communications to be amended from \$5,368.00(with installation) to the approved amount of \$3,745.82(without installation) . It was, upon motion by Trustee Folkerts, second by Trustee Ogden and unanimously adopted:
RESOLUTION #137-13
RESOLVED, to adopt Abstracts #126655 through and including #126659 to be paid from the General Fund in the amount of \$55,287.46.
- It was, upon motion by Trustee Ogden, second by Trustee Dahlgard, and unanimously adopted:
Resolution #138-13
RESOLVED, to approve the modifications to the 2013/2014 budget in the amount of \$44,523.48 as noted below:

		BUDGET FY/E	BUDGET ADJUSTMENT	MODIFIED BUDGET
		<u>2/28/2014</u>		<u>2/28/2013</u>
A1255	CLERK FEES	(100.00)	(591.87)	(691.87)
A2110	ZONING FEES	(2,000.00)	0.00	(2,000.00)
A2770	MISCELLANEOUS REVENUE	0.00	(281.86)	(281.86)
A3001	STATE REVENUE SHARING	(4,000.00)	(1,307.00)	(5,307.00)
A3005	MORTGAGE TAX	(40,000.00)	(2,175.03)	(42,175.03)
A3501	CHIPS PROGRAM	(70,000.00)	(71,438.53)	(141,438.53)
A1620.5	VILLAGE HALL APPRAISAL	200.00	70.00	270.00
A1930.4	JUDGEMENTS AND CLAIMS	11,443.07	2,170.12	13,613.19
A5110.11	STREET MAINT - OVERTIME	0.00	1,666.45	1,666.45
A5110.21	STREET MAINT - TRUCK REPAIRS	19,879.27	7,767.90	27,647.17
A5110.5	STREET - EQUIPMENT PURCHASES	3,000.00	2,368.00	5,368.00
A5112.2	CHIPS IMPROVEMENTS	79,000.00	62,438.53	141,438.53
A5142.44	SNOW REMOVAL - CONTRACTED SERVICES	0.00	5,440.50	5,440.50
A5182.4	STREET HYDRANTS	8,010.00	200.00	8,210.00
A1990	CONTINGENCY	39,091.14	(6,327.21)	32,763.93
		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
		<u>44,523.48</u>	<u>(0.00)</u>	<u>44,523.48</u>

4. Mayor – Natale Tartamella:

- A public hearing was concluded on the 15th day of January, 2014, at 7:00 P.M., at the Village Hall, 500 North Country Road, Head-of-the-Harbor, New York, to consider the adoption of a local law as follows LOCAL LAW (Intro) NO. 1 OF 2014, “A LOCAL LAW AMENDING VILLAGE CODE § 153-3 STOP AND YIELD SIGNS.”

It was upon motion by Trustee Dahlgard, second by Trustee White and voted upon as follows (5-0-0):

TRUSTEE FOLKERTS	AYE
TRUSTEE OGDEN	AYE
TRUSTEE WHITE	AYE
TRUSTEE DAHLGARD	AYE
MAYOR TARTAMELLA	AYE

RESOLUTION #139-13

RESOLVED, to adopt LOCAL LAW NO. 1 OF 2014, “A LOCAL LAW AMENDING VILLAGE CODE § 153-3 STOP AND YIELD SIGNS.”

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HEAD-OF-THE-HARBOR AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to regulate the obstruction of traffic at intersections in supplement of N.Y. Vehicle and Traffic Law § 1175.

SECTION 2. AMENDMENT OF VILLAGE CODE § 153-3 STOP AND YIELD SIGNS*

A. The title of § 153-3 is amended to read Stop and Yield Signs and Marked Intersection Signs.

B. Section 153-3(C) is enacted as follows:

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.

C. Section 153-3, Schedule D, is enacted as follows:

SCHEDULE D. MARKED INTERSECTIONS

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

SECTION 3. SEQRA.

This is a Type II action under 6 NYCRR 617.5(c)(20).

SECTION 4. SEVERABILITY.

Should any part or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole nor any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 5. EFFECTIVE DATE.

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

- A public hearing was concluded on the 15th day of January, 2014, at 7:00 P.M., at the Village Hall, 500 North Country Road, Head-of-the-Harbor, New York, to consider the adoption of a local law as follows LOCAL LAW (Intro) NO. 2 OF 2014, “A LOCAL LAW AMENDING VILLAGE CODE § 165-23(B)(3)(D)”. It was upon motion by Trustee Dahlgard, second by Trustee White and voted upon as follows (5-0-0):

TRUSTEE FOLKERTS	AYE
TRUSTEE OGDEN	AYE
TRUSTEE WHITE	AYE
TRUSTEE DAHLGARD	AYE
MAYOR TARTAMELLA	AYE

RESOLUTION #140-13

RESOLVED, LOCAL LAW NO. 2 OF 2014, “A LOCAL LAW AMENDING VILLAGE CODE § 165-23(B)(3)(D)” BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HEAD-OF-THE-HARBOR AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to amend Village Code § 165-23(B)(3)(d) consistent with the requirements of New York Agriculture and Markets Law § 305-a(1).

SECTION 2. AMENDMENT OF VILLAGE CODE § 165-23(B)(3)(d).

Village Code § 165-23(B)(3)(d) is amended to read as follows*:

(d) Except as otherwise allowed under New York Agriculture and Markets Law § 305-a(1) on premises within a county adopted state certified agriculture district, agricultural pursuits shall not include any use which causes or allows public assembly for purposes of attending a social event or an entertainment event, and instead, agricultural pursuits shall be limited to the growing of crops, raising of livestock and sale of livestock products as defined in Section 301 of the New York Agriculture and Markets Law.

SECTION 3. SEQRA.

This is a Type II action under 6 NYCRR 617.5(c)(20).

SECTION 4. SEVERABILITY.

Should any part or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole nor any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 5. EFFECTIVE DATE.

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

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

RESOLUTION #141-13

RESOLVED, authorizing Mayor Tartamella, in his official capacity, to execute the engagement letter with Cullen & Danowski, LLP to audit the financial statements for year-end February 2013; contact amount is \$10,500.00.

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

RESOLUTION #142-13

RESOLVED, to appoint the Town of Smithtown Clerk/Registrar as the registrar of vital statistics for the Inc. Village of Head of the Harbor.

- It was, upon motion by Trustee Dahlgard, second by Trustee Ogden, and unanimously adopted:

RESOLUTION #143-13

RESOLVED, the village treasurer is commanded to receive and collect from the persons named in the assessment roll, the several sums named in the last column thereof opposite their respective name, for the following purposes, deemed read into the record and recorded in the official minutes:

	DOLLARS/CENTS
For the General Fund.....	\$458,655.32
For the Police, Fire, & Safety Fund.....	\$790,591.82
For the Street Fund.....	\$414,687.25
For Community Service	\$30,058.04
For the payment of principal and interest on bonds and capital notes...	\$58,903.50
Being for all purposes a total amount of.....	\$1,752,895.93
Non-real estate revenue.....	\$ 451,257.23
Total Real estate Tax.....	\$ 1,301,638.70
	\$1,752,895.93

Upon the receipt of the roll you, on or before the first day of March, you shall cause to be published in the official paper of the Village, once a week for two consecutive weeks, a notice that such tax roll has been left with you for the collection of taxes therein levied, and shall designate one or more convenient places in the Village where you will receive taxes from March first to and including April first from nine o'clock in the morning until 2 o'clock in the afternoon, except Fridays, Saturdays, Sundays and holidays; For said period of time you will receive all taxes paid to you without additional charge; On all such taxes remaining unpaid after

April first, interest of five percent shall be added for the month of April and an additional one percent for each month and fraction thereof thereafter until paid. After the first day of April you shall proceed to collect the taxes remaining unpaid, with interest as herein provided, but without any other fee or charge, and for that purpose you are possessed of all the powers of tax collector. All interest collected shall belong to the Village.

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

RESOLUTION #144-13

RESOLVED, extending the residency requirement to include the County of Suffolk, the following individuals are appointed to serve as election inspectors for the March 18, 2014 General Election, namely Maureen Wiedersum Chief Inspector, Marguerite McDonagh, and Leane Kondenar. Chief Election Officer, Margaret O'Keefe for a work day from 11:30 AM until 9:30 PM, compensation to be \$140.00 for the 10 hour day. Oaths of Office are to be filed with the village clerk; I-9 forms are to be filed with the village treasurer.

5. Highway Department- J. Ted Naughton, Commissioner:

- Pothole repair beginning.

6. Police Department –Martin J. Thompson, Chief:

- Poachers have been seen in the village. Anyone with information should contact the police department.

7. Building Department, ARB, ECB, PB- Gerard Harris, Building Inspector:

- ECB reviewed one application.
- PB and ARB canceled.

8. Joint Coastal Commission- Member Gary Silverman:

- Member Michele Wiedersum volunteered to assist with tree inventory.
- JCC wishes to recommend the Board of Trustees appoint Robin Herrnstein as Chair. It was upon motion by Trustee Dahlgard, second by Trustee Folkerts and unanimously adopted:

RESOLUTION #145-13

RESOLVED, to fill the vacancy as Chair of the Joint Coastal Commission, the Board of Trustees does hereby appoint Ms. Robin Herrnstein for a term to expire 2016.

9. Planning Board –:

- Letter submitted to the Board requesting legislation regulating driveways. Village Attorney, Anthony B. Tohill directed to further discussion with the Planning Board.
- It was, upon motion by Trustee Dahlgard, second by Trustee White, and unanimously adopted to move to executive session to discuss personnel. No action taken. It was, upon motion by Trustee Folkerts, second by Trustee White and unanimously adopted to move back to public session.
- It was upon motion by Trustee Dahlgard, second by Trustee Folkerts and unanimously adopted:
RESOLUTION #146-13
RESOLVED, due to the circumstances evoked by this year's storms, any employee with outstanding vacation days may roll it over to the 2014 calendar year, but it must be used within 90 days.

There being no other matters to be brought before the Board; it was, upon motion by Trustee Folkerts, second by Trustee White and unanimously adopted to adjourn the meeting at 9:37 PM.

Respectfully Submitted,

Margaret O'Keefe
Village Clerk