

**MINUTES OF THE MEETING OF
THE BOARD OF TRUSTEES
WEDNESDAY, MAY 7, 2025**

The meeting of the Board of Trustees of the Incorporated Village of Head-of-the-Harbor was held on Wednesday, May 7, 2025 at 7 PM at the Village Hall located at 500 North Country Rd., St. James, NY 11780. Those present were the following members Mayor Michael D. Utevsky, Trustees Judith C. Ogden; Jeffrey D. Fischer and Trustee Kathleen Diana. Not in attendance this evening Deputy Mayor Lisa Davidson and Dir. of Highway Operations, Frank Prinzevalli. Also, in attendance Village Administrator/Clerk, Margaret O'Keefe; Village Attorney, Brian T. Egan; Police Chief, Charles M. Lohmann; Village Treasurer, Patricia Mulderig; Building Inspector, Robert O'Shea and Village Engineer, Daniel Falasco.

Pledge of Allegiance.

Mayor Utevsky opened the public hearing for a Cable Television Agreement between Verizon New York, Inc. and the Village of Head of the Harbor.

- It was, upon motion by Trustee Fischer, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #022 -25

Village of Head of the Harbor

Resolution to Authorize Mayor to Execute Cable Franchise Agreement between

Village and Verizon New York Inc.

The Board of Trustees of the Incorporated Village of Head of the Harbor, duly convened at a regular Board meeting on May 7, 2025, does hereby declare as follows:

WHEREAS, the Village of Head of the Harbor, (the "Village") is a "franchising authority" in accordance with Title VI of the Communications Act, (see 47 U.S.C. §522(10)) and is authorized to grant one or more nonexclusive cable franchises pursuant to Article 11 of the New York Public Service Law, as amended, and Title 16, Chapter VIII, Parts 890.60 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York, as amended (collectively the "Cable Laws"); and

WHEREAS, the Village granted to Verizon New York Inc., a corporation duly organized under the applicable laws of the State of New York (the "Franchisee"), effective as of October 18, 2007, a nonexclusive initial Franchise to install, maintain, extend, and operate a Cable System in the Village for a term of ten (10) years (the "Initial Franchise"); and

WHEREAS, the Initial Franchise agreement has expired; and

WHEREAS, the Franchisee has operated a Cable System in accordance with the Initial Franchise as of the effective date on its existing Telecommunications Facilities consisting of a Fiber to the Premises Telecommunications Network ("FTTP Network") in the Franchise Area which also transmits Non-Cable Services pursuant to authority granted by Section 27 of the New York Transportation Corporations Law, as amended, and Title II of the Communications Act, which Non-Cable Services are not subject to the Cable Law or Title VI of the Communications Act; and

WHEREAS, pursuant to and in accordance with applicable federal and state law, the Village undertook a process to determine whether it should renew the Initial Franchise and the terms for such a renewal; and

WHEREAS, the Village has examined the financial, legal, and technical ability of the Franchisee to provide the services, facilities, and equipment as set forth in the proposed Renewal Agreement; and

WHEREAS, the Village has determined that the Franchisee's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests; and

WHEREAS, the Village has determined that in accordance with the provisions of the Cable Law, the Franchise complies with the NY PSC's franchise standards and the grant of a nonexclusive franchise to Franchisee is consistent with the public interest; and

WHEREAS, a duly noticed Public Hearing, affording an opportunity for all those interested parties to be heard on the proposed Franchise Renewal Agreement was held before the Village on May 7, 2025; and

WHEREAS, the project, as proposed, has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which regulations state that Type II Actions will not have a significant effect on the environment.

NOW, THEREFORE BE IT RESOLVED by the Board of Trustees,

THAT, it is in the best interest of the public to award the Franchise Renewal Agreement to the Franchisee; and be it

THAT, the Village Mayor is hereby authorized to enter into the Franchise Renewal Agreement with Verizon New York Inc., and to execute any other documents necessary to effectuate the granting of the franchise renewal on behalf of the Village.

- Charity run to occur on Saturday, May 10, 2025 through St. James and Head of the Harbor to benefit the Ronald McDonald House at Stony Brook.
- Update provided on Mill Creek Road and Harbor Road issues. Mill Creek Rd., a private roadway has been repaired from the weather events of August 2024. Jurisdictional issues are delaying the repair of Harbor Rd. Although not a village road, Mayor Utevsky has been heavily involved in actively moving it forward.
- It was, upon motion by Trustee Diana, second by Trustee Ogden, abstention by Trustee Fischer and adopted (3-1-1):
RESOLUTION #023 -25
Minutes of April 23, 2025 7 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 Trustee Fischer, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #024 -25 (deemed read into the record in its entirety)
RESOLVED, the Procurement Police is hereby adopted and will be reviewed annually.

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 decision 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
\$2,000 - \$3,999	2 Verbal quotations; unless highway truck or equipment repair
\$4,000-\$10,999	2 Verbal quotations for highway truck or equipment repair

\$4,000-\$10,999	3 written/fax quotes or written requests for proposals
\$11,000-\$19,999	3 written/fax quotes or written requests for proposals for highway truck or equipment repair
\$11,000-\$19,999	3 written/fax quotes or written requests for proposals and Board of Trustees approval

Est. Public Works Contracts	Method
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\$2,000-\$3,999	2 Verbal quotations
\$4,000-\$5,999	2 written/fax quotes
\$6,000-\$20,999	3 written/fax quotes or written requests for proposals
\$21,000-\$34,999	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 \$2,000.00. 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. The individuals responsible for procurement and authorization of vouchers submitted for payment from the Village of Head of the Harbor are as follows: Michael Utevsy, Mayor; Margaret O'Keefe, Village Clerk; Charles Lohmann, Chief of Police; Frank Prinzevali, Dir. of Highway Operations; Patricia Mulderig, Treasurer; Robert O'Shea, Building Inspector; John J. Toomey, Judge; Carolanne Darrigo, Court Clerk.

8. Unless previously approved by contract, all vouchers over \$2,500.00 are to be signed by the Board of Trustees.

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

- It was, upon motion by Trustee Ogden, second by Trustee Fischer, and unanimously adopted:
RESOLUTION #025 -25
RESOLVED, to authorize and direct the payment of invoices from DNT Techology for April and May.
- The Board has authorized the reduction of requiring of two signature per check to one provided that the amount payable is less than \$1,000.00. TD Bank has advised that they can accommodate the request but will not monitor the checks.

Financials – Patricia Mulderig, Treasurer:

- It was, upon motion by Trustee Fischer, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #026 -25
WHEREAS Batch Abstract #'s 250, 251, 254, 256, 257, 260, 262, 263, and 259 totaling \$40,782.52 were presented, and
WHEREAS, discussion ensued regarding the voucher for Salerno Brokerage, 20250178, which needs to be amended from \$941.00 to \$95.00,
BE IT RESOLVED, to approve the above vouchers in the amended amount of \$39,936.50, be paid from the General Fund.
- It was, upon motion by Trustee Fischer, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #027 -25
RESOLVED, to adopt T & A #259 in the total amount of \$262.50 be paid from the Trust & Agency Fund.

- It was, upon motion by Trustee Fischer, second by Trustee Ogden, and unanimously adopted:
RESOLUTION #028 -25
RESOLVED, the village treasurer is authorized and directed to make budget modifications to the 2024/2025 budget totaling \$78,628.87 for a net change of zero, as noted:

		BUDGET F/Y/E	BUDGET ADJUSTMENT	MODIFIED BUDGET
		02/28/2026		02/28/2025
AA1410.810	CLERK - HEALTH BENEFITS	10,081.00	0.44	10,081.44
AA1410.900	CLERK AWARDS	300.00	(0.44)	299.56
AA8030.200	ARB - OFFICE SUPPLIES	0.00	75.00	75.00
AA8030.400	ARB - CONSULTANTS	1,000.00	(75.00)	925.00
AA1990.000	CONTINGENCY	67,247.87	0.00	67,247.87
		<u>78,628.87</u>	<u>0.00</u>	<u>78,628.87</u>

- Board of Trustees to hold a work session on Wednesday, May 21, 2025 at 7:00 PM.

Highway Commissioner – Judith C. Ogden:

- 2025 paving program discussed. No action taken.
- Sibony correspondence of April again reviewed. No action taken.

Building Inspector - Robert O'Shea:

- Oral report provided on Building Department, Planning Board, Zoning Board of Appeals and Architectural Review Board. No action taken.

Tree Committee – Judith C. Ogden:

- Arbor Day event was successful.

Police Department – Charles M. Lohmann, Police Chief:

- Oral report provided. No action taken.

- It was, upon motion by Trustee Fischer, second by Trustee Diana, and unanimously adopted:
RESOLUTION #029 -25
WHEREAS, the Board of Trustees has determined that checks under \$1,000.00 will only require 1 authorized signature, and
WHEREAS, the village maintains accounts # 2280000262, 2280000544, 2280000536, and 22800001648 with DIME Savings,
BE IT RESOLVED, to authorize and direct the village treasurer to provide any required documentation to Dime Savings to effectuate this policy.

Public Comment:

- Resident Michael Vincenti, 141 Harbor Road, spoke about an article that addressed how other jurisdictions are attempting to help maintain historic properties. No action taken.

It was, upon motion by Trustee Ogden, second by Trustee Fischer and unanimously adopted, to move to executive session to discuss litigation at 7:25 PM. No action taken. It was, upon motion by Trustee Fischer, second by Trustee Ogden and unanimously adopted to move back to public session at 9:12 PM.

- There being no other matters to be brought before the Board; it was, upon motion by Trustee Ogden, second by Trustee Diana and unanimously adopted, to adjourn the meeting at 9:13 PM.

Respectfully Submitted,

Margaret O'Keefe, Village Administrator/Clerk