

**MINUTES OF THE MEETING OF
THE BOARD OF TRUSTEES
Wednesday, April 18, 2012 at 7 PM**

A meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, April 18, 2012 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, Heiko Folkerts, Judith C. Ogden, and J. Ted Naughton. Also in attendance Village Clerk, Margaret O’Keefe and Village Attorney, Anthony B. Tohill.

Mayor Tartamella and Police Chief Martin J. Thompson presented a Certificate of Commendation to Police Officer Bruce Marx in honor of his professionalism and dedication to village residents.

Mayor Tartamella convened the annual organization meeting.

1. Mayor – Natale Tartamella:

Appointments

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

RESOLUTION #001-12

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

Deputy Mayor	2 Years	R. L. Swanson
Village Clerk	2 Years	Margaret O’Keefe
Village Treasurer	2 Years	Patricia Mulderig
Deputy Clerk/Treasurer	1 Year	Kimmarie Varricchio
Justice Court Clerk	1 year	Christine Wood
Village Attorney	1 Year	Anthony B. Tohill
Acting Justice	1 year	Olivier Edwards
Special Prosecutors	1 year	Suffolk ADA
Building Inspector	1 year	Gerard Harris
Deputy Building Inspector	1 year	Paul Athineos
Chief	1 year	Martin Thompson
Captain	1 year	Daniel Kirby
Planning Board Member	5 years	Craig Holland
Environmental Conservation	2 years	VA Maggipinto
Environmental Conservation	2 years	Peter Polchinski
Environmental Conservation	2 years	Maggie Holland
Joint Coastal Commission	3 years	Craig Holland-PB liaison
Joint Coastal Commission	3 years	Robin Herrnstein
Joint Coastal Commission	3 years	Arthur Krantz
Member	5 years	Ron deBoer
Alternate #1	2 years	Allyson Svatek
Village Historian	1 Year	Geoffrey Fleming
Highway Commissioner	1 Year	J. Ted Naughton

Official Newspaper

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

RESOLUTION #002-12

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 Naughton, second by Trustee Ogden and unanimously adopted:

RESOLUTION #003-12

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 Avenue, St. James, NY as the official depository of all monies received by the village clerk and treasurer, excepting Trust & Agency and Park Fund deposits which are to be held at TD Bank, 621 Lake Avenue, St. James, NY, also excepting \$7,403.20 in funds which are to be held at the Bank of Smithtown until various outstanding cheques are negotiated or stale, this resolution is effective immediately.

Dates for Regular Meetings & next organizational meeting

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

RESOLUTION #004-12

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 2013:

- **Board of Trustees, 3rd Wednesday of each month at 7:00 PM**, expressly April 18th, May 16th, June 20th, July –no meeting, August 15th, September 19th, October 17th, November 21st, December 19th, January 16th, February 20th March 20th, and

WHEREAS, that the next organizational meeting will be held on Wednesday, April 17th, 2013 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.

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

Dates for Boards & Committees

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

RESOLUTION #005-12

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 2013:

- **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, and 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 2012- April of 2013:

- **Joint Coastal Commission, 1st Thursday of each month at 7:30 PM**

WHEREAS, the Joint Coastal Commission meetings will be at Head of the Harbor Village Hall, 500 North Country Rd., St. James, New York 11780 at 7:30 PM.

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

Advance Approval Of Claims

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

RESOLUTION #006-12

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 Naughton, second by Trustee Folkerts and unanimously adopted:

RESOLUTION #007-12

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 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 Naughton, second by Trustee Ogden and unanimously adopted:

RESOLUTION #008-12

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 2012/2013 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
- 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 Folkerts, second by Trustee Ogden and unanimously adopted:

RESOLUTION #009-12

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 Swanson, second by Trustee Ogden and unanimously adopted:

RESOLUTION #010-12

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	3 written/fax quotes or written requests for proposals
\$10,000-\$20,000	3 written/fax quotes or written requests for proposals & Board of Trustees approval
<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 of 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.

7. This policy shall go into effect immediately and will be reviewed annually.

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

RESOLUTION #011-12

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.

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

RESOLUTION #012-12

RESOLVED, to accept the web services contract from Digital Network Technologies, LLC for 1-year in the amount of \$1,595.00 and to authorize the Mayor to sign said contract in his official capacity.

- **Minutes of March 21, 2012** 7 PM Trustees meeting were presented. It was, upon motion by Trustee Swanson, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #013-12
RESOLVED, to adopt the minutes of the above referenced meeting as presented.
- **Minutes of April 3, 2012** 6 PM Trustees meeting were presented. It was, upon motion by Trustee Naughton, second by Trustee Swanson, abstention by Trustees Ogden and Folkerts and adopted (3-0-2):
RESOLUTION #014-12
RESOLVED, to adopt the minutes of the above referenced meeting as presented.

2. Financials – Patricia Mulderig, Treasurer:

- Report submitted to the Board.
- Abstract #126510 - Vouchers chosen to be paid from the General Fund in the amount of \$600.42. Discussion ensued. It was, upon motion by Trustee Swanson, second by Trustee Ogden, and unanimously adopted:
Resolution #015-12
RESOLVED, to adopt Abstract #126510 to be paid from the General Fund in the amount of \$600.42.
- Abstract #126511- Vouchers chosen to be paid from the General Fund in the amount of \$2,779.38. Discussion ensued. It was, upon motion by Trustee Swanson, second by Trustee Ogden, and unanimously adopted:
Resolution #016-12
RESOLVED, to adopt Abstract #126511 to be paid from the General Fund, in the amount of \$2,779.38.
- Abstract #126512- Vouchers chosen to be paid from the General Fund in the amount of \$8,699.72. It was, upon motion by Trustee Ogden, second by Trustee Swanson, and unanimously adopted:
Resolution #017-12
RESOLVED, to adopt Abstract #126512 to be paid from the General Fund, in the amount of \$8,699.72.
- Abstract #114- Vouchers chosen to be paid from the Trust & Agency Fund in the amount of \$956.56. Discussion ensued. It was, upon motion by Trustee Ogden, second by Trustee Swanson, and unanimously adopted:
Resolution #018-12
RESOLVED, to adopt Abstract #114 to be paid from the Trust & Agency Fund, in the amount of \$956.56.
- Abstract #126513- Vouchers chosen to be paid from the General Fund in the amount of \$416.03. Discussion ensued. It was, upon motion by Trustee Folkerts, second by Trustee Ogden, and unanimously adopted:
Resolution #019-12
RESOLVED, to adopt Abstract #126513 to be paid from the General Fund in the amount of \$416.03.
- Abstract #126514- Vouchers chosen to be paid from the General Fund in the amount of \$5,993.59. Discussion ensued. It was, upon motion by Trustee Folkerts, second by Trustee Ogden, and unanimously adopted:
Resolution #020-12
RESOLVED, to adopt Abstract #126514 to be paid from the General Fund in the amount of \$5,993.59.

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

RESOLUTION # 021-12

RESOLVED, Village Treasurer, Patricia Mulderig, is hereby authorized and directed to make modifications to the 2011/2012 budget as itemized below.

VILLAGE OF HEAD OF THE HARBOR
BUDGET MODIFICATIONS 4/18/2012

		BUDGET F/Y/E	BUDGET ADJUSTMENT	MODIFIED BUDGET 2/28/2011
A3005	MORTGAGE TAX	(40,000.00)	(2,930.14)	(42,930.14)
A1325.2	TREASURER - OFFICE SUPPLIES	1,550.00	67.08	1,617.08
A1325.4	TREASURER - SOFTWARE	3,702.31	1,057.24	4,759.55
A1410.8	CLERK - BENEFITS	4,791.75	4.52	4,796.27
A1410.81	CLERK - HEALTH BENEFITS	16,326.65	22.22	16,348.87
A1420.41	LAW - GENERAL	38,246.48	412.50	38,658.98
A1440.41	ENGINEER - GENERAL	22,191.25	871.25	23,062.50
A1620.4	VILLAGE HALL - JANITORIAL	8,500.00	454.00	8,954.00
A3120.24	POLICE - GAS OIL REPAIR	26,200.00	(2,659.26)	23,540.74
A3120.8	POLICE - BENEFITS	25,263.98	2,659.26	27,923.24
A3620.1	BUILDING INSPECT- PERS SVC	2,110.59	26.43	2,137.02
A5110.21	STREET MAINTENANCE - GAS OIL	30,152.34	4,940.81	35,093.15
A5110.221	STREET MAINTENANCE - NORMAL MAINT	35,000.00	(4,940.81)	30,059.19
A5182.4	STREET HYDRANTS	8,000.00	14.90	8,014.90
A9020.8	PAYCHEX PAYROLL SERVICES	4,000.00	192.39	4,192.39
A9050.8	UNMEMPLOYMENT INSURANCE	5,150.00	(353.41)	4,796.59
A9050.81	MTA TAX	2,100.00	161.02	2,261.02
		<u>193,285.35</u>	<u>0.00</u>	<u>193,285.35</u>

- Adjustments to tax assessments received from the Town of Smithtown subsequent to the acceptance of the tax rolls. The amount presented totaled \$3,020.00, itemized below. Discussion ensued. It was, upon motion by Trustee Naughton, second by Trustee Ogden and unanimously adopted:

RESOLUTION #022-12

RESOLVED, to authorize and direct the Village Treasurer to refunds the taxes as per the successful grievances as follows:

PROPERTY ID	SECTION	BLOCK	LOT	HOMEOWNER	ADDRESS	ASSESSOR'S DATE	CURRENT ASSESSMENT	CORRECTED ASSESSMENT	DIFFERENCE	2012/2013 ADJUSTMENT
10	1	1	26.00	ARTHUR & MARY GRIFFIN	2 EMMET DRIVE STONY BROOK	3/13/2012	15,340	13,530	(1,810)	(325.44)
11	1	2	31.00	FREDERICK & ETHEL COURTNEY	3 OAK RIDGE RD STONY BROOK	3/6/2012	9,815	9,345	(470)	(84.51)
12	1	1	17.40	BORIS & ELLA METLITSKY	19 MILL CREEK RD, STONY BROOK	3/13/2012	13,165	12,425	(740)	(133.05)
									(3,020.00)	(543.00)
									<u>(9,655.00)</u>	<u>(1,735.97)</u>

3. ARB - Building Inspector, Jerry Harris:

- 5 applications were reviewed.

4. Police Department – Chief Martin J. Thompson:

- St. James Fire Department Annual Run to take place on March 24, 2012.

5. ECB -:

- No report.

6. Joint Coastal Commission-Elizabeth Shepherd:

- Nine applications before the JCC.
- Discussion ensued in regard to the potential collection of fees for LWRP review.

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

- Routine Spring maintenance

- CLERK'S NOTE: TRUSTEE SWANSON EXITED AT 8:57 PM, RETURNED AT 9 PM
- STOP signs and general sign maintenance discussed.

- It was, upon motion by Trustee Ogden, second by Trustee Folkerts, and unanimously adopted, to move to executive session to discuss personnel. No action taken. It was, upon motion by Trustee Heiko, second by Trustee Naughton, 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 Trustee Folkerts, second by Trustee Swanson and unanimously adopted, to adjourn the meeting at 10:25 PM.

Respectfully Submitted,

Margaret O'Keefe
Village Clerk