

**MINUTES OF THE MEETING OF
THE BOARD OF TRUSTEES
WEDNESDAY, DECEMBER 3, 2025**

The meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, December 3, 2025 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, Kathleen Diana and Trustee Jeffrey D. Fischer. Also, in attendance Village Administrator/Clerk, Margaret O'Keefe; Village Attorney, Brian T. Egan; Police Chief, Charles M. Lohmann; Building Inspector, Robert O'Shea; Village Treasurer, Patricia Mulderig and Village Engineer, Daniel Falasco. Not in attendance Dir. of Highway Operations, Frank Prinzevalli.

Pledge of Allegiance.

Mayor - Michael Utevsky:

- Mayor Utevsky convened the public hearing on Local Law (Intro) #2A OF 2025, "A LOCAL LAW TO AMEND VILLAGE CODE WITH REGARD TO VINYL SIDING." Discussion ensued. There being no further dialogue, and the hearing was closed.

It was, upon motion by Trustee Ogden, second by Deputy Mayor Davidson, and unanimously adopted:
RESOLUTION #122-25

Deemed read into the record in its entirety.

Local Law FILED No 2 - 2025

AMENDING SECTION 165-28 AND ADDING SECTIONS 165-34.6 TO CHAPTER 165 OF THE VILLAGE CODE TO REGULATE VINYL SIDING

Be it enacted by the Village Board of the Incorporated Village of Head of the Harbor:

The Code of the Incorporated Village of Head of the Harbor, County of Suffolk, New York, is amended by:

AMENDING Section 165-28 and ADDING Sections 165-34.6 to Chapter 165 of the Village Code which shall read as follows:

§ 165-34.6 Exterior siding.

A. The construction, enlargement, alteration, or removal of any exterior siding or materials shall require a building permit under Section 65-5 and approval from the Board of Architectural Review pursuant to Article III of Chapter 59.

B. In its review of exterior siding applications, the Board of Architectural Review shall apply its criteria set forth in Chapter 59. Vinyl materials are prohibited. Synthetic siding or shutters shall be avoided unless reasonably indistinguishable from non-synthetic materials.

§ 165-34.7 Solar energy systems.

A. The construction, enlargement, alteration, or removal of any solar energy system shall require a building permit under Section 65-5 and approval from the Board of Architectural Review pursuant to Article III of Chapter 59.

B. Definitions. As used in this section, the following terms shall have the meanings indicated, unless the context otherwise indicates:

ABUTTING STREET(S)

Street that shares a boundary with the subject property; or in the case of a corner property that shares a boundary with more than one street.

INTEGRATED PRIMARY EQUIPMENT

Any part of a solar energy system that is built into a structure and blends aesthetically and functionally into that structure including but not limited to: integrated solar roof tiles, solar slates, or solar shingles.

NON-INTEGRATED PRIMARY EQUIPMENT

Any part of a solar energy system that is not built into a structure and does not blend aesthetically and functionally into that structure including but not limited to solar panels.

PRIMARY EQUIPMENT

Any photovoltaic cell(s), water panel(s), or other devices that convert, absorb, or transform solar energy.

SECONDARY EQUIPMENT

Any supply lines, return lines, control valves, wiring, meters, switches, modules, inverters, or other devices and cabinets associated with the installation or function of a solar energy system.

C. Regulations.

(1) General. All solar energy systems shall be designed, erected and installed in accordance with all applicable codes and standards.

(2) As much as possible, all panels, tiles, or slates are to match the color of the roof or wall to which they are attached.

(3) On buildings or accessory structures with flat roofs where tilted frames are used, such equipment shall not be visible from abutting streets. If necessary, the equipment shall be screened with appropriate material as approved by the Board of Architectural Review.

(4) Primary equipment mounted to an approved accessory structure shall be considered part of that structure and is subject to all the requirements related to accessory structures.

(5) All secondary equipment associated with any solar energy system installation shall not be exposed on the outside of any structure unless required by applicable codes and standards.

(6) Integrated equipment may be mounted on any roof if, in the judgment of the Board of Architectural Review, the equipment resembles, integrates, and blends seamlessly with the overall aesthetics and architecture of the structure and conforms to all the other requirements related to solar panels contained in this section of the Code.

(7) Non-integrated equipment added to an existing structure shall be installed parallel to and directly against the existing sloping roof and shall be located in an area of the roof that is not visible from an abutting street. Individual modules must, to the extent possible, be arranged as a single integrated unit located on the roof and centered on the roof section, substantially covering the entire roof (allowing for necessary areas to provide walkways and other necessary access areas) so as to provide a single, consistent and unified look to the roof. This includes the panel frames and other visible hardware on or adjacent to the panels. In the event that the panels do not substantially cover the entire section of the roof, they must be located on that part of the roof that is not visible from the abutting street(s), assuming compliance with other provisions of this section.

This Local Law shall take effect immediately.

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
Jeffrey D. Fischer, Trustee	AYE
Kathleen Diana, Trustee	AYE

- Mayor Utevsky convened the public hearing on Local Law (Intro) #2A OF 2025, “Local Law (Intro.) NO. 2B of 2025, “A LOCAL LAW TO AMEND SOLAR PANELS”.” Discussion ensued. There being no further dialogue, and the hearing was closed.

It was, upon motion by Trustee Ogden, second by Deputy Mayor Davidson, and unanimously adopted:

RESOLUTION #123-25

Deemed read into the record in its entirety.

Local Law FILED #3 of 2025

A LOCAL LAW TO AMEND SOLAR PANELS

§ 165-34.7 Solar energy systems.

A. The construction, enlargement, alteration, or removal of any solar energy system shall require a building permit under Section 65-5 and approval from the Board of Architectural Review pursuant to Article III of Chapter 59.

B. Definitions. As used in this section, the following terms shall have the meanings indicated, unless the context otherwise indicates:

ABUTTING STREET(S)

Street that shares a boundary with the subject property; or in the case of a corner property that shares a boundary with more than one street.

INTEGRATED PRIMARY EQUIPMENT

Any part of a solar energy system that is built into a structure and blends aesthetically and functionally into that structure including but not limited to: integrated solar roof tiles, solar slates, or solar shingles.

NON-INTEGRATED PRIMARY EQUIPMENT

Any part of a solar energy system that is not built into a structure and does not blend aesthetically and functionally into that structure including but not limited to solar panels.

PRIMARY EQUIPMENT

Any photovoltaic cell(s), water panel(s), or other devices that convert, absorb, or transform solar energy.

SECONDARY EQUIPMENT

Any supply lines, return lines, control valves, wiring, meters, switches, modules, inverters, or other devices and cabinets associated with the installation or function of a solar energy system.

C. Regulations.

(1) General. All solar energy systems shall be designed, erected and installed in accordance with all applicable codes and standards.

(2) As much as possible, all panels, tiles, or slates are to match the color of the roof or wall to which they are attached.

(3) On buildings or accessory structures with flat roofs where tilted frames are used, such equipment shall not be visible from abutting streets. If necessary, the equipment shall be screened with appropriate material as approved by the Board of Architectural Review.

(4) Primary equipment mounted to an approved accessory structure shall be considered part of that structure and is subject to all the requirements related to accessory structures.

(5) All secondary equipment associated with any solar energy system installation shall not be visible on the outside of any structure unless required by applicable codes and standards or unless adequately screened.

(6) Integrated equipment may be mounted on any roof if, in the judgment of the Board of Architectural Review, the equipment resembles, integrates, and blends seamlessly with the overall aesthetics and architecture of the structure and conforms to all the other requirements related to solar panels contained in this section of the Code.

(7) Non-integrated equipment added to an existing structure shall be installed parallel to and directly against the existing sloping roof and shall be located in an area of the roof that is not visible from an abutting street. Individual modules must, to the extent possible, be arranged as a single integrated unit located on the roof and centered on the roof section, substantially covering the entire roof (allowing for necessary areas to provide walkways and other necessary access areas) so as to provide a single, consistent and unified look to the roof. This includes the panel frames and other visible hardware on or adjacent to the panels. In the event that the panels do not substantially cover the entire section of the roof, they must be located on that part of the roof that is not visible from the abutting street(s), assuming compliance with other provisions of this section.

(8) Notwithstanding the procedures and requirements of Chapter 149 (Trees), the removal or substantial alteration of any mature tree as part of a project to construct, enlarge, or alter a solar energy system shall require approval from the Board of Architectural Review. Applicant shall submit a planting plan depicting the removal of trees and the planting of new mature trees on the property.

(9) At least 10 days prior to the Board of Architectural Review hearing date, the applicant shall place a poster not less than 24 by 36 inches in size on the street frontage of the subject property. The poster shall be clearly visible from the street and state the date, time and place at which the public hearing before the Board of Architectural Review will be held, the description of the property's lot and block, together with the street address thereof and a synopsis of the relief being requested. The applicant shall file an affidavit of such posting, together with a sample copy of said poster, with the Village Clerk no later than the commencement of the public hearing.

Effective Date:

This Local Law shall take effect immediately.

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
Jeffrey D. Fischer, Trustee	AYE
Kathleen Diana, Trustee	AYE

- Mayor Utevsky convened the public hearing on Local Law (Intro.) NO. 3 of 2025, “A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c”. Discussion ensued. There being no further dialogue, and the hearing was closed.

It was, upon motion by Trustee Ogden, second by Deputy Mayor Davidson, and unanimously adopted:

RESOLUTION #124 -25

Deemed read into the record in its entirety.

Local Law FILED #4 of 2025

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN GENERAL MUNICIPAL LAW §3-c

Section 1. Legislative Intent

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, 2026, 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 is hereby authorized to adopt a budget for the fiscal year commencing March 1, 2026, 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.

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

- Agreement with Preservation Head of the Harbor on behalf of the Village of Head of the Harbor was presented. Mayor Utevsky recused himself, due to spousal involvement.

Deemed read into the record in its entirety.

It was, upon motion by Trustee Fischer, second by Trustee Diana, and adopted (4-0-1):

RESOLUTION #125-25 .

WHEREAS, Village desires to transfer and convey to Preservation Head of the Harbor a limited license and custody of the documents in order for the preservation and digitization of said records, and

WHEREAS, a limited license Agreement has been drafted and approved, in form, by the Village Attorney, **BE IT RESOLVED**, to authorize Mayor Michael Utevsky or Deputy Mayor Lisa Davidson to execute, in his/her official capacity, a limited license Agreement with Preservation Head of the Harbor on behalf of the Village of Head of the Harbor.

- It was, upon motion by Trustee Fischer, second by Trustee Diana, and unanimously adopted:

RESOLUTION #126 -25

RESOLVED, to amend the website Privacy Policy adopted on October 22, 2025 with additional language to be added to item 13, "No mobile information will be shared with third parties or affiliates for marketing or promotional purposes. All the above categories exclude text messaging originator opt-in data and consent; this information will not be shared with any third parties."

- It was, upon motion by Trustee Davidson, second by Trustee Diana, and unanimously adopted:

RESOLUTION #127-25

RESOLVED, to authorize and direct Mayor Utevsky, in his official capacity, to execute the renewal agreement with Auctions International with an effective date of December 3, 2025 to December 2, 2026.

- It was, upon motion by Trustee Ogden, second by Deputy Mayor Davidson, and unanimously adopted:

RESOLUTION #128-25

WHEREAS, by resolution on October 16, 2024, the Board of Trustees of the village of Head of the Harbor formed an ad hoc committee to address severe weather/infrastructure concerns, and

WHEREAS, this ad hoc committee will have no authority to act or contract on behalf of the village, **BE IT RESOLVED**, to appoint Beth Zweig as a member of said committee.

- It was, upon motion by Trustee Ogden, second by Deputy Mayor Davison, and unanimously adopted:
RESOLUTION #129-25
RESOLVED, that the village attorney is hereby authorized and directed to draft a locals law to address amendments to the Village Code in regard to “PENALTIES FOR OFFENSES AND VIOLATIONS OF THE CODE” and “DEER FENCING”,
BE IT RESOLVED, the village clerk is hereby authorized and directed to post and publish a public hearing for Local Law (Intro.) NO. 5 of 2025, “TO ADD ARTICLE II TO CHAPTER 1 OF THE VILLAGE CODE AND TO AMEND PENALTY PROVISIONS THROUGHOUT THE CODE TO ESTABLISH UNIFORM PENALTIES FOR OFFENSES AND VIOLATIONS OF THE CODE”. Said hearing is to be held on Wednesday, January 7, 2026 at 7 PM, time then in effect, at Village Hall, 500 North Country Rd., St. James, New York 11780, and
BE IT FURTHER RESOLVED, the village clerk is hereby authorized and directed to post and publish a public hearing for Local Law (Intro.) NO. 4 of 2025, “AMENDING Section 165-28 TO REGULATE DEER FENCING”. Said hearing is to be held on Wednesday, February 4, 2026 at 7 PM, time then in effect, at Village Hall, 500 North Country Rd., St. James, New York 11780, and

- It was, upon motion by Deputy Mayor Davidson, second by Trustee Fischer, and unanimously adopted:
RESOLUTION #130-25
WHEREAS, a claim was initiated against the village by one Frederick G. Fox, and
WHEREAS, after exploration for claim resolution, regardless of the merits of this defensible claim and without conceding liability, it has been determined to offer a settlement of the claim accompanied by a full and complete release, for the sum of \$75,000.00,
BE IT RESOLVED, to authorize Mayor Utevsky or his designee, to confirm such settlement offer with Ashley Sylvester, Esq. Claims Attorney, Tokio Marine and Steven C. Stern, Esq., SOKOLOFF STERN LLP.

Financials – Patricia A. Mulderig, Village Treasurer:

- It was, upon motion by Trustee Fischer, second by Trustee Diana, and unanimously adopted:
RESOLUTION #131-25
RESOLVED, to adopt Abstract Batch #'s 403, 404,405,407,413 and 418 in the total amount of \$475,159.59 be paid from the General Fund.
- It was, upon motion by Trustee Fischer, second by Trustee Diana, and unanimously adopted:
RESOLUTION #132-25
RESOLVED, to adopt Abstract Batch Numbers #409 in the total amount of \$332.25 to be paid from the Trust & Agency Fund.
- It was, upon motion by Trustee Fischer, second by Deputy Mayor Davidson, and unanimously adopted:
RESOLUTION #133-25
RESOLVED, the village treasurer is authorized and directed to make budget modifications to the 2025/2026 budget totaling \$169,227.87 for a net change of zero, as noted:

VILLAGE OF HEAD OF THE HARBOR
2025/2026 BUDGET MODIFICATIONS
12/03/2025

		BUDGET F/Y/E 02/28/2026	BUDGET ADJUSTMENT	MODIFIED BUDGET 02/28/2025
AA1420.410	LAW -GENERAL	51,000.00	3,000.00	54,000.00
AA1420.420	LAW - CODE ENFORCEMENT	7,000.00	100.00	7,100.00
AA1920.410	MUNICIPAL DUES	2,750.00	52.00	2,802.00
AA3120.250	POLICE - CONFERNCE & SEMINARS	2,000.00	(100.00)	1,900.00
AA3120.260	POLICE- TOS ANIMAL CONTROL	0.00	100.00	100.00
AA5110.250	DRAINAGE TRUCKING & DISPOSAL	12,000.00	1,500.00	13,500.00
AA5110.252	VACUUM TRUCK DRAINAGE	6,000.00	(1,500.00)	4,500.00
AA5142.430	STORM EMERGENCY EXPENSES	75,700.00	2,000.00	77,700.00
AA8020.200	PLANNING BOARD OFFICE SUPPLIES	750.00	200.00	950.00
AA8020.430	PLANNING BOARD - CONTRACTUAL	500.00	(200.00)	300.00
AA8030.200	ARB - OFFICE SUPPLIES	75.00	25.00	100.00
AA8030.400	ARB - CONSULTANTS	925.00	(25.00)	900.00
AA1990.00	CONTINGENCY	10,527.87	(5,152.00)	5,375.87
		<u>169,227.87</u>	<u>0.00</u>	<u>169,227.87</u>

- It was, upon motion by Trustee Fischer, second by Deputy Mayor Davidson, and unanimously adopted:
RESOLUTION #134-25
RESOLVED, the village treasurer is authorized and directed to reimburse the Village of Nissequogue for half of the Harbor Day expenses. Payment to be made in the amount in the amount of \$2,349.50.

Highway Department – Judith C. Ogden, Highway Commissioner:

- Paving and cobblestone successfully completed.

Building Department – Robert O’Shea, Building Inspector:

- Several projects moving forward.
- Architectural Review Board, Planning Board and Zoning Board of Appeals activity discussed.

Police Department – Charles M. Lohmann, Police Chief:

- Warning of check washing in local area.
- Suffolk County Water Authority preliminary engineering work finalized for east end of Village.
- It was, upon motion by Trustee Fischer, second by Trustee Diana, and unanimously adopted:
RESOLUTION #135-25
Minutes of November 5, 2025 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 Deputy Mayor Daivdson, second by Trustee Fischer, and unanimously adopted:
RESOLUTION #136-25
RESOLVED, in light of the recent 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, 2025 to March 31, 2026. 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.

Public Comment:

- Ms. Nostrand made inquiries regarding non-permitted structures.
- It was, upon motion by Trustee Fischer, second by Trustee Diana and unanimously adopted, to move to executive session to discuss litigation at 8:25pm. No action taken. It was, upon motion by Trustee Fischer, second by Deputy Mayor Davidson 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 Deputy Mayor Davidson, second by Trustee Ogden and unanimously adopted, to adjourn the meeting at 9:07 PM.

Respectfully Submitted,

Margaret O’Keefe
Village Administrator/Clerk