

**MINUTES OF THE MEETING OF  
THE BOARD OF TRUSTEES  
Wednesday, November 21, 2012 at 7 PM**

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, November 21, 2012 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, Trustees R.L. Swanson, Heiko Folkerts, J. Ted Naughton, and Judith C. Ogden. Also in attendance this evening Village Clerk; Margaret O'Keefe and Patricia Mulderig, Treasurer. Not in attendance this evening Village Attorney; Anthony B. Tohill.

• **Mayor – Natale Tartamella:**

- Mayor Tartamella convened the public hearing on this 21<sup>st</sup> day of November 2012, at 7:00 P.M., at Village Hall, 500 North Country Road, St. James, New York, to consider the adoption of LOCAL LAW NO. 1 OF 2012, “A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-c”. Residents Mr. Coleman and Ms. Swanson expressed concerns that the hearing was being held on the eve of Thanksgiving, therefore potentially limiting the public’s availability to attend. Discussion ensued. Members of the Board of Trustees explained that the hearing was on the above referenced local law and not the 2013/2014 budget. The Board anticipates opening the public hearing on the 2013/2014 budget on December 19, 2012 at 7 pm. It was, upon motion by Trustee Naughton, second by Trustee Folkerts and unanimously adopted:

**RESOLUTION #108-12**

**RESOLVED**, to close the public hearing on LOCAL LAW NO. 1 OF 2012, “A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-c”.

- **Minutes of October 12, 2012 7 PM** meeting of the Board of Trustees were presented. There were three minor typographical errors noted and corrected. It was, upon motion by Trustee Swanson, second by Trustee Folkerts and unanimously adopted:  
**RESOLUTION #109-12**  
**RESOLVED**, to adopt the minutes of the above referenced meeting as amended.
- **Minutes of November 8, 2012 6 PM** meeting of the Board of Trustees were presented. It was, upon motion by Trustee Folkerts, second by Trustee Naughton abstention by Trustee Swanson and adopted (4-0-1):  
**RESOLUTION #110-12**  
**RESOLVED**, to adopt the minutes of the above referenced meeting as presented.
- **Minutes of November 14, 2012 6 PM** meeting of the Board of Trustees were presented. It was, upon motion by Trustee Ogden, second by Trustee Naughton and unanimously adopted:  
**RESOLUTION #111-12**  
**RESOLVED**, to adopt the minutes of the above referenced meeting as presented.

**2. Financials – Patricia Mulderig, Treasurer:**

- Report submitted to the Board.
- It was, upon motion by Trustee Folkerts, second by Trustee Naughton and unanimously adopted:  
**RESOLUTION #112-12**  
**RESOLVED**, to adopt Abstract #126556 for partial payment in the amount of \$34,000.00, until further review.
- It was, upon motion by Trustee Naughton, second by Trustee Ogden and unanimously adopted:  
**RESOLUTION #113-12**  
**RESOLVED**, to adopt Abstract #126557, Abstract #126558, and Abstract #126559 to be paid from the General Fund, in the total amount of \$215,050.78.
- It was, upon motion by Trustee Folkerts, second by Trustee Ogden, and unanimously adopted:  
**Resolution #114-12**  
**RESOLVED**, to adopt Abstract #TA 120 and Abstract #TA 121, to be paid from the Trust & Agency Fund, in the total amount of \$677.50.

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

**Resolution #115-12**

**RESOLVED**, to approve the following modifications to the 2012/2013 as noted:

|          |                            | BUDGET<br>F/Y/E   | BUDGET<br>ADJUSTMENT | MODIFIED<br>BUDGET |
|----------|----------------------------|-------------------|----------------------|--------------------|
|          |                            | 2/28/2013         |                      | 2/28/2011          |
| A1560    | BUILDING PERMITS           | (35,000.00)       | (27,343.71)          | (62,343.71)        |
| A2682    | INSURANCE RECOVERIES       | 0.00              | (3,568.33)           | (3,568.33)         |
| A3289    | STATE AID OTHER            | 0.00              | (31,616.06)          | (31,616.06)        |
| A1410.91 | RETIREMENT VILLAGE         | 80,310.00         | 7,869.00             | 88,179.00          |
| A1910.4  | JUDGEMENTS & CLAIMS        | 67,812.00         | 12,964.26            | 80,776.26          |
| A5110.7  | STREET MAINTENANCE - STORM | 0.00              | 41,694.84            | 41,694.84          |
|          |                            | 0.00              | 0.00                 | 0.00               |
|          |                            |                   | 0.00                 | 0.00               |
|          |                            | <u>113,122.00</u> | <u>(0.00)</u>        | <u>113,122.00</u>  |

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

- Commendations to be given to the highway department for their efforts before, during, and after Hurricane Sandy and the subsequent Nor'easter.
- Discussion regarding the additional burden upon the 2012/2013 budget from the storms of October/November 2012. FEMA funds may provide partial reimbursement, but funds are not expected to be received until Spring/Summer of 2013.

**4. Mayor- Natale J. Tartamella:**

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

**Resolution #116-12**

**RESOLVED**, the village General Election will be held on Tuesday, March 19, 2013 and the polls are to be 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.

- Discussion regarding draft legislation regarding curb cuts and driveways; berm regulations; enhancing setbacks for certain accessory uses. Said drafts to be sent to the Planning Board for comment. No action taken.
- A public hearing was concluded on the 21st day of November, 2012, 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 2012, "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-c"  
It was upon motion by Trustee Naughton, second by Trustee Ogden and voted upon as follows (5-0-0):

TRUSTEE NAUGHTON      AYE  
 TRUSTEE OGDEN            AYE  
 TRUSTEE FOLKERTS        AYE  
 TRUSTEE SWANSON        AYE  
 MAYOR TARTAMELLA       AYE

**Resolution #117-12**

**RESOLVED**, to adopt Local Law #1 of 2012, "A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW § 3-c"

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

SECTION 1. PURPOSE.

It is the intent of this local law to allow the Village of Head-of-the-Harbor to adopt a budget for the fiscal year commencing March 1, 2013 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

SECTION 2. AUTHORITY.

This local law is adopted pursuant to subdivision 5 of General Municipal Law § 3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

**SECTION 3. TAX LEVY LIMIT OVERRIDE.**

The Board of Trustees of the Village of Head-of-the-Harbor, County of Suffolk, is hereby authorized to adopt a budget for the fiscal year commencing March 1, 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law § 3-c.

**SECTION 4. SEVERABILITY.**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**SECTION 5. EFFECTIVE DATE.**

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

- It was, upon motion by Trustee Naughton, second by Trustee Folkerts, and unanimously adopted **Resolution #118-12** **RESOLVED**, to adopt the following Policy for Head of the Harbor Village Board Membership:

To request nomination of a Board member for approval by the Village Board of Trustees, let the Committee Chair submit in writing:

1. the reason why' they' have selected said nominee; include an explanation of the vacant seat and reason why candidate would be a good fit, and
2. a letter or resume from nominee explaining why they would like to serve on the board and the expertise or attributes they could provide.

Whereas there is considerable talent and expertise among the residents of Head-of-the-Harbor, and the residents have a vested interest in the management of the Village, it is the policy of the Village that members of Village boards be residents of the Village.

Exceptions to this policy might occur if and only if the respective Village Board has demonstrated that, following an extensive search; there is no resident available to fill the Board vacancy, that there be a written appeal to the Village Board of Trustees upon which the Board of Trustees will assist the respective Board in seeking qualified resident nominees.

Failing the above, the Village Board may submit the name of a non-resident nominee to the Board of Trustees for consideration. The non-resident nominee must be able to demonstrate that they have:

1. expertise (through education, experience) in a field of endeavor that meets the needs of the respective Board, and
2. have no conflict or apparent conflict of interest in the functions of the Board or the governance of the Village.

- It was, upon motion by Trustee Naughton, second by Trustee Folkerts, and unanimously adopted, to move to executive session to discuss personnel. No action taken. It was, upon motion by Trustee Swanson, second by Trustee Naughton, and unanimously adopted, to move back to public session.

There being no other matters to be brought before the Board; it was, upon motion by Trustee Folkerts, second by Trustee Naughton and unanimously adopted, to adjourn the meeting at 9:21 PM.

Respectfully Submitted,

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Margaret O'Keefe  
Village Clerk