

**MINUTES OF THE MEETING OF
THE BOARD OF TRUSTEES
Wednesday, April 3, 2019 7 PM**

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, April 3, 2019 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, Trustees L. Gordon Van Vechten, Jeffrey D. Fischer and Judith C. Ogden (late arrival 7:11 PM). Not in attendance this evening neither Deputy Mayor Daniel W. White nor Village Attorney Anthony B. Tohill. Also in attendance Village Administrator/Clerk, Margaret O’Keefe; Police Chief, Charles Lohmann and Village Treasurer Patricia Mulderig.

Pledge of Allegiance.

1. Mayor – Douglas A. Dahlgard:

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

RESOLUTION #001-19

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
Village Engineer	1 year	Daniel Falasco
Justice Court Clerk	1 year	Tracie Villani
Deputy Treasurer	1 year	Maureen Wiedersum
Acting Justice	1 year	John Toomey
Special Prosecutors	1 year	Suffolk ADA
	1 year	John Zollo
Building Inspector	1 year	Robert O’Shea
Deputy Building Inspector	1 year	Paul Athineos
Lieutenant	1 year	Charles Lohmann
Officer w/Admin. duties	1 year	Daniel Kirby
Planning Board Member	5 years	Stephanie Gress
Planning Boards Alternate #2	1 year	
Architectural Review Board	5 years	Paul Athineos, Chair
Joint Coastal Commission Member*	2 years	
Joint Coastal Commission Member*	1 year	Robin Dahlgard
Zoning Board of Appeals, Chairman	5 years	Joseph Bollhofer
Village Historian	1 year	Leighton Coleman
Highway Commissioner	1 year	Judith C. Ogden

*Correcting terms

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

RESOLUTION #002-19

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.

- Clerk’s Note - Trustee Judith C. Ogden arrives at 7:11 PM.
- Noting the extraordinary efforts put forth by Trustee/Highway Commissioner Judith Ogden’s, Head of the Harbor’s designation as a Tree City was acknowledged with the acceptance of a plaque to be hung at Village Hall.

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

RESOLUTION #003-19

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 Van Vechten, second by Trustee Ogden and unanimously adopted:

RESOLUTION #004-19

Pursuant to Open Meetings Law Article 7

RESOLVED, the Board of Trustees designates that public notices shall be posted upon the official bulletin boards at Village Hall, 500 North Country Rd., St. James, NY, the corner of Harbor Hill Rd. & Three Sisters Rd., the corner of Moriches Rd. & Fifty Acre Rd., the corner of Three Sisters Rd. & Gate Rd., and the village's official website HeadoftheHarborNY.gov.

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

RESOLUTION #005-19

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 2019-April 2020:

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

April 17, 2019 previously published	August 21, 2019	December 18, 2019
May 15, 2019	September 18, 2019	January 15, 2020
June 19, 2019	October 16, 2019	February 19, 2020
July no meeting	November 20, 2019	March 18, 2020
		April 15, 2020

, and

WHEREAS, the Board wishes to hold work sessions on the 1st Wednesday of each month for the organizational year of April 2019-April 2020 at 7 PM, expressly:

April 3, 2019 previously published	August 7, 2019	December 4, 2019
May 1, 2019	September 4, 2019	January 1, 2020
June 5, 2019	October 2, 2019	February 5, 2020
July no meeting	November 6, 2019	March 4, 2020
		April 1, 2020

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 Van Vechten, second by Trustee Fischer and unanimously adopted:

RESOLUTION #006-19

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, and

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 2019- April of 2020:

- **Architectural Review Board, 1st Tuesday of each month at 7 PM**
- **Planning Board, 2nd Tuesday of each month, excepting July, at 5:30 PM**

- **Zoning Board of Appeals, 3rd Monday of each month when hearings are scheduled**

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 2019- April of 2020:

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

WHEREAS, the Joint Coastal Commission meetings will be held at Nissequogue Village Hall, 631 Moriches Rd., County of Suffolk, St. James, New York 11780 or at Head of the Harbor Village Hall, 500 North Country Rd., St. James, New York 11780 at 7:30 PM at the direction of Board Chair;

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

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

RESOLUTION #007-19

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 Comptroller's 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, NYS Insurance Fund 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 Fischer and unanimously adopted:

RESOLUTION #008-19

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 Ogden, second by Trustee Van Vechten and unanimously adopted:

RESOLUTION #009-19

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 2019/2020 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 Administrator/Clerk- NYCOM training, SCVOA seminars, NYGFOA 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, NYGFOA
 - Justice Court Clerk- Village Justice Court Clerks Association
- It was, upon motion by Trustee Fischer, second by Trustee Van Vechten, abstention by Trustee Fischer and adopted (4-0-1):
RESOLUTION #010-19
WHEREAS, 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,
BE IT RESOLVED, 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 Van Vechten, second by Trustee Ogden, abstention by Trustee Fischer and adopted (3-0-1):
RESOLUTION #011-19
WHEREAS, 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 Fischer, second by Trustee Ogden and unanimously adopted:
RESOLUTION #012-19
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 severely 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 or 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 Van Vechten, second by Trustee Fischer and unanimously adopted:

RESOLUTION #013-19

RESOLVED, all vouchers in excess of \$1,000.00 will be signed by the Board of Trustees.

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

RESOLUTION #014-19

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 Ogden, second by Trustee Van Vechten and unanimously adopted:

RESOLUTION #015-19

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 Fischer, second by Trustee Ogden and unanimously adopted:
RESOLUTION #016-19
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 Fischer, second by Trustee Van Vechten and unanimously adopted:
RESOLUTION #017-19
WHEREAS, on March 2, 2018 Avalon Park and Preserve deposited \$2,000 in Trust & Agency funds for the review of a site plan application at 153 Harbor Rd. bearing SCTM# 0801-1.-1.-3.2 and,
WHEREAS, said funds were deposited in Trust & Agency Account TA 0999, “Avalon Park”, and
WHEREAS, on April 2, 2019 Avalon Park and Preserve deposited \$2,000 in Trust & Agency funds for the review of a site plan application at 200 Harbor Rd., bearing SCTM# 0801-1.-2.-6.1 “Avalon Park & Preserve”,
BE IT RESOLVED, to authorize and direct the village treasurer to rename TA 0999 as “Shore Farm/Avalon Park”, and to transfer the April 2, 2019 Trust & Agency deposit of \$2,000.00 to TA1000 “Avalon Park & Preserve”.
- It was, upon motion by Trustee Fischer, second by Trustee Ogden and unanimously adopted:
RESOLUTION #018-19
RESOLVED, to authorize and direct the village treasurer to make payment to Mr. Rapp in the total amount due of \$1,350.00 for six street sign posts.

4. Highway Department – Highway Commissioner Judith C. Ogden:

- Discussion ensued in regard to the 2019/2020 paving program. No action taken.
- Discussion ensued regarding the purchase of a new highway vehicle. No action taken.
- It was, upon motion by Trustee Fischer, second by Trustee Ogden and unanimously adopted, to move to executive session to discuss litigation and personnel. No action taken. It was, upon motion by Trustee Van Vechten, second by Trustee Ogden, and unanimously adopted, to move to public session.
- There being no other matters to be brought before the Board; it was, upon motion by Trustee Fischer, second by Trustee Ogden and unanimously adopted, to adjourn the meeting at 8:20 PM.

Respectfully Submitted,

Margaret O'Keefe
Village Administrator/Clerk