

**MINUTES OF THE ORGANIZATIONAL MEETING/WORK SESSION OF
THE BOARD OF TRUSTEES
WEDNESDAY, APRIL 10, 2024**

An organizational meeting/work session of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, April 10, 2024 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 Daniel W. White, Judith C. Ogden, Lisa Davidson and Trustee Jeffrey D. Fischer. Also, in attendance Village Administrator/Clerk, Margaret O’Keefe; Police Chief, Charles M. Lohmann; Village Treasurer, Patricia Mulderig; Dir. of Highway Operations, Frank Prinzevalli and Village Engineer, Daniel Falasco. Not in attendance Building Inspector, Robert O’Shea.

Pledge of Allegiance.

- Judge Toomey administered the Oath of Office to Mayor Utevsky, Trustee Ogden and Trustee Davidson.
- The following annual resolutions were deemed read into the record in their entirety. It was, upon motion by Trustee Davidson, second by Trustee Ogden and unanimously adopted with the vote as follows:

Michael D. Utevsky, Mayor	AYE
Daniel W. White, Trustee	AYE
Judith C. Ogden, Trustee	AYE
Lisa Davidson, Trustee	AYE
Jeffrey D. Fischer, Trustee	AYE

RESOLUTION #001-24

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

Position	Term	Appointee
Position	Term	Appointee
Deputy Mayor	2 year	Lisa Davidson
Village Administrator/Clerk	2 Years	Margaret O’Keefe
Village Treasurer	2 Years	Patricia Mulderig
Justice Court	1 year	Carolanne Darrigo
Deputy Treasurer	1 year	Maureen Wiedersum
Special Prosecutors	1 year	Suffolk ADA
	1 year	John Zollo
Building Inspector	1 year	Robert O’Shea
Lieutenant	1 year	Charles Lohmann
Officer w/Admin. duties	1 year	Daniel Kirby
Planning Board	5 years	John Honkanen
Architectural Review Board Alternate #1	2 years	Alexandra Leighton
Joint Coastal Commission Chair	3 years	Michael Braaten
Joint Coastal Commission	3 years	Robert Johnson
Zoning Board of Appeals Chair	5 years	Joseph Bollhofer
Village Historian	1 year	Leighton Coleman
Highway Commissioner	1 year	Judith C. Ogden
Tree Committee	1 year	Damien Napoli
	1 year	Giovanna Curti
	1 year	Leora Vatash
	1 year	Nancy Candib

- The following annual resolutions were deemed read into the record in their entirety. It was, upon motion by Trustee Davidson, second by Trustee Ogden and unanimously adopted (5-0-0):

RESOLUTION #002-24

Official Newspaper

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, the Board of Trustees designates The Smithtown News as the official newspaper of the village.

Investment Policy (appendix to the official minutes)

Pursuant to Law and Code the Village's Investment Policy

RESOLVED, to reaffirm the Investment Policy of the Village of Head of the Harbor

Designating Depositories

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, the Board of Trustees designates First National Bank of Long Island, 285 E. Main St. #104, Smithtown, NY 11787; Dime Bank (previously known as Bridgehampton National Bank), 898 Veterans Hwy., Hauppauge, NY 11788, TD Bank, 621 Lake Ave. St. James, NY 11780, and NY Class, 717 17th Street, Suite 1850, Denver, Colorado 80202 as the official depositories of all monies received by the village clerk and treasurer.

Designated Posting Locations

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.

- The following annual resolutions were deemed read into the record in their entirety. It was, upon motion by Trustee Davidson, second by Trustee Ogden and unanimously adopted (5-0-0):

RESOLUTION #003-24

Dates for Boards & Committees

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 2024- April of 2025:

- **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 at 7 PM 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 2024- April of 2025:

- **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 said notices as required.

Advance Approval Of Claims

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, 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.

Mileage Allowance

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, this resolution is effective immediately.

Attendance at Schools and Conferences

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, an

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 2024/2025 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, NYGOFA, 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

ETHICS

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.

Disclosure Statements

Pursuant to Village Code §24 Code of Ethics, disclosure statements, if any, will be read into the record once received.

Procurement policy

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 offer. 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.

VOUCHERS

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

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

RESOLUTION #004-24

RESOLVED, the Board of Trustees will hold their next meeting on April 17, 2024.

- It was, upon motion by Trustee Fischer, second by Trustee Ogden and unanimously adopted:
RESOLUTION #005-24
RESOLVED, to authorize Mayor Utevsy to execute the agreement for IT Managed Services with DNT Technologies, per the terms of the 2024 agreement.
- It was, upon motion by Trustee White, second by Trustee Fischer and unanimously adopted:
RESOLUTION #006-24
RESOLVED, to authorize Mayor Utevsy, in his official capacity, to execute the renewal Agreement with Daniel Falasco, Village Engineer at an hourly compensation of \$145.00.
- It was, upon motion by Trustee White, second by Trustee Fischer and unanimously adopted:
RESOLUTION #007-24
RESOLVED, to reaffirm the existing agreements with John B. Zollo, Esq. for litigation matters and prosecuting services per the terms of the agreements existing since 2015.
- It was, upon motion by Trustee White, second by Trustee Fischer and unanimously adopted:
RESOLUTION #008-24
RESOLVED, to reaffirm the existing agreement with Cleary Consulting at a rate of \$200.00/hr.
 - Legal Matters – Search for new counsel ongoing.

Village Engineer - Dan Falasco:

- Harbor Road paving should commence in September.

Highway Department – Frank Prinzevalli, Dir. of Highway Operations:

- Spring activities commencing.
- Work at the pedestrian underpass will require Harbor Road to be temporarily shut down.

Police Department – Charles M. Lohmann, Police Chief:

- There was a disruption on Route 25A; Head of the Harbor Police Department assisted Suffolk Police Department with wires on roadway.
- Race throughout the Village on Saturday, April 13, 2024 from 9 AM – 11 AM. Roads will not be closed.

Financials – Patricia Mulderig, Treasurer:

- 93.5% of taxes collected thus far.
- 2023/2024 audit is basically complete.
- It was, upon motion by Trustee Fischer, second by Trustee Ogden, abstention by Mayor Utevsy and Trustee Davidson and adopted (3-0-2):
RESOLUTION #009 -24
Minutes of March 13, 2024, 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 Fischer, second by Trustee Ogden, abstention by Mayor Utevsy and Trustee Davidson and adopted (3-0-2):
RESOLUTION #010 -24
Minutes of March 20, 2024, 7 PM meeting of the Board of Trustees were presented.
RESOLVED, to adopt the minutes of the above meeting as presented.
- There being no other matters to be brought before the Board; it was, upon motion by Trustee White, second by Trustee Davidson and unanimously adopted, to adjourn the meeting at 7:40 PM.

Respectfully Submitted,

Margaret O’Keefe, Village Administrator/Clerk