

**MINUTES OF THE MEETING OF
THE BOARD OF TRUSTEES
WEDNESDAY, September 2, 2026**

The meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, September 2, 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, Deputy Mayor Jeffrey D. Fischer, Trustees Judith C. Ogden, Kathleen Diana and Robert Kent. Also in attendance Police Chief, Charles M. Lohmann; Village Administrator/Clerk, Margaret O'Keefe; Village Treasurer, Carolanne Darrigo; Village Counsel, Brian Egan and Building Inspector, Robert O'Shea. Not in attendance Dir. of Highway Operations, Frank Prinzevalli.

Pledge of Allegiance.

- Mayor Utevsky convened the meeting on this 2nd day of September 2026, at 7:00 PM and opened the public hearing for the purpose of considering a Special Event Permit application by Thatch Meadow Flowers for a Musical Festival Fundraiser to be held on Saturday, September 19, 2026 at 121 Harbor Road, St. James, N.Y. 11780. The Village Board has reviewed the application for conformity with Village Code Chapter 138 opened the floor to the public.

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

RESOLUTION #061-26

WHEREAS, a hearing was convened on this 2nd day of September 2026, at 7:00 PM for the purpose of considering a Special Event Permit application by Thatch Meadow Flowers for a Musical Festival Fundraiser to be held on Saturday, September 19, 2026 at 121 Harbor Road, St. James, N.Y. 11780, and **WHEREAS**, the Village Board has reviewed the application for conformity with Village Code Chapter 138, **BE IT RESOLVED**, to grant the Special Event Permit.

- Mayor Utevsky convened the public hearing on this 2nd day of September, 2026 for the purpose of considering the Special Use Application of Nissequogue Farms to maintain a wholesale plant nursery 650-654 North Country Rd., St. James NY, 11780. Judith Ogden, Trustee recused herself and stepped down from the dais as she is the applicant.

Presentation was made by Howard Bergesen, Counsel & John Cuniffe, Architect delivered a formal presentation to the Board of Trustees and submitted all required supporting documentation. Following the presentation the Board of Trustees made inquiries as to the application itself and the property's history. Official transcript attached hereto. No action was taken by the Trustees.

The public was given the opportunity to speak and submit documents. Official transcript attached hereto. Public comment, with photographs submitted as noted, was made by:

- Robert Hartman
- Robert Von Bernewitz
- Collette Porciello – photographs submitted.
- Vincent Porciello
- Gerard Hartman
- Steven Ochs
- Diane Cucciniello
- Erica Rinear

It was, upon motion by Deputy Mayor Fischer, second by Trustee Kent, and unanimously adopted:

RESOLUTION #062-26

NOW, THEREFORE, BE IT RESOLVED, that the Public Hearing shall be reconvened by the Village Board on the 6th day of January 2027 at 7:00 pm at the Village Hall, 500 North Country Rd., St. James, NY to consider the application and hear all interested parties regarding the proposed special use permit.

- Mayor Utevsky convened the public hearing on Local Law (Intro.) #3 of 2026, A LOCAL LAW Amending Section 65-11A of the Village Code. It was, upon motion by Trustee Kent, second by Deputy Mayor Fischer, and unanimously adopted:

RESOLUTION #063-26

AMENDING 65-11(A) OF CHAPTER 65 OF THE VILLAGE CODE TO REQUIRE RETAIL BUSINESSES AND/OR ESTABLISHMENTS TO OBTAIN OPERATING PERMITS FROM THE BUILDING DEPARTMENT

The Amended Section 65-11 which shall read as follows:

§ 65- 11 Operating Permits

A. Operating permits required.

(1) Operating permits shall be required for conducting the activities or using the categories of buildings listed below:

- (a) Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1(1), 2703.1.1(2), 2703.1.1(3) or 2703.1.1(4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR 1225.1;
- (b) Hazardous processes and activities, including, but not limited to, commercial and industrial operations which produce combustible dust as a by-product, fruit and crop ripening, and waste handling;
- (c) Use of pyrotechnic devices in assembly occupancies;
- (d) Buildings containing one or more areas of public assembly or are assigned an occupancy load under the New York State Uniform Fire Prevention and Building Code; and
- (e) Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by resolution adopted by the Board of Trustees.

(2) Any person who proposes to undertake any activity or to operate any type of building listed in this Subsection A shall be required to obtain an operating permit prior to commencing such activity or operation.

B. Applications for operating permits. An application for an operating permit shall be in writing on a form provided by or otherwise acceptable to the Code Enforcement Officer. Such application shall include such information as the Code Enforcement Officer deems sufficient to permit a determination by the Code Enforcement Officer that quantities, materials, and activities conform to the requirements of the Uniform Code. If the Code Enforcement Officer determines that tests or reports are necessary to verify conformance, such tests or reports shall be performed or provided by such person or persons as may be designated by or otherwise acceptable to the Code Enforcement Officer, at the expense of the applicant.

C. Inspections. The Code Enforcement Officer or an inspector authorized by the Code Enforcement Officer shall inspect the subject premises prior to the issuance of an operating permit.

D. Multiple activities. In any circumstance in which more than one activity listed in Subsection A of this section is to be conducted at a location, the Code Enforcement Officer may require a separate operating permit for each such activity, or the Code Enforcement Officer may, in his or her discretion, issue a single operating permit to apply to all such activities.

E. Duration of operating permits. Operating permits shall be issued for such period of time, not to exceed one year. The effective period of each operating permit shall be specified in the operating permit. An operating permit may be reissued or renewed upon application to the Code Enforcement Officer, payment of the applicable fee, and approval of such application by the Code Enforcement Officer.

F. Revocation or suspension of operating permits. If the Code Enforcement Officer determines that any activity or building for which an operating permit was issued does not comply with any applicable provision of the Uniform Code, such operating permit shall be revoked or suspended.

G. Fee. The fee specified in or determined in accordance with the provisions set forth in § 65-17, Fees, of this article must be paid at the time of submission of an application for an operating permit, for an amended operating permit, or for reissue or renewal of an operating permit.

Effective Date:

This Local Law shall take effect immediately.

- It was, upon motion by Deputy Mayor Fischer, second by Trustee Kent, and unanimously adopted:
RESOLUTION #064-26
EXPRESSING APPROVAL FOR THE APPLICATION OF Servco Electric USA LLC c/o William & Christine Paparella (57 Fifty Acre Road, St. James, NY 11780) FOR RELIEF UNDER SECTIONS 165-15 AND 165-16 OF THE VILLAGE CODE
The Board of Trustees of the Incorporated Village of Head of the Harbor, duly convened, does hereby declare as follows:
WHEREAS, Servco Electric USA LLC ("Servco") is the owner of the property located at 57 Fifty Acre Road, St. James, NY 11780 (SCTM: 0801-007.00-02.00-008.000 & 0801-007.00-02.00-009.000) (the "Property"); and
WHEREAS, Servco, through its principals William and Christine Paparella, previously applied for a lot line adjustment for the two parcels that constitute the Property ("First Application"); and
WHEREAS, the First Application required variances from the setback and street frontage requirements set forth in Section 165-25 of the Village Code; and
WHEREAS, the Village's Zoning Board of Appeals denied the First Application in a decision dated May 18, 2026; and
WHEREAS, Servco has submitted a new application to the Planning Board pursuant to Sections 165-15 and 165-16 of the Village Code ("New Application"); and
WHEREAS, Servco is seeking the same lot line adjustment as the First Application, but the proposed site plan in the New Application would require less relief from the requirements of Section 165-25 than the First Application; and
WHEREAS, Sections 165-15 and 165-16 allow the Planning Board to suspend the requirements of Section 165-25 when the "Planning Board finds that a proposed subdivision contains all or part of an environmentally or historically significant area which may be harmed by the strict application of § 165-25"; and
WHEREAS, under Section 165-18 the Planning Board "shall refer the proposed subdivision plan to the Village Board of Trustees for review before giving a final approval."; and
WHEREAS, a grant of the New Application would render moot Servco's Article 78 action against the Village and ZBA for its denial of the First Application; and
WHEREAS, the Board finds that the granting of the New Application, on the conditions discussed by the Planning Board at its July meeting, would be in the best interests of the Village as it would prevent development near the Butler-Huntington Woods Nature Conservancy and the kettle hole on Lot 9 of the Property under 165.14.
NOW THEREFORE, BE IT RESOLVED by the Board of Trustees:
THAT, the Board expresses approval for the New Application and refers the New Application to the Planning Board for final approval and the imposition of conditions and adjustments that it deems necessary; and
THAT, this Resolution shall take effect immediately.
 - It was, upon motion by Trustee Ogden, second by Trustee Diana, abstention by Deputy Mayor Fischer
RESOLUTION #065-26
RESOLVED, to adopt the minutes of August 5, 2026 as amended; resolution #058-26 is amended to include the year "2028" as the term ending the JCC appointment.
- Financials – Carolanne Darrigo, Treasurer:**
- Oral and written report presented.
 - It was, upon motion by Trustee Ogden, second by Trustee Kent, and unanimously adopted:
RESOLUTION #066-26
RESOLVED, to adopt Batch Abstract #'s 646, 647, 649 and 655 in the total amount of \$30,710.68 be paid from the General Fund.
 - It was, upon motion by Trustee Ogden, second by Trustee Fischer, and unanimously adopted:
RESOLUTION #067-26
RESOLVED, to adopt Batch Abstract #'s 653 and 654 in the total amount of \$3,329.75 be paid from the Trust & Agency Fund.
 - It was, upon motion by Trustee Fischer, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #068-26
RESOLVED, to authorize and direct the village treasurer to make bond payment, on or before October 5, 2026, to Greene County Commercial Bank in the principal amount of \$30,000.00, and the interest payment amount of \$2,445.00, for a total not to exceed \$32,445.00.

Highway Department, Highway Commissioner Judith C. Ogden:

It was, upon motion by Trustee Ogden, second by Trustee Kent, and unanimously adopted:

RESOLUTION #069-26

WHEREAS, the Board of Trustees has determined that 1). Harbor Rd. from Shep Jones to its end 2). High Hedges Court from NY RT 25A to its end 3). Three Sisters Rd. from Pin Oak to Hitherbrook Rd., should be repaved as part of the Village's 2026 Road Repaving Program, and

WHEREAS, Daniel Falasco, Village Engineer, has received from Suffolk Paving Corp. an estimated cost proposal of \$216,000.00, and

WHEREAS, the Village given the conditions of the marketplace including limited availability of vendors, use of a County of Suffolk DPW contract, product supply and seasonality has elected to utilize as its vendor Suffolk Paving Corp., which has assured its ability to commence and conclude the work immediately, and

WHEREAS, the Board has received and considered the advice of the Village Engineer and the Commissioner of Highways,

NOW THEREFORE BE IT RESOLVED, the Village hereby authorizes Mayor Michael Utevsky, in his official capacity, to execute an agreement with Suffolk Paving Corp., at an estimated cost proposal of \$216,000.00, as outlined in the memorandum provided by Daniel Falasco, P.E., with all work to be completed during 2026 in a fit and workmanlike manner, in accord with industry standards and with the specifications of the Village Engineer, and to the satisfaction of the Village Engineer, and with any payment subject to submission and approval of voucher as required by Village Law §5-524.

Police Department, Charles M. Lohmann, Police Chief:

- Law Enforcement Technology grant funding application was filed.

Building Department – Robert O'Shea, Building Inspector:

- Oral report presented.

Justice Court:

- It was, upon motion by Deputy Mayor Fischer, second by Trustee Diana, and unanimously adopted:
RESOLUTION #070-26
RESOLVED, to appoint Michele Drake to the P/T position of Justice Court Clerk. This position is a part-time, non-competitive, non-exempt, at-will employee, 5 (five) hours per biweekly pay period, for an hourly rate of \$40.00, with a hire date of September 17, 2026.
BE IT FURTHER RESOLVED, employment is subject to the successful completion of a clear background investigation being performed by an outside agency.
- It was, upon motion by Deputy Mayor Fischer, second by Trustee Kent, and unanimously adopted:
RESOLUTION #071-26
WHEREAS, St. James Fire District has requested use of Village Hall for its Election on Tuesday, December 8, 2026, from 3 PM- 9 PM, and
WHEREAS, the residents of Head of the Harbor are now members of the district and eligible to vote,
BE IT RESOLVED, to authorize the use of Village Hall to the St. James Fire District on Tuesday, December 8, 2026, from 3 PM – 9 PM.

Other Matters:

Margaret O'Keefe, Village Administrator/Clerk has been awarded recertification as a Registered Municipal Clerk.

Public Comment:

Resident Michael Vincenti advised the public of the rise of scam, phishing, and theft driven by advancements in AI (artificial intelligence).

There being no other matters to be brought before the Board; it was, upon motion by Deputy Mayor Fischer, second by Trustee Diana and unanimously adopted, to adjourn the meeting at 9:50 PM.

Respectfully Submitted,

Margaret O'Keefe
Village Administrator/Clerk