

**MINUTES OF THE MEETING OF  
THE BOARD OF TRUSTEES  
Wednesday, August 17, 2011 at 7 PM**

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, August 17, 2011 at 7 PM at the Village Hall located at 500 North Country Rd. Those present were the following members Mayor Tartamella, Trustees R.L. Swanson, Judith C. Ogden, and J. Ted Naughton. Also in attendance Village Attorney, Anthony B. Tohill and Village Clerk, Margaret O'Keefe. Not in attendance this evening Trustee Margaret Shutka.

Moment of silence in honor of resident McKim Daingerfield.

**1. Mayor – Natale Tartamella:**

- **Minutes of June 29, 2011**, 7 PM Trustees meeting were presented. It was, upon motion by Trustee Naughton, second by Trustee Swanson and unanimously adopted:  
**RESOLUTION #064-11**  
**RESOLVED**, to adopt the minutes of the above referenced meeting as presented.
- Mr. Christopher S. Rothemich, Esq., Davis & Ferber, LLP approached the Board to appeal the denial of FOIL dated June 9, 2011.
  - It was, upon motion by Trustee Swanson, second by Trustee Ogden, and unanimously adopted:  
**RESOLUTION #065-11**  
**RESOLVED**, to deny said appeal as the documents requested are not documents kept by the village clerk.

AYES: Trustee Ogden  
Trustee Swanson  
Trustee Naughton  
Mayor Tartamella

NOES: none

The resolution was declared adopted.

**2. Financials – Patricia Mulderig, Treasurer:**

- Report submitted to the Board.
- Abstract #126460 - Vouchers chosen to be paid from the General Fund in the amount of \$356.07. Discussion ensued. It was, upon motion by Trustee Swanson, second by Trustee Ogden, and unanimously adopted:  
**Resolution #066-11**  
**RESOLVED**, to adopt Abstract #126460 to be paid from the General Fund in the amount of \$356.07.
- Abstract #126461- Vouchers chosen to be paid from the General Fund in the amount of \$10,189.19. Discussion ensued. It was, upon motion by Trustee Naughton, second by Trustee Ogden, and unanimously adopted:  
**Resolution #067-11**  
**RESOLVED**, to adopt Abstract #126461, to be paid from the General Fund in the amount of \$10,189.19.
- Abstract #126462- Vouchers chosen to be paid from the General Fund in the amount of \$151.17. It was, upon motion by Trustee Ogden, second by Trustee Naughton, and unanimously adopted:  
**Resolution #068-11**  
**RESOLVED**, to adopt Abstract #126462, to be paid from the General Fund in the amount of \$151.17.
- Abstract #126463- Vouchers chosen to be paid from the General Fund in the amount of \$4,237.48. Discussion ensued. It was, upon motion by Trustee Swanson, second by Trustee Naughton, and unanimously adopted:  
**Resolution #069-11**  
**RESOLVED**, to adopt Abstract #126463, to be paid from the General Fund, in the amount of \$4,237.48.

- Abstract #126464- Vouchers chosen to be paid from the General Fund in the amount of \$14,661.49. Discussion ensued. It was, upon motion by Trustee Naughton, second by Trustee Swanson, and unanimously adopted:  
**Resolution #070-11**  
**RESOLVED**, to adopt Abstract #126464, to be paid from the General Fund, in the amount of \$14,661.49.
- Abstract #126465- Vouchers chosen to be paid from the General Fund in the amount of \$1,100.99. Discussion ensued. It was, upon motion by Trustee Swanson, second by Trustee Ogden, and unanimously adopted:  
**Resolution #071-11**  
**RESOLVED**, to adopt Abstract #126465, to be paid from the General Fund, in the amount of \$1,100.99.
- Abstract #126466- Vouchers chosen to be paid from the General Fund in the amount of \$243,287.54. Discussion ensued; abstract presented reflects \$245,790.51 but vouchers #9710, 9746, 9770, 9794, 9800 in the total amount of \$2,502.97 payable to Old Dominion Brush are to be removed, items returned. It was, upon motion by Trustee Swanson, second by Trustee Ogden, and unanimously adopted:  
**Resolution #072-11**  
**RESOLVED**, to adopt Abstract #126466, to be paid from the General Fund, in the amount of \$243,287.54.
- Abstract #126467- Vouchers chosen to be paid from the General Fund in the amount of \$14,028.68. Discussion ensued. It was, upon motion by Trustee Naughton, second by Trustee Ogden, and unanimously adopted:  
**Resolution #073-11**  
**RESOLVED**, to adopt Abstract #126467, to be paid from the General Fund in the amount of \$14,028.68.
- Budget modifications request received from the Village Treasurer in the total amount of \$310,575.87. It was, upon motion by Trustee Shutka, second by Trustee Naughton and unanimously adopted:  
**RESOLUTION #074-11**  
**RESOLVED**, to authorize and direct the budget modifications in the amount \$310,575.87, modifications shall be affixed to the official minutes.
- Motion made by Trustee Ogden, for a resolution amending the text of resolutions #061-11 & #063-11 to be consistent with the text of the following resolution  
**RESOLUTION #075-11**

BOND RESOLUTION OF THE VILLAGE OF HEAD OF THE HARBOR, NEW YORK, ADOPTED AUGUST 17, 2011, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO VARIOUS ROADS IN THE VILLAGE, INCLUDING RELATED DRAINAGE IMPROVEMENTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$150,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF \$150,000 SERIAL BONDS OF SAID VILLAGE TO FINANCE SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF HEAD OF THE HARBOR, IN THE COUNTY OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Head of the Harbor, in the County of Suffolk, New York (herein called the "Village"), is hereby authorized to construct improvements to various roads in the Village, including related drainage improvements. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$150,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$150,000 serial bonds of the Village to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Village in the principal amount of \$150,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the object or purpose for which said serial bonds are authorized to be issued is in excess of five years; however, the bonds authorized pursuant to this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five (5) years after the date of original issuance of said bonds or notes.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing credit enhancement agreements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Village Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "The Smithtown News," a newspaper having a general circulation in the Village and hereby designated the official newspaper of said Village for such publication.

The adoption of the foregoing resolution was seconded by Trustee Naughton and duly put to a vote on roll call, which resulted as follows:

AYES: Trustee Judith C. Ogden  
Trustee J. Ted Naughton  
Trustee R. L. Swanson  
Mayor Natale J. Tartamella

NOES: none

The resolution was declared adopted.

- Trust & Agency refundable bond checks in the amount of \$6,000.00 have not been negotiated since May of 2010. It was, upon motion by Trustee Naughton, second by Trustee Ogden and unanimously adopted:

**RESOLUTION #076-11**  
**RESOLVED**, to authorize and direct the village treasurer to transfer \$6,000.00 from the Trust & Agency account to the General Fund.
- It was, upon motion by Trustee Naughton, second by Trustee Ogden and unanimously adopted:

**RESOLUTION #077-11**  
**WHEREAS**, an annual financial audit was performed by an independent certified accounting firm; and  
**WHEREAS**, the accounting firm of Coughlin & Danowski, LLP conducted said audit of the Inc. Village of Head of the Harbor's accounts, including the Justice Court; and  
**WHEREAS**, Cullen & Danowski, LLP have presented their Audit Report, and prepared the Inc. Village of Head of the Harbor's Financial Statements for Fiscal Year 2010-2011; and  
**WHEREAS**, much of this data and addition information is required by regulations promulgated by the NYS State Comptroller; and  
**WHEREAS**, these report has been examined and reviewed by the Board of Trustees;  
**NOW THEREFORE BE IT RESOLVED**, that the Board of Trustees does hereby accept the Cullen & Danowski, LLP Audit Report and Annual Financial Statements for Fiscal Year 2010-2011; and  
**BE IT FURTHER RESOLVED**, that the Village Treasurer, Patricia Mulderig is hereby authorized and directed to provide a copy of the Justice Court report to the Hon. Ellen D. Fishkin, and the Village Clerk, Margaret O'Keefe is hereby authorized and directed to provide notice to the media of the availability to view these documents during regular village office hours, and release these reports to the public as requested.
- TD Bank has put forth information requesting that the Board of Trustees amend the Village Investment Policy all Federal Home Loan Bank Letters of Credit as collateral. It was, upon motion by Trustee Ogden, second by Trustee Naughton and unanimously adopted:

**RESOLUTION #078-11**  
**RESOLVED**, to allow for the above referenced amendment to the Investment Policy.
- It was, upon motion by Trustee Naughton, second by Trustee Ogden and unanimously adopted:

**RESOLUTION #079-11**  
Board Resolution Renewing Cable Franchise Agreement  
**WHEREAS**, the Village entered a Franchise Agreement with Suffolk Cable of Smithtown, Inc. (Cablevision), which was subsequently confirmed by New York State, and  
**WHEREAS**, Cablevision has constructed, operated and maintained the cable television system pursuant to the terms of its previous franchise agreement and in accordance with the Rules and Regulations of the Federal Communications Commission and the New York State Public Service Commission, and  
**WHEREAS**, on June 15, 2011, the Village held a public hearing affording due process to review the application and the terms of the proposed Franchise Agreement, and  
**WHEREAS**, the agreement complies with the standards of the New York State Public Service Commission and will be submitted to that agency for formal certification, now,  
**THEREFORE BE IT RESOLVED**, That this Board grants a non-exclusive cable television franchise to Cablevision and authorizes the Village Mayor to execute such agreement with it as approved by the Village Attorney, and  
**BE IT FURTHER RESOLVED**, that the Village Attorney shall coordinate with Cablevision to file the franchise certification application with the New York State Public Service Commission for its approval.
- It was, upon motion by Trustee Swanson, second by Trustee Ogden and unanimously adopted:

**RESOLUTION #080-11**  
Insurance rates have been received for the period of August 28, 2011 through August 28, 2012 from the brokerage firm of Williams & Williams. Quotes were requested from, but not provided by, Three Village Bennett Agency and Dowling, Knipfing, Klein Insurance Agency.  
**BE IT RESOLVED**, to authorize Mayor Tartamella to sign the insurance renewal agreement in his official capacity, in the amount of \$36,387.00.

- It was upon motion by Trustee Swanson, second by Trustee Ogden and unanimously adopted:  
**RESOLUTION #081-11**  
**RESOLVED**,  
Pursuant to Village Law §5-524(7)  
**WHEREAS**, the Board of Trustees has determined to establish the mileage reimbursement rate in accordance with NYS Comptroller guidelines, and as of July 1, 2011 that rate was increased to .555¢ per miles, and  
**WHEREAS**, this reimbursement rate is applicable to village officers and employees who use their personal automobiles while performing duties official Village duties  
**NOW THEREFORE BE IT RESOLVED**, that this resolution is effective immediately.
- It was, upon motion by Trustee Naughton, second by Trustee Ogden and unanimously adopted:  
**RESOLUTION #082-11**, a resolution authorizing the engineer services agreement between the Inc. Village of Head of the Harbor and Daniel Falasco, P.E.  
**BE IT FURTHER RESOLVED**, Mayor Tartamella is hereby is authorized to sign the agreement on behalf of the Village of Head of the Harbor.
- It was, upon motion by Trustee Swanson, second by Trustee Ogden and unanimously adopted:  
**RESOLUTION #083-11**, a resolution authorizing the environmental planning consulting services between the Inc. Village of Head of the Harbor and INTER-SCIENCE RESEARCH ASSOCIATES, INC .  
**BE IT FURTHER RESOLVED**, Mayor Tartamella is hereby is authorized to sign the agreement on behalf of the Village of Head of the Harbor.
- It was upon motion by Trustee Swanson, second by Trustee Naughton and unanimously adopted:  
**RESOLUTION #084-11**  
**WHEREAS**, the Board of Trustees has established a need to fill the vacancy left by the deputy clerk/treasurer, and  
**WHEREAS**, this position is for an average of 12 hours per week at a rate of \$18.00 per hour, for an hourly, nonexempt, part-time classification, now  
**THEREFORE BE IT RESOLVED**, the Board of Trustees does hereby appoint Patricia Murphy to said position effective Tuesday, August 23, 2011 to complete the 1-year appointment that begun April 2011.
- Village Clerk, Margaret O’Keefe was awarded the NYS Association of City and Village Clerks Certification as Registered Municipal Clerk. Certification is granted in recognition of professional competency, fulfillment of responsibilities, and demonstration of having met high educational, experience, and participatory standards as established by the New York State Association of City and Village Clerks and the NYS Society of Municipal Finance Officers.

**3. Police- Chief Thompson:**

- Discussion ensued regarding the potential for grant funds to purchase a defibrillator.
- Report submitted to the board.
- It was, upon motion by Trustee Swanson, second by Trustee Naughton and unanimously adopted:  
**RESOLUTION #085-11**  
**RESOLVED**, in accordance with RESOLUTION #042-11, Chief Thompson is hereby authorized and directed to move forward with the purchase of a 2011 Ford Crown Victoria equipped with emergency light and siren package, said to be purchase is to be made from the State Bids list at Warnock Ford. Disbursement as follows; purchase price \$26,562.00, grant funds of \$13,500.00, trade-in of 2006 Ford Explorer \$3,500.00, and balance due of \$6,062.00.  
**BE IT FURTHER RESOLVED**, the village treasurer is hereby authorized and directed to release payment to Warnock Ford in the amount of \$6,062.00, upon delivery.

CLERK’S NOTE: Trustee Swanson left room at 8:23 pm, returned at 8:27 pm

**4. PB -:**

- No report.

**5. ECB -:**

- No report.

**6. Highway Department- J. Ted Naughton, Commissioner:**

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

**RESOLUTION #086-11**

**RESOLVED**, in accordance with Resolution #038-11, Suffolk County Water Authority has submitted payment in the sum of \$11,544.38 for the restoration costs of Thompson Rd. in regard to project 005-11-00-0026, 200002646 village Permit: #1554, this payment is hereby accepted.

**7. Joint Coastal Commission-:**

- Harbor Day is to be held on September 10, 2011

**8. Other Matters:**

- Lacking a quorum for the September 21, 2011 meeting, It was, upon motion by Trustee Naughton, second by Trustee Ogden and unanimously adopted:

**RESOLUTION #087-11**

**RESOLVED**, the village clerk is hereby authorized and directed to post and publish cancellation of the previously scheduled Trustees meeting for September 21,2011 at 7 p.m., and

**BE IT FURTHER RESOLVED**, that the village clerk is hereby authorized and directed to post and publish a meeting of the Board of Trustees for Wednesday, September 14, 2011 at 7 p.m.

- St. James 9/11 Memorial Dedication to be held, details to be provided.

There being no other matters to be brought before the Board; it was, upon motion by Trustee Ogden, second by Trustee Naughton and unanimously adopted, to adjourn the meeting at 8:54 PM.

Respectfully Submitted,

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Margaret O'Keefe  
Village Clerk