

**MINUTES OF THE MEETING OF
THE BOARD OF TRUSTEES
Wednesday, October 10, 2012 at 7 PM**

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, October 10, 2012 at 7 PM at the Village Hall located at 500 North Country Rd. Those present were the following members Mayor Natale J. Tartamella, Trustees R.L. Swanson, Heiko Folkerts, J. Ted Naughton, and Judith C. Ogden. Also in attendance this evening Village Attorney; Anthony B. Tohill, Village Clerk; Margaret O'Keefe and Patricia Mulderig, Treasurer.

1. Mayor – Natale Tartamella:

- **Minutes of September 19, 2012 7 PM** meeting of the Board of Trustees were presented. There was a correction noted the St. James Fire Department Annual Run will be held on April 20, 2013. It was, upon motion by Trustee Swanson, second by Trustee Folkerts and unanimously adopted:
RESOLUTION #095-12
RESOLVED, to adopt the minutes of the above referenced meeting as amended.
- **Minutes of October 1, 2012 7 PM** meeting of the Board of Trustees were presented. There was a correction noted the word “requests” is to be removed. It was, upon motion by Trustee Naughton, second by Trustee Swanson and unanimously adopted:
RESOLUTION #096-12
RESOLVED, to adopt the minutes of the above referenced meeting as amended.

2. Financials – Patricia Mulderig, Treasurer:

- Report submitted to the Board.
- It was, upon motion by Trustee Swanson, second by Trustee Folkerts and unanimously adopted:
RESOLUTION #097-12
RESOLVED, to adopt Abstract #126546, Abstract #126547, Abstract #126548 to be paid from the General Fund, in the amount of \$14,747.17.
- It was, upon motion by Trustee Swanson, second by Trustee Folkerts and unanimously adopted:
RESOLUTION #098-12
RESOLVED, to adopt Abstract #126549, Abstract #126550 to be paid from the General Fund, in the amount of \$12,828.25.
- It was, upon motion by Trustee Swanson, second by Trustee Ogden, and unanimously adopted:
Resolution #099-12
RESOLVED, to adopt Abstract #TA 119, to be paid from the Trust & Agency Fund, in the amount of \$875.00.
- Abstract #TA 120 was tabled until further review.
- Per Election Law §15-104(3) the Village General Election is to be held on Tuesday, March 19, 2013 for the offices of (2) two Trustees 2-year term. Said Election is to be held on Tuesday, March 19, 2013, polls open 12 noon-9 PM; the polling is to take place at Head of the Harbor Village Hall, 500 North Country Rd., St. James, NY 11780. The building is accessible to handicapped persons.

3. Mayor- Natale J. Tartamella:

- **Resolution #100-12**
RESOLVED, to fulfill vacancies, it was upon motion by Trustee Swanson, second by Trustee Naughton, and unanimously adopted: to appoint Philip Palmedo to the Environmental Conservation Board for a term that expires April 2013.
- **Resolution #101-12**
RESOLVED, to fulfill vacancies, it was upon motion by Trustee Naughton, second by Trustee Folkerts, and unanimously adopted to appoint Michael Garguilo to the Architectural Review board for a term that expires April 2017.

- Presented to the Board of Trustees Local Law (Intro.) #1 of 2012, “A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-c”. Discussion ensued. It was upon motion by Trustee Naughton, second by Trustee Ogden, and unanimously adopted:

Resolution #103-12

RESOLVED, the village clerk is hereby authorized and directed to post and publish a public hearing on Local Law (Intro.) #1 of 2012, “A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-c”. to be held on Wednesday, November 21, 2012 at 7 PM, time then in effect, at Village Hall, 500 North Country Rd., St. James New York 11780.

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

- Highway employee injured his left hand on September 27, 2012.
- It was, upon motion by Trustee Swanson, second by Trustee Naughton, and unanimously adopted:
Resolution #104-12
RESOLVED, the building inspector is authorized to approve a permit under Chapter 131 of the Village Code with the proviso that any such approval would be based on facts of this particular case and this particular residence at 26 Pin Oak Lane and that this particular approval does not serve as any amendment or modification of the existing policy requiring curb to curb restoration of the pavement and no part of the issuance can be construed as to constitute an amendment of the existing policy and said policy shall continue.
- Discussion regarding drainage work and paving to be done on Gate Road. The project would utilize state bids and CHIPS funds. Discussion ensued. Test boring to begin.
- It was, upon motion by Trustee Ogden, second by Trustee Folkerts, and unanimously adopted:
Resolution #105-12
RESOLVED, 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”.

5. ARB, PB, ECB, ZBA- Gerard Harris, Building Inspector:

- ARB- four applications before the ARB last month.
- Discussion regarding work being done outside of the scope of the permit issued for a property on North Country Rd.
- ECB-no report.
- PB- Further review of the Kopf siteplan application.
- ZBA- Carpenter request approved.

6. Police Department –Chief Thompson:

- October 28, 2012 Walk-A-Thon has not submitted an appropriate insurance certificate and therefore is not approved by the village.
- Discussion regarding tree removal and unwarranted complaints.
- Discussion regarding a potential amendment to the local law regarding noise.

7. Other Matters:

- Discussion regarding volunteer policy and requesting a curriculum vitae for new volunteers. Additionally, discussed, was requesting a letter from the Board Chair listing potential candidates and qualifications. Trustee Swanson to develop a policy.
- Adjustments to tax assessments received from the Town of Smithtown subsequent to the acceptance of the tax rolls. The amount presented totaled \$3,240.36 itemized below. Discussion ensued. It was, upon motion by Trustee Ogden, second by Trustee Naughton and unanimously adopted: **RESOLUTION #106-12**
RESOLVED, to authorize and direct the Village Treasurer to refund the taxes as per successful grievances as follows:

FARRUKH & BUSHRA BAIG	18-Sep-12	23,540	18,450	(5,090)	(915.18)
MICHAEL & AIDA MARCIGLIANO	18-Sep-12	15,130	11,685	(3,445)	(619.41)
RALPH & LOUISE D'ANNUCCI	6-Sep-12	22,810	18,450	(4,360)	(783.93)
STEPHEN & DEBORAH MARTIN	7-Aug-12	18,000	15,070	(2,930)	(526.81)
FRANK & ANNMARIE CASTELLI	7-Aug-12	13,730	11,685	(2,045)	(367.69)
JOHN & DOROTHY LENDINO	7-Aug-12	9,865	8,860	(1,005)	(180.70)
OLEG PETROVSKY	30-Jul-12	13,750	11,070	(2,680)	(481.86)
RAFAELE & NATALYA PICA	4-Sep-12	12,322	10,765	(1,557)	(279.95)
ASSESSMENT ADJUSTMENTS 10-10-12 (3,240.36)					

- It was, upon motion by Trustee Ogden, second by Trustee Folkerts, and unanimously adopted, to move to executive session to discuss personnel. No action taken. It was, upon motion by Trustee Folkerts, second by Trustee Naughton, and unanimously adopted, to move back to public session.
- Further discussion regarding building permit on North Country Rd., where the work performed was outside of the scope of the approved permit.
- Discussion regarding the duties of the various boards and committees. Further discussion regarding the enforcement of codes. Boards, commissions, and their activities may only be authorized by the state legislature. Discussion regarding draft legislation regarding driveway regulations and the prohibition of berms.

There being no other matters to be brought before the Board; it was, upon motion by Trustee Ogden, second by Trustee Swanson and unanimously adopted, to adjourn the meeting at 9:38 PM.

Respectfully Submitted,

Margaret O'Keefe
Village Clerk