

**MINUTES OF THE MEETING OF
THE BOARD OF TRUSTEES
Wednesday, April 17, 2013 at 7 PM**

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, April 17, 2013 at 7 PM at the Village Hall located at 500 North Country Rd., St. James, NY 11780. Those present were the following members Mayor Natale J. Tartamella, Trustees Heiko H. Folkerts, Judith C. Ogden, Douglas A. Dahlgard, and Daniel W. White. Also in attendance Village Clerk Margaret O’Keefe, Village Treasurer Patricia Mulderig, and Village Attorney Anthony B. Tohill.

1. Mayor – Natale Tartamella:

Appointments

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

RESOLUTION #001-13

RESOLVED, Pursuant to Village Law §4-400 the following offices will be filled by Mayoral appointment.

Village Attorney	1 year	Anthony B. Tohill
Justice Court Clerk	1 year	Christine Wood
Acting Justice	1 year	Oliver Edwards
Special Prosecutors	1 year	Suffolk ADA
Building Inspector	1 year	Gerard Harris
Deputy BI	1 year	Paul Athineos
Chief	1 year	Martin Thompson
Captain	1 year	Daniel Kirby
Planning Board	5 years	Philip Palmedo
Environmental Conservation	2 years	Merle Neidell, Chair
Environmental Conservation	2 years	Giovanna Curti
Architectural Review	5 years	George Layburn
Joint Costal Commission	3 years	Liz Shepherd, Chair
Joint Costal Commission	3 years	Dina Vivian
Joint Costal Commission*	1 year	James Kerwin
Joint Costal Commission*	1 year	Gary Silverman
Zoning Board of Appeals	5 years	Kathleen Diana
Village Historian	1 year	Geoffrey Fleming
Highway Comm.	1 year	J. Ted Naughton
Roadsides Committee	1 year	Gordon Van Vechten, Chair
Roadsides Committee	1 year	Theresa O’Brien

Official Newspaper

It was upon motion by Trustee Dahlgard, second by Trustee Folkerts and unanimously adopted:

RESOLUTION #002-13

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 Ogden, second by Trustee Dahlgard and unanimously adopted:

RESOLUTION #003-13

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 and TD Bank, 621 Lake Ave St. James, NY 11780 as the official depositories of all monies received by the village clerk and treasurer; this resolution is effective immediately.

Dates for Regular Meetings & next organizational meeting

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

RESOLUTION #004-13

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 current-April 2014:

- **Board of Trustees, 3rd Wednesday of each month at 7:00 PM**, expressly
May 15th, June 19th, July no meeting, August 21st, September 18th, October 16th, November 20th, December 18th, January 15th, February 19th, March 19th, and

WHEREAS, that the next organizational meeting will be held on Wednesday, April 16, 2014 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, 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 2014:

- **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**
- **Environmental Conservation, 2nd Tuesday of each month, excepting July at 7:30 PM**

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 2013- March of 2014:

- **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 at 7:30 PM, time then in effect for the months of April-August 2013; 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 Sept. 2013-Aug. 2014.

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

Advance Approval Of Claims

It was upon motion by Trustee Folkerts, second by Trustee Dahlgard and unanimously adopted:

RESOLUTION #005-13

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 White, second by Trustee Dahlgard and unanimously adopted:

RESOLUTION #006-13

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 duties 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 Dahlgard, second by Trustee Ogden and unanimously adopted:

RESOLUTION #007-13

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 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 2013/2014 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 & Long Island Village Clerks & Treasurers Association
- Village Treasurer- NYCOM training, SCVOA seminars, Long Island Village Clerks & Treasurers Association, NYS Government Finance Officers Association
- Deputy Clerk/Treasurer- NYCOM training, SCVOA seminars, Long Island Village Clerks & Treasurers Association
- Court Clerk- Village Justice Court Clerks Association
- Police Chief- ESLETS and NYS Association of Chief of Police

Disclosure Statements

Pursuant to Village Code §24 Code of Ethics, disclosure statements, if any, will be read into the records. At this time, none have been filed with the Office of the Treasurer.

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 Ogden, second by Trustee Dahlgard and unanimously adopted:

RESOLUTION #008-13

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 Dahlgard, second by Trustee Folkerts and unanimously adopted:

RESOLUTION #009-13

RESOLVED,

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:

<u>Est. Purchase Contract</u>	<u>Method</u>
\$500 - \$2,999	2 Verbal quotations
\$3,000 - \$9,999	2 Verbal quotations
\$10,000 - \$24,999	2 Verbal quotations
\$25,000 - \$49,999	2 Verbal quotations
\$50,000 - \$99,999	2 Verbal quotations
\$100,000 - \$249,999	2 Verbal quotations
\$250,000 - \$499,999	2 Verbal quotations
\$500,000 - \$999,999	2 Verbal quotations
\$1,000,000 - \$2,499,999	2 Verbal quotations
\$2,500,000 - \$4,999,999	2 Verbal quotations
\$5,000,000 - \$9,999,999	2 Verbal quotations
\$10,000,000 - \$24,999,999	2 Verbal quotations
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<u>Est. Public Works Contracts</u>	<u>Method</u>
\$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.

RESOLUTION #010-13

RESOLVED, the Board of Trustees hereby directs the village treasurer, Patricia Mulderig is to provide to Industrial Appraisals an inventory of building and movable equipment changes through and including February 28, 2012. Said fees are approved at a rate of \$270.00/annually.

- Website proposals submitted by Digital Network Technologies, LLC and Stafford Associates were tabled.
- It was, upon motion by Trustee Dahlgard, second by Trustee Ogden, and unanimously adopted: **RESOLUTION #011-13**, a resolution authorizing the engineer services agreement between the Inc. Village of Head of the Harbor and Daniel Falasco, P.E. for a period of 1 year, **BE IT FURTHER RESOLVED**, Mayor Tartamella is hereby authorized to sign the agreement on behalf of the Village of Head of the Harbor in his official capacity.
- **Minutes of March 20, 2013, 7 PM** Trustees meeting were presented. It was, upon motion by Trustee Dahlgard, second by Trustee Folkerts, abstention by Trustee White and adopted (4-0-1): **RESOLUTION #012-13 RESOLVED**, to adopt the minutes of the above referenced meeting as presented.
- **Minutes of March 27, 2013 5:30 PM** Trustees meeting were presented. It was, upon motion by Trustee Folkerts, second by Trustee Dalhgard, abstention by Trustees Ogden and White and adopted (3-0-2): **RESOLUTION #013-13 RESOLVED**, to adopt the minutes of the above referenced meeting as presented.

2. Financials – Patricia Mulderig, Treasurer:

- Report submitted to the Board.
- It was, upon motion by Trustee Dahlgard, second by Trustee White and unanimously adopted: **RESOLUTION #014-13 RESOLVED**, to adopt Abstracts #126586 through and including #126591 in the total amount of \$93,984.67 to be paid from the General Fund.
- It was, upon motion by Trustee Ogden, second by Trustee Folkerts and unanimously adopted: **RESOLUTION #015-13 RESOLVED**, to adopt Abstract #122 in the total amount of \$698.75 to be paid from the Trust & Agency Fund.
- It was, upon motion by Trustee Dahlgard, second by Trustee Ogden, and unanimously adopted: **RESOLUTION # 016-13 RESOLVED**, Village Treasurer, Patricia Mulderig, is hereby authorized and directed to make modifications to the 2012/2013 budget as itemized below.

		Budget F/Y/E 2012/2013	ADJUSTMENT	Modified 2012/2013
A1255	CLERK FEES	(100.00)	(357.04)	(457.04)
A2115	PLANNING BOARD FEES	(400.00)	(140.24)	(540.24)
A2770	MISCELLANEOUS REVENUE	0.00	(3,124.83)	(3,124.83)
A3001	STATE REVENUE SHARING	(4,000.00)	(134.00)	(4,134.00)
A1325.22	TREASURER -OFFICE SUPPLIES	1,900.00	(21.64)	1,878.36
A1325.4	TREASURER-SOFTWARE	4,000.00	21.64	4,021.64
A1410.9	AWARDS	0.00	130.00	130.00
A1420.41	LAW GENERAL	32,588.54	122.50	32,711.04
A1620.2	VILLAGE HALL UTILITIES	20,000.00	2,011.51	22,011.51
A1620.8	VILLAGE HALL REPAIRS	4,727.37	434.00	5,161.37
A3120.24	POLICE GAS, OIL, REPAIR	25,150.00	85.24	25,235.24
A3120.8	POLICE BENEFITS	25,418.37	972.86	26,391.23
		0.00	0.00	0.00
		100,284.28	(6,000)	100,284.28

- Adjustments to budget line items in regard to CHIPS funding. It was, upon motion by Trustee Folkerts, second by Trustee Dahlgard and unanimously adopted:

RESOLUTION #017-13

RESOLVED, to authorize and direct the Village Treasurer to increase CHIPS revenue and expenses from \$70,000.00 to \$162,152.54, the increase is a result of the carryover of \$72,085.54 in funds from 2012.

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

RESOLUTION #018-13

RESOLVED, to authorize and direct Village Treasurer, Patricia Mulderig to accept the tax payment submitted by Peter Imbriano and Lori Bondadonna for the tax year 2013/2014 in the amount of \$2,537.69, effectively waiving the 5% late penalty due to the facts presented.

3. Highway Department- J. Ted Naughton, Commissioner:

- Spring work is beginning.
- Discussion regarding debris removal/dumping.

4. ARB - Building Inspector, Jerry Harris:

- ARB had two applications.
- ECB no report.

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

- Dieter Kopf Site Plan hearing has been closed.
- Gonclaves preliminary site plan review.

6. Police Department – Chief Martin J. Thompson:

- Discussion regarding traffic on Three Sisters Road from 2-3 PM. Chief Thompson suggested a no left turn when exiting Harbor Country Day School. Matter to be forwarded to Village Engineer, Daniel Falasco.
- Discussion ensued regarding the St. James Fire Department Race and the recent events in Boston, MA.

7. Joint Coastal Commission-Elizabeth Shepherd:

- DOS project questionnaire.

8. Other Matters:

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

Resolution #019-13

Site Plan Application of Dieter Kopf

WHEREAS, Dieter Kopf has applied to the Planning Board for site plan approval in order to build a single family residence on a 3.45 acre vacant parcel on the west side of Route 25A at premises known as SCTM 801-3-3-2.3 and 200-246-1-09, and

WHEREAS, the premises requires for access to a dimensionally conforming location for said residence a driveway of more than 1000 linear feet extending from Route 25A to the building envelope, and

WHEREAS, by reason of the necessity to clear incident to installation of said driveway, the applicant will of necessity clear 68,135 square feet where Village Code § 149-4(A)(7) allows 30,071 square feet, and

WHEREAS, Village Code § 149-4(E) authorizes the Board of Trustees to provide relief to the aforesaid clearing restriction and applicant has requested said relief, and

WHEREAS, the Planning Board has on April 8, 2013 conducted and closed a public hearing on this site plan application, and

WHEREAS, the Board of Trustees is familiar with this site including the unique configuration and topography of this parcel, and

WHEREAS, the Board of Trustees has considered the record established on this application,

NOW THEREFORE this application is granted in all respects with the proviso that any clearing shall be as depicted on the site plan of JM Land Surveying (John Minto, L.S.) dated July 10, 2006 last dated January 18, 2013 except as may be determined otherwise by the Planning Board in any resolution determining the pending site plan application.

Mayor Natale J. Tartamella	AYE
Deputy Mayor Heiko H. Folkerts	AYE
Trustee Judith C. Ogden	AYE
Trustee Douglas A. Dahlgard	AYE

- Motion to move to executive session was struck as questions from residents were posed regarding storm activities and road repair. Discussion on both items ensued.
- It was, upon motion by Trustee White, second by Trustee Dahlgard, and unanimously adopted, to move to executive session to discuss personnel. No action taken. It was, upon motion by Trustee Folkerts, second by Trustee Dahlgard, and unanimously adopted, to move back to public session.
- It was, upon motion by Trustee Folkerts, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #020-13
WHEREAS, the Board of Trustees has identified the need to fill the vacancy caused by the elimination of the position of deputy clerk/treasurer,
THEREFORE, the Board wishes to engage Kimmarie Varricchio as a part-time account clerk on an at will basis as of April 18, 2013 at a rate of \$18.18 per hour, for an hourly, nonexempt, part-time classification. Office hours are not to exceed 10 hours per week from May 1st through October 31st and may increase to 14 hours for the months November 1st through April 30th.
- It was, upon motion by Trustee White, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #021-13
WHEREAS, the Board of Trustees is reviewing several website hosting and maintenance options, and
WHEREAS, the website hosting and maintenance is currently provided by DNT Technologies, and
WHEREAS, the Board of Trustees acknowledges DNT Technologies expertise and professionalism,
THEREFORE BE IT RESOLVED, that the Board of Trustees authorizes the village clerk to continue contracting with DNT Technologies on a month-by-month basis for the fee of \$141.67 until otherwise directed.

There being no other matters to be brought before the Board; it was, upon motion by Trustee Folkerts, second by Trustee Ogden and unanimously adopted, to adjourn the meeting at 10:00 PM.

Respectfully Submitted,

Margaret O'Keefe
Village Clerk