

**MINUTES OF THE MEETING OF
THE BOARD OF TRUSTEES
WEDNESDAY, OCTOBER 7, 2020**

A work session of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, October 7, 2020 at 7 PM. Those present were the following members Mayor Douglas A. Dahlgard, Deputy Mayor Daniel W. White (7:04PM), Trustees L. Gordon Van Vechten, Judith C. Ogden and Trustee Jeffrey D. Fischer. Also in attendance Village Administrator/Clerk, Margaret O’Keefe; Building Inspector, Robert O’Shea; Village Treasurer, Patricia Mulderig; Police Chief, Charles M. Lohmann and Village Attorney, Anthony S. Guardino. Not in attendance this evening Co-Counsel, Philip Butler.

1. Mayor – Douglas A. Dahlgard

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

RESOLUTION #091-20

RESOLVED, pursuant to Village Law §4-400 the following offices will be filled by Mayoral appointment. Due to COVID-19, this resolution is effective retroactively to April 6, 2020:

Position	Term	Appointee
Deputy Mayor	2 year	Daniel W. White
Village Attorney	1 year	Anthony S. Guardino
Village Administrator/Clerk	2 Years	Margaret O’Keefe
Village Treasurer	2 Years	Patricia Mulderig
Justice Court	1 year	Tracie Villani
Deputy Treasurer	1 year	Maureen Wiedersum
Associate Justice	1 year	
Special Prosecutors	1 year	Suffolk ADA
Special Prosecutors	1 year	John Zollo
Building Inspector	1 year	Robert O’Shea
Deputy BI	1 year	Paul Athineos
Lieutenant	1 year	Charles Lohmann
Officer w/Admin. duties	1 year	Daniel Kirby
Planning Board Member	5 years	Harlan Fischer, Chairman
Planning Board – to fill the vacancy of V. Pizzulli	1 year	James Scully
Planning Board Alternate #1	1 year	vacant
Planning Board Alternate #2	2 year	vacant
Architectural Review Board	5 years	Kevin Phieffer
Architectural Review Board Alternate #1	2 years	Alexandra Leighton
Architectural Review Board Alternate #2	1 year	vacant
Joint Coastal Commission Chair	3 years	Robin Dahlgard
Joint Coastal Commission Chair	3 years	Giovanna Curti
Zoning Board of Appeals	5 years	Alyson Svatek
Zoning Board of Appeals 1 st Alternate	2 years	William Anderson
Village Historian	1 year	Leighton Coleman
Highway Commissioner	1 year	Judith C. Ogden

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

RESOLUTION #092-20

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 designated The Smithtown News as the official newspaper of the village. Due to COVID-19, this resolution is effective retroactively to April 6, 2020.

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

RESOLUTION #093-20

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; Bridgehampton National Bank, 898 Veterans Hwy., Hauppauge, NY 11788; NYCLASS, 717 17th Street, Suite 1850, Denver, CO 80202 and TD Bank, 621 Lake Ave., St. James, NY 11780 as the official depositories of all monies received by the village clerk and treasurer. Due to COVID-19, this resolution is effective retroactively to April 6, 2020.

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

RESOLUTION #094-20 Pursuant to Open Meetings Law Article 7

WHEREAS, the Board of Trustees designates that public notices shall be posted upon the official bulleting 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. Due to COVID-19, this resolution is effective retroactively to April 6, 2020.

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

RESOLUTION #095-20

WHEREAS, pursuant to Open Meetings Law Article 7 the Board of Trustees 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 2020-April 2021:

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

WHEREAS, the Board wishes to hold work sessions on the 1st Wednesday of each month for the organizational year of April 2020-April 2021 at 7 PM. Due to COVID-19, this resolution is effective retroactively to April 6, 2020,

WHEREAS, all said meetings 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 as required. Due to COVID-19, this resolution is effective retroactively to April 6, 2020.

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

RESOLUTION #096-20

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 2020- April of 2021:

- **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 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 2020- April of 2021:

- **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 notice upon JCC direction. Due to COVID-19, this resolution is effective retroactively to April 6, 2020.

- It was, upon motion by Deputy Mayor White, second by Trustee Fischer, and unanimously adopted:
RESOLUTION #097-20
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. Due to COVID-19, this resolution is effective retroactively to April 6, 2020.
- It was, upon motion by Trustee Van Vechten, second by Trustee Fischer, and unanimously adopted:
RESOLUTION #098-20
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, Due to COVID-19, this resolution is effective retroactively to April 6, 2020.
- It was, upon motion by Deputy Mayor White, second by Trustee Fischer, and unanimously adopted:
RESOLUTION #099-20
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 2020/2021 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
Due to COVID-19, this resolution is effective retroactively to April 6, 2020.

- It was, upon motion by Trustee Van Vechten, second by Trustee Fischer, and unanimously adopted:
RESOLUTION #100-20
 In accordance with Article 18 of the General Municipal Law (GML), the Inc. Village of Head-of-the-Harbor previously adopted §24 Code of Ethics. The village clerk is hereby authorized and directed to distribute to all newly elected and appointed officials, as well as, new village employees a copy of the villages' Code, §24 Code of Ethics. Additionally, per Article 18 of the General Municipal Law (GML) §800-809 must be posted at Village Hall.

- It was, upon motion by Deputy Mayor White, second by Trustee Van Vechten, abstention by Trustee Fischer and adopted (3-0-1):

RESOLUTION #101-20

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 Trustees choose to engage the services of Atlantic Business Systems at any time.

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

RESOLUTION #102-20

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 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, effective retroactively to April 6, 2020 due to COVID-19, 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 #103-20
RESOLVED, all vouchers of \$1,000.00 will be signed by the Board of Trustees. Due to COVID-19, this resolution is effective retroactively to April 6, 2020.
- Executive Orders 203. Discussion ensued. No action taken.
- New York State Labor Law §27-c. Village Attorney to provide a draft. No action taken.
- Gyrodyne Update. No action taken.
- It was, upon motion by Deputy Mayor White, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #104-20
BE IT RESOLVED, that the Board of Trustees of the Village of Head of the Harbor does hereby accept a donation to the Police Department in the amount of \$100.00 [ONE HUNDRED DOLLARS AND NO CENTS] from residents Alice & Robert Keenan,
BE IT FURTHER RESOLVED, that the Board of Trustees of Head of the Harbor appreciates and wishes to thank the Keenan family for this kind and generous donation to the village.
- 2. Building Department; Robert O'Shea:**
 - Draft legislation regarding outside storage containers.
 - It was, upon motion by Deputy Mayor White, second by Trustee Van Vechten, and unanimously adopted:
RESOLUTION #105-20
RESOLVED, to authorize and direct the Village Attorney to draft legislation regarding outside storage containers, dumpsters, and PODS.
 - It was, upon motion by Trustee Fischer, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #106-20
WHEREAS, Head of the Harbor's employee manual is silent to holiday pay for part-time salaried employees,
BE IT RESOLVED, part-time salaried employees shall receive ½ the number of paid holidays as full-timed salaried employees, which may be used at their discretion during each appointment year, and
BE IT FURTHER RESOLVED, this resolution is effective retroactively to the appointment date of April 2020 and expires upon the individual's appointment term. Said holidays have no cash value.
 - It was, upon motion by Trustee Ogden, second by Trustee Fischer, and unanimously adopted:
RESOLUTION #107-20
WHEREAS, the Board of Trustees has determined that Arbor Lane, should be repaved as part of the Village's 2020 Road Repaving Program, and
WHEREAS, the Village has completed certain aspects of the work including drainage and cobble improvements and survey work, and
WHEREAS, the Village Engineer has estimated the remaining work to be inclusive of the application 200 tons asphalt concrete, 75 gallons diluted tack coat, 1400 sy cold milling pavement, and 200 tons asphalt adjustment, and
WHEREAS, the Village given the conditions of the marketplace including limited availability of vendors, use of a County of Suffolk contract price 17/0087LPWI, product supply and seasonality has elected to utilize as its vendor Rosemar Construction, Inc., 56 Pine Street East Moriches, NY 11940 which has assured its ability to commence and conclude the work immediately, and
WHEREAS, the Board has received and considered the advice of the Village Engineer and the Commissioner of Highways,
NOW THEREFORE it is
RESOLVED, that the Village herewith engages Rosemar Construction, Inc. at a cost of \$19,930.00, as outlined in their proposal dated April 28, 2020 to perform the work described hereinabove with all work to be completed during 2020 in a fit and workmanlike manner in accord with industry standards and with the specifications of the Village Engineer and to the satisfaction of the Village Engineer and with any payment subject to submission and approval of voucher as required by Village Law §5-524.

BE IT FURTHER RESOLVED, due to the availability of said contractor and the conditions of COVID-19, this resolution is effective retroactively to September 1, 2020.

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

RESOLUTION #108-20

RESOLVED, the village treasurer is authorized and directed to pay Rosemar Construction, Inc. in the amount of \$18,256.10 [EIGHTEEN THOUSAND TWO HUNDRED FIFTY SIX DOLLARS AND TEN CENTS] for work performed paving Arbor in Head of the Harbor.

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

RESOLUTION #109-20

WHEREAS, the Board of Trustees has determined that portions of Harbor Rd. should enhance its pavement markings as part of the Village's 2020 Road Repaving Program, and

WHEREAS, the Village has completed paving Harbor Rd. from Farm Rd. to Bacon Rd., and

WHEREAS, the Village given the conditions of the marketplace including limited availability of vendors, use of a County of Suffolk contract price SPM110819, product supply and seasonality has elected to utilize as its vendor The Fencemen Inc., 40 Windsor Place, Central Islip, NY 11722 which has assured its ability to commence and conclude the work immediately, and

WHEREAS, the Board has received and considered the advice of the Village Engineer and the Commissioner of Highways,

NOW THEREFORE it is

RESOLVED, that the Village herewith engages The Fenceman Inc. at a cost of \$10,000, as outlined in their proposal dated September 17, 2020 to perform the work described hereinabove with all work to be completed during 2020 in a fit and workmanlike manner in accord with industry standards and with the specifications of the Village Engineer and to the satisfaction of the Village Engineer and with any payment subject to submission and approval of voucher as required by Village Law §5-524.

BE IT FURTHER RESLOVED, due to the availability of said contractor and the conditions of COVID-19, this resolution is effective retroactively to September 1, 2020.

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

RESOLUTION #110-20

RESOLVED, to authorize and direct the village treasurer to release payment to Daniel Falasco, P.E. for services performed from 9/1/2020 to 9/30/2020 in the amount of \$2,940.00.

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

RESOLUTION #111-20

WHEREAS, the Board of Trustees wishes to acknowledge and thank Officer Patrick Boyles for his years of dedicated service to the residents of Head of the Harbor, and

WHEREAS, Officer Boyles has submitted his resignation,

BE IT RESOLVED, to accept Officer Patrick Boyle's resignation effective November 1, 2020.

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

RESOLUTION #112-20

RESOLVED, to authorize and direct the Village Administrator/Clerk, Margaret O'Keefe to open a purchase order with Contemporary Computer Services, Inc (CCSI) for information technology services, under GSA 35F-178BA, in the amount of \$3,000.00 for a term of 6 months.

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

RESOLUTION #113-20

Finalize the financial statement for Head of the Harbor Justice Court.

- Village Attorney to send dunning letters for delinquent taxes.
- Town of Smithtown may file appeal regarding arrow firearms. Attorney to write comment.
- 2020 paving program successful; MultiModal funds available for Fifty Acre Rd. No action taken.

- It was, upon motion by Deputy Mayor White, second by Trustee Fischer and unanimously adopted, to move to executive session to discuss personnel. No action taken. It was, upon motion by Deputy Mayor White, second by Trustee Ogden and unanimously adopted to move back to public session.

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

Respectfully Submitted,

Margaret O'Keefe
Village Administrator/Clerk