

**MINUTES OF THE MEETING OF
THE BOARD OF TRUSTEES
WEDNESDAY, AUGUST 6, 2025**

The meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, August 6, 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 and Kathleen Diana. Not in attendance this evening Trustee Jeffrey D. Fischer. Also, in attendance Village Administrator/Clerk, Margaret O'Keefe; Village Attorney, Brian T. Egan; Police Chief, Charles M. Lohmann; Village Treasurer, Patricia Mulderig (late arrival 7:15 PM); Building Inspector, Robert O'Shea and Dir. of Highway Operations, Frank Prinzevalli.

Pledge of Allegiance.

Mayor - Michael Utevsky:

Mayor Utevsky opened a public hearing on Local Law (Intro.) NO. 1 of 2025, "A LOCAL LAW OF THE VILLAGE OF HEAD OF THE HARBOR ADDING Chapter 138 of the Village Code." Discussion ensued.

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

RESOLUTION #063-25

Chapter 138 Special Events

§ 138-1 Definitions and Purpose.

A. It is the intent of the Board of Trustees to regulate the conduct of special event activities, such as parties, concerts, exhibitions, carnivals, circuses, parades and outdoor assemblages, so as to preserve the public peace and good order and to ensure the health and safety of the residents of the Village in the surrounding areas of such special event activities.

B. Definitions.

SPECIAL EVENT

Any form of entertainment or gathering open to the public and generally conducted outdoors often with the presence of tents, booths or temporary structures erected for such purpose or any combination of the foregoing, including but not limited to the following forms of entertainment commonly known as "concerts", "parties", "exhibitions", "parades", "races", "marches", "processions", "carnivals," "circuses," "fairs," "bazaars," "menageries" or "sideshows." Such forms of entertainment are generally characterized by the presence of any of the following activities or any combination thereof: live music, amplified sound, processions, booths, mechanical rides, exhibitions of skill, exhibitions, games of skill or games of chance where otherwise permitted by local regulation.

§ 138-2 Exceptions; permit required.

A. All special events are prohibited in the Village, except when such special events are approved by the Board of Trustees or organized/hosted by a government entity.

B. Any special event authorized pursuant to this chapter shall be conducted only upon the issuance of a permit by the Board of Trustees. Such permit shall be issued only upon the filing of a written, verified application to the Village Clerk, completed in accordance with this chapter by an officer of the organization sponsoring such special event, at least 60 days prior to the day of the commencement of such special event.

§ 138-3 Application requirements.

Application for a permit required by § 138-2 of this Chapter, shall be made on an application form approved by the Village Clerk submitted no later than 60 days prior to the date of the event and verified by a duly qualified officer of the sponsoring organization, setting forth the following information:

A. A certificate of public liability insurance in limits not less than \$1,000,000 combined single limit for both bodily injury or death of any one or more persons and for damage to or destruction of property.

(1) All insurance certificates shall include the Village as an additional insured and shall be noncancellable without 15 days' prior written notice of cancellation to the Village Clerk.

(2) Evidence of an owners' and contractors' protective liability policy in limits of no less than \$1,000,000 combined single limit, naming the Village as the insured, shall be provided to the Village Clerk in the form of the original insurance policy.

(3) The Board of Trustees may require an applicant to supply additional insurance coverage when the minimum amounts stated are, in the opinion of the Board, insufficient for the risk undertaken or when required otherwise by law.

(4) The applicant shall also submit an indemnification agreement that states that the applicant agrees to assume all liability for and will indemnify and hold the Village harmless of and free from any and all damages that occur to persons or property by reason of said special event.

B. An accurate description of the premises upon which the function (bazaar, fair or entertainment) is to be held or the route of the procession or parade.

C. The number of anticipated vehicles for attendees and staff; the location of any off-site parking areas and any restrictions or limitations upon such off-site parking, including restrictions and limitations contained in any deed or covenant or any natural feature, such as protected vegetation or wetlands. The Village shall have the right to require such additional information, such as a survey or inspection of off-site parking area(s) as Village officials deem appropriate to review the permit application. If a parking valet service is to be used, contact information for the service must be provided on the application, including name and telephone number.

D. If off-site parking is proposed, the traffic management plan for the parking of vehicles and transportation of cars or guests to and from the event site.

E. The zoning classification within which said premises lies.

F. The zoning classification of all properties lying within 500 feet of the subject premises.

G. The number and type of amusements, equipment and facilities which will be involved in the function.

H. The duration of the function, specifying commencement and termination by date and the hours of each day during which the activities will be held.

I. The Federal Employer Identification Number (EIN), name and address of the person or persons of the sponsoring organization who will be in charge of the function.

J. The disposition of the proceeds therefrom.

K. A nonrefundable fee shall accompany each application submitted under this chapter to cover the costs of application review and site inspections.

(1) The application fee may be waived for official military or veterans organizations, a local school district, or any other Village-based entity as the Board of Trustees deems appropriate.

(2) The Village Clerk shall calculate the fees required to be paid pursuant to the Schedule of Fees.

(3) The Village Board shall establish the Special Permit Fee as part of the Village's Schedule of Fees.

§ 138-4 Affidavit of posting.

At least five days prior to the scheduled meeting before the Board of Trustees to review the special event permit application, a meeting sign must be posted on the subject premises in the same manner as a posted notice required under Section 165-78 of the Village Code. Where the special event in question is a march, procession, race, or parade, the sign shall be posted at Village Hall. An affidavit of the posting must be filed with the Village Clerk prior to or at the Board of Trustees meeting.

§ 138-5 Issuance of permit; restrictions.

A. The application shall be scheduled to be read by the Board of Trustees at its next available regular meeting. Applicant shall be permitted to speak at the meeting. The Board may issue a permit by resolution if it determines that the special event will not disturb the public peace and good order or adversely affect the use and enjoyment of adjoining properties in adjoining use districts or that the conduct of the special event will not be inconsistent with the public health, safety or welfare.

B. In issuing a permit, the Board of Trustees may impose reasonable restrictions, conditions and safeguards so as to assure consistency with the standards set forth above, including but not limited to the following:

- (1) a letter of credit, bond, cash deposit, or other suitable security instrument to secure compliance with conditions in the special event permit and to ensure adequate cleanup of the property after the event;
- (2) the time of the special event; and
- (3) reimbursement to the Village for the costs of increased police protection, public safety oversight, and other Village functions, including any additional equipment, as may be deemed necessary by the Village to adequately and safely control and protect the persons attending the event, the event area and traffic in and around the event area.

C. Permits issued shall be subject to immediate revocation upon violation of the provisions thereof or the provisions of this chapter. Such revocation shall be issued at the direction of the Mayor.

§ 138-6 Penalties for offenses.

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of an offense punishable by a fine or imprisonment, or both; however, for the purpose of conferring jurisdiction upon courts and judicial officers, such violations shall be deemed misdemeanors, and for such purposes only, all provisions of law relating to misdemeanors shall apply to such violations. Notwithstanding the foregoing, any person, firm, association or corporation violating any provision of this chapter shall be subject to a penalty in a sum not exceeding \$500 for the first violation and a sum not exceeding \$1,000 for any subsequent violation.

§ 138-7 Additional Requirements.

Notwithstanding the issuance of a permit in accordance with the provisions of this Chapter, no special event shall commence operation or open to the public until it complies with all applicable federal, state, and local laws.

This Local Law shall take effect immediately.

Mayor Utevsky	AYE
Deputy Mayor Davidson	AYE
Trustee Ogden	AYE
Trustee Fischer	ABSENT
Trustee Diana	AYE

- o Ward Melville Heritage Organization presentation by Graham Scaife regarding the weather indent of August 2024.
No action taken.

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

RESOLUTION #064-25

WHEREAS, the village benefits from the Town of Smithtown's performance of certain Road Repair and Maintenance projects, and

WHEREAS, the Inter-Municipal Agreement has been submitted to the Board of Trustees, and

WHEREAS, said agreement has been approved in form by the village attorney,

BE IT RESOLVED, to authorize Mayor Utevsky to execute said Inter-Municipal Agreement for the Road Repair and Maintenance in his official capacity.

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

RESOLUTION #065-25

RESOLVED, to lease a Sharp BP – 70M31 Digital Document System, under a New York State Contract Pricing Contract #PC4541, from Central Business Systems in the amount of \$179.00/month, and

BE IT FURTHER RESOLVED, Mayor Utevsky, or his designee, is hereby authorized to sign the agreement in their official capacity on behalf of the village of Head-of-the-Harbor for the lease of said copier for a term of 63 months.

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

RESOLUTION #066-25

RESOLVED, to authorize and direct the village clerk to purchase equipment outlined in the Hewlett Packard quote 8783699 in the amount of \$4,594.95.

- It was, upon motion by Trustee Diana, second by Trustee Ogden, abstention Deputy Mayor Davidson and adopted (3-0-1):
RESOLUTION #067-25
Minutes of the July 2, 2025 7 PM meeting of the Board of Trustees were presented.
RESOLVED, to adopt the minutes of the above meeting as presented.

Financials – Patricia Mulderig, Treasurer:

- It was, upon motion by Deputy Mayor Davidson, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #068-25
RESOLVED, to adopt previously provided Abstract Batch #303, 306, 307 and 310 in the total amount of \$32,935.38 be paid from the General Fund.
- It was, upon motion by Trustee Ogden, second by Deputy Mayor Davidson, and unanimously adopted:
RESOLUTION #069-25
RESOLVED, to adopt Abstract Batch #'s 311, 313, 318, 320, 329, 330 & 334 in the total amount of \$75,479.75 be paid from the Trust & Agency Account.
- It was, upon motion by Trustee Ogden, second by Deputy Mayor Davidson, and unanimously adopted:
RESOLUTION #070-25
RESOLVED, to adopt Abstract Batch #314 & 331 in the total amount of \$2,650.00 be paid from the Trust & Agency Fund.
- It was, upon motion by Deputy Mayor Davidson, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #071-25
RESOLVED, to adopt previously presented Abstract Batch #304 in the total amount of \$838.25 be paid from the Trust & Agency Fund.
- It was, upon motion by Deputy Mayor Davidson, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #072-25
RESOLVED, to adopt Abstract Batch #338 in the amount of \$14,562.69 be paid from the Trust & Agency Fund.
- It was, upon motion by Trustee Ogden, second by Deputy Mayor Davidson, and unanimously adopted:
RESOLUTION #073-25
RESOLVED, to authorize the transfer of \$16,200.00 from the contingency account to highway storm related expenses.

Highway Commissioner – Judith C. Ogden:

- Auctions International bids are rejected and to be relisted.
- It was, upon motion by Deputy Mayor Davidson, second by Trustee Diana, and unanimously adopted:
RESOLUTION #074-25
WHEREAS, extenuating circumstances delayed Director of Highway Operations, Frank Prinzevalli's use of accrued personal and vacation time,
RESOLVED, the Board of Trustees hereby allows Mr. Prinzevalli to rollover the remainder of his accrued personal and vacation time which is to be used within 60 days.

Police Department – Charles M. Lohmann, Police Chief:

- It was, upon motion by Trustee Ogden, second by Deputy Mayor Davidson, and unanimously adopted:
RESOLUTION #075-25
WHEREAS, resolution #018-25, approved of the hiring of Stanley Grodski's as a part-time Head of the Harbor Police Officer, and
WHEREAS, certain regulations within the NYS PFRS require a break in service dates,
BE IT RESOLVED, to amend Stanley Grodski's date of hire to May 10, 2025, the date he first performed duties as a Head of the Harbor Police Officer.
- It was, upon motion by Trustee Ogden, second by Deputy Mayor Davidson, and unanimously adopted:
RESOLUTION #076-25
BE IT RESOLVED, the Board of the Village of Head of the Harbor authorizes the Head of the Harbor Village Court to apply for a JCAP grant in the 2025-26 grant cycle up to \$30,000.00.

- P. Sibony Correspondence – dated 06.23.2025, R'cvd. 06.26.2025
- Towerpoint Correspondence – dated 06.30.2025, R'cvd. 07.09.2025

Building Inspector - Robert O'Shea:

- Several applications review.
- Several Zoning Board of Appeals denials written.

Public Comment:

- Dr. Fishkin made comments regarding cell tower rental, CEO budget, and the condition of cobblestone on Emmet Way and Emmet Drive.
- It was, upon motion by Trustee Ogden, second by Deputy Mayor Davidson and unanimously adopted, to move to executive session at 9:30 PM to discuss litigation. No action taken. It was, upon motion by Deputy Mayor Davidson, second by Trustee Ogden and unanimously adopted, to move back to public session.
- It was, upon motion by Deputy Mayor Davidson, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #077-25
RESOLVED, to authorize the commencement of litigation against Ward Melville Heritage Organization regarding Harbor Road at the discretion of the Mayor.

There being no other matters to be brought before the Board; it was, upon motion by Mayor Utevsky, second by Trustee Ogden and unanimously adopted, to adjourn the meeting at 10:01 PM.

Respectfully Submitted,

Margaret O'Keefe
 Village Administrator/Clerk