

**MINUTES OF THE ORGANIZATIONAL MEETING OF  
THE BOARD OF TRUSTEES  
Monday, April 3, 2017 7 PM**

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Monday, April 3, 2017 at 7 PM at the Village Hall located at 500 North Country Rd., St. James, NY 11780. Those present were the following members Mayor Douglas A. Dahlgard, Deputy Mayor Daniel W. White, Trustees L. Gordon Van Vechten and Judith C. Ogden. Not in attendance this evening, Jeffrey D. Fischer. Also in attendance Village Clerk Margaret O'Keefe, Chief Charles M. Lohmann, Village Attorney Anthony B. Tohill and Village Treasurer Patricia Mulderig.

Pledge of Allegiance.

**1. Mayor – Douglas A. Dahlgard:**

- **Minutes of March 15, 2017 7 PM** Trustees meeting were presented. It was, upon motion by Trustee White, second by Trustee Ogden, and unanimously adopted:

**RESOLUTION #001-17**

**RESOLVED**, to adopt the minutes of the above referenced meeting as amended.

- It was upon motion by Trustee Van Vechten, second by Trustee Ogden and unanimously adopted:

**RESOLUTION #002-17**

**RESOLVED**, pursuant to Village Law §4-400 the following offices will be filled by Mayoral appointment

<u>Position</u>	<u>Term</u>	<u>Appointee</u>
Village Attorney	1 year	Anthony B. Tohill
Justice Court Clerk	1 year	Christine Wood
Acting Justice	1 year	Oliver Edwards
Special Prosecutors	1 year	Suffolk ADA
Special Prosecutors	1 year	John B. Zollo
Deputy Treasurer	1 year	Maureen Wiedersum
Building Inspector	1 year	Gerard Harris
Deputy Building Inspector	1 year	Paul Athineos
Police Chief	1 year	Charles Lohmann
Police Captain	1 year	Daniel Kirby
Planning Board	5 years	Craig Holland
Architectural Review Board	5 years	Michael Garguilo
Joint Coastal Commission	3 years	Giovanna Curti
Joint Coastal Commission	3 years	Gary Silverman
Joint Coastal Commission-Alternate	2 years	Robin Dahlgard
Zoning Board of Appeals	5 years	Ron deBoer
Village Historian	1 year	Leighton H. Coleman
Highway Commissioner	1 year	Judith C. Ogden

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

**RESOLUTION #003-17**

**RESOLVED**, to approve of the employment of Maureen Smith as a clerk/typist, with a hire date of Tuesday, April 4, 2017. This position is as a part-time, non-competitive, non-exempt, at will employee, not to exceed an average of 10 hours a week for an hourly rate of \$17.00.

**BE IT FURTHER RESOLVED**, said employment is subject to the successful completion of a clear background investigation being performed by an outside agency.

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

**RESOLUTION #004-17**

**WHEREAS**, the Board of Trustees has determined that §35 of General Municipal Law requires the designation of an official newspaper; now, therefore

**BE IT RESOLVED**, that the Board of Trustees designates The Smithtown News as the official newspaper of the village; this resolution is effective immediately.

- It was, upon motion by Trustee Van Vechten, second by Trustee Ogden and unanimously adopted:

**RESOLUTION #005-17**

**WHEREAS**, the Board of Trustees has determined that Village Law § 4-412(3)(2) requires the designation of banks or trust companies for the deposit of all village monies; now therefore,

**BE IT RESOLVED**, that the Board of Trustees designates First National Bank of Long Island, 285 E Main St #104, Smithtown, NY 11787; Bridgehampton National Bank, 898 Veterans Hwy, Hauppauge, NY 11788 and TD Bank, 621 Lake Ave St. James, NY 11780 as the official depositories of all monies received by the village clerk and treasurer.

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

**RESOLUTION #006-17**

**WHEREAS**, pursuant to Open Meetings Law Article 7 the Board of Trustee has the authority and obligation to fix the time and place of its regular meetings; and

**WHEREAS**, the Board of Trustees hereby adopts the following meeting schedule for the organizational year of April 2017-April 2018:

- **Board of Trustees, 3<sup>rd</sup> Wednesday of each month at 7:00 PM**, expressly

April 19, 2017	September 20, 2017	February 21, 2018
May 17, 2017	October 18, 2017	March 21, 2018
June 21, 2017	November 15, 2017	April 18, 2018
July 2017 - no meeting	December 20, 2017	
August 16, 2017	January 17, 2018	

And,

**WHEREAS**, the Board wishes to hold work sessions on the 1<sup>st</sup> Wednesday of each month for the organizational year of April 2017-April 2018 at 7 PM, expressly:

April-cancelled	September 6, 2017	February 7, 2018
May 3, 2017	October 4, 2017	March 7, 2018
June 7, 2017	November 1, 2017	April 4, 2018
July 5, 2017	December 6, 2017	
August 2, 2017	January 3, 2018	

**WHEREAS**, all said meeting will be held at Village Hall, 500 North Country Rd., County of Suffolk, St. James, New York 11780 at 7 PM, time then in effect.

**BE IT RESOLVED**, that the village clerk is hereby authorized and directed to notify the news media, and publish & post said notice.

- It was, upon motion by Trustee White, second by Trustee Van Vechten and unanimously adopted:

**RESOLUTION #007-17**

**WHEREAS**, the Board of Trustees, upon having received consent by the various board and committee chairs, hereby adopts the following meeting schedule for the organizational year of April 2017- April of 2018:

- **Architectural Review Board, 1<sup>st</sup> Tuesday of each month at 7 PM**
- **Planning Board, 2<sup>nd</sup> Tuesday of each month, excepting July, at 5:30 PM**
- **Zoning Board of Appeals, 3<sup>rd</sup> Monday of each month when hearings are scheduled, at 7 PM**

**WHEREAS**, all said meetings above will be held at Village Hall, 500 North Country Rd., County of Suffolk, St. James, New York 11780, and

**WHEREAS**, upon having received consent by the committee chairs, hereby adopts the following meeting schedule for the organizational year of April 2017- April of 2018:

- **Joint Coastal Commission, 1<sup>st</sup> Thursday of each month at 7:30 PM**

**WHEREAS**, the Joint Coastal Commission meetings will be held at at Nissequogue Village Hall, 631 Moriches Rd, County of Suffolk, St. James, New York 11780 at 7:30 PM.

**BE IT RESOLVED**, that the village clerk is hereby authorized and directed to notify the news media, and publish & post said notice.

- It was, upon motion by Trustee Van Vechten, second by Trustee Ogden and unanimously adopted:  
**RESOLUTION #008-17**  
Pursuant to Village Law §5-524(6)  
**RESOLVED**, that the village treasurer is authorized from time to time, and as need arises, to pay as presented and due, without prior audit or approval under §5-524 of the Village Law, but subject to later prompt audit and approval under §5-524 of Village Law, payment to the State Comptrollers Office monies owed to them by the Village Justice Court in the regular course of business, public utility services, postage, freight, express charges, health insurance premiums for staff, NYS retirement contributions as required, gasoline charges, photocopier charges, justice court expenses provided for in their annual budget and all contractual obligations previously accepted by resolution.
- It was, upon motion by Trustee Ogden, second by Trustee Van Vechten and unanimously adopted:  
**RESOLUTION #009-17**  
Pursuant to Village Law §5-524(7)  
**WHEREAS**, the Board of Trustees wishes to establish the mileage reimbursement rate in accordance with NYS Comptroller guidelines at the time of travel, and  
**WHEREAS**, this reimbursement rate is applicable to village officers and employees who use their personal automobiles while performing official Village duties  
**NOW THEREFORE BE IT RESOLVED**, that this resolution is effective immediately.
- It was, upon motion by Trustee White, second by Trustee Ogden and unanimously adopted:  
**RESOLUTION #010-17**  
Pursuant to General Municipal Law §77-b  
**WHEREAS**, there is to be held during the coming official year a) the New York State Conference of Mayors Annual Meeting and Training School; b) the New York State Conference of Mayors and Fall Training School for Fiscal Officers and Municipal Clerks; c) the New York State Conference of Mayors Public Works School; d) Cornell Municipal Clerks Institute; e) the Long Island Village Clerks & Treasurers Association meetings; f) Village Justice Court Clerks Association; g) Judicial Training, and various State and Local Governmental Agency training  
**WHEREAS**, attendance by the certain municipal officials and employees at one or more of these meetings, conferences or schools benefits the municipality; and  
**WHEREAS**, budget guidelines have been established in the 2017/2018 budget, and  
**WHEREAS**, meal allowances, when not included in conference packages, shall follow the NYS Comptroller guidelines, and  
**WHEREAS**, incidental expenses such as tips to bellmen, porters, hotel maids, etc., continue to be included in the allowances, and  
**NOW, THEREFORE BE IT RESOLVED:**  
That the following officers and employees are authorized to attend the following schools & meetings within the amount budgeted for the fiscal year:
  - Village Justice & Acting Justice – NYS approved Judicial Training
  - Village Clerk- NYCOM training, SCVOA seminars, International Institute of Municipal Clerks & New York State Clerks & Treasurers Association, NYS Comptrollers Seminars, Long Island Village Clerks & Treasurers Association, Local Government Archiving and Retention Seminars
  - Village Treasurer- NYCOM training, SCVOA seminars, Long Island Village Clerks & Treasurers Association, NYS Government Finance Officers Association
  - Court Clerk- Village Justice Court Clerks Association
- It was, upon motion by Trustee White, second by Trustee Van Vechten and unanimously adopted:  
**RESOLUTION #011-17**  
In accordance with Article 18 of the General Municipal Law (GML), the Inc. Village of Head-of-the-Harbor previously adopted §24 Code of Ethics. The village clerk is hereby authorized and directed to distribute to all newly elected and appointed officials, as well as, new village employees a copy of the villages' Code, §24 Code of Ethics. Additionally, per Article 18 of the General Municipal Law (GML) §800-809 must be posted at Village Hall.

- It was, upon motion by Trustee White, second by Trustee Van Vechten and unanimously adopted:

**RESOLUTION #012-17**

Pursuant to Village Code §24 Code of Ethics, disclosure statements, if any, will be read into the records. At this time one has been filed by Trustee Jeffrey D. Fischer disclosing his Presidency with Atlantic Business Systems. Should the Board of Trustees choose to engage the services of Atlantic Business Systems at any time, Jeffrey Fischer, shall and will abstain from any deliberations or votes in relation thereto.

- It was, upon motion by Trustee Ogden, second by Trustee Van Vechten and unanimously adopted:

**RESOLUTION #013-17**

Pursuant to General Municipal Law §104-b, the Board of Trustees hereby adopts the procurement policy **WHEREAS**, Section 104-b of the General Municipal Law requires the governing body of every municipality to adopt a procurement policy for all goods and services which are not required by law to be publicly bid, and **WHEREAS**, comments have been solicited from all officers in the Village involved in the procurement process, now, therefore be it

**RESOLVED**, that the Village of Head-of-the-Harbor does hereby adopt the following procurement policy which is intended to apply to all goods and services which are not required by law to be publicly bid.

1. Every purchase to be made must be initially reviewed to determine whether it is a purchase contract or a public works contract. Once the determination is made, a good faith effort will be made to determine whether it is known or can reasonably be expected that the aggregate amount to be spent on the item of supply or service is not subject to competitive bidding, taking into account past purchases and the aggregate amount to be spent in a year. The following items are not subject to competitive bidding pursuant to Section 103 of the General Municipal Law; purchase contracts under \$20,000; public works contracts under \$35,000; emergency purchases; certain municipal hospital purchases; goods purchased from the agencies for the blind or severely handicapped; goods purchased from correctional institutions; purchases under State and County contracts; surplus and secondhand purchases from another governmental entity. In addition, the purchase of services and/or materials pursuant to the Municipal Cooperative Agreement with the Town of Smithtown is exempt from competitive bidding requirements.

The decisions that a purchase is not subject to competitive bidding will be documented in writing by the individual making the purchase. This documentation may include written or verbal quotes from vendors, a memo for the purchaser indicating how the decisions was arrived at, a copy of the contract indicating the source which makes the item or service exempt, a memo from the purchaser detailing the circumstances which led to an emergency purchase, or any written documentation that is appropriate.

2. All goods and services will be secured by use of written requests for proposals, written quotations, verbal quotations, or any other method that assures that goods will be purchased at the lowest price and that favoritism will be avoided, except in the following circumstances: purchase contracts over \$20,000; goods purchased from agencies for the blind severally handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from the correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy.

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

Est. Purchase Contract	Method
\$1,000 - \$2,999	2 Verbal quotations; unless highway truck or equipment repair
\$3,000-\$9,999	2 Verbal quotations for highway truck or equipment repair
\$3,000-\$9,999	3 written/fax quotes or written requests for proposals
\$10,000-\$19,999	3 written/fax quotes or written requests for proposals for highway truck or equipment repair

\$10,000-\$19,999	3 written/fax quotes or written requests for proposals and Board of Trustees approval
Est. Public Works Contracts	Method
\$1,000-\$2,999	2 Verbal quotations
\$3,000-\$4,999	2 written/fax quotes
\$5,000-\$19,999	3 written/fax quotes or written requests for proposals
\$20,000-\$35,000	3 written/fax quotes or written requests for proposals and Board of Trustees approval

A good faith effort shall be made to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser will document the attempt made at obtaining the proposals. In no event shall the failure to obtain the proposals be a bar to the procurement.

4. Documentation is required of each action taken in connection with each procurement.
5. Documentation and an explanation is required whenever a contract is awarded to other than the lowest responsible offerer. This documentation will include an explanation of how the award will achieve savings of how the offeror was not responsible. A determination that the offeror is not responsible shall be made by the purchaser and may not be challenged under any circumstances.
6. Pursuant to General Municipal law, Section 104-b(2) (f), the procurement policy may contain circumstances when, or types of procurement for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the municipality.

In the following circumstances it may not be in the best interest of the Village of Head-of-the-Harbor to solicit quotations or documents the basis for not accepting the lowest bid:

- a. Professional services or services requiring special or technical skill, training or expertise. The individual or company may be chosen based on accountability, reliability, responsibility, skill, education and training, judgment, integrity, and moral worth. These qualifications are not necessarily found in the individual or company that offers the lowest price and that nature of these services are such that they do not readily lend themselves to competitive procurement procedures.

In determining whether a service fits into the category the Board of Trustees shall take into consideration the following guidelines: (a) whether the services are subject to State licensing or testing requirements; (b) whether substantial formal education or training is a necessary prerequisite to the performance of the services; and (c) whether the services require a personal relationship between the individuals and municipal officials. Professional or technical services shall include but not be limited to the following: services of an attorney; services of a physician; technical services of an engineer engaged to prepare plans, maps and estimates; securing insurance coverage and/or services of an insurance broker; services of a certified public accountant; investment management services; printing services involving extensive writing, editing or art work; management of municipally owned property; and computer software or programming services for customized programs, or services involved in substantial modification and customizing of pre-packed software.

- b. Emergency purchase pursuant to Section 103(4) of the General Municipal Law. Due to the nature of this exception, these goods and services must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents. This section does not preclude alternate proposals if the time permits.

- c. Purchases of surplus and second-hand goods from any source. If alternate proposals are required, the Village is precluded from purchasing surplus and second-hand goods at auction or through specific advertised sources where the best process are usually obtained. It is also difficult to try to compare prices of used goods and a lower price may indicate an older product.

- d. Goods or services under \$1,000.00. The time and documentation required to purchase through this policy may be more costly than the item itself and would therefore not be in the best interests of the taxpayer. In addition, it is not likely that such de minimis contracts would be awarded based on favoritism.

- e. Purchase of services and/or materials pursuant to a Municipal Cooperative Agreement.

7. This policy shall go into effect immediately and will be reviewed annually.

- It was, upon motion by Trustee White, second by Trustee Ogden and unanimously adopted:  
**RESOLUTION #014-17**  
**WHEREAS**, it is the recommendation of the Planning Board Chair that the Board of Trustees continues the professional services agreement for environmental planning with Inter-Science Research Associates, Inc., and  
**WHEREAS**, an agreement has been submitted to the Board of Trustees, and  
**WHEREAS**, said agreement has been approved in form by the village attorney,  
**NOW THEREFORE BE IT RESOLVED**, to authorize Mayor Dahlgard to execute said agreement in his official capacity.
- It was, upon motion by Trustee Van Vechten, second by Trustee White and unanimously adopted:  
**RESOLUTION #015-17**  
**WHEREAS**, the web services agreement between the Inc. Village of Head of the Harbor and DNT Technology has expired, and  
**WHEREAS**, the governing Board wishes to continue with said professional services,  
**BE IT RESOLVED**, to authorize and direct Mayor Dahlgard to execute the annual agreement with DNT Technology on behalf of the Village of Head of the Harbor in his official capacity.
- It was, upon motion by Trustee White, second by Trustee Ogden and unanimously adopted:  
**RESOLUTION #016-17**  
**WHEREAS**, the engineer service agreement between the Inc. Village of Head of the Harbor and Daniel Falasco, P.E. has expired, and  
**WHEREAS**, the governing Board wishes to continue with said professional services,  
**BE IT RESOLVED**, to authorize and direct Mayor Dahlgard to execute the annual agreement with Daniel Falasco, P.E. on behalf of the Village of Head of the Harbor in his official capacity.
- It was, upon motion by Trustee White, second by Trustee Ogden and unanimously adopted:  
**RESOLUTION #017-17**  
**WHEREAS**, New York State and Local Retirement System has requested the village appoint a Contact Administration and a Security Administrator for their new online system,  
**BE IT RESOLVED**, to appoint the village treasurer, Patricia Mulderig as the Contact Administrator, and  
**BE IT FURTHER RESOLVED**, to appoint the Village Clerk, Margaret O’Keefe as the security administrator.
- It was, upon motion by Trustee White, second by Trustee Ogden and unanimously adopted:  
**RESOLUTION #018-17**  
**BE IT RESOLVED**, to authorize and direct the village treasurer, Patricia Mulderig to release payment to Columbia Metal Fabricators in the amount of \$2,400.00 for refurbishment of the guardrail on Harbor Rd, and  
**BE IT FURTHER RESOLVED**, to authorize and direct the village treasurer, Patricia Mulderig to release payment to Kat’s Enterprises in the amount of \$1,000.00 for the sandblasting and painting the highway International.
- It was, upon motion by Trustee White, second by Trustee Ogden and unanimously adopted, to move to executive session to discuss personnel. No action taken. It was, upon motion by Trustee Ogden, second by Trustee White, and unanimously adopted, to move to public session.
- It was, upon motion by Trustee White, second by Trustee Ogden and unanimously adopted:  
**RESOLUTION #019-17**  
**RESOLVED**, the village treasurer is authorized and directed to record the discharge date of Steve Nater as March 2, 2017, and  
**BE IT FURTHER RESOLVED**, to apprise outside agencies of said date as required.

- It was, upon motion by Trustee White, second by Trustee Ogden and unanimously adopted:  
**RESOLUTION #020-17**  
**WHEREAS**, New York State Public Officers Law Section §105 imposes on local governments, including Head of the Harbor the obligation to maintain certain confidentialities with respect to consideration to individual employees with respect to who have been identified by name, and **WHEREAS**, Head of the Harbors employee policy manual does not expressly address this issue **NOW THEREFORE**, the document that has been prepared and circulated by the village attorney is adopted and enacted as in the language on that document and deemed read into the record as an amendment to the employee policy manual.  
**BE IT RESOLVED**, any proviso foregoing to the contrary notwithstanding the Board of Trustees in the exercise of its discretion and its sole judgment may from time to time as a circumstances warrant amend the foregoing on an ad hoc basis with the proviso any such amendment shall be considered as to particular employees consistent with NYS Public Officer law §105 and shall not be administer in disregard of individual rights and the Boards' obligation thereto.
- It was, upon motion by Trustee White, second by Trustee Ogden and unanimously adopted:  
**RESOLUTION #021-17**  
**RESOLVED**, to authorize and direct the village treasurer to release payment to Maureen Wiedersum in the amount of \$495.00.
- It was, upon motion by Trustee White, second by Trustee Ogden and unanimously adopted:  
**RESOLUTION #022-17**  
**WHEREAS**, the following employees have unused vacation time in the amounts below from the benefit calendar year of 2016: Margaret O'Keefe 10 hours; Patricia Mulderig 18.5 hours;  
**BE IT RESOLVED**, the Board of Trustees grants an extension of said benefit time to the 2017 benefits year to be used no later than May 31, 2017.
- It was, upon motion by Trustee White, second by Trustee Ogden and unanimously adopted:  
**RESOLUTION #023-17**  
**WHEREAS**, the village treasurer has made inquiry of the Board of Trustees with respect to the appropriate compensation for highway department employees who are providing services to the village during hours other than the normal workday which is typically, Monday thru Friday, 7:00 AM -3:30 PM, and  
**WHEREAS**, there are occasions well known to this Board of Trustees- for example, snowfalls, the need to move snow promptly and immediately to protect the interests of the member of the community, trees falling across roads blocking traffic, creating emergency conditions, and the like,  
**RESOLVED**, when a employees of the highway department are summoned to appear and provide services, -for example at 2 am and work until 10 am in the morning, during any of these such occasions, the understanding of the Board is that employee would be paid time and one-half for the periods - by way of illustration between 2 am until 7 am (the commencement of the normal workday), and then be paid at the normal pay rate from 7 am until the time of discharge (8 hours after 2 am). This would be a recognition of the service outside a normal workday and compensation appropriate by reason of the additional or different services. This resolution is intended to be a clarification of the compensation obligations of the village with respect to these particular employees. This resolution is effective January 1, 2017. Said resolution is not intended to supplant, modify, or delete the existing policies regarding the two-hour minimum at overtime rates for off-hour appearances and the forty hour normal workweek before additional work is paid at overtime rates.

## 2. Highway Department – Highway Commissioner Judith C. Ogden:

- Discussion regarding GEI and potential grant activities.
- Trucks sandblasted and repainted.
- Equipment being reviewed.
- Discussion of Hitherbrook Extension.

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

- New vehicles received through New York State grants.
- St. James Fire Department Annual Run will be held on Saturday, April 15, 2017.
- Head of the Harbor Police Training Day will be held on Saturday, April 22, 2017.

There being no other matters to be brought before the Board; it was, upon motion by Trustee Ogden, second by Trustee White and unanimously adopted, to adjourn the meeting at 9:17 PM.

Respectfully Submitted,

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Margaret O'Keefe  
Village Clerk

\*Filed copy supersedes any other version