

**MINUTES OF THE MEETING OF
THE BOARD OF TRUSTEES
Wednesday, April 15, 2015 at 7 PM**

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, April 15, 2015 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, Judith C. Ogden, L. Gordon Van Vechten, and Jeffrey D. Fischer. Also in attendance Village Clerk Margaret O’Keefe, Village Treasurer Patricia Mulderig, and Village Attorney Anthony B. Tohill.

Mayor Dahlgard convened the public hearing on this 15th day of April 2015, at 7:00 P.M., at Village Hall, 500 North Country Road, St. James, New York, to consider the adoption of Local Law (Intro.) #1 of 2015, “A LOCAL LAW REPEALING VILLAGE CODE CHAPTER 20 AND REPEALING OR AMENDING RELATED SECTIONS OF THE VILLAGE CODE”. Comments of support from the Trustees and Planning Chair Harlan Fischer. Trustee Ogden expressed concern that the duties of the Environmental Conservation Board be disseminated among the existing boards and commissions. There being no further comment, it was upon the motion of Trustee Daniel White, second by Trustee Van Vechten and unanimously adopted

RESOLUTION #001-15

RESOLVED, to close the public hearing on Local Law (Intro.) #1 of 2015, “A LOCAL LAW REPEALING VILLAGE CODE CHAPTER 20 AND REPEALING OR AMENDING RELATED SECTIONS OF THE VILLAGE CODE”.

Pledge of Allegiance. Mayor convened the Organizational Meeting for 2015.

Mayor – Douglas A. Dahlgard:

Appointments

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

RESOLUTION #002-15

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- VTL	1 year	Suffolk ADA
Deputy Clerk/Treas.	1 year	Maureen Wiedersum
Building Inspector	1 year	Gerard Harris
Deputy BI	1 year	Paul Athineos
Chief	1 year	Martin Thompson
Captain	1 year	Daniel Kirby
Chairman PB	5 years	Harlan Fischer
Member ARB	5 years	Kevin Phieffer
Member JCC	3 years	Robin Herrnstein
Member JCC	3 years	Craig Holland
Member ZBA	5 years	Allyson Svatek
Village Historian	1 year	Leighton H. Coleman
Highway Comm.	1 year	Judith C. Ogden
Deputy Hgwy. Comm.	1 year	John Lendino

Official Newspaper

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

RESOLUTION #003-15

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.

Designating Depositories

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

RESOLUTION #004-15

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 Capital One Bank, 245 Lake Ave., St James, NY 11780, 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.

Dates for Regular Meetings & next organizational meeting

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

RESOLUTION #005-15

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 current-April 2016:

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

	August 19th	December 16th
May 20th	September 16th	January 20th
June 17th	October 21 st	February 17th
July –no meeting	November 18th	March 16th
		April 20th

, and

WHEREAS, the Board wishes to hold work sessions on the 1st Wednesday of each month for the organizational year of current-April 2016 at 7 PM, expressly:

	August 5 th	December 2 nd
May 6 th	September 2 nd	January 6 th
June 3 rd	October 7 th	February 3 rd
July 1 st	November 4 th	March 2 nd
		April 6 th

WHEREAS, that the next organizational meeting will be held on Wednesday, April 20, 2016 at 7 PM, and

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, 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 current- April of 2016:

- **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 7:30 PM, 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 2015- April of 2016:

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

WHEREAS, the Joint Coastal Commission meetings will be held at Nissequoque Village Hall, 631 Moriches Rd, County of Suffolk, St. James, New York 11780 at 7:30 PM, time then in effect for the months of April-January 2016; after which the Joint Coastal Commission will meet at Head of the Harbor Village Hall, 500 North Country Rd., St. James, New York 11780 for the months of February 2016-April 2016.

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

Advance Approval Of Claims

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

RESOLUTION #006-15

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, gasoline charges, photocopier charges, and contractual obligations previously accepted by resolution.

Mileage Allowance

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

RESOLUTION #007-15

RESOLVED, Pursuant to Village Law §5-524(7)

WHEREAS, the Board of Trustees wishes to establish a 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.

Attendance at Schools and Conferences

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

RESOLUTION #008-15

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; h) ESLETS and NYS Association of Chief of Police

WHEREAS, attendance by 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 2014/2015 budget, and

WHEREAS, meal allowances, when not included in conference packages, shall follow the NYS Comptroller guidelines at the time of travel, and

WHEREAS, incidental expenses such as tips to bellmen, porters, hotel maids, etc., continue to be included in the allowances, and

WHEREAS, there has been prior Board of Trustees approval,

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, Cornell Municipal Clerks Institute & New York State Clerks & Treasurers Association, Long Island Village Clerks & Treasurers Association
- Village Treasurer- NYCOM training, SCVOA seminars, Long Island Village Clerks & Treasurers Association, NYS Government Finance Officers Association
- 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. It was upon motion by Trustee White, second by Trustee Ogden and unanimously adopted:

RESOLUTION #009-15

RESOLVED, the village clerk is hereby authorized and directed to distribute to all elected and appointed officials, as well as, village employees a copy of the villages' Code, §24 Code of Ethics.

BE IT FURTHER RESOLVED, the village clerk is hereby authorized and directed to cause to be posted General Municipal Law Article 18 §800-§809.

Procurement policy

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

RESOLUTION #010-15

RESOLVED,

Pursuant to General Municipal Law §104-b, the Board of Trustees hereby adopts the 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
\$500 - \$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-\$20,000	3 written/fax quotes or written requests for proposals and Board of Trustees approval

Est. Public Works Contracts	Method
\$500-\$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 \$500.00. 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.

- At this time no disclosure statements have been received; we will review again on May 20, 2015 at 7 PM.

- It was, upon motion by Trustee Ogden, second by Trustee White, and unanimously adopted:
RESOLUTION #011-15
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 #012-15
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 Van Vechten, second by Trustee White, and unanimously adopted:
RESOLUTION #013-15
BE IT RESOLVED, to authorize and direct Mayor Dahlgard to execute the agreement for the removal of solid waste with Winters Brothers Waste Systems on behalf of the Village of Head of the Harbor in his official capacity.
- It was, upon motion by Trustee Ogden, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #014-15
BE IT RESOLVED to approve of the employment of Andrew Rushton as part-time highway laborer as of Wednesday, April 15, 2015. This position is as a temporary, call-in, laborer, a non-exempt, part-time, at will employee not to exceed 18 hours a week for an hourly rate of \$15.30.
- **Minutes of March 11, 2015, 7 PM** Trustees meeting were presented. It was, upon motion by Trustee Fischer, second by Trustee White, and unanimously adopted:
RESOLUTION #015-15
RESOLVED, to adopt the minutes of the above referenced meeting as presented.
- **Minutes of April 1, 2015, 7 PM** Trustee work session were presented. It was, upon motion by Trustee White, second by Trustee Van Vechten, abstention by Trustee Ogden and adopted (4-0-1):
RESOLUTION #016-15
RESOLVED, to adopt the minutes of the above referenced meeting as presented.
- A public hearing was concluded on the 15th day of April, 2015, at 7:00 P.M., at the Village Hall, 500 North Country Road, Head-of-the-Harbor, New York, to consider the adoption of Local Law (Intro.) #1 of 2015, "A LOCAL LAW REPEALING VILLAGE CODE CHAPTER 20 AND REPEALING OR AMENDING RELATED SECTIONS OF THE VILLAGE CODE". It was upon motion by Trustee White, second by Trustee Fischer and unanimously adopted:

RESOLUTION #017-15

RESOLVED,

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HEAD-OF-THE-HARBOR AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to repeal Chapter 20, Environmental Conservation Board and to repeal Village Code sections citing the Environmental Conservation Board.

SECTION 2. REPEAL OF VILLAGE CODE CHAPTER 20.

Chapter 20 of the Village Code is repealed.

SECTION 3. REPEAL OF VILLAGE CODE § 65-35.

Section 65-35 of the Village Code is repealed.

SECTION 4. AMENDMENT OF VILLAGE CODE § 81-15(B).

Section 81-15(B) is amended to read as follows:

B. For actions of the type stated in § 81-14B, the Planning Board shall be the responsible agency. The Planning Board shall coordinate review by [the Environmental Conservation Board and] the Board of Architectural Review, which shall be afforded a reasonable time to investigate and submit a written report of their respective findings and recommendations. [The Environmental Conservation Board shall submit a timely report to the Planning Board as to the environmental effect and consistency with such portions of LWRP that do not relate to the protection of architectural resources.] The Board of Architectural Review shall submit a timely report to the Planning Board as to consistency with such portions of the LWRP as relates to the protection of architectural resources. The Planning Board shall thereafter issue its findings and determination as to [the environmental effect and] consistency with LWRP.

SECTION 5. AMENDMENT OF VILLAGE CODE § 81-15(D).

Section 81-15(D) is amended to read as follows:

D. For actions of the type stated in § 81-14D, the Village Engineer shall provide [the Environmental Conservation Board and] the Board of Architectural Review with the information and forms which shall be required under Article VII, and said Boards shall assist the Board of Trustees in making findings as to environmental effect and consistency with the LWRP.

SECTION 6. AMENDMENT OF VILLAGE CODE § 81-18.

Section 81-18 is amended to read as follows:

§ 81-18. Advisory agencies.

In all cases [in which the Environmental Conservation Board is not the responsible agency it shall be an advisory agency in the making of a finding as to environmental effect; and in all cases] in which the Joint Village Coastal Management Commission is not the responsible agency it shall be an advisory agency in the making of a finding as to consistency with the LWRP, in accordance with the provisions of § 81-30.

SECTION 7. AMENDMENT OF VILLAGE CODE § 85-7.

Section 85-7 is amended to read as follows:

§ 85-7. Review and approval of building permits.

All building permits for construction in the designated areas must be approved by the Village Engineer[,] and the Board of Architectural Review [and the Environmental Conservation Board].

SECTION 8. AMENDMENT OF VILLAGE CODE § 85-13(C).

Section 85-13(C) is amended to read as follows:

C. Because any erosion control structure may induce changes in natural coastal processes, such as shifts in tidal activity, silting or patterns of currents, and may have an impact upon wildlife habitats, the construction or modification of any such structure shall be regarded as a Type I action under the Village law providing for environmental quality review. [The submitted erosion protection structure plan must be approved by the Environmental Conservation Board of the Village, which shall not issue an approval until a written evaluation has been made of available nonstructural erosion protection measures at the site. Because nonstructural erosion management measures are to be preferred wherever practical, approval by the Environmental Conservation Board is dependent upon demonstration of the impracticability of such measures and that the mitigation of adverse impacts connected with the erecting of an erosion protection structure is provided to the greatest practicable extent.]

SECTION 9. AMENDMENT OF VILLAGE CODE § 85-26(B).

Section 85-26(B) is amended to read as follows:

B. Any removal of sand, gravel or earth materials from any site shall require a special permit issued by the Building Inspector. In connection with the subdivision of land, such a permit must be approved by the Planning Board. In connection with site development, the permit must be approved by the Board of Architectural Review. In either case the special permit shall also require the signed approval of [both] the Village Engineer [and the Environmental Conservation Board].

SECTION 10. AMENDMENT OF VILLAGE CODE § 165-14.

Section 165-14 is amended to read as follows:

§ 165-14. Map of environmentally and historically significant areas.

A map showing environmentally and historically significant areas, prepared by the Village Engineer [and the Environmental Conservation Board], incorporating data supplied by the Suffolk County Planning Department and researchers into local history, is on file with the Village Clerk. It shows steep slopes, swales, dense forests, places where seasonal high water tables are less than three feet, tidal and freshwater wetlands, ponds, marshes, prime wildlife areas, historic buildings, accessory buildings, gates, cemeteries and other areas of environmental and historic significance.

SECTION 11. REPEAL OF VILLAGE CODE § 165-34.2(F)(3).

Section 165-34.2(F)(3) is repealed.

SECTION 12. AMENDMENT OF VILLAGE CODE § 165-74(A).

Section 165-74(A) is amended to read as follows:

A. The Board shall coordinate its reviews and decisions with the Board of Architectural Review, [Environmental Conservation Board,] Building Inspector, Engineer, Clerk, Attorney and Treasurer on a regular basis.

SECTION 13. AMENDMENT OF VILLAGE CODE § 165-85(B).

Section 165-85(B) is amended to read as follows:

B. In preparing such studies and plans, the Board shall involve and coordinate with the Trustees, the Board of Architectural Review [and Environmental Conservation Board], the Building Inspector, as well as the Village Historian, Engineer, Commissioner of Roads and Attorney.

SECTION 14. AMENDMENT OF VILLAGE CODE § 165-102(B).

Section 165-102(B) is amended to read as follows:

B. In serving as the lead agency for site plan review, the Board shall involve, consult with and/or receive review input, as appropriate, from involved Village agencies, including the Board of Architectural Review [and Environmental Conservation Board]; involved Village parties, including the Attorney, Engineer,

Building Inspector, Historian and Commissioner of Roads; involved outside agencies, including the State Departments of Environmental Conservation, Health and Transportation, the County Department of Health, as well as the Joint Village Coastal Management Commission; and interested parties, including abutting residents and other municipal jurisdictions.

SECTION 15. AMENDMENT OF VILLAGE CODE § 165-110.

Section 165-110 is amended to read as follows:

§ 165-110. Filing of decision.

The decision of the Board shall be filed by the Board Secretary with the Village Clerk, with copies to the applicant, the Board of Architectural Review, [the Environmental Conservation Board,] the Village Engineer and the Building Inspector.

SECTION 16. SUPERSESION.

This Local Law shall supersede any inconsistent law, state or local. This declaration of supersession is made by authority of the Village's municipal home rule law powers, pursuant to §§10(1)(ii)(a)(14) and 10(1)(ii)(e)(3) of the Municipal Home Rule Law, §10(6) of the Statute of Local Governments, and Article 9, §2(b)(3) of the New York State Constitution.

SECTION 17. SEQRA.

This is a Type II action under 6 NYCRR 617.5(c)(27).

SECTION 18. SEVERABILITY.

Should any part or provision of this local law be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the local law as a whole nor any part thereof other than the part so decided to be unconstitutional or invalid.

SECTION 19. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State as provided by law.

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

RESOLUTION #018-15

WHEREAS, Avalon Park and Preserve (the Preserve) has requested the consent of the Village to enable the Preserve's installation of a low retaining wall on the south side of Harbor Road adjacent to the Stony Brook Mill Pond, and

WHEREAS, the low retaining wall and its location have been depicted in two photo-shopped photographs and a two page schematic drawing, dated July 8, 2014, prepared by Marshall Paetzl, Registered Landscape Architect and presented to the Village by the Preserve on October 21, 2014, and

WHEREAS, Harbor Road is a municipal street held under Village Law § 6-602 under the exclusive control and supervision of the Board of Trustees, and

WHEREAS, the Village Engineer and the Village Highway Commissioner have each inspected the documents submitted by the Preserve on October 21, 2014, and on the basis of their review of those documents as well as their personal knowledge of the Harbor Road area and this particular site have opined that the proposed installation is within appropriate highway safety design standards, and

WHEREAS, the cost of the installation will be entirely paid by the Preserve directly to third party contractors and suppliers, and

WHEREAS, the ownership of the installation shall be deemed offered for dedication to the Village and

WHEREAS, any such acceptance of said offer and assumption of ownership including the obligations thereof shall be preceded by an inspection by the Village Engineer of the installation upon completion and a notice of acceptance of the as-built conditions from the Village Engineer to the Board of Trustees who shall thereafter consider adoption of a resolution accepting such dedication including any conditions then deemed appropriate, and

WHEREAS, all site work incident to the subject installation shall occur not earlier than the 1st day of April, 2015 and be completed not later than the 31st day of May, 2015, and

WHEREAS, any such work shall not commence except after at least ten (10) days notice to the Village Engineer (467-7775 ext. 23 phone and 516-317-7209 cell phone) and the Village Clerk (584-5550), and

WHEREAS, the subject installation has received prior approvals from the ECB, JCC and ARB,

NOW, THEREFORE IT IS RESOLVED:

1. Consent. Subject to each of the aforesaid conditions and understandings and subject to each of the below mentioned conditions, the Board of Trustees hereby consents to the installation of a stone wall and plantings at Harbor Road as each is depicted on the July 8, 2014 drawings

(2 pages) of Marshall Paetzel, Registered Landscape Architect, at the sole cost and expense of the Preserve.

2. Insurance. At all times that any work is occurring, the Preserve and each contractor and subcontractor engaged by or acting on behalf of the Preserve shall maintain occurrence type liability insurance coverage in an amount not less than One Million (\$1,000,000.00) Dollars each occurrence and Two Million (\$2,000,000.00) Dollars general aggregate and One Million (\$1,000,000.00) Dollars comprehensive auto liability and certificates naming the Village as additional insureds in form to be approved by the Village Attorney and in substance to be approved by the Board of Trustees shall be delivered to the Village Clerk prior to commencement of any work.

3. Workers Compensation. Simultaneously with the delivery of the certificates described in the preceding paragraph, the Preserve shall deliver to the Village Clerk Workers Compensation and disability insurance certificates for each contractor and subcontractor in form to be approved by the Village Attorney and in substance to be approved by the Board of Trustees.

4. Mechanic's Lien. In the event any mechanic's lien under New York Lien Law § 12 or any other provision applicable to liens on public improvements shall be filed, the Preserve shall within ten (10) days thereafter at its sole cost and expense cause the lien to be removed and discharged by payment or order of the court or bond and failing to do so the Village may elect to take steps available to cause the lien to be removed or discharged and any expense incurred by the Village including attorneys' fees shall be paid to the Village by the Preserve upon demand. The Preserve represents that no contractor, subcontractor or materialmen shall be engaged except after executing a contract or memorandum acknowledging that the Village is not a party to any such contract or understanding, the Village has no payment obligation and the contractor, subcontractor and materialmen have no rights or remedies under the New York Lien Law § 12 or otherwise against the Village.

5. Acknowledgment. Within ten (10) days after adoption of this resolution and prior to the commencement of any installation, the Preserve shall deliver to the Village Clerk an original acknowledgment shall be signed by a representative of the Preserve authorized by a resolution of the governing body of the Preserve and a copy of said resolution shall accompany said acknowledgment. In addition said acknowledgment and approval shall include an assurance by the Preserve to maintain the vitality of all plantings as depicted on the aforesaid Marshall Paetzel drawings for a period of three (3) years after acceptance of the installation by the Board of Trustees.

- It was, upon motion by Trustee White, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #019-15
RESOLVED, to authorize and direct the village treasurer to forward payment to Williams and Williams in the amount of \$500.00 for Special Event Insurance.

2. Financials – Patricia Mulderig, Treasurer:

- Report submitted to the Board.
- It was, upon motion by Trustee Fischer, second by Trustee Van Vechten and unanimously adopted:
RESOLUTION #020-15
RESOLVED, the village treasurer is hereby authorized and directed to close the Capital One Checking account and transfer the balance to the TD Bank Checking Account
- It was, upon motion by Trustee Van Vechten, second by Trustee Fischer and unanimously adopted:
RESOLUTION #021-15
RESOLVED, the village treasurer is hereby authorized and directed to transfer \$130,000.00 from the TD Bank Money Market Account to Bridgehampton National Bank Money Market Account.
- It was, upon motion by Trustee Fischer, second by Trustee Van Vechten and unanimously adopted:
RESOLUTION #022-15
RESOLVED, to adopt Abstracts #126773 through and including #126780, excluding voucher #20150110 in the amount of \$1,712.80, in the total amount of \$74,946.96 to be paid from the General Fund.
- It was, upon motion by Trustee White, second by Trustee Ogden and unanimously adopted:
RESOLUTION #023-15
RESOLVED, the village treasurer is hereby authorized and directed to transfer \$285.96 from the Justice Court Grant account 2014 to the General Fund as reimbursement for the purchase of a filing cabinet.
- It was, upon motion by Trustee Fischer, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION # 024-15
RESOLVED, the village treasurer is hereby authorized and directed to transfer \$3,415.00 from the Justice Court Grant account 2015 to the General Fund as reimbursement for the purchase and installation of exterior security lights by T. Metz.

- It was, upon motion by Trustee Van Vechten, second by Trustee White and unanimously adopted:
RESOLUTION #025-15
RESOLVED, the village treasurer is hereby authorized and directed to transfer \$2,835.04 from the Justice Court Grant account 2015 to the General Fund as reimbursement for the purchase and installation of carpeting from Loria's 112 Carpet.
- It was, upon motion by Trustee Van Vechten, second by Trustee White and unanimously adopted:
RESOLUTION #026-15
RESOLVED, the village treasurer is authorized and directed to make the budget modifications as noted below:

		BUDGET F/Y/E	BUDGET ADJUSTMENT	MODIFIED BUDGET
		2/28/2015		2/28/2015
A1565	ZBA HEARING FEES	(2,000.00)	2,000.00	0.00
A2115	PLANNING BOARD FEES	(1,500.00)	1,500.00	0.00
A2401	INTEREST AND EARNINGS	(1,500.00)	1,047.60	(452.40)
A2709	EMPLOYEE HEALTH CARE CONTRIBUTIONS	(7,456.23)	2,937.43	(4,518.80)
A2610	JUSTICE COURT FINES	(40,000.00)	0.00	(40,000.00)
a110.26	JUSTICE COURT ASSISTANCE GRANT-2014	12,785.00	0.74	12,785.74
A1110.8	JUSTICE COURT BENEFITS	1,331.64	0.08	1,331.72
A1325.1	TREASURER - PERSONAL SVC	42,979.82	122.72	43,102.54
A1325.22	TREASURER - OFFICE SUP, TEL	2,000.00	282.05	2,282.05
A1410.1	CLERK - PERSONAL SERVICE	66,611.77	0.23	66,612.00
A1440.41	ENGINEER - GENERAL	5,000.00	293.75	5,293.75
A1620.2	VILLAGE HALL UTILITIES	23,000.00	581.40	23,581.40
A1680.2	WEB SITE	2,300.00	85.00	2,385.00
A5142.44	SNOW REMOVAL CONT SERVICES	21,746.50	1,054.36	22,800.86
A1990	CONTINGENCY	9,905.36	(9,905.36)	0.00
		<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
		<u>135,203.86</u>	<u>0.00</u>	<u>135,203.86</u>

3. Planning Board –Harlan J. Fischer, Chair:

- 2 site plan applications under review; Route 25A/Timothy lane and Barn Lane

4. Police Department – Chief Martin J. Thompson:

- St. James Fire Department Annual Race will be held on April 18, 2015.

5. Building Department, ARB, JCC - Gerard Harris, Building Inspector:

- 3 applications under review.

6. Highway Department –John Lendino, Deputy Hwy. Comm. and Judith C. Ogden Hwy. Comm.:

- Review of potential road paving projects.
- Discussion regarding equipment.

7. Other Matters:

- It was, upon motion by Trustee White, second by Trustee Van Vechten and unanimously adopted:
RESOLUTION #027-15
RESOLVED, to authorize payment to village employee Maureen Wiedersum for exceptional services in the amount \$529.48.

There being no other matters to be brought before the Board; it was, upon motion by Trustee White, second by Trustee Fischer and unanimously adopted, to adjourn the meeting at 8:12 PM.

Respectfully Submitted,

Margaret O'Keefe
Village Clerk