

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
Wednesday, August 19, 2009
7 PM

A special meeting of the Board of Trustees of the Inc. Village of Head of the Harbor was held on Wednesday, August 19, 2009 at 7:00 p.m., at the Village Hall located at 500 North Country Road in said Village. Those present were Mayor Natale Tartamella, and the following Trustees: Larry Swanson, and Heiko Folkerts. Also in attendance was Village Clerk, Margaret O'Keefe and Village Attorney, Anthony B. Tohill. Not in attendance this evening Trustees J. Ted Naughton and Margaret Shutka, nor Village Treasurer, Patricia Mulderig.

Mayor Tartamella- convened the meeting and the following items were addressed.

Mayor Tartamella opened the public hearing on Local Law (Intro.) #4 of 2009, "Flood Damage Prevention". Discussion ensued. Upon review, the Board of Trustees recommends a Negative Declaration be prepared.

1. **Mayor Tartamella- Minutes** of the special meeting of the Board of Trustees on July 22, 2009 meeting where presented. It was, upon motion by Trustee Folkerts, second by Trustee Swanson, and unanimously adopted:
RESOLUTION #061-09
RESOLVED, to accept the minutes as presented.
- **Minutes** of the executive meeting of the Board of Trustees on July 22, 2009 meeting where presented. It was, upon motion by Trustee Folkerts, second by Trustee Swanson, and unanimously adopted:
RESOLUTION #062-09
RESOLVED, to accept the minutes as presented.
- **Minutes** of the executive meeting of the Board of Trustees on July 29, 2009 meeting where presented. It was, upon motion by Trustee Swanson, second by Trustee Folkerts, and unanimously adopted:
RESOLUTION #063-09
RESOLVED, to accept the minutes as presented.
- **Minutes** of the executive meeting of the Board of Trustees on August 6, 2009 meeting where presented. As quorum from that evening was not currently present, the minutes were tabled until the next regularly scheduled meeting of the Board of Trustees.
- It was, upon motion by Trustee Swanson, second by Trustee Folkerts, and unanimously adopted:
RESOLUTION #064-09
WHEREAS, the Village of Head-of-the-Harbor has received a letter from Kenneth Kirschenbaum, Esq. dated August 17, 2009 advising "the village should complete the work [meaning the unfinished capital improvements at the Muffin Meadow subdivision], deduct the cost and release the balance of the bond," and
WHEREAS, Village Law § 7-730(9) (e) provides:
(e) Default of security agreement. In the event that any required improvements have not been installed as provided in this section within the term of such security agreement, the village board of trustees may thereupon declare the said performance bond or security agreement to be in default and collect the sum remaining payable thereunder; and upon the receipt of the proceeds thereof, the village shall install such improvements as are covered by such security and as commensurate with the extent of building development that has taken place in the subdivision but not exceeding in cost the amount of such proceeds.
NOW THEREFORE IT IS RESOLVED the Village Clerk is authorized and directed to notify Kenneth Kirschenbaum, Esq. by fax and by regular mail that the Board of Trustees will consider adoption of a resolution finding the Muffin Meadow performance bond or security in default on September 16, 2009 at 7:00 PM at the Village Hall, 500 North Country Road, St. James, NY and inviting Kenneth Kirschenbaum, Esq. or his representative to attend at which time he or she will be heard, and it is further
RESOLVED the Village Engineer is authorized and directed to prepare an itemized report to the Board of Trustees describing in detail a) the work remaining incomplete and to be performed; b) whether any such work requires compliance with GML § 103; and c) an estimate of the time period for performance of each item of work and a completion date, and it is further
RESOLVED that the Village Clerk and Village Engineer shall each cooperate with Kenneth Kirschenbaum, Esq. upon any request for copies of non-privileged documents relating to the performance of said remaining work, and it is further
RESOLVED that any work not requiring compliance with GML § 103 shall be awarded only after three (3) bids are sought unless the Village Engineer is unable after a reasonable effort to obtain three (3) bids, and it is further
RESOLVED that the Village Clerk and Village Engineer shall each maintain a separate file containing all documents relating to the within resolution, and it is further

RESOLVED that the Village Clerk shall send a copy of this resolution to Kenneth Kirschenbaum, Esq. by fax and by regular mail forthwith, and it is further

RESOLVED adoption of a resolution under Village Law § 7-730(9) (e) shall be considered on September 16, 2009 at 7:00 PM at the regular meeting of the Board of Trustees.

Kenneth Kirschenbaum's letter dated July 30, 2009 is to be filed as an attachment to the official meeting minutes. The text of said letter is as follows-....."One other issue. Tom Abraham would like the engineer to meet him tomorrow so that there can be no misunderstanding exactly what work the engineer requires. We do not want to be responsible for design error once the work is performed pursuant to Village Engineer direction, Please have the engineer contact Tom Abraham....."

- Draft legislation presented- LOCAL LAW NO. (Introductory #) 5 OF 2009, "A LOCAL LAW PROVIDING for the SUBDIVISION OF LAND." It was upon motion by Trustees Folkerts, second by Trustee Swanson and unanimously adopted:

Resolution # 165-09

BE IT RESOLVED, the village clerk is hereby directed to post and publish notice of a public hearing on the above referenced for Wednesday, September 16, 2009 at 7 PM; said hearing to be held at Village Hall 500 North Court Rd., St. James, NY 11780.

2. Financials – Mayor Tartamella:

- Village treasurer, Patricia Mulderig was on vacation, and previously submitted to the board a detailed report including itemized journal entries and bank reconciliation reports. Included in the report were abstracts #126363 and #126364, which were previously approved.
- Abstract #126365- Vouchers chosen to be paid from the General Fund in the amount of \$204.50. Discussion ensued. It was, upon motion by Trustee Swanson, second by Trustee Folkerts, and unanimously adopted:
Resolution #066-09
RESOLVED, to adopt Abstract #126365 to be paid as presented.
- Abstract #126366- Vouchers chosen to be paid from the General Fund in the amount of \$124.60. Discussion ensued. It was, upon motion by Trustee Swanson, second by Trustee Folkerts, and unanimously adopted:
Resolution #067-09
RESOLVED, to adopt Abstract #126366 to be paid as presented.
- Abstract #126367- Vouchers chosen to be paid from the General Fund in the amount of \$12,989.72. Discussion ensued. It was, upon motion by Trustee Swanson, second by Trustee Folkerts, and unanimously adopted:
Resolution #068-09
RESOLVED, to adopt Abstract #126367 to be paid as presented.
- Abstract #100- Vouchers chosen to be paid from the Trust & Agency Fund in the amount of \$846.50. It was, upon motion by Trustee Folkerts, second by Trustee Swanson, and unanimously adopted:
Resolution #069-09
RESOLVED, to adopt Abstract #100 as presented.
- It was, upon motion by Trustee Folkerts, second by Trustee Swanson, and unanimously adopted:
Resolution #070-09
RESOLVED, to direct the village engineer to begin repair work on Fifty Acre Road.
- It was, upon motion by Trustee Swanson, second by Trustee Folkerts, and unanimously adopted:
Resolution #071-09
WHEREAS, in accordance with Village Law section 4-408(e) please note that; Pursuant to Section 30 of General Municipal Law the Annual Report for the Village of Head of the Harbor for the Fiscal Year ending February 28, 2009, has been filed with the New York State Office of the Comptroller and a copy of the aforementioned Annual Report is available in the Inc. Village of Head of the Harbor Village Office, 500 North Country Rd, St. James, New York during the normal business hours of 9:00 a.m. to 2:00 p.m. on Monday through Thursday.
BE IT RESOLVED, that the Village Clerk is hereby authorized to provide notice to the media of the availability to view these documents during regular village office hours, and release these reports to the public and provide copies as requested.
- **ANNUAL FINANCIAL STATEMENTS AND AUDITORS REPORT FOR FISCAL YEAR 2008 – 2009**
It was upon motion by Trustee Swanson, second by Trustee Folkerts, and unanimously adopted:
RESOLUTION #072-09
WHEREAS, an annual financial audit was performed by an independent certified accounting firm;
and

WHEREAS, the accounting firm of Coughlin, Foundotos, Cullen, Danowski, LLP conducted said audit of the Inc. Village of Head of the Harbor's accounts, including the Justice Court; and **WHEREAS**, Coughlin, Foundotos, Cullen, Danowski, LLP have presented their Audit Report, and prepared the Inc. Village of Head of the Harbor's Financial Statements for Fiscal Year 2008-2009; and **WHEREAS**, much of this data and addition information is required by regulations promulgated by the NYS State Comptroller; and **WHEREAS**, these report has been examined and reviewed by the Board of Trustees; **NOW THEREFORE BE IT RESOLVED**, that the Board of Trustees does hereby accept the Coughlin, Foundotos, Cullen, Danowski, LLP Audit Report and Annual Financial Statements for Fiscal Year 2008-2009; and **BE IT FURTHER RESOLVED**, that the Village Clerk is hereby authorized to provide notice to the media of the availability to view these documents during regular village office hours, and release these reports to the public and provide copies as requested.

- Insurance rates have been received for the period of August 28, 2009 through August 28, 2010. Discussion ensued regarding the underwriters rating. It was, upon motion by Trustee Folkerts, second by Trustee Swanson, and unanimously adopted:
RESOLUTION #073-09
RESOLVED, to authorize Mayor Tartamella to sign the insurance renewal agreement in his official capacity, upon confirmation of the underwriters rating.
- It was, upon motion by Trustee Swanson, second by Trustee Folkerts and unanimously adopted:
RESOLUTION #074-09
RESOLVED, to move to executive session at 7:53 pm.

MINUTES OF THE EXECUTIVE MEETING OF THE BOARD OF TRUSTEES
Wednesday, August 19, 2009
7:53 PM

A special meeting of the Board of Trustees of the Inc. Village of Head of the Harbor was held on Wednesday, August 19, 2009 at 7:00 p.m., at the Village Hall located at 500 North Country Road in said Village. Those present were Mayor Natale Tartamella, and the following Trustees: Larry Swanson, and Heiko Folkerts. Also in attendance was Village Clerk, Margaret O'Keefe and Village Attorney, Anthony B. Tohill. Not in attendance this evening Trustees J. Ted Naughton and Margaret Shutka, nor Village Treasurer, Patricia Mulderig.

- It was, upon motion by Trustee Swanson, second by Trustee Naughton and unanimously adopted:
RESOLUTION #075-09
RESOLVED, to approve of a transfer resolution in the amount of \$5,000.00.

There being no other matters to be brought before the Board; it was, upon motion by Trustee Naughton, second by Trustee Shutka and unanimously adopted, to return to the public session. Upon reconvening, it was upon motion by Trustee Folkerts, second By Trustee Swanson to adjourn the public meeting at 8:25 PM.

Respectfully Submitted,

Margaret O'Keefe
Village Clerk