

**MINUTES OF THE MEETING OF
THE BOARD OF TRUSTEES
WEDNESDAY, APRIL 7, 2021**

The Annual Organizational meeting and a work session of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, April 7, 2021 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 L. Gordon Van Vechten, Judith C. Ogden and Trustee Jeffrey D. Fischer. Also, in attendance Village Administrator/Clerk, Margaret O’Keefe; Village Treasurer, Patricia Mulderig; Village Attorney, Anthony S. Guardino and Police Chief, Charles M. Lohmann. Not in attendance Building Inspector, Robert O’Shea and Co-Counsel, Philip Butler.

Pledge of Allegiance.

1. Mayor – Douglas A. Dahlgard

- It was, upon motion by Deputy Mayor White, second by Trustee Van Vechten and unanimously adopted: **RESOLUTION #001-21**
RESOLVED, pursuant to Village Law §4-400 the following offices will be filled by Mayoral appointment.

Village Attorney	1 year	Anthony S. Guardino
Justice Court Clerk	1 year	Amanda Cull
Deputy Treasurer	1 year	Maureen Wiedersum
Special Prosecutors	1 year	John Zollo
Building Inspector	1 year	Robert O’Shea
Deputy Building Inspector	1 year	Paul Athineos
Police Lieutenant	1 year	Charles M. Lohmann
Police Officer w/Admin. Duties	1 year	Daniel Kirby
Planning Board Member	5 years	James Scully
Architectural Review Board	5 years	George Janetakis
Joint Coastal Commission Member	3 years	Michael Braaten
Zoning Board of Appeals	5 years	William Anderson
Zoning Board of Appeals 1 st Alternate	2 years	Mark Zuckerman
Village Historian	1 year	Leighton Coleman
Highway Commissioner	1 year	Judith C. Ogden

CLERK’S NOTE: Daniel White’s 2 year-term as Deputy Mayor was confirmed in 2020; his name read into the record on the above list was due to clerical error. His 2020 appointment remains in full effect.

- The following annual resolutions were deemed read into the record in their entirety, and upon motion by Trustee Fischer, second by Trustee Van Vechten and unanimously adopted:
RESOLUTION #002-21

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.

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 and TD Bank, 621 Lake Ave. St. James, NY 11780 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.

Dates for Regular Meetings & next organizational meeting

WHEREAS, pursuant to Open Meetings Law Article 7 the Board of Trustee has the authority and obligation to fix the time and place of its regular meetings; and

WHEREAS, the Board of Trustees hereby adopts the following meeting schedule for the organizational year of April 2021-April 2022:

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

Wednesday, April 21, 2021	Wednesday, November 17, 2021
Wednesday, May 19, 2021	Wednesday, December 15, 2021
Wednesday, June 16, 2021	Wednesday, January 19, 2022
July-no meeting	Wednesday, February 16, 2022
Wednesday, August 18, 2021	Wednesday, March 16, 2022
Wednesday, September 15, 2021	Wednesday, April 20, 2022
Wednesday, October 20, 2021	

 , and

WHEREAS, the Board wishes to hold work sessions on the 1st Wednesday of each month for the organizational year of April 2021-April 2022 at 7 PM, expressly:

- | | |
|------------------------------|-----------------------------|
| Wednesday, May 5, 2021 | Wednesday, November 3, 2021 |
| Wednesday, June 2, 2021 | Wednesday, December 1, 2021 |
| Wednesday, July 7, 2021 | Wednesday, January 5, 2022 |
| Wednesday, August 4, 2021 | Wednesday, February 2, 2022 |
| Wednesday, September 1, 2021 | Wednesday, March 2, 2022 |
| Wednesday, October 6, 2021 | Wednesday, April 6, 2022 |

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 as required.

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 2021- April of 2022:

- **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 2021- April of 2022:

- **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.

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 Comptroller’s Office monies owed to them by the Village Justice Court in the regular course of business, public utility services, postage, freight, express charges, health insurance premiums for staff, NYS retirement contributions as required, NYS Insurance Fund as required, gasoline charges, photocopier charges, justice court expenses provided for in their annual budget and all contractual obligations previously accepted by resolution.

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

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, NYGFOA, International Institute of Municipal Clerks & New York State Clerks & Treasurers Association, NYS Comptrollers Seminars, Long Island Village Clerks & Treasurers Association, Local Government Archiving and Retention Seminars
- Village Treasurer- NYCOM training, SCVOA seminars, Long Island Village Clerks & Treasurers Association, NYGFOA
- Justice Court Clerk- Village Justice Court Clerks Association

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. 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.

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 severely handicapped pursuant to Section 175-b of the State Finance Law; goods purchased from the correctional institutions pursuant to Section 186 of the Correction Law; purchases under State contracts pursuant to Section 104 of the General Municipal Law; or purchases pursuant to subdivision 6 of this policy.

3. The following method of purchase will be used when required by this policy in order to achieve the highest savings:

Est. Purchase Contract	Method
\$1,000 - \$2,999	2 Verbal quotations; unless highway truck or equipment repair
\$3,000-\$9,999	2 Verbal quotations for highway truck or equipment repair
\$3,000-\$9,999	3 written/fax quotes or written requests for proposals
\$10,000-\$19,999 equipment repair	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 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 Fischer, second by Mayor and unanimously adopted:

RESOLUTION #003-21

WHEREAS, the village of Head of the Harbor has achieved Tree City designation since 2018 and had been awarded an Urban and Community Forestry Grant, and

WHEREAS, Board of Trustees of the village of Head of the Harbor has identified the need to officially form an ad hoc Tree Board in accordance with the guidelines of both of the above programs, and volunteers have come forth who have the knowledge and skills to assist in said endeavors, and

WHEREAS, the ad hoc committee will report its progress and recommendations to the Board of Trustees monthly,

BE IT RESOLVED, an ad hoc committee will be formed of the following volunteers – Trustee/Highway Commissioner, Judith C. Ogden, Nancy Candib and Karen Fitzpatrick,

NOW THEREFORE BE IT FURTHER RESOLVED, to appoint Judith C. Ogden as Chairman.

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

RESOLUTION #004-21

WHEREAS, the Village of Head of the Harbor was recognized by the Arbor Day Foundation as a 2018 “Tree City USA”; and

WHEREAS, on December 1, 2020, the NYS Department of Environmental Conservation awarded the Village \$50,000 as an Urban and Community Forestry Grant (the “Grant”) to inventory and catalog trees along roads throughout the Village for the purpose of developing a local tree management plan; and

WHEREAS, the Village of Head of the Harbor Board of Trustees finds that acceptance of the Grant will benefit the Village, its residents, and the public at large, and will further and encourage the Village’s mission as a “Tree City USA”;

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees, on behalf of the Village, hereby accepts the Grant, subject to the terms and conditions thereof, and directs Mayor Douglas A. Dahlgard to execute any and all documents and to take any and all further actions required for acceptance of the Grant; and be it

FURTHER RESOLVED, that administration of the Grant shall be handled by the Village of Head of the Harbor Tree Board headed by Trustee Judith C. Ogden.

The Board of Trustees adopted the foregoing resolution at a duly noticed public meeting held on April 7, 2021, upon the following vote:

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

Filed in the Office of the Village Clerk on the 7 day of April 2021.

Margaret O’Keefe, Village Clerk
Inc. Village of Head of the Harbor

- Arbor Day Proclamation tabled.

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

RESOLUTION #005-21

WHEREAS, the Village of Head of the Harbor was recognized as a 2018 “Tree City USA” by the Arbor Day Foundation; and

WHEREAS, the Village of Head of the Harbor Tree Board is planning a Village-sponsored Arbor Day event for Village residents; and

WHEREAS, a request has been made to authorize the expenditure of no more than Six hundred Thirty and Zero/100 (\$630.00) Dollars for the purchase of tree saplings to be disseminated to Village residents for planting on residential properties throughout the Village; and

WHEREAS, the Board of Trustees finds that the limited expenditure described will benefit the Village, its residents, and the public at large, and will foster and encourage the Village’s mission as a “Tree City”;

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby authorizes the above-expenditure, which is to be paid with budgeted funds allocated to the Village Highway Department, and directs the Village Treasurer to take any further action needed to pay the vendor of tree saplings promptly when due.

The Board of Trustees adopted the foregoing resolution at a duly noticed public meeting held on April 7, 2021, upon the following vote:

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

Filed in the Office of the Village Clerk on the 7 day of April 2021.

Margaret O'Keefe, Village Clerk
Inc. Village of Head of the Harbor

- It was, upon motion by Deputy Mayor White, second by Trustee Fischer and unanimously adopted:
RESOLUTION #006-21
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. with compensation to be set at \$120.00 per hour.
- It was, upon motion by Trustee Van Vechten, second by Trustee Fischer abstention by Trustee Ogden and Deputy Mayor White and adopted (3-0-2):
RESOLUTION #007-21
Minutes of March 17, 2021 3:30 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 Deputy Mayor White, second by Trustee Fischer and unanimously adopted:
RESOLUTION #008-21
Minutes of March 17, 2021 7:00 PM meeting of the Board of Trustees were presented.
RESOLVED, to adopt the above meeting as presented.
- It was, upon motion by Trustee Fischer, second by Deputy Mayor White abstention by Trustees Van Vechten and Ogden and unanimously adopted (3-0-2):
RESOLUTION #009-21
Minutes of March 29, 2021 7:00 PM meeting of the Board of Trustees were presented.
RESOLVED, to adopt the above meeting as presented.
- It was, upon motion by Trustee Van Vechten, second by Trustee Ogden and unanimously adopted:
RESOLUTION #010-21
WHEREAS, during a recent snow event, a snowplow operated by a Head of the Harbor employee collided with and destroyed a private mailbox at 26 Pin Oak Road; and
WHEREAS, the Village is in receipt of an invoice from Walt Whitman Fence Company, dated March 11, 2021, in the amount of Three Hundred Eighty-Seven and 00/100 (\$388.00) Dollars for materials and labor rendered to replace the mailbox, a copy of which is annexed hereto; and
WHEREAS, the Village of Head of the Harbor Board of Trustees is empowered to compromise and settle claims against the Village; and
WHEREAS, the Board of Trustees finds that payment of the claim for replacement of the mailbox will be in the best interests of the Village;

NOW THEREFORE, be it resolved, that the Board of Trustees, on behalf of the Village, agrees to pay and settle the above-referenced claim totaling \$388.00, and directs the Village Treasurer to take any and all actions needed to issue payment to the vendor in the foregoing amount.

The Board of Trustees adopted the foregoing resolution at a duly noticed public meeting held on April 7, 2021, upon the following vote:

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	-	Abstain

Filed in the Office of the Village Clerk on the 7 day of April 2021.

Margaret O’Keefe, Village Clerk
Inc. Village of Head of the Harbor

- It was, upon motion by Trustee Fischer, second by Trustee Van Vechten and unanimously adopted:
RESOLUTION #011-21
RESOLVED, , to authorize and direct the village treasurer to obtain a credit card in the name of highway employee Steven Nater to be used for village related purchases. Said credit card is to be issued with a credit limit not to exceed \$500.00.

- Police vehicle purchase– TABLED.

2. Public Comment:

- Resident Joseph Bollhofer spoke regarding the proposed development of Gyrodyne. Discussion ensued. 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 and potential litigation (7:30 PM). No action taken. It was, upon motion by Deputy Mayor White, second by Mayor and unanimously adopted, to move back to public session (9:00 PM).
- It was, upon motion by Deputy Mayor White, second by Mayor and unanimously adopted:
RESOLUTION #011-21
WHEREAS the oath of office filled by the Court Clerk was defective,
BE IT RESOVLED, to terminate the said appointment effective April 7, 2021, and
BE IT FURTHER RESOLVED, to authorize and direct the village clerk to place an advertisement to fulfill said vacancy for part-time employment to train current court personnel for a period of time not to exceed 40 hours.
- There being no other matters to be brought before the Board; it was, upon motion by Deputy Mayor White, second by Trustee Van Vechten and unanimously adopted, to adjourn the meeting at 9:10 PM.

Respectfully Submitted,

Margaret O’Keefe
Village Administrator/Clerk