

**MINUTES OF THE MEETING OF  
THE BOARD OF TRUSTEES  
WEDNESDAY, FEBRUARY 4, 2026**

The meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, February 4, 2026 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, Trustees Judith C. Ogden, Kathleen Diana and Trustee Jeffrey D. Fischer. Not in attendance this evening, Deputy Mayor Lisa Davidson. 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 Utevsky convened the public hearing on Local Law Amending Section 165-28 of the Village Code to Regulate Deer Fencing. Discussion ensued. It was, upon motion by Trustee Ogden, second by Trustee Fischer, and unanimously adopted:  
**RESOLUTION #159-25**  
**RESOLVED**, to close the public hearing.
  
- It was, upon motion by Trustee Ogden, second by Trustee Fischer, and unanimously adopted:  
**RESOLUTION #160-25**  
**RESOLVED**, adopt Local Law Amending Section 165-28 of the Village Code to Regulate Deer Fencing. (deemed read into the record in its entirety), filed as Local Law #2 of 2026

**AMENDING SECTION 165-28 OF THE VILLAGE CODE TO REGULATE DEER FENCING**

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 of Chapter 165 of the Village Code which shall read as follows:

**[New Language]                      [Language to be Deleted]**

§ 165-28            Walls and fences.

A. Structural. The yard requirement of this Part 1 shall not be deemed to prohibit any necessary terracing or retaining walls used as structural support, provided such necessary terracing or retaining wall shall not exceed seven feet in height in any required yard, and further provided that the face of the masonry walls shall be limited to natural stone or brick. The finished side of any wall within 40 feet of a lot line shall face the adjoining property or street.

B. Landscaping. The yard requirements of this Part 1 shall not be deemed to prohibit terracing or retaining walls used with landscaping, or any fences, provided such terracing or retaining wall or fence shall not exceed four feet in height in the front yard of any lot, nor six feet in height in any other yard. The finished side of any fence or wall within 40 feet of a lot line shall face the adjoining property or street.

C. Construction of such terracing, retaining, landscape walls or fences shall be subject to the review and approval of the appropriate Board, which may modify the above height requirements for fences.

D. In all events, fences shall be constructed of wood or other natural materials, except that fences consisting of plastic, vinyl, polymer or similar synthetic materials, concrete and/or chain link are permitted if the Board of Architectural Review makes specific findings that any such fence is neither reflective nor conspicuous for its synthetic qualities, that any such fence is not shiny, that any such fence avoids any institutional or commercial appearance, and that any such fence maintains a residential character and if deemed appropriate by the Board of Architectural Review any

such fence shall be screened with sufficient plantings to conceal a substantial portion wherever deemed appropriate to the specific location and setting of such fence.

**E. Deer fencing standards. Notwithstanding the standards set forth in this Section, the following shall apply to deer fencing.**

**(1) No deer fence shall be taller than eight feet, except that support posts may be up to nine feet tall. If a deer fence is installed on top of a wall or another fence, as an extension or otherwise, the total height of the barrier shall not exceed the foregoing height restriction.**

**(2) Any deer fence installed adjacent to a public or private road or public place shall be installed with adequate vegetative screening to shield it from public view.**

**(3) Deer fences shall be designed in a manner and constructed of materials generally accepted in the industry for the construction of deer fences. Deer fences shall be colored to blend in with surrounding vegetation or landscaping. In selecting the materials and colors for a specific deer fence, the applicant shall give specific consideration to the effectiveness of the materials, concealment of the fence, and associated aesthetic impacts. In no event shall a deer fence be constructed of razor wire, barbed wire, chicken wire, cloth, canvas, or electrically charged fencing.**

**(4) Deer fences shall have the same minimum front yard setback as required for main buildings in the subject property's zoning district. In no case shall the deer fence be closer to street than the main building. For properties with multiple street frontages, the minimum front yard setback for the yard facing the side of the main building shall be twenty feet. There is no setback requirement for deer fences in side or rear yards.**

**(5) All deer fences installed in the Village shall comply with the intersection visibility requirement set forth in § 165-29 of the Village Code.**

**(6) The Board of Architectural Review shall consider the following non-exhaustive list of factors on every application pursuant to this subsection:**

**(a) Whether the proposed deer fence meets the standards set forth in this subsection.**

**(b) Whether the proposed deer fence will have an adverse visual or aesthetic impact on public roads or spaces, or on adjoining properties in the Village.**

**(c) Whether the proposed deer fence will be adequately screened to mitigate adverse visual or aesthetic impacts.**

**(d) Whether the deer fence, as proposed, would present a public health or safety hazard.**

**(e) Whether the deer fence will result in some other negative impact on the surrounding environment.**

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 Michael Utevsky:**

- Discussion ensued on Harbor Road. No action taken.
- Discussion ensued regarding cellphone tower at the Knox School, Nissequogue, NY. No action taken.
- It was, upon motion by Trustee Fischer, seconded by Trustee Diana, and unanimously adopted:  
**RESOLUTION #161-25**  
Minutes of January 7, 2026, 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 Trustee Ogden, second by Trustee Fischer, and unanimously adopted:  
**RESOLUTION #162-25**  
**RESOLVED**, to authorize and direct Mayor Utevsky, in his official capacity, to execute the Cyber Security renewal insurance policy with Spinnaker Insurance Company/Cowbell Insurance Program as quoted by Salerno Brokerage Corp., and  
**BE IT FURTHER RESOLVED**, to request a quote should there be a reduction in expense is the hardware replacement cost is reduced,  
**BE IT FURTHER RESOLVED**, to authorize and direct the village treasurer to release payment in the amount up to \$2,385.00 upon receipt of invoice for the same.
- It was, upon motion by Trustee Fischer, second by Trustee Ogden, and unanimously adopted:  
**RESOLUTION #163-25**  
**RESOLVED**, to accept the resignation of Dale Salzberg as liaison to the Joint Coastal Commission and thank her for her service.
- It was, upon motion by Trustee Ogden, second by Trustee Fischer, and unanimously adopted:  
**RESOLUTION #164-25**  
**RESOLVED**, to appoint Daniel Dresch as Planning Board liaison to the Joint Coastal Commission.
- It was, upon motion by Trustee Ogden, seconded by Trustee Diana, and unanimously adopted:  
**RESOLUTION #165-25**  
**WHEREAS**, the Board of Trustees has received a letter of intent to extend the Intermunicipal Agreement with the Town of Smithtown for Public Safety Ordinance Inspectors and Fire Marshals through December 31, 2026, and  
**WHEREAS**, entering into such an agreement will assist in the enforcement of Head of the Harbor's Village Codes, and  
**WHEREAS**, such shared services are recommended, approved, and encouraged by the State of New York, and  
**WHEREAS**, the form of said agreement is acceptable to the village attorney,  
**NOW THEREFORE BE IT RESOLVED**, to authorize and direct Mayor Utevsky to execute said agreement in his official capacity.
- It was, upon motion by Trustee Fischer, second by Trustee Ogden, and unanimously adopted:  
**RESOLUTION #166-25**  
**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 therefore opposite their respective name,  
**BE IT FURTHER RESOLVED**, the village treasurer 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 and Warrant have been left with her for the collection.
- Discussion regarding outstanding taxes. No action taken.
- It was, upon motion by Trustee Fischer, second by Trustee Diana, and unanimously adopted:  
**RESOLUTION #167-25**

**RESOLVED**, in his official capacity Mayor Utevsy is hereby authorized to execute the engagement letter with Cullen & Danowski, LLP to audit the financial statements for year-end February 2026; in the contracted amount of \$17,500.00.

**Financials – Patricia A. Mulderig, Village Treasurer:**

- It was, upon motion by Trustee Fischer, second by Trustee Diana, and unanimously adopted: **RESOLUTION #168-25**  
**RESOLVED**, to adopt Abstract Batch #'s 439, 455-458, 466 and 471 in the total amount of \$79,764.37 be paid from the General Fund.
- It was, upon motion by Trustee Fischer, second by Trustee Diana, and unanimously adopted: **RESOLUTION #169-25**  
**RESOLVED**, to authorize and direct the village treasurer to refund the taxes as per the successful grievances in the amount of \$2,045.91.

41	23000	5	1	1	Daly Family Trust	12 Eatenwood Ct, SJ	23-Jan-26	21-Jan-26	9408	8600	(808)	184.16
42	27700	8	2	18	Brian & Jord Melville	22 Three Sisters Rd, SJ	23-Jan-26	21-Jan-26	7850	7353	(497)	138.85
43	46900	7	4	4.23	Refael & Natalya Pica	8 Deepwells Ln, SJ	23-Jan-26	21-Jan-26	10765	9703	(1,062)	266.62
44	64200	6	2	8	Frank & Roxanne Carfora	8 Buckingham Court, SJ	23-Jan-26	21-Jan-26	12300	11000	(1,300)	188.21
<b>ASSESSMENT ADJUSTMENTS - FEBRUARY 04, 2026</b>											<b>(3,614)</b>	<b>2,045.91</b>

- It was, upon motion by Trustee Fischer, second by Trustee Diana, and unanimously adopted: **RESOLUTION #170-25**  
**RESOLVED**, the village treasurer is authorized and directed to make budget modifications to the 2025/2026 budget totaling \$447,150.87 for a net change of zero, as noted:

F/Y/E	BUDGET	BUDGET	MODIFIED	
				02/28/2026
AA1420.410	LAW -GENERAL	91,000.00	10,300.00	101,300.00
AA1420.420	LAW-CODE ENFORCEMENT	8,100.00	200.00	8,300.00
AA1690.210	COMPUTER EQUIP & PROF SERVICES	13,300.00	4,000.00	17,300.00
AA1910.400	UNALLOCATED INSURANCE	158,500.00	14,000.00	172,500.00
AA3120.240	POLICE - GAS OIL REPAIR	20,000.00	(10,000.00)	10,000.00
AA5110.210	ST MAINT - TRUCK REPAIRS	11,000.00	1,300.00	12,300.00
AA5110.211	ST MAINT - GAS& OIL	12,000.00	(3,050.00)	8,950.00
AA5110.224	STREET MAINTENANCE - ROAD REPAIR	7,000.00	1,000.00	8,000.00
AA5110.280	DRAINAGE TRUCKING & DISPOSAL	16,000.00	3,800.00	19,800.00
AA5110.261	VACUUM TRUCK RENTAL	18,500.00	(18,500.00)	0.00
AA5110.262	VACUUM TRUCK - DRAINAGE WASTE	2,850.00	(2,850.00)	0.00
AA5142.410	SNOW REMOVAL -LABOR	5,000.00	(1,900.00)	3,100.00
AA5142.411	SNOW REMOVAL - DOUBLE TIME	7,000.00	1,300.00	8,300.00
AA5142.430	STORM EMERGENCY	77,800.00	600.00	78,400.00
AA1990.00	CONTINGENCY	0.87	0.00	0.87
		<b>447,150.87</b>	<b>0.00</b>	<b>447,150.87</b>

- It was, upon motion by Trustee Fischer, second by Trustee Ogden, and unanimously adopted: **RESOLUTION #171-25**  
**RESOLVED**, authorize and direct the village treasurer to release payment to Small Engine Warehouse in the amount of \$745.00 upon confirmation of receipt of small engine.

**Highway Department – Judith C. Ogden, Highway Commissioner:**

- It was, upon motion by Trustee Ogden, second by Trustee Fischer, and unanimously adopted: **RESOLUTION #172-25**  
**RESOLVED**, to authorize Frank Prinzevalli, Director of Highway Operations to move forward with the purchase of the M62 Kubota Backhoe the cash subtotal not to exceed \$85,000 off a NY state bid through Malvese Equipment Co., and include a trade-in of our existing backhoe, funded with Chips Funds.

**Building Department – Robert O’Shea, Building Inspector:**

- Several permits were issued.

**Police Department, Charles M. Lohmann Police Chief:**

- It was, upon motion by Trustee Fischer, second by Trustee Ogden, and unanimously adopted: **RESOLUTION #173-25**  
**RESOLVED**, to align with NYS retirement guidelines resolution #157-25 is amended to reflect the rehire date of the Officer Steve Greenberg to be effective for February 1, 2026.
- It was, upon motion by Trustee Ogden, second by Trustee Diana, and unanimously adopted: **RESOLUTION #174-25**  
**RESOLVED**, to appoint Damien Napoli to the Tree Board.

- Correspondence received from resident Eric Stubbs.
- The Village Clerk will be holding a drawing on Wednesday, February 11, 2026 at 9:30 AM to determine ballot placement. The public is welcome. The sample ballot will be produced shortly thereafter.
- Village Clerk submitted a written report to update the Board of Trustees on Department of Labor issues.
  
- It was, upon motion by Trustee Fischer, second by Trustee Ogden and unanimously adopted, to move to executive session to discuss personnel and litigation at 8:30 PM. It was, upon motion by Trustee Fischer, second by Trustee Diana 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 Ogden, second by Trustee Fischer and unanimously adopted, to adjourn the meeting at 9:08 PM.

Respectfully Submitted,

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Margaret O'Keefe  
Village Administrator/Clerk