

**MINUTES OF THE MEETING OF
THE BOARD OF TRUSTEES
Monday, September 18th, 2017 7 PM**

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Monday, September 18, 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 Judith C. Ogden, L. Gordon Van Vechten and Jeffrey D. Fischer. Also in attendance Building Inspector Robert O'Shea, Village Clerk Margaret O'Keefe, Police Chief Charles M. Lohmann, and Village Attorney Anthony B. Tohill. Not in attendance this evening, Village Treasurer Patricia Mulderig.

1. Mayor – Douglas A. Dahlgard:

- Mayor Douglas Dahlgard convened the public hearing on Local Law (Intro.) #1 of 2017, “A LOCAL LAW AMENDING VILLAGE CODE §123-4”. Discussion ensued. There being no further comments it was, upon motion by Trustee White, second by Trustee Fischer and unanimously adopted:

RESOLUTION #107-17

RESOLVED, to close the public hearing on Local Law (Intro.) #1 of 2017, “A LOCAL LAW AMENDING VILLAGE CODE §123-4”.

- The monthly meeting of the board of Trustees was convened.
- A public hearing was concluded on the 18th day of September 2017, 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 # 1 of 2017, “A LOCAL LAW AMENDING VILLAGE CODE §123-4”

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

RESOLUTION #108-17

RESOLVED, LOCAL LAW (Intro) NO. 1 OF 2017, “A LOCAL LAW AMENDING VILLAGE CODE §123-4” BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF HEAD-OF-THE-HARBOR AS FOLLOWS.

PURPOSE.

The purpose of this local law is to enable a deer fertility program authorized by the New York State Department of Environmental Conservation to be conducted within the Village of Head-of-the-Harbor.

AMENDMENT OF VILLAGE CODE § 123-4.

Section 123-4 is amended by addition of the following:

In no event shall this subsection restrict the discharge of immunocontraception vaccine and/or chemical immobilization darts by a person issued a license and/or permit under New York Environmental Conservation Law § 11-0515 and/or 6 New York Codes, Rules and Regulations Part 175.

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.

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.

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 Fischer and unanimously adopted:

RESOLUTION #109-17

WHEREAS, Board of Trustees hereby accepts the Justice Court Audit 2016-2017 report as prepared by Cullen & Danowski

WHEREAS, pursuant to Section 2019-a of the Uniform Justice Court Act, the Board of Trustees of the Village is required to confirm that the records and dockets of the Village Justice Court be audited, and

WHEREAS, the Village Board has caused the independent auditing firm of Cullen & Danowski, LLP (the “auditor”), to audit and examine the records and dockets of the Village Justice Court for the Fiscal Year 2016-2017, and

WHEREAS, the auditor has submitted to the Village its audit report of the Village Justice Court, as required under Uniform Justice Court Act § 2019-a (the “Justice Court Audit Report”), and

WHEREAS, the Village Board desires to comply with the Uniform Justice Court Act § 2019-a, and to reflect in the minutes of its proceedings that such audit has occurred,

NOW, THEREFORE, IT IS HERBY RESOLVED, that the Board of Trustees of the village of the Head of the Harbor does hereby acknowledge that the audit of the records of the Village Justice Court required under the Uniform Justice Court Act § 2019-a has been conducted, and that the Justice Court Audit Report has been received by the Board, and it is hereby further,

RESOLVED, that the Village Clerk forward to the New York State Office of Court Administration a copy of said Justice Court Audit Report and a copy of this Resolution.

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

RESOLUTION #110-17

WHEREAS, Village Engineer drafted bid specifications for drainage on Pin Oak Lane; and

WHEREAS, a request for bids was duly advertised by the Village Clerk, and

WHEREAS, on September 18, 2017 two (2) sealed bids were opened and

WHEREAS, all bids were presented to and reviewed by the Board of Trustees

NOW, THEREFORE, BE IT RESOLVED, the Board of Trustees hereby rejects the presented bids for costs.

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

IN ACCORDANCE WITH RESOLUTION # 088-17

RESOLUTION #111-17

WHEREAS, The Board of Trustees awarded a bid for cobble repair on Deepwells Lane to Owen Brothers; and

WHEREAS, the village engineer has recommended a change order documented via memorandum to the Board of Trustees dated September 18, 2017,

BE IT RESOLVED, to authorize and direct the Village Engineer to execute the change order to the bid as presented.

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

RESOLUTION #112-17

RESOLVED, the village attorney, Anthony B. Tohill, is hereby authorized and directed to draft legislation regarding deer fencing.

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

RESOLUTION #113-17

RESOLVED, that the village Attorney, Anthony B. Tohill, is hereby authorized and directed to appear on behalf of the Planning Board in defense of any Article 78 challenge to a resolution of site plan approval granted to HRG Holdings with fees to be charged at \$200.00 per hour and all fees subject to submission and approval of a voucher pursuant to Village Law submission and approval of a voucher pursuant to Village Law §5-524.

- **Minutes** of the August 16, 2017 at 7 PM meeting of the Board of Trustees were presented.

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

RESOLUTION #114-17

RESOLVED, to adopt the minutes as presented.

- **Minutes** of the September 6, 2017 at 7 PM work session of the Board of Trustees were presented. It was, upon motion by Trustee Ogden, second by Trustee Van Vechten, abstention by Trustees White and Fischer and adopted (3-0-2):

RESOLUTION #115-17

RESOLVED, to adopt the minutes as presented.

- **Minutes** of the September 11, 2017 at 7 PM work session of the Board of Trustees were presented. It was, upon motion by Trustee Ogden, second by Trustee Fischer, abstention by Trustee White and adopted (4-0-1):

RESOLUTION #116-17

RESOLVED, to adopt the minutes as presented.

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

RESOLUTION #117-17

RESOLVED, to adopt Abstracts #127017 through and including #127030 in the total amount of \$177,395.68 to be paid from the General Fund.

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

RESOLUTION #118-17

RESOLVED, to adopt Abstract #TA 143 in the total amount of \$414.00 to be paid from the Trust and Agency Account.

- Adjustments to tax assessments received from the Town of Smithtown subsequent to the acceptance of the tax rolls. It was, upon motion by Trustee Fischer, second by Trustee Van Vechten and unanimously adopted:

RESOLUTION #119-17

RESOLVED, to authorize and direct the Village Treasurer to refund the taxes as per the successful grievances in the amount of \$3,647.05 as noted below:

36300	8	2	12	RHATINGSAN	14-Aug-17	7-Aug-17	11080	11154	(508)	(120.18)	
22200	4	2	27	SVATEK	14-Aug-17	11-Jul-17	22294	17820	(4,474)	(1,062.58)	
9700	2	2	19	YANG	14-Aug-17	4-Aug-17	13000	10560	(2,440)	(579.50)	
12900	3	1	15	DELFINO	14-Aug-17	4-Aug-17	16654	12540	(4,114)	(977.08)	
19100	3	1	17	RICHTER	14-Aug-17	4-Aug-17	10089	9838	(423)	(102.84)	
10300	2	2	9	FISCHER, HARLAN & OLIVIA	14-Aug-17	14-Jul-17	14720	14348	(372)	(88.35)	
13200	3	1	18	SAKTHIVADIVEL & BOUDREAU	14-Aug-17	14-Jul-17	11300	9240	(2,060)	(489.25)	
46500	7	3	28	SIBONY	14-Aug-17	14-Jul-17	10835	10428	(407)	(96.66)	
50100	7	5	6	MAGGIO	14-Aug-17	14-Jul-17	13420	12870	(550)	(130.63)	
									ASSESSMENT ADJUSTMENT - SEPTEMBER 18, 2017	(15,358)	(3,647.05)

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

RESOLUTION #120-17

RESOLVED, to authorize and direct the village treasurer to reimburse the TD Bank Checking Account from the BNB Justice Court Account for \$6,650.00 for the Court Room Chairs purchased from Corporate Office Furniture.

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

RESOLUTION #121-17

RESOLVED, to authorize and direct the village treasurer to reimburse the BNB T & A Account from the TD Bank Checking Account for the unreimbursed T & A funds for the unreimbursed expenses for the Hansen T & A Account in the amount of \$115.03.

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

RESOLUTION #122-17

RESOLVED, in accordance with Trustees RESOLUTION #049-17 and #106-17, village treasurer is hereby authorized and directed to assume a Bond Anticipation Note in the amount of \$450,000.00, terms below:

Principal Sum: four hundred fifty thousand dollars (\$450,000.00)
Interest Rate: Two per centum (2.00%) per annum
Date of Issue: September 20, 2017
Maturity Date: September 20, 2018

FURTHER, the village clerk will poll each member for conflict of interest with bank holding and by affirmative vote they do hereby attest that as a member of the Board of Trustees of the Inc. Village of Head of the Harbor no conflict of interest, as defined pursuant to Article 18 of the General Municipal Law, exists with respect to the contract of sale of the Bond Anticipation Note with First National Bank of Long Island, Happaug, New York authorized and directed by said Board on Wednesday, February 15, 2017.

Douglas A. Dahlgard, Mayor	Aye
Daniel W. White, Deputy Mayor	Aye
Judith C. Ogden, Trustee	Aye
L. Gordon Van Vechten, Trustee	Aye
Jeffrey D. Fischer, Trustee	Aye

- It was, upon motion by Trustee White, second by Trustee Van Vechten and unanimously adopted:
RESOLUTION #123-17

WHEREAS, on September 12, 2017 the Planning Board deemed the following applications dormant, and

WHEREAS, the Planning Board has recommended that the Board of Trustees the release Trust & Agency balances to said applicants,

BE IT RESOLVED, to authorize and direct the treasurer to release the balances of Trust and Agency Accounts as provided to the Board of Trustees below, in addition to any interest accrued:

VILLAGE OF HEAD OF THE HARBOR TRUST & AGENCY RECONCILIATION

31-Aug-17 per village treasurer

		PREVIOUS BALANCE	INTEREST	REVISED TOTAL
TA0993	BERNOVICH	2,507.76	0.21	2,507.97
TA0997	HANSEN	(115.02)	(0.01)	(115.03)
TA0988	KOPF	508.08	0.04	508.12
TA0989	MADDALONI DOCK	1,331.43	0.11	1,331.54
TA0952	MERCER	10,354.28	0.88	10,355.15
TA0965	MOSELEY	1,244.94	0.11	1,245.05
TA0974	PETERVARY	4,059.22	0.34	4,059.56

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

RESOLUTION #124-17

RESOLVED, the village treasurer is authorized and directed to make budget modifications totaling \$123,180.71, for a net change of zero, as noted below:

		BUDGET F/Y/E	BUDGET ADJUSTMENT	MODIFIED BUDGET
		2/28/2018		2/28/2018
A1090	INTEREST & PENALTIES ON TAXES	(10,930.20)	(2,136.64)	(13,066.84)
A2401	INTEREST & EARNINGS	(2,000.00)	(500.00)	(2,500.00)
A2610.0	JUSTICE COURT FINES	(30,000.00)	0.00	(30,000.00)
A1910.4	UNALLOCATED INSURANCE	86,000.00	0.00	86,000.00
A8050.0	GRANT WRITER	7,121.23	578.77	7,700.00
A1990	CONTINGENCY	72,989.68	2,057.87	75,047.55
		0.00	0.00	0.00
		<u>123,180.71</u>	<u>0.00</u>	<u>123,180.71</u>

2. POLICE DEPARTMENT – Chief Charles Lohmann:

- Discussion with Town of Smithtown regarding Code Enforcement

3. BUILDING INSPECTOR – Robert O’Shea:

- Several permits issued.
- Stop work order issued for work without permit.
- Building Inspector in discussions with Town of Smithtown Fire Marshal.
- Code Enforcement discussions with Town of Smithtown.

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

- NYS DOT road inventory being reviewed.
- PSEG to relocate several utility poles.
- Owen Brothers to begin cobblestone repair Sept. 25th.

- It was, upon motion by Trustee Ogden, second by Trustee Van Vechten and unanimously adopted, to move to executive session to discuss personnel. No action taken. It was, upon motion by Trustee Fischer, 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 White, second by Trustee Ogden and unanimously adopted, to adjourn the meeting at 9:12 PM.

Respectfully Submitted,

Margaret O'Keefe
Village Clerk