

BOARD OF TRUSTEES

MAY 19, 2016

A regular meeting of the Board of Trustees of the Village of Garden City in the County of Nassau, New York, was held at the Village Hall, 351 Stewart Avenue in said Village on May 19, 2016 at 8:00 p.m.

Present: Mayor Nicholas P. Episcopia, Trustees Brian C. Daughney, John A. DeMaro, Robert A. Bolebruch, Richard V. Silver, Theresa A. Trouvé, Stephen S. Makrinos and John M. Delany.

Also Present: Ralph V. Suozzi, Village Administrator  
Karen M. Altman, Village Clerk  
Kenneth O. Jackson, Chairman, Board of Police Commissioners  
Kevin E. Ocker, Chairman, Board of Commissioners of Cultural and Recreational Affairs  
Irene Woo, Village Treasurer  
Ausberto Huertas, Jr., Superintendent, Building Department  
William K. Castoro, Chief Fire Department  
Christopher Markin, Village Engineer  
Peter A. Bee, Bee Ready Fishbein Hatter & Donovan, LLP  
Philip Butler, Bee Ready Fishbein Hatter & Donovan, LLP  
(left at 9:30 p.m.)

Attendance: Approximately 60

The Clerk reported that due notice of this meeting had been served on each member of the Board.

Mayor Episcopia called for citizens comments on Agenda items.

Mayor Episcopia stated that the first item on the agenda is a request from Chief William K. Castoro of the Garden City Fire Department for the approval of a Garden City Volunteer Firefighter, Sean Walsh, 115 Tanners Pond Road, Garden City. The Volunteer Fire Department formally accepted him into the Department at their May 2016 monthly meeting.

On motion of Trustee Silver and unanimously carried, Sean Walsh was approved by the Village Board of Trustees to be a Volunteer Firefighter for the Garden City Fire Department.

PROPOSED LOCAL LAW

Mayor Episcopia stated that the next item on the agenda was a public hearing on Proposed Local Law 3 to Adopt Chapter 185 of the Village Code Regarding Wireless Telecommunications Projects. The Mayor called for a motion to open the public hearing. Trustee Bolebruch made a motion to open the hearing.

(A tape recording of this hearing has been typed under separate cover and constitutes a part of these minutes.)

There being no further public comment, on motion of Trustee Delany and unanimously carried, the public hearing pursuant to proposed Local Law 3-2016 was closed.

Mayor Episcopia called for a brief recess at 8:30 p.m., to seek advice of legal counsel with respect to the adoption procedure. The Board reconvened at 8:35 p.m.

Resolution adopting a Negative Declaration of Environmental Significance on Local Law 3-2016 to Adopt Chapter 185 of the Village Code Concerning Wireless Telecommunications Projects

On motion of Trustee Delany, the following resolution was offered:

RESOLUTION NO. 90-2016

WHEREAS, the Board of Trustees of the Incorporated Village of Garden City is considering a local law (Local Law 3-2016) to adopt Chapter 185 of the Village Code concerning Wireless Telecommunications Projects; and

WHEREAS, on May 19, 2016, the Board conducted a duly noticed public hearing at Village Hall, 351 Stewart Avenue, Garden City, New York, at which time all persons wishing to be heard with respect to said local law were given an opportunity to speak; and

WHEREAS, the public hearing with respect to said local law was then closed on May 19, 2016; and

WHEREAS, the Board of Trustees as Lead Agency, previously declared the local law to be an Unlisted Action for purposes of SEQRA; and

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees, upon consideration of the local law, Parts 1, 2 and 3 of the completed Environmental Assessment Form, and all comments and discussions had thereon at the public hearing, hereby adopts the Negative Declaration and Reasoned Elaboration set forth in Part 3 of the EAF.

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

The resolution was declared adopted.

Trustee Daughney introduced the following proposed local law and moved its adoption:

RESOLUTION NO. 91-2016

INCORPORATED VILLAGE OF GARDEN CITY  
NASSAU COUNTY, NEW YORK  
LOCAL LAW NO. 3-2016

A Local Law to adopt Chapter 185 of the Village Code Regarding  
Wireless Telecommunications Projects

BE IT ENACTED, by the Board of Trustees of the Village of Garden City, as follows:

**Section 1.** Chapter 185 of the Village Code, entitled "Telecommunications", is hereby adopted as follows:

**§185-1 Legislative intent.**

The Board of Trustees has determined that having a specific regulatory framework for processing applications for Wireless Telecommunications Facilities is appropriate and advisable in order to further the safety and general welfare of the Village in that it will ensure that wireless equipment installed in the Village complies with federal law and regulations governing telecommunications facilities. Accordingly, the Board of Trustees seeks to implement a set of regulations that shall apply to and govern any and all applications for commercial, wireless facilities in the Village.

**§185-2 Definitions; word usage.**

**ANTENNA**

A system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.

**CO-LOCATION**

Co-Location shall mean the installation of a new Antenna or Antennas on an existing tower or a structure already being used as an Antenna site to support wireless services.

**DISTRIBUTIVE ANTENNA SYSTEM or DAS**

An Antenna or system of Antennas combining technology whereby low power NIER emanates from multiple Facilities, each covering a limited range, and also allowing for multiple carriers or wireless service providers to use the same set of Antennas, cabling and equipment.

**FAA**

The Federal Aviation Administration, or its duly designated and authorized successor agency.

**FCC**

The Federal Communications Commission, or its duly designated and authorized successor agency.

**HEIGHT**

When referring to a tower or structure, the distance measured from the mean level of the established center-line grade of the street adjacent to the parcel to the highest point on the tower or structure, even if said highest point is an Antenna or lightning protection device.

**MODIFICATION OR MODIFY**

The addition, removal or change of any of the physical or visually discernible components, colors, or other aspects of a Wireless Telecommunications Facility (such as Antennas, cabling, equipment shelters, landscaping, shrouding, fencing, utility feeds, vehicular access, or parking, and specifically including new transmission equipment, removal of transmission equipment, replacement of transmission equipment, or changes of wireless carrier or service provider) which addition, removal or change would be inconsistent with an existing permit for the facility but, in the judgment of the Superintendent of Buildings, will likely qualify for approval under a permit conformed to reflect such addition, removal or change.

**NIER**

Shall mean nonionizing electromagnetic radiation, which emanates from an operating Wireless Telecommunication Facility.

**PERSON**

Any individual, corporation, estate, trust, partnership, joint stock company, association of two or more persons having a joint common interest, or any other entity.

**PERSONAL WIRELESS FACILITY**

See definition of "Wireless Telecommunications Facility."

**PERSONAL WIRELESS SERVICES OR PWS OR PERSONAL TELECOMMUNICATIONS SERVICE OR PCS**

Shall have the same meaning as defined and used in the 1996 Telecommunications Act, as such definition may be amended from time to time.

**REPAIRS AND MAINTENANCE**

Normal repair and maintenance means work necessary to keep the facilities in good and safe working order and to prevent damage or malfunction. Normal repair and maintenance does not change the physical or visually discernible appearance of a facility or any part thereof as it was originally permitted. It also means the normal replacement of any equipment or components of a wireless facility without an increase in height, and where the replacement is, in the judgment of the Superintendent of Buildings, identical to the existing equipment

or component being replaced. The term "Repair and Maintenance" shall not include any matters which the Superintendent of Buildings determines is a Modification, as defined herein.

RADIO FREQUENCY EMISSIONS (RF)

See "NIER".

STATE

The State of New York.

STEALTH TECHNOLOGY AND DESIGN

Shall mean technology, equipment, materials, and/or methods of design which minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of a proposed Wireless Telecommunications Facilities.

TELECOMMUNICATIONS

The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

TELECOMMUNICATION SITE

See definition of "Wireless Telecommunications Facilities."

TELECOMMUNICATIONS STRUCTURE

A building or structure used in the provision of services described in the definition of "Wireless Telecommunications Facilities."

VILLAGE

The Incorporated Village of Garden City, New York.

WIRELESS TELECOMMUNICATIONS FACILITY

A structure, facility or location designed, intended to be used as, or used to support Antennas or other transmitting or receiving devices for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, personal communications services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC. This includes, without limitation, towers, guyed lattice towers, monopoles, buildings, church steeples, signs or other structures that can be used as a support structure for Antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site. "Wireless Telecommunications Facility" includes any site referred to as a Telecommunications Site or Personal Wireless Facility.

**§185-3 Exclusions.**

- A. The following Wireless Telecommunications Facilities shall be exempt from this chapter:
- (1) Any facilities operated by or on behalf of any unit of government for public or municipal purposes;
  - (2) Any facilities expressly or impliedly exempt from the Village's zoning or permitting authority by State or Federal law.
  - (3) Any facilities exclusively for private, noncommercial radio, television or internet reception, or private citizen's bands, licensed amateur radio and other similar noncommercial telecommunications.
  - (4) Private satellite dishes for television service.

- B. The following Wireless Telecommunications Facilities shall be exempt from this chapter until they are Modified:
- (1) Any facilities that are authorized and regulated by or under an unexpired license agreement or lease with the Village, or any district or agency under the control of the Village, which facility was already lawfully installed on the effective date of this chapter, except that nothing herein shall exempt any such facility from complying with any and all provisions or requirements set forth under such agreement or lease.
  - (2) Any facilities that are authorized and regulated by or under a valid and unexpired building permit or decision of a Village board, which was issued prior to the effective date of this chapter, except that nothing herein shall exempt any such facility from complying with any and all provisions or requirements set forth under such permit or decision or other applicable law.
- C. Repairs and Maintenance of Wireless Telecommunications Facilities shall not require any permit or approval under this chapter.

**§185-4 Permit and application requirements.**

- A. As of the effective date of this chapter, and except as otherwise expressly provided herein, no Person shall be permitted to site, place, build, construct, Modify or prepare any site for the placement or use of a Wireless Telecommunications Facilities without having first obtained a building permit from the Department of Buildings and any and all other approvals as required herein or under other applicable law. A new Wireless Telecommunications Facility must, in addition to a building permit, be granted a special use permit from the Board of Trustees. A Modification or Co-Location in conformity with Section 185-6 shall be approved administratively by the Building Department.
- B. An application for a special use permit, and any other approval under this chapter, shall be submitted to the Building Department contemporaneously with a building permit application.
- C. If the Superintendent of Buildings or Board of Trustees determines that a particular application under this chapter should be considered with the assistance of a consultant, to the Village may retain a consultant to review, analyze, and evaluate applications and to advise and provide information to Village personnel on technical and other issues relating to such applications, and to make recommendations to the Department of Buildings and the Board of Trustees.
- D. In the course of considering an application pursuant to this chapter, the Department of Buildings and the Board of Trustees may waive submission of information otherwise required by this chapter if such information is deemed unnecessary under the circumstances. If an applicant contends that certain information which has been requested need not be submitted in its application, the applicant shall submit a written statement explaining why such information ought not to be required under the circumstances.
- E. Any and all representations made by the applicant to the Department of Buildings, Board of Trustees, or other Village agency relating to the application, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the Department of Buildings and Board of Trustees. Where a certification is called for in this chapter, such certification shall be dated and bear the signature and/or seal of an attorney, architect or engineer licensed in the State of New York.
- F. In addition to any general requirements for the filing of a building permit application, the application for a building permit for a Wireless Telecommunications Facility shall include:

- (1) A written certification by the applicant that the Wireless Telecommunications Facility which is the subject of the application will be maintained in compliance with all conditions of the building permit, any and all applicable agreements, and all Village, state and federal laws, rules, and regulations.
  - (2) A descriptive statement of the nature of the work proposed in the application, and the impact(s) of the work on the surrounding area.
  - (3) The name, address and phone number of the Person(s) preparing the application and supporting documentation.
  - (4) A site plan showing the existing and proposed structures on the subject property, and the type, locations and dimensions of all proposed and existing landscaping, and fencing on the subject property; the azimuth, size and center-line Height location of all proposed and existing Antennas on the supporting structure; the number, type and model of the Antenna(s) proposed with a copy of the specification sheet; the make, model, type and manufacturer of the tower and design plan stating the tower's capacity to accommodate multiple users.
  - (5) The frequency, modulation and class of service of radio or other transmitting equipment.
  - (6) The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts.
  - (7) A report, or reports, verifying that the Wireless Telecommunication Facility with the proposed installation will be in full compliance with the current FCC RF emissions guidelines.
  - (8) A copy of all FCC licenses, if any, to be utilized at the site.
  - (9) A certified structural analysis, using the appropriate code in effect in New York State, demonstrating that the support structure (i.e. tower or pole), foundation, attachments, rooftop support structures, water tank structure, and any other supporting structures, meet all local, city, state and federal structural requirements for loads, including wind and ice loads, and will be capable of supporting the Wireless Telecommunications Facility as constructed or improved in accordance with the application.
  - (10) For purposes of a proposed or existing free-standing Wireless Telecommunications Facility, a geotechnical subsurface soils investigation report and foundation recommendation.
  - (11) The number, type and model of the Antenna(s) proposed with a copy of the specification sheet.
  - (12) A written copy of an analysis, completed by a qualified individual or organization, to determine if a proposed new tower or existing structure intended to support wireless facilities is in compliance with Federal Aviation Administration Regulation Part 77, and if it requires lighting. This requirement shall also be for any existing structure or building where the applicant proposes to increase the Height of the structure or building. If this analysis determines that an FAA determination is required, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided as part of the application.
- G. In addition to all other required information as stated in this chapter, all applications for a special use permit for the construction or installation of new Wireless Telecommunications Facilities, or Modification of an existing facility not meeting the requirements of Section 185-6, shall contain a complete building permit

application in accordance with Section 185-4(F) and the additional information hereinafter set forth:

- (1) Documentation that demonstrates and proves the need for the Wireless Telecommunications Facility at the location selected by the applicant. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a gap in coverage. If there is a capacity need, such documentation shall include an analysis of current and projected usage. Drive test or call test data shall be required to assist in reviewing the application;
- (2) The name, address and phone number of the Person(s) preparing the documentation referenced in Subsection G(1) above and conducting the studies and analyses;
- (3) An area map showing the location, size, Height and usage of all structures and buildings within 500 feet of the site of the application;
- (4) The site plan must also show, in addition to all standard information, a description of any proposed tower and/or Antenna(s) and all related fixtures, structures, appurtenances and apparatus, including Height above the mean level of the established center line grade of the street adjacent to the parcel, materials, color and lighting;
- (5) The make, model, type and manufacturer of the tower and design plan stating the tower's capacity to accommodate multiple users; and
- (6) A statement and substantive explanation to show that, pursuant to a study undertaken by the applicant, the proposed site is justified in that alternate sites, Co-Location sites, or other alternate facilities, which would have a lesser negative impact on area character and aesthetics than the proposed site and facilities, would be technically unfeasible, commercially impracticable, or otherwise inappropriate for the applicant's needs. Technical, financial and other evidence to support rejection of any such alternatives must be provided.

H. Application for new tower or other structure.

In the case of an application for a new tower, new monopole, new utility pole or other new structure, the applicant shall comply with the provisions of this subsection.

- (1) The applicant shall provide a written report demonstrating the applicant's meaningful efforts to secure shared use of existing towers or other structures within the Village, with copies of written requests and responses, along with any letters of rejection. The applicant shall provide a report inventorying existing towers and other potentially suitable structures already improved with Wireless Telecommunications Facilities located within two miles (or such other distance agreed to by the Department of Buildings) of a proposed new tower or structure explaining why none of those existing sites is suitable for their project.
- (2) A "balloon test", which shall be completed prior to the public hearing on the application. The applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three-foot-in-diameter brightly colored balloon at the maximum Height of the proposed new structure. (The size of the balloon must be representative of the size of the Antenna configuration proposed.) The dates (including a second date, in case of poor visibility on the initial date), times and location of this balloon test shall be advertised by the applicant between seven and 14 days in advance of the first test date in a newspaper with a general circulation in the general vicinity. The applicant shall inform the Department of Buildings, in writing, of the dates and times of the test, at least 14 days in advance. The balloon shall be flown for at least four consecutive hours sometime between 7:00 a.m. and 4:00 p.m. on the

dates chosen. The primary date shall be on a weekend, but in case of poor weather on the initial date, the secondary date may be on a weekday. A report with pictures from various locations of the balloon shall be provided to the Department of Buildings.

- (3) A study of the feasibility of designing the proposed structure to accommodate future demand for at least three additional commercial applications, for example, future co-locations.
- (4) A requirement, whenever practicable, that the structure be structurally designed to accommodate at least three additional Antenna arrays equal to those of the applicant, and located as close to the applicant's Antenna as possible without causing interference. This requirement may be waived by the Board of Trustees; provided the applicant demonstrates, in writing, that the provision of future shared usage of the structure is not technologically feasible, is commercially impracticable, or creates an unnecessary and unreasonable burden, based upon:
  - (a) The foreseeable number of FCC licenses available for the area;
  - (b) The kind of Wireless Telecommunications Facilities proposed; and
  - (c) The number of existing and potential licenses without Wireless Telecommunications Facilities spaces/sites.
- (5) Future co-location.

Unless excused pursuant to subsection H(5), the owner of a proposed new structure, and his/her successors in interest, shall provide a written statement in the application from someone with authority to bind the applicant, stating that the applicant will negotiate in good faith for the shared use of the proposed structure by other wireless service providers in the future, and shall:

[1] Respond within 60 days to a request for information from a potential shared-use applicant;

[2] Negotiate in good faith concerning future requests for shared use of the new tower by other telecommunications providers;

[3] Allow shared use of the new structure if another telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the structure or equipment to accommodate a shared user without causing electromagnetic interference.

- I. For applications for a replacement tower, or for Co-Location or Modification on an existing tower, the applicant shall provide a signed inspection report of the tower condition, such as an ANSI report as per Annex E, Tower Maintenance and Inspection Procedures, ANSI/TIA/EIA-222F, or the most recent version in effect. If a signed report of tower inspection has been provided by another permit holder for the tower already and is on file with and satisfactory to the Building Department at the time the applicant is required to file an initial or an updated tower inspection report, the Building Department shall waive such filing by the applicant. It is the responsibility of the applicant to confirm any such waiver with the Building Department whenever it would otherwise have been required to file an initial or an updated report. On applications for a new a new tower, documentation consistent with the foregoing shall be provided by the applicant prior to issuance of a certificate of completion for the tower. Any deficiency, structural or otherwise, noted in the foregoing documentation shall be remedied prior to issuance of a certificate of completion for a tower or project.

- J. For an application for a special use permit for a new tower or structure, or for a Modification of an existing structure involving a significant visual impact, as determined by the Building Superintendent or the Board of Trustees, the applicant shall furnish a visual impact assessment, which shall include:
- (1) If a new tower or increasing the Height of an existing structure is proposed, a computer-generated "Zone of Visibility Map" at a minimum of one-mile radius from the proposed structure, with and without foliage, to illustrate locations from which the proposed installation may be seen.
  - (2) Pictorial representations of "before and after" (photo simulations) views from key viewpoints both inside and outside of the Village as may be appropriate, including but not limited to major roads; parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. In the case of a Co-Location or Modification, the photo simulation need show only the effect of the co-location or Modification in relation to other equipment located on the support structure, i.e. the effect on the profile of the facility, and may be taken at or near the site. The applicant should consult with the Building Department to insure that the selection of key viewpoints for the assessment is appropriate.
  - (3) A map showing the locations of where the pictures were taken and distance from the proposed structure.
  - (4) A written description of the visual impact of the proposed facility, including and as applicable the tower base, guy wires, fencing and accessory buildings, from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.
  - (5) In narrative and/or by drawing, a demonstration of how applicant shall effectively screen from view the base and all related equipment and structures of the proposed Wireless Telecommunications Facility.
- K. Applications for a special use permit or a building permit shall maximize the use of site configurations, building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize the entire site with the natural surroundings. This shall include the utilization of Stealth Technology and Design.
- L. All utilities at Wireless Telecommunications Facilities shall be installed underground whenever possible and in compliance with all laws, ordinances, rules and regulations of the Village, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code, where appropriate, as well as Village regulations applicable to excavations in public streets.
- M. Unless waived, each application for a special use permit shall include an access road, turnaround space and parking to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall minimize ground disturbance and the cutting of vegetation and shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.
- N. All Wireless Telecommunications Facilities subject to this chapter shall be constructed, operated, maintained, repaired, Modified, removed and restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the Village, state, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building,

electrical, fire, safety, and health. In the event of a conflict between or among any of the preceding, the more stringent shall apply.

**§185-5 Priority of selection of sites.**

A. Wireless Telecommunications Facilities should be sited in a manner that preserves area character and aesthetics and minimizes potential adverse economic, environmental and quality of life impacts. Careful selection of sites, including Co-Location where appropriate, will help achieve this objective. Accordingly, all applications submitted pursuant to this chapter shall be subject to the site prioritization schedule below. To the greatest extent possible, applications shall seek approval for installations at locations with the highest priority level possible, with item (1) being the highest.

- (1) An existing tower or other structure already improved with Wireless Telecommunications Facilities on Village property.
- (2) An existing tower or other structure on Village property.
- (3) A new tower or other structure on Village properties.
- (4) An existing tower or other structure already improved with Wireless Telecommunications Facilities on properties in areas zoned for non-residential uses.
- (5) An existing tower or other structure on properties in areas zoned for non-residential uses.
- (6) A new tower or other structure on properties in areas zoned for non-residential uses.
- (7) An existing tower or other structure already improved with Wireless Telecommunications Facilities on properties in areas zoned for residential uses.
- (8) An existing tower or other structure in areas zoned for residential uses.
- (9) A new tower or other structure on properties in areas zoned for residential use.

B. In reviewing an application for a new Telecommunication Site, the Board of Trustees shall determine if the site selected for the application is appropriate taking into account the totality of the circumstances, including the priority level of the proposed site and the existence of potential alternatives. An applicant proposing a Wireless Telecommunications Facility must explain in its application why siting or Co-Location at any higher priority location is not feasible or appropriate under the circumstances. Any technological, financial, or other factors should be identified, and any quantitative data relating to such factors should be included in the application. Unilateral or contractual obstacles to Co-Location created by the applicant and/or others holding permits for Wireless Telecommunications Facilities in the Village are contrary to the public interest and may be given little weight. Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, an application may be denied by the Board of Trustees if the applicant has not otherwise satisfied the requisites for a permit under other provisions of this chapter. Nothing in this section shall preclude the Board of Trustees from an independent finding that a higher priority location for a given application is not feasible or appropriate under the facts and circumstances at the time of the application.

**§185-6 Shared use; Modifications.**

A. An applicant seeking to Co-Locate on an existing tower or other suitable structure shall be required to provide (i) a copy of the permit for the existing

Telecommunications Site; and (ii) written permission from the owner or Person in control of the site granting the applicant permission to attach their wireless facilities.

- B. A Co-Location or Modification at a permitted Wireless Telecommunications Facility which does not involve a substantial change in emissions, size or appearance, as defined in FCC Report and Order 14-153, shall be approved administratively by the Building Department as an amendment to the existing permit, provided the application complies with all other applicable federal, state and local laws and regulations, specifically including § 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, codified at 28 U.S.C. § 1455. Notwithstanding anything to the contrary herein, the Building Department may utilize the Village consultant to assist in review of applications for Co-Locations and Modifications.

**§185-7 Justification for Height of telecommunications towers.**

- A. In addition to satisfying all other special use permit criteria, the applicant for a new Wireless Telecommunications Facility shall submit documentation justifying the Height of any tower, facility, pole and/or Antenna requested. Documentation in the form of propagation studies must include all backup data used to perform at the requested Height and at a Height which is a minimum of 10 feet shorter to allow verification of the need for the Height requested.
- B. No tower constructed after the effective date of this chapter shall be constructed to a Height, inclusive of all attachments, which exceeds the maximum height allowed under federal, state and/or local law for a facility that does not utilize artificial lighting.

**§185-8 Visibility.**

- A. Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by law.
- B. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings in accordance with Section 185-4(K).
- C. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal law.

**§185-9 Security.**

All Wireless Telecommunications Facilities and Antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access.

**§185-10 Signage.**

- A. All Wireless Telecommunications Facilities shall feature signs notifying Persons in the immediate area of the presence of RF radiation and providing the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as their emergency phone number(s). The signs shall be installed in all directions on the fence, or if none, on the equipment shelter or cabinet, for the facility and shall be visible from the access point to the site. Such signs shall be of a size that is proportionate to the size of the shelter or cabinet on which they are affixed, but shall in no event exceed 4 square feet in size.
- B. On tower sites, an FCC registration sign must also be posted, if required. Signs shall not be lighted, unless applicable law, rule or regulation requires lighting.
- C. No other signage shall be permitted, except as set forth in this section.

**§185-11 Retention of experts; escrow funds for reimbursement by applicant.**

- A. In addition to all other fees for building permit or special use permit applications, as the case may be, an applicant shall deposit with the Village escrow funds as set forth below to reimburse the Village for all reasonable costs of the Village's consultant(s), including legal counsel and experts, in providing evaluation and consultation to any agency of the Village in connection with the review of any application under this chapter. The initial deposit for a new Wireless Telecommunications Facility shall be \$8,500. The initial deposit for a Co-Location or Modification shall be \$6,000. The placement of the initial deposit with the Village shall precede processing of an application. The Village will maintain a separate escrow account for all such funds.
- B. If at any time during the application process the escrow account has a balance less than \$2,500, the applicant shall immediately, upon notification by the Village, replenish said escrow account so that it has a balance of at least \$5,000. Such additional escrow funds shall be deposited with the Village before any further action or consideration is taken on the application. In the event that the amount held in escrow by the Village is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall, upon request of the applicant, be promptly refunded to the applicant.
- C. When notified by the Village that additional escrow is required, the applicant may request copies of invoices paid to consultants. If the applicant finds errors in those invoices, the applicant may ask the Village to audit those specific items for reasonableness.
- D. The total amount of the funds needed as set forth in Subsection B of this section may vary with the scope and complexity of the project, the completeness of the application, and other information as may be needed to complete the necessary review, analysis and inspection of any construction.

**§185-12 Referral to Board of Trustees; public hearing and notification requirements.**

- A. If a special use permit is required, then once the Department of Buildings determines that the application is complete, with all required submissions having been received in proper form, it shall refer the file to the Board of Trustees, which shall hold a public hearing on the application prior to rendering its decision on the application.
- B. In order for a public hearing to be held by the Board of Trustees, notice of the hearing shall be published in a newspaper of general circulation in the vicinity of the premises, no less than five calendar days prior to the scheduled date of the public hearing. In order that nearby property owners shall be specifically notified of the application, the applicant shall, no less than fourteen calendar days prior to the scheduled date of the public hearing, mail a written notice of the hearing to all property owners within 500 feet or ten times the Height of the proposed new tower or other structure, whichever is greater, of any property line of the lot or parcel on which the new Wireless Telecommunications Facilities are proposed to be located, and, for that purpose, the applicant shall complete and utilize a form provided by the Village, and provide affidavits or such other proof to the Village as the Board requires to ensure that such mailing has properly taken place. The notice of hearing shall be sent by certified mail, return receipt requested.

**§185-13 Action on application for special use permit.**

- A. The Board of Trustees shall consider the merits of the case, based on the evidence in the record. The burden of proof for showing compliance with applicable standards and criteria shall always be upon the applicant.
- B. After the public hearing is completed, and within the time frame required by law, the Board may approve, approve with conditions, or deny a special use permit.

- C. No special use permit may be assigned, transferred or conveyed without written notice to and approval of the Board of Trustees, provided such approval shall not be unreasonably withheld or conditioned.
- D. In addition to any other remedy of the Village at law or equity, any special use permit may, following a hearing upon due prior notice to the applicant, be revoked, canceled or terminated if the Board of Trustees determines that there are substantial violations of the conditions and provisions of the special use permit, or a substantial violation of the provisions of this chapter.

**§185-14 Fees.**

- A. The fees for building permit and special use permit applications pursuant to this chapter shall be determined by the Department of Buildings and set forth in the Village Fee Schedule, as amended from time to time.
- B. At the time that the building permit application is filed, the applicant shall provide a qualified cost of construction affidavit to the Department of Buildings to establish the basis for the cost of the building permit fees, providing such information therein as the Department of Buildings shall deem sufficient for that purpose.
- C. Prior to issuance of a building permit, if it appears to the Department of Buildings that the affidavit underestimated the actual cost, the Department shall require payment of such additional fees as it shall deem appropriate, at the time that the building permit is to be issued.
- D. All application fees shall be paid at the time an application is submitted.
- E. All fees paid shall be nonrefundable.

**§185-15 Performance security.**

Prior to issuance of any building permit, the applicant and the owner of record of any proposed Wireless Telecommunications Facilities site shall, at its cost and expense, be jointly required to execute and file with the Department of Buildings a bond, or other form of security acceptable to the Village Attorney as to type of security, and the form and manner of execution, and with such sureties as are deemed sufficient by the Village Attorney to assure the faithful performance of the terms and conditions of this chapter and conditions of any special use permit, including payment of costs of future demolition of an abandoned tower or other facilities. The full amount of the bond or security shall remain in full force and effect while the facility is in existence and until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original special use permit or other approval.

**§185-17 Post-construction testing and inspection.**

The applicant shall perform post-construction testing of each site for which a building permit is issued pursuant to this chapter within three (3) weeks after all work is completed and the site is operational. Said testing shall be done at the applicant's sole cost and expense and in accordance with a site-specific testing plan approved by the Building Superintendent or the Village's consultant, if any. The Building Superintendent or consultant shall be on-site for post-construction testing to inspect the site and confirm that the facilities are properly installed and operating. Any costs incurred by the Village in connection with post-construction testing shall be paid using the applicant's escrow deposit.

**§185-18 Applicability.**

This chapter shall apply to all applications filed with the Village of Garden City after the filing of this chapter in the Office of the Secretary of State of the State of New York.

**§185-19 Penalties for offenses.**

- A. The failure to comply with provisions of this chapter, or the terms and conditions of any special use permit, building permit, or other approval granted pursuant to this chapter, shall constitute a violation of this chapter by the owner of the property, the owner of the improvements, and any lessee or other Person or entity in control of the property or facilities, jointly and severally, and shall subject them, or any one of them, to prosecution in criminal court and/or any civil proceeding available at law or equity in a court of competent jurisdiction.
- B. In the case of a criminal prosecution, any Person, firm or corporation which shall be convicted of constructing, altering, repairing, moving, removing, demolishing, equipping, using, occupying or maintaining any Wireless Telecommunications Facility, or part thereof, in violation of this chapter, or in violation of the conditions of any special use permit, building permit, or other approval issued hereunder, shall be guilty of a violation punishable by a fine not exceeding \$1,000 or imprisonment for a period not exceeding 15 days for each such offense, or by both such fine and imprisonment. Each day that an offense continues shall be deemed a separate offense. For conviction of a second offense, both of which were committed within a period of five years, such violation shall be punishable by a fine of not less than \$250 and not more than \$1,000 or by imprisonment for a period not to exceed 15 days, or both. Upon conviction of a third offense and any further offenses, all of which were committed within a period of five years, such violations shall be punishable by a fine of not less than \$500 and not more than \$2,000 or by imprisonment for a period not to exceed 15 days, or both.

**§185-20 Removal.**

- A. Under the following circumstances, the Department of Buildings may determine that the health, safety, and welfare of the Village warrant and require the removal of a Wireless Telecommunications Facility:
  - (1) The facility has been abandoned (i.e., not used as a Wireless Telecommunications Facility) for a period exceeding 90 consecutive days or a total of 180 days in any three-hundred-sixty-five-day period, except for periods caused by force majeure or acts of God, in which case, repair or removal shall commence within 90 days.
  - (2) The facility has fallen into such a state of disrepair that it poses a health or safety hazard.
  - (3) The facility has been located, constructed, or Modified without first obtaining, or in a manner not authorized by, a special use permit or any other necessary authorization.
  - (4) The special use permit or other authorization for the facility has been revoked.
- B. If the Department of Buildings makes a determination under this section, then the Village shall notify the holder of the special use permit or other approval within 48 hours that said Wireless Telecommunications Facilities are to be removed, on such terms and time frames as the Department may direct, within not-less-than 90 days of receipt of written notice from the Department. Nothing herein shall prevent the Department of Buildings from declaring any structure a dangerous or unsafe structure.
- C. In such a case, the holder of the special use permit or other approval, or its successors or assigns, shall dismantle and remove such Wireless Telecommunications Facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or economic impracticability, within 90 days of receipt of written notice from the Department; provided, the Superintendent of Buildings may direct removal in a

shorter timeframe where the subject structure is an unsafe structure. However, if the owner of the property upon which the Wireless Telecommunications Facilities are located wishes to retain any access roadway to the Wireless Telecommunications Facilities, the owner may do so with the approval of the Village.

- D. If Wireless Telecommunications Facilities ordered to be removed under this section are not removed or substantial progress has not been made to remove same within the ninety-day period (or shorter period prescribed by the Building Superintendent), the Village may charge the owner with a violation of this chapter, unless a longer timeframe for removal has been approved.

**§185-21 Right-of-way or public street permit requirements.**

Applications for permits for Wireless Telecommunications Facilities on or within Village-owned land or facilities shall be determined under the same procedures and standards applicable to all applications under this chapter, except that such projects shall also require:

- (1) A franchise or other contractual agreement between the Village and the applicant in form and content acceptable to the Village and approved by the Board of Trustees; and
- (2) A permit from the Department of Public Works for street and/or sidewalk opening, if required under the Village Code.

**§185-22 Severability.**

If any word, phrase, sentence, part, section, subsection, or other portion of this chapter or any application thereof to any Person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this chapter, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

**§185-23 Relief.**

The Board of Trustees, as part of the special use permit process, and the Building Superintendent, as part of the building permit process, are respectively authorized to grant relief from the provisions of this chapter to ensure compliance with all applicable laws, including the Federal Telecommunications Act of 1996. Such relief may be granted, in whole or in part, with respect to any requirement or restriction herein upon presentation of proof acceptable to the Board of Trustees or Building Department, as the case may be, demonstrating that (i) the specific requirement or restriction does not apply to the present application; or (ii) relief from the Code is necessary to comply with a latter amendment or change to an applicable federal or state law.

Section 2. This local law shall take effect immediately upon filing with the Office of the Secretary of State.

Thereupon the above Local Law was submitted for final passage and the vote thereon was as follows:

AYES: 8  
NOES: 0

Local Law 3-2016 was declared adopted.

**CONSENT CALENDAR**

Village Counsel requested that Item #16 (Post-hearing resolution to conclude the collective bargaining impasse between the Village and the CSEA “Rank and File bargaining unit by legislatively imposing terms and conditions of employment for the period June 1,

2013 - May 31, 2014 consistent with applicable law”), be removed from the Consent Calendar.

Trustee Daughney requested that Item #12 (Appropriation of Funds - LED Project) be removed for discussion.

Trustee Silver requested that Item #9(b) (Amend Bond Resolution - Pool Bathhouse Project, Item #13 (Transfer of Funds) and Item #14 (Personnel - Annual Contractual Salary Step Increments - CSEA, CSEA Supervisory Unit and PBA) be removed for discussion.

Mayor Episcopia requested that Item #8 (Engagement of Professional Services - Fiscal Advisor - Capital Markets Advisors, LLC) be removed for discussion.

Mayor Episcopia stated that the next item on the agenda was the approval of the minutes of the last meeting of the Board of Trustees.

The minutes of the regular meeting held on May 4, 2016 were reviewed, and on motion of Trustee Bolebruch and unanimously carried, were approved as presented.

## PUBLIC WORKS

### BOND RESOLUTION

#### 1. SEQR - Lead Agency

On motion of Trustee Silver the following resolution was offered:

#### RESOLUTION NO. 92-2016

WHEREAS, the Village of Garden City has proposed a Bond Resolution for the Repaving of Various Roads; and

WHEREAS, pursuant to Part 617 of the Implementing Regulations pertaining to Article 8 (State Environmental Quality Review), the Village of Garden City Board of Trustees has determined that this is an Unlisted Action; and

WHEREAS, other agencies may be involved in the approval of this application;

NOW, THEREFORE, BE IT RESOLVED, that the Village of Garden City Board of Trustees intend to act as Lead Agency in the review of this action; and

BE IT FURTHER RESOLVED, that the Clerk be directed to make the proper notification of this action to other agencies.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

The resolution was declared adopted.

2. Short Environmental Assessment Form - Bond Resolution Authorizing the Repaving of Various Roads in Garden City. Stated that Mr. Mangan has prepared a Short Environmental Assessment Form for the proposed Bond Resolution Authorizing the Repaving of Various Roads in Garden City and he has determined that this action will not have a significant effect on Garden City environment and recommended that a negative declaration be prepared.

Trustee Silver introduced the following resolution and moved its adoption:

RESOLUTION NO. 93-2016

WHEREAS, a Short Environmental Assessment Form has been prepared by Director of Public Works Robert J. Mangan in connection with the proposed Bond Resolution Authorizing the Repaving of Various Roads in Garden City.

WHEREAS, the Director of Public Works has concluded that the proposed Bond Resolution will not have a significant effect on the environment because there will be no impact on the environment, as more fully set forth in the Short Environmental Assessment form, copy of which has been filed in the Office of the Village Clerk and by reference made a part hereof; and

WHEREAS, the Director of Public Works has recommended that a negative declaration be prepared.

NOW, THEREFORE, BE IT RESOLVED, that this Board pursuant to the State Environmental Review Act and Part 617 of the New York State Code of Rules and Regulations, hereby determines that the proposed action will not have a significant effect on the environment; and be it further

RESOLVED, that this determination shall be a negative declaration for the purpose of Article 8 of the Environmental Conservation Law.

The adoption of the foregoing resolution was duly put to vote on roll call, which resulted as follows:

AYES: 8  
NOES: 0

The resolution was declared adopted.

3. Emergency Valve Insertion - Franklin Avenue - Bancker Construction Corp. Requested authorization to engage Bancker Construction Corp., 218 Blydenburg Road, Islandia, New York, for the Emergency Valve Insertion on Franklin Avenue at Fourth Street in order to avoid conflict with gas utility. This required traffic control, roadway excavation, shoring during overnight work and next day work which totaled \$61,196.54. Funds are available in Account OF.8330.4010.

On motion of Trustee Silver and unanimously carried, the aforesaid authorization was approved.

4. Additional Contract Work - Water Main Installation Carteret Place - Bancker Construction Corp. Requested authorization to engage Bancker Construction Corp., 218 Blydenburg Road, Islandia, New York, for the restoration of the cobblestone curb, at a cost of \$3,660.72. The curbing was required to be removed for the installation of the water main and residential water service restoration. This item was not included in the bid specifications and is Change Order No. 1. Funds are available in Account OF.1052.0000.

On motion of Trustee Silver and unanimously carried, the aforesaid authorization was approved.

FINANCE

1. Unpaid Water Rents. Stated that as required by State Law, it is necessary to adopt a resolution directing that all delinquent water rents be included in the annual Village tax levy. Further stated that water arrears total \$156,721.80.

On motion of Trustee Silver the following resolution was offered:

RESOLUTION NO. 94-2016

WHEREAS, the Village Clerk has presented to this Board a certificate pursuant to Section 11-1118 of the Village Law, setting forth the amounts of all unpaid water rents together with a description of the real property affected thereby,

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Section 11-1118 of the Village Law, the Village Clerk be and he hereby is directed to include in the annual Village tax levy all such water rents, and said Village Clerk be and he hereby is further directed to levy the same upon the real property in default, all as required by said Section 11-1118 of the Village Law.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

The resolution was declared adopted.

2. Unpaid Commercial Sanitation Charges. Stated that as required by State Law, it is necessary to adopt a resolution directing that all delinquent commercial sanitation charges be included in the annual Village tax levy. Further stated that unpaid commercial sanitation charges total \$4,933.50.

On motion of Trustee Silver the following resolution was offered:

RESOLUTION NO. 95-2016

WHEREAS, the Village Clerk has presented to this Board a certificate pursuant to Section 15-115 of the Village Code, setting forth the amounts of all unpaid commercial sanitation charges together with a description of the real property affected thereby,

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Section 15-115 of the Village Code, the Village Clerk be and he hereby is directed to include in the annual Village tax levy all such commercial sanitation charges, and said Village Clerk be and he hereby is further directed to levy the same upon the real property in default, all as required by said Section 15-115 of the Village Code.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

The resolution was declared adopted.

3. Bond, Schoeneck & King, PLLC - General Labor Matters. Requested authorization to pay the claim of Bond, Schoeneck & King, PLLC, 1010 Franklin Avenue, Suite 200, Garden City, New York, for work done during the month of March 2016, with respect to legal services for general labor matters as follows:

(a) General Labor Matters - Hourly	\$ 4,052.00
(b) Edward Galazka 207a	200.00
(c) Joseph Campbell 207a	332.50
(d) P.O. Angelo Barone Disability Retirement	212.00
(e) Christopher VanManen 207a	50.00
(f) Firefighters IPC	141.00
(g) P.O. Bartkowski Disability Retirement	486.00
(h) Stay of Chief's Matrix Arbitration/Response/Deinhardt	7,504.00
(i) Campbell, VanManen, Galazka 207a/PIC	225.50

(j) Edward Galazka 207c Arbitration	20.50
(k) Campbell Removal Light Duty Arbitration	70.50
(l) Paul Brower Discipline Arbitration	2,404.50
(m) Firefighters IPC	1,043.50
(n) Computer Access Investigation	20.50
(o) Construction IPC	<u>688.50</u>
Total	\$17,451.00

On motion of Trustee Silver and unanimously carried, the aforesaid authorization was approved.

4. Payment of Invoice - Bee Ready Fishbein Hatter & Donovan, LLP - Legal Services - Reimbursement of Disbursement - Epoch 5 - Public Relations Consultant. Requested authorization to pay the claim of Bee Ready Fishbein Hatter & Donovan, LLP, 170 Old Country Road, Suite 200, Mineola, New York, in the amount of \$15,358, (\$805 for the month of April) (\$14,553 for the month of March), for the reimbursement of the actual costs incurred. This billing reflects the disbursement of money with regard to Epoch 5, 755 New York Avenue, Huntington, New York with regard to public relations.

On motion of Trustee Silver and unanimously carried, the aforesaid authorization was approved.

5. Bond Resolution - Authorizing the Repaving of Various Roads Project. Requested authorization for the Repaving of Various Roads Project to be funded by the issuance of bonds. The total cost of the bond for the Repaving of Various Roads Project including financing costs and additional contingencies for unforeseen expenses is estimated to be \$1,700,000.

Trustee Silver offered the following resolution and moved its adoption:

RESOLUTION NO. 96-2016

BOND RESOLUTION OF THE VILLAGE OF GARDEN CITY, NEW YORK, ADOPTED MAY 19, 2016, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO VARIOUS ROADS IN THE VILLAGE, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,700,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$1,700,000 TO FINANCE SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF GARDEN CITY, IN THE COUNTY OF NASSAU, 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 Garden City, in the County of Nassau, New York (herein called the "Village"), is hereby authorized to construct improvements to various roads in the Village. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,700,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$1,700,000 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. It is anticipated that New York State CHIPS funds may be available to pay a part of the cost of the project. Any such funds are hereby authorized to be applied toward the cost of said project or redemption of the Village's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes.

Section 2. Bonds of the Village in the principal amount of \$1,700,000 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 applicable to the purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 of the Law, is fifteen (15) years.

(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 of intent 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 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 of the Law 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 Section 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 agreements for credit enhancement, 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 is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the "Garden City News," a newspaper having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF GARDEN CITY, NEW YORK

PLEASE TAKE NOTICE that on May 19, 2016, the Board of Trustees of the Village of Garden City, in the County of Nassau, New York, adopted a bond resolution entitled:

"Bond Resolution of the Village of Garden City, New York, adopted May 19, 2016, authorizing the construction of improvements to various roads in the Village, stating the estimated maximum cost thereof is \$1,700,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of not to exceed \$1,700,000 to finance said appropriation,"  
an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Village to construct improvements to various roads in the Village; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,700,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$1,700,000 bonds of the Village to finance said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon; and STATING that it is anticipated that New York State CHIPS funds may be available to pay a part of the cost of the project and any such funds are hereby authorized to be applied toward the cost of said project or redemption of the Village's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes;

SECOND: AUTHORIZING the issuance of \$1,700,000 bonds of the Village pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Village for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds, and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 19, 2016

Karen M. Altman  
Village Clerk

Section 8. The Village Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary or in full, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Law.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

The resolution was declared adopted.

6. Appropriation of Termination Reserve. Requested authorization to appropriate \$51,503.16 from Account A8670 - Reserve for Compensated Absences to Account L7410.1010 - Library - Regular Salary, to fund the contractual payment for a retiring Library employee from the reserve maintained maintained for that purpose.

On motion of Trustee Silver and unanimously carried, the aforesaid recommendation was approved and the Treasurer was authorized to make the necessary transfer of funds.

7. Reimburse Expenditures for Project Costs from Proceeds of Tax Exempt Obligations. This resolution will allow the Village to preserve its option to seek alternative funding options that would allow the reimbursement of funds expended on the LED Light Project.

Trustee Silver offered the following resolution and moved its adoption:

RESOLUTION NO. 97-2016

RESOLUTION OF THE BOARD OF TRUSTEES OF THE  
VILLAGE OF GARDEN CITY REGARDING ITS INTENTION TO  
REIMBURSE EXPENDITURES FOR PROJECT COSTS FROM  
PROCEEDS OF TAX-EXEMPT OBLIGATIONS

WHEREAS, the Board of Trustees of the Village of Garden City (the "Village") expects to incur certain capital expenditures (the "Expenditures") with respect to the replacement of certain streetlights fixtures in the Village with more efficient LED fixtures (the "Project"); and

WHEREAS, the Village may determine in the future to issue bonds or notes or enter into a lease financing, installment purchase or similar type of agreement (such bonds, notes or agreements being referred to herein as the "Obligations"), the interest upon which is excluded from gross income for federal income tax purposes, to finance the Project or portions thereof; and

WHEREAS, the Board of Trustees of the Village has determined that, if required for budgetary relief, it may be necessary to reimburse the Village for the Expenditures from the proceeds of the Obligations.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE VILLAGE OF GARDEN CITY DOES HEREBY RESOLVE AND DETERMINE AS FOLLOWS:

SECTION 1. The Village hereby states its intention and reasonably expects to reimburse Project costs incurred prior to the issuance of the Obligations with proceeds of the Obligations.

SECTION 2. The reasonably expected maximum principal amount of the Obligations is \$725,000.

SECTION 3. This resolution is being adopted no later than 60 days after the date on which the Village will expend moneys for the portion of the costs of the Project to be reimbursed from proceeds of the Obligations.

SECTION 4. The Village will make a reimbursement allocation, which is a written allocation that evidences the Village's use of proceeds of the Obligations to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is

paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid.

SECTION 5. This resolution is adopted as official action of the Village in order to comply with Treasury Regulation Section 1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of expenditures of the Village incurred prior to the date of issue of the Obligations.

SECTION 6. This resolution shall become effective immediately.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

The resolution was declared adopted.

### PERSONNEL

Amend the Executive Staff Resolution - Vacation Time. Authorization was requested to amend Executive Staff Resolution No. 130-2012 to add an additional paragraph that effective June 1, 2016 and notwithstanding that such persons may have fewer than eleven (11) consecutive years of Village service, the incumbent persons holding the positions of Village Treasurer, Village Auditor and Superintendent of Building, shall receive four (4) weeks vacation per year.

On motion of Trustee Silver the following resolution was offered:

#### RESOLUTION NO. 98-2016

RESOLVED, that effective June 1, 2016 and notwithstanding that such persons may have fewer than eleven (11) consecutive years of Village service, the incumbent persons holding the positions of Village Treasurer, Village Auditor and Superintendent of Building, shall receive four (4) weeks vacation per year.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

The resolution was declared adopted.

### SICK LEAVE

#### POLICE

1. Sick Leave - Four Employees. Requested authorization to pay Detective Sergeant James Bartkowski, Detective Angelo Barone, Police Officer John Florio and Police Officer Keith Wehr through June 16, 2016 or such earlier date as they may be able to return to duty as determined by the Village medical advisor and pursuant to the provisions of the contract between the Incorporated Village of Garden City and the Police Benevolent Association, which became effective June 1, 2014.

On motion of Trustee Silver and unanimously carried, the aforesaid authorization was approved.

2. Sick Leave - Wiggins. Requested authorization to pay Police Officer Jana Wiggins from May 12, 2016 through May 31, 2016 or such earlier date as he may be able to return to duty as determined by the Village medical advisor and pursuant to the provisions of the contract between the Incorporated Village of Garden City and the Police Benevolent Association, which became effective June 1, 2014.

On motion of Trustee Silver and unanimously carried, the aforesaid authorization was approved.

### PUBLIC WORKS

3. Sick Leave - Four Employees. Requested authorization to pay Michael Ardis, Sanitation Supervisor, Sanitation Department, Russell Stedman, Labor Supervisor, Street Department, Stephen Ditzel, Senior Water and Sewer Servicer, Water Department and Lenora Holze, Senior Typist Clerk, Public Works Department through June 2, 2016 or such earlier date as they may be able to return to duty as determined by the Village medical advisor and pursuant to the provisions of the contract between the Incorporated Village of Garden City and the Civil Service Employees' Association, which became effective June 1, 2010.

On motion of Trustee Silver and unanimously carried, the aforesaid authorization was approved.

### RECREATION

1. Community Park Field Renovation Project - Additional Contract Work - The Landtek Group, Inc. Requested authorization for additional contract work for Community Park Field Renovation Project with The Landtek Group, Inc., 235 County Line Road, Amityville, New York in the amount of \$2,234.40. This money is from Contingency (the approved contract of \$1,602,139.99 includes a contingency of \$200,000). This is to enhance the original concrete mower strip with rebar. This does not increase the cost of the project or the amount originally bonded.

On motion of Trustee Silver and unanimously carried, the aforesaid authorization was approved.

2. Community Park Field Renovation Project - Additional Contract Work - The Landtek Group, Inc. Requested authorization for additional contract work for Community Park Field Renovation Project with The Landtek Group, Inc., 235 County Line Road, Amityville, New York in the amount of \$8,892. This money is from Contingency (the approved contract of \$1,602,139.99 includes a contingency of \$200,000). This is to replace the canopy fencing on the two backstops. This does not increase the cost of the project or the amount originally bonded.

On motion of Trustee Silver and unanimously carried, the aforesaid authorization was approved.

3. Adelphi University - Use of Olmstead Theater. Requested authorization for the Mayor to execute an agreement with Adelphi University for the use of the Olmstead Theater by the Garden City Recreation Spring Dance Student Showcase on Thursday, June 2, 2016, Friday, June 3, 2016 and Saturday, June 4, 2016. This agreement includes a license fee of \$3,556 for the use of the theater for one rehearsal and two performances. This fee will be offset by revenue generated from ticket sales and registration fees for the program. Village Counsel has reviewed this agreement and has approved it as to form.

On motion of Trustee Silver and unanimously carried, the aforesaid authorization was approved and the Mayor was authorized to execute the agreement.

### BUILDING

Amend the Agreement with Richard Barbieri, d/b/a BP Associates - Building Department. Requested authorization to amend the Agreement with Richard Barbieri, d/b/a BP Associates, 3 Cape Road, Amity Harbor, New York, to provide plan review and inspection services for the Village on an "as need basis. This agreement includes a change in rate from \$67 to \$75 per hour. The agreement shall continue in full force for the period June 1, 2016 to May 31, 2017 until the vacancy in the Building Department has been filled. Funds are available in Account OA.3620.1010. Village Counsel has reviewed this agreement and has approved it as to form.

On motion of Trustee Silver and unanimously carried, the aforesaid authorization was approved.

### LIBRARY

Garden City Library - User Agreement - Garden City School District. Requested authorization for the Garden City Library to enter into a User Agreement with the Garden City School District. The Garden City School District will offer a temporary summer location for the Garden City Public Library's Children's Young Adult Programs from July 5, 2016 through August 5, 2016 - Monday through Friday. Village Counsel has reviewed this Agreement and has approved it as to form.

On motion of Trustee Silver and unanimously carried, the aforesaid authorization was approved and the Garden City Library was authorized to enter into the agreement.

### AWARD OF BIDS

1. Directional Drilling - Various Locations. Reported that a tabulation of bids had been circulated to each member of the Board for Directional Drilling at Various Locations within the Village and recommended that the bid be awarded to Island Cable Co., 562 Grant Avenue, Collingswood, New Jersey, low bidder, for a total cost of \$43,900. He added that specification pickups reached a total of five companies and two bids were received. A Notice to Bidders was sent to Hawkeye, Bove Industries, CDL Underground Specialists Inc., McGraw Hill Information Systems and Reed Construction Data.

On motion of Trustee Silver the following resolution was offered:

#### RESOLUTION NO. 99-2016

RESOLVED, that the proposal of Island Cable Co., 562 Grant Avenue, Collingswood, New Jersey, at a cost of \$43,900, be and the same hereby is accepted, this being the lowest and best bid received.

FURTHER RESOLVED, that the Mayor and Clerk be and they hereby are authorized on behalf of the Village to execute a contract with Island Cable Co., for this work, pursuant to the terms and conditions set forth in the request for bids and in the proposal submitted by said Company, the form of contract to be approved by Village Counsel; and

FURTHER RESOLVED, that all other bids be rejected.

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

The resolution was declared adopted.

2. Requisition No. 15-12, Dated May 19, 2016, Purchase of Materials for the Public Works Department.

Furnish and Deliver of Energy Efficient LED Street Lights. Award bid to Furnish and Deliver Energy Efficient LED Street Lights, or Village approved equal, to Best LED Group, 1300 Veterans Highway, Hauppauge, New York, only bidder, for an amount not to exceed \$618,375. A total of one invitation to bid was sent and one bid was received. A Notice to Bidders was sent to Bid Reporter.

On motion of Trustee Silver the following resolution was offered:

RESOLUTION NO. 100-2016

RESOLVED, that Requisition No. 16-1, dated May 19 2016, filed under separate cover, be made a part of these minutes and that materials and equipment be purchased for the Public Works Department in accordance with the recommendations hereinabove set forth, as per specifications and requirements in said requisition, at prices not exceeding those indicated.

FURTHER RESOLVED, that all other bids be rejected.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

The resolution was declared adopted.

3. Requisition No. 15-12, Dated May 19, 2016, Purchase of Materials for the Public Works Department.

Installation of LED Streetlight Fixtures and Retrofit Kits - Various Locations. Award bid for the Installation of LED Streetlight Fixtures and Retrofit Kits, or Village approved equal, to Anker's Electric Service, Inc., 10 South Fifth Street, Locust Valley, New York, only bidder, for an amount not to exceed \$105,450. A total of one invitation to bid was sent and one bid was received. A Notice to Bidders was sent to Reed Construction Data and McGraw-Hill Information Systems.

On motion of Trustee Silver the following resolution was offered:

RESOLUTION NO. 101-2016

RESOLVED, that Requisition No. 16-1, dated May 19, 2016, filed under separate cover, be made a part of these minutes and that materials and equipment be purchased for the Public Works Department in accordance with the recommendations hereinabove set forth, as per specifications and requirements in said requisition, at prices not exceeding those indicated.

FURTHER RESOLVED, that all other bids be rejected.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

The resolution was declared adopted.

EXTERNAL COMMUNICATIONS

AGREEMENT

Adelphi University - Use of Parking Fields at Community Park. Requested authorization for the Mayor to execute a License Agreement with Adelphi University for use of the Village's parking facilities at Garden City Community Park for the following terms: Year 1 - September 6, 2016 - December 21, 2016, January 23, 2017 - May 19, 2017 and Year 2: - September 5, 2017 - December 20, 2017, January 23, 2018 - May 19, 2018. This License Agreement is for the same terms and conditions as last year. Village Counsel has reviewed this agreement and has approved it as to form.

On motion of Trustee Silver the aforesaid authorization was approved and the Mayor was authorized to execute the agreement.

Notice of Defective Condition

Mrs. Jean F. Hieber, 314 Cambridge Avenue, Garden City, New York, advising of a dangerous sidewalk condition in front of 316 Cambridge Avenue. The area in question has been inspected and corrective action has been taken by the Department of Public Works.

PERMITS

Street Fair

1. Mr. Dennis Donnelly, Executive Director, Garden City Chamber of Commerce, 230 Seventh Street, Garden City, requesting that the Friday Night Promenades begin on Friday, June 17, 2016 and end on September 16, 2016. Seventh Street will close at 5:45 p.m. and reopen after clean up at approximately 10:45 p.m. Street closure will be between Franklin and Hilton Avenues.

On motion of Trustee Silver and unanimously carried, the aforesaid authorization was approved.

Block Parties:

2. Adams Street between Chester and Salisbury Avenues, Saturday, June 11, 2016 from 10:00 a.m. to 10:00 p.m. (Rain date June 12)

On motion of Trustee Silver and unanimously carried, the aforesaid authorization was approved.

3. Cambridge Avenue between Middleton and Edgemere Roads, Saturday, June 25, 2016 from 12:30 p.m. to 11:00 p.m. (Rain date June 26)

On motion of Trustee Silver and unanimously carried, the aforesaid authorization was approved.

4. Cambridge Avenue between New Hyde Park and Middleton Roads, Saturday, June 25, 2016 from 12:30 p.m. to 11:00 p.m. (Rain date June 26)

On motion of Trustee Silver and unanimously carried, the aforesaid authorization was approved.

5. Chestnut Street between Clinton Road and Tremont Street, Saturday, September 17, 2016 from 1:00 p.m. to 11:00 p.m. (Rain date September 18)

On motion of Trustee Silver and unanimously carried, the aforesaid authorization was approved.

**Following discussion, the following items were acted upon:**

Agenda Item #12 of the Consent Calendar

Appropriation of Funds - LED Project. Requested authorization to appropriate \$725,000 from Surplus to Account A9950.9000 - Capital Projects, to fund the LED Project. This item is subject to the approval of the project under the Award of Bids section of the Consent Calendar. The funding of this project will be paid back from electrical expense reductions in the next five years.

On motion of Trustee Daughney and unanimously carried, the aforesaid authorization was approved.

Agenda Item 9b of the Consent Calendar

FINANCE

Bond Resolution - Authorizing the Adoption of an Amended Bond Resolution for the Pool Bathhouse Project. Requested authorization for the Adoption of an Amended Bond Resolution for the Pool Bathhouse Project. The previous Bond Resolution was adopted on October 15, 2015 in the amount of \$750,000. The Bond Resolution is now increased to \$830,000. This is a technical adjustment to the original Bond Resolution and will allow the Village to include earlier engineering costs and expected bond issuance costs.

On motion of Trustee Silver and unanimously carried, the aforesaid authorization was requested for the bond to be amended further to be increased to \$840,000.

Trustee Silver offered the following resolution and moved its adoption:

RESOLUTION NO. 102-2016

RESOLUTION OF THE VILLAGE OF GARDEN CITY, NEW YORK, ADOPTED MAY 19, 2016, AMENDING THE BOND RESOLUTION ADOPTED ON OCTOBER 15, 2015

Recitals

WHEREAS, the Board of Trustees of the Village of Garden City, in the County of Nassau, New York, has heretofore duly authorized the construction of improvements to the Village pool facilities, including improvements to the existing shower and restroom facilities; replacement of lighting systems, fixtures and restroom partitions; removal of existing floor and wall treatments; renovations to other existing areas to support staff operations, relocate locker rooms, provide changing areas and increase ADA compliant restroom space; and replacement of existing hot water heaters and drainage systems, at the estimated maximum cost of \$750,000, pursuant to the bond resolution adopted by the Board of Trustees on October 15, 2015; and

WHEREAS, the estimated cost of said project has now been determined to be \$840,000, and it is necessary and in the public interest to increase the appropriation for the project by \$90,000 and to amend said bond resolution to authorize the issuance of \$840,000 bonds to reflect such increase;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF GARDEN CITY, IN THE COUNTY OF NASSAU, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Board of Trustees) AS FOLLOWS:

Section (A) The bond resolution of the Village of Garden City duly adopted by the Board of Trustees on October 15, 2015, entitled:

"Bond Resolution of the Village of Garden City, New York, adopted October 15, 2015, authorizing the construction of improvements to the Village pool facilities, stating the estimated maximum cost thereof is \$750,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of not to exceed \$750,000 to finance said appropriation," is hereby amended to read as follows:

BOND RESOLUTION OF THE VILLAGE OF GARDEN CITY, NEW YORK, ADOPTED OCTOBER 15, 2015 AND AMENDED MAY 19, 2016, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE VILLAGE POOL FACILITIES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$840,000, APPROPRIATING SAID AMOUNT FOR SUCH

PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN  
THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$840,000 TO  
FINANCE SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF GARDEN CITY, IN THE COUNTY OF NASSAU, 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 Garden City, in the County of Nassau, New York (herein called the "Village"), is hereby authorized to construct improvements to the Village pool facilities, including improvements to the existing shower and restroom facilities; replacement of lighting systems, fixtures and restroom partitions; removal of existing floor and wall treatments; renovations to other existing areas to support staff operations, relocate locker rooms, provide changing areas and increase ADA compliant restroom space; and replacement of existing hot water heaters and drainage systems; all of the foregoing to include ancillary or related work required in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$840,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$840,000 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. Bonds of the Village in the principal amount of \$840,000 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 applicable to the purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 12 (a) (2) of the Law, is fifteen (15) years.

(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 of intent 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 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 of the Law 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 Section 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 agreements for credit enhancement, 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 is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the "Garden City News," a newspaper having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF GARDEN CITY, NEW YORK

PLEASE TAKE NOTICE that on May 19, 2016, the Board of Trustees of the Village of Garden City, in the County of Nassau, New York, adopted a bond resolution amending the bond resolution adopted by said Board of Trustees on October 15, 2015, which bond resolution, as amended, is entitled:

"Bond Resolution of the Village of Garden City, New York, adopted October 15, 2015 and amended May 19, 2016, authorizing the construction of improvements to the Village pool facilities, stating the estimated maximum cost thereof is \$840,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of not to exceed \$840,000 to finance said appropriation,"

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Village to construct improvements to the Village pool facilities, including improvements to the existing shower and restroom facilities; replacement of lighting systems, fixtures and restroom partitions; removal of existing floor and wall treatments; renovations to other existing areas to support staff operations, relocate locker rooms, provide changing areas and increase ADA compliant restroom space; and replacement of existing hot water heaters and drainage systems; all of the foregoing to include ancillary or related work required in connection therewith STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$840,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$840,000 bonds of the Village to finance said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of \$840,000 bonds of the Village pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Village for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds, and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 19, 2016

Karen M. Altman  
Village Clerk

Section 8. The Village Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary or in full, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Law.

Section (B) The amendment of the bond resolution as set forth in Section (A) of this resolution shall in no way affect the validity of any liabilities incurred, obligations issued, or action taken pursuant to said bond resolution prior to amendment, and all such liabilities incurred, obligations issued, or action taken shall be deemed to have been incurred, issued or taken pursuant to said bond resolution, as amended.

Section (C) Said bond resolution, as amended, is subject to a permissive referendum as therein provided. In the event that a valid petition protesting against said bond resolution and requesting that it be submitted to the electors of said Village for their approval or disapproval is filed and the Proposition submitted therefor is defeated, the validity of the bond resolution adopted on October 15, 2015 shall not be in any way affected and shall remain in full force and effect.

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

The resolution was declared adopted.

Agenda Item #13 of the Consent Calendar

#### FINANCE

Transfer of Funds. Requested authorization to transfer funds as follows:

(a) \$5,000 from Account A5182.4460 - Street Lighting - Contractual Services, to Account A8160.4020 - Refuse and Garbage, to fund the payment of the invoice for the repair of Truck #224.

On motion of Trustee Silver and unanimously carried, the aforesaid recommendation was approved and the Treasurer was authorized to make the necessary transfer of funds.

(b) \$6,000 from Account A5182.4460 - Street Lighting - Contractual Services, to Account A8170.4020 - Street Cleaning - Maintenance of Equipment, to fund additional sweeper repair.

On motion of Trustee Silver and unanimously carried, the aforesaid recommendation was approved and the Treasurer was authorized to make the necessary transfer of funds.

(c) \$11,500 from Account A5182.4460 - Street Lighting - Contractual Services, to Account A5110.4020 Street Maintenance - Maintenance of Equipment, to fund the transmission rebuild for Truck #511.

On motion of Trustee Silver and unanimously carried, the aforesaid recommendation was approved and the Treasurer was authorized to make the necessary transfer of funds.

(d) \$17,000 from Account A5182.4460 - Street Lighting - Contractual Services, to Account A1640.4030 Central Garage - Maintenance of Plant, to fund numerous repairs to overhead doors for Village buildings, including emergency services.

On motion of Trustee Silver and unanimously carried, the aforesaid recommendation was approved and the Treasurer was authorized to make the necessary transfer of funds.

(e) \$2,597 from Account A5182.4060 - Street Lighting - Electricity, to Account A1640.4510 Central Garage - Natural Gas, to fund the National Grid bill for April, 2016.

On motion of Trustee Silver and unanimously carried, the aforesaid recommendation was approved and the Treasurer was authorized to make the necessary transfer of funds.

(f) \$3,000 from Account A5182.4460 - Street Lighting - Contractual Services, to Account A1640.4010 Central Garage - Materials and Supplies, to fund additional bills for Drug and Alcohol Testing for Public Works Personnel.

On motion of Trustee Silver and unanimously carried, the aforesaid recommendation was approved and the Treasurer was authorized to make the necessary transfer of funds.

(g) \$3,000 from Account A1325.4180 - Treasurer - Banking Services, to Account A7140.4180 - Recreation - Banking Services, to fund the allocation of Recreation credit card machine charges for the fiscal year.

On motion of Trustee Silver and unanimously carried, the aforesaid recommendation was approved and the Treasurer was authorized to make the necessary transfer of funds.

#### Agenda Item #14 of the Consent Calendar

#### PERSONNEL

1. Salary and Wage Increments - CSEA Rank and File. Submitted a listing of salary and wage increments of certain Village of Garden City employees, to be effective May 29, 2016, and requested Board approval.

On motion of Trustee Silver the following resolution was offered:

#### RESOLUTION NO. 103-2016

RESOLVED, that the salaries and wages listed in the accompanying schedule of certain Village of Garden City employees, effective May 29, 2016, are hereby fixed consistent with the terms and provisions of the current Agreement between the Incorporated Village and the Civil Service Employees' Association Rank and File.

(See schedule appended to minutes)

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

The resolution was declared adopted.

2. Salary and Wage Increments - CSEA Supervisory Unit. Submitted a listing of salary and wage increments of certain Village of Garden City employees, to be effective June 1, 2016, and requested Board approval.

On motion of Trustee Silver the following resolution was offered:

RESOLUTION NO. 104-2016

RESOLVED, that the salaries and wages listed in the accompanying schedule of certain Village of Garden City employees, effective June 1, 2016, are hereby fixed consistent with the terms and provisions of the current Agreement between the Incorporated Village and the Civil Service Employees' Association Supervisory Unit.

(See schedule appended to minutes)

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

The resolution was declared adopted.

3. Salary and Wage Increments - PBA. Submitted a listing of salary and wage increments of certain Village of Garden City employees, to be effective May 29, 2016, and requested Board approval.

On motion of Trustee Silver the following resolution was offered:

RESOLUTION NO. 105-2016

RESOLVED, that the salaries and wages listed in the accompanying schedule of certain Village of Garden City employees, effective May 29, 2016, are hereby fixed consistent with the terms and provisions of the current Agreement between the Village and the Police Benevolent Association.

(See schedule appended to minutes)

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

The resolution was declared adopted.

Agenda Item #8 of the Consent Calendar

FINANCE

Engagement of Professional Services - Fiscal Advisor - Capital Markets Advisors, LLC. Requested authorization to engage Capital Markets Advisors, LLC, One Great Neck Road, Great Neck, New York, to provide services relating to Debt Issuance and Continuing Disclosure.

On motion of Mayor Episcopia and unanimously carried, the aforesaid authorization was approved.

Agenda Item #16 of the Consent Calendar

VILLAGE COUNSEL

Action to end the Collective Bargaining Impasse between the Incorporated Village of Garden City and its CSEA "Rank and File" Bargaining Unit.

On motion of Trustee Silver the following resolution was offered:

RESOLUTION NO. 106-2016

WHEREAS, the Incorporated Village of Garden City (hereinafter "Village") and Civil Service Employees Association, Inc., Local 882, AFSCME, AFL-CIO (hereinafter "CSEA") were parties to a collective bargaining agreement (hereinafter "Agreement") for the period June 1, 2010 - May 31, 2013; and

WHEREAS, the Village and CSEA have engaged in good-faith negotiations for a successor collective bargaining agreement; and

WHEREAS, following the declaration of a collective bargaining impasse, and pursuant to New York Civil Service Law, the Village and CSEA did engage in mediation and Fact-finding with the assistance of neutral parties assigned by the New York State Public Employment Relations Board (hereinafter "PERB") to assist the parties and end the bargaining impasse; and

WHEREAS, the neutral PERB-appointed Fact-finder conducted a hearing, pursuant to New York Civil Service Law §209, at which both the Village and CSEA put forth their own proposals for a successor contract, as well arguments, evidence, and facts in support thereof; and

WHEREAS, on or about March 21, 2016, the PERB Fact-finder issued his Report and Recommendations (hereinafter "Report") for resolving the bargaining impasse; and

WHEREAS, in accordance with New York Civil Service Law § 209, the Fact-finder's Report was made public and transmitted by the Village Mayor, along with his own recommendation as to the Report and for concluding the impasse, to the Village Board of Trustees and CSEA; and

WHEREAS, upon proper notice to the CSEA, on May 4, 2016, a public legislative hearing was held before the Village Board of Trustees, pursuant to New York Civil Service Law §209, for the purpose of hearing the parties' positions and explanations on the Fact-finder's Report and the impasse; and

WHEREAS, while the Village Administrator (as authorized by the Mayor) did present the Village's position at the May 4, 2016 legislative hearing, and the CSEA, although present and making an appearance on the record, did not substantively participate in the hearing; and

WHEREAS, the Village Board of Trustees, having reviewed and considered the foregoing events and circumstances, as well as the matters brought forth at the May 4, 2016 legislative hearing, and its obligations under New York Civil Service Law,

NOW, HEREBY RESOLVES, that in furtherance of the public interest, the Board of Trustees of the Inc. Village of Garden City declares and imposes that there shall be no wage or other compensation increase(s) for the CSEA "Rank-and-File" bargaining unit for the period June 1, 2013 through May 31, 2014, and that the terms of the Agreement between the parties shall be continued as they are for such year;

AND FURTHER RESOLVES, that the declaration and terms imposed herein do, in accordance with New York State Civil Service Law, end the impasse, and complete and satisfy any collective bargaining obligation(s) of the Village and CSEA for the period June 1, 2013 - May 31, 2014

The vote on the foregoing resolution was as follows:

AYES: 7  
NOES: 0  
ABSTAIN: 1 (Mayor Episcopia)

The resolution was declared adopted.

Mayor Episcopia recognized the following:

Lieutenant Lou Mira, Garden City Fire Department  
Steve Ilardi, 139 Meadow Street  
Mary Beth McNeely, 114 Newmarket Road  
Kevin Curtin, 67 Hilton Avenue  
Thomas J. Michon, President, PFFA  
Margie Rydzewski, 7 Linden Street  
Thomas Lamberti, 57 First Street  
Jim Slevin, 167 Rockaway Avenue  
Bruce Torino, 102 Ninth Street  
Pamela Gentile, 83 Kingsbury Avenue  
William Altuna, 60 Stewart Avenue  
Mary Timmons, 6 Linden Street  
Irene Torino, 102 Ninth Street  
Joe Martin, 73 Jefferson Street  
Kathleen Spellman, 67 Pine Street

On motion of Mayor Episcopia to go to executive session at 10:10 p.m. to discuss a matter of collective bargaining, personnel and advice of Counsel. The Board reconvened at 11:35 p.m.

There being no further business, on motion duly made, the meeting adjourned at 11:37 p.m.