

BOARD OF TRUSTEES

AUGUST 18, 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 August 18, 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
Robert J. Mangan, Director of Public Works
Kenneth O. Jackson, Chairman, Board of Police Commissioners
Irene Woo, Village Treasurer
Ausberto Huertas, Jr., Superintendent, Building Department
William K. Castoro, Chief Fire Department
Peter A. Bee, Bee Ready Fishbein Hatter & Donovan, LLP

Attendance: Approximately 60

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

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, Thomas W. VanWallendael, 14 Harvard Street, Garden City, New York. The Volunteer Fire Department formally accepted him into the Department at their August 2016 monthly meeting.

On motion of Trustee DeMaro and unanimously carried, Thomas W. VanWallendael was approved by the Village Board of Trustees to be a Volunteer Firefighter for the Garden City Fire Department.

Mayor Episcopia called for citizens comments on Agenda items.

Mayor Episcopia stated that the next item on the agenda was a public hearing on a Proposed Local Law - "A Local Law Amending Chapter 200 of the Village Code Regarding Zoning (Generators)". Trustee Delany 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.)

After discussion, on motion of Trustee Delany and unanimously carried, the public hearing pursuant to the above Proposed Local Law was closed.

Mayor Episcopia stated that the next item on the agenda was a public hearing on proposed Local Law 5-2016 - "A Local Law to Amend Chapter 61 of the Village Code Concerning Bamboo". 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.)

After discussion, on motion of Trustee Silver and unanimously carried, the public hearing pursuant to proposed Local Law 5-2016 was closed.

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

RESOLUTION NO. 148-2016

INCORPORATED VILLAGE OF GARDEN CITY
NASSAU COUNTY, NEW YORK
LOCAL LAW NO. 5-2016

A Local Law to Amend Chapter 61 of the Village Code Concerning Bamboo

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

Section 1. Chapter 61 of the Village Code, entitled “Bamboo”, is hereby amended as follows:

§61-1 Purpose and intent.

- A. Purpose. The purpose of this chapter is to promote and protect the property, property values and welfare of the residents of the Village of Garden City and their guests, and of the visitors to the Village, and to protect the property and preserve the aesthetic qualities of the environment of the Village of Garden City.
- B. Intent. It is the finding of the Board of Trustees that the planting and/or the growing of bamboo, a plant not indigenous to Long Island, New York, within the Village of Garden City has been and will continue to be destructive to the natural environment, including indigenous flora, and destructive to structures and walks on properties within the Village adjoining and neighboring those properties where bamboo has been planted and/or permitted to grow; that because of these effects the planting and the growing of bamboo threatens the value and physical integrity of both public and private property in the Village; and that therefore, in order to protect and preserve said environment and values, the Village declares it necessary to regulate or prohibit the planting and/or growing of bamboo within the Village.

§61-2 General provisions.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

BAMBOO

Any tropical or semitropical grass of the genera Bambusa, Dendrocalamus or of any other related genera.

BAMBOO PROPERTY OWNER

A property owner in the Village who has planted or grown or caused the planting or growing of bamboo on his property and/or permitted or permits the growing of bamboo on his property that had initially encroached onto his property from an adjoining or neighboring property.

- B. Applicability. For purposes of this section, if bamboo is found growing upon a property that shall constitute presumptive evidence that the growing of bamboo on the property shall have occurred with the consent of the owner of such property, except that such property owner shall not be presumed to be a bamboo property owner if the property owner did not plant or grow or cause said bamboo to be planted or grown in his property and he shall provide the Department of Recreation and Parks with proof, satisfactory to the Department, that within a reasonable period of time after he first learned of the encroachment of bamboo onto his property from an adjoining or neighboring property he advised the owner of such adjoining or neighboring property of his objection to the encroachment of bamboo onto his property and/or initiated steps for the removal of the bamboo from his property.

C. Prohibition. Effective upon the date this provision shall become law, the planting or growing of bamboo shall be prohibited within the Village of Garden City. Any person who thereafter plants or grows, or causes to be planted to grow, bamboo within the Village shall be deemed to be in violation of this section, and shall be subject to such penalties as are set forth hereunder.

D. Regulation.

(1) Any bamboo which has been planted or otherwise permitted to grow in any property within the Village of Garden City prior to the effective date of this chapter may remain on such property subject to compliance with this § 61-2. Each bamboo property owner shall be responsible to ensure that the bamboo planted or growing on his property prior to the effective date of this chapter does not encroach or grow upon any adjoining or neighboring property or properties, including all public property and rights-of-way held by the Village, and shall be required to take such measures as are reasonably expected to prevent such bamboo from invading or growing onto adjoining or neighboring properties. Such measures shall include installation of sheathing comprised of metal or other material impenetrable by bamboo at a sufficient depth within the property line or lines where the bamboo is planted or is growing to prevent the growth or encroachment upon adjoining or neighboring property by said bamboo. The Board of Trustees may from time to time prescribe such rules and regulations as may be necessary to give effect to this.

(2) No bamboo property owner within the Village of Garden City shall cause, suffer, or allow bamboo to be planted, maintained, or otherwise permitted to exist within 10 feet of any property line, street, sidewalk, or public right-of-way in a fashion that blocks or otherwise impedes lines of sight at intersections or impedes pedestrian access to Village sidewalks, thoroughfares and rights-of-way.

E. Removal.

(1) In the event that bamboo growing on a bamboo property owner's property invades or grows on an adjoining or neighboring property that is owned or held on behalf of the Village of Garden City, the Village shall notify the bamboo property owner that the bamboo said owner had planted or caused to plant or had permitted to grow on his property has invaded Village property, and that the bamboo property owner is responsible for the removal of such bamboo from the Village property (subject to coordination and approval with the Village on the means and manner of such removal). This notice shall be sent by certified mail, return receipt requested, and by regular mail to the latest address of the bamboo property owner on file with the Village Clerk and a copy of the notice shall also be left in a conspicuous location on the bamboo property owner's property in the Village of Garden City.

(2) In the event that the bamboo property owner does not remove or contract for the removal of said bamboo from the Village property, or does not make an arrangement with the Village for removal of such bamboo within 30 days from the date the Village first deposited the notice as provided in Subsection E(1) above with the United States Postal Service, then the Village, at its discretion, may remove or arrange for the removal of such bamboo from the Village property. The bamboo property owner shall be liable and responsible to the Village for the Village's costs in removing the bamboo from the Village property. Such costs may be assessed against the property of the bamboo property owner as a tax payable by such bamboo property owner in the event that the costs remain unpaid more than 30 days after demand for payment has been made by the Village on the bamboo property owner.

- (3) In the event that the Village is compelled to undertake the removal or to contract for the undertaking of removal of bamboo, as provided for in Subsection E(2) above, neither the Village nor its employees shall have any liability for damages or other claims to the bamboo property owner by reason of the removal of such bamboo. In the event such removal entails or causes damages to the flora or other property of a person other than the property of the bamboo property owner, the bamboo property owner in violation of this section shall be responsible for such damages.
 - (4) In the event that bamboo growing on a bamboo property owner's property invades or grows on an adjoining or neighboring private property, the neighbor so affected shall notify the bamboo property owner that the bamboo said owner had planted or caused to plant or had permitted to grow on his property has invaded his property, and that the bamboo property owner is responsible for the removal of such bamboo from his neighbor's property. This notice shall be sent by certified mail return receipt requested and regular mail to the latest address of the bamboo property owner on file with the Building Department of Recreation and Parks records or as available through other records of the Village of Garden City, with a copy of said notice required to be sent to the Village.
 - (5) Notice. If the provisions of §61-2E4 of the foregoing sections are not complied with, then the Village Department of Recreation and Parks shall serve written notice in person or by mail upon the owner, lessee or occupant or any person having the care or control of such lot or land to comply with the provisions of this section.
 - (6) Noncompliance with notice. If the person upon whom the notice is served fails, neglects or refuses so to comply with such written notice and demand of the Village within five days after service of such notice, the Village may cause such condition to be remedied, and the actual cost of such work, plus 50% for supervision and administration in connection therewith, shall be certified by the Superintendent of Public Works to the Controller, and shall thereupon become and be a lien upon the property in which such violation of this section occurs, and shall be added to and become and form part of the taxes next to be assessed and levied upon said lot or land, and shall bear interest at the same rate as taxes and shall be enforced by the same officer, and in the same manner, as taxes.
- F. Replanting prohibited. Any bamboo either planted or caused to be planted or existing on a property prior to the effective date of this section may not be replanted or replaced in kind once such bamboo is or has become, for any reason, dead, destroyed, uprooted or otherwise removed.
- G. Notification. Within 30 days after the effective date of this chapter, the Village shall give notice by reasonable means to all property owners in the Village advising them of the enactment of this section and requesting that each property owner who would be deemed a bamboo property owner hereunder as of the effective date of this section notify the Village, in writing, no later than 60 days after the date of the aforementioned notice from the Village that bamboo is present on the property of such property owner and such other information as may be requested in the notice from the Village.

§61-3 Violations and penalties.

- A. Violations. Any property owner who violates any of the provisions of this section shall be guilty of a violation thereof. Each and every day that a violation of this section shall exist shall constitute a separate violation of this section.

B Penalties.

- (1) A first violation of any provision of this chapter shall be punishable by a fine of \$250 (i.e. per day of violation). A second violation of any provision of this chapter shall be punishable by a fine of \$500 (i.e. per day of violation). A third violation, and all subsequent violations, of any provision of this chapter shall be punishable by a fine of \$1,000 (i.e. per day of violation).
- (2) The Village may also pursue civil or injunctive relief, or pursue criminal penalties, irrespective of any determination to prosecute for a violation of this section.

§61-4 Enforcement.

The Village of Garden City Department of Recreation and Parks shall have authority to enforce the provisions of this Chapter, including issuance of notices of violation and summonses.

§61-45 Severability.

In the event that any portion or portions of this chapter shall be determined to be invalid or unenforceable for any reason, the remainder of the chapter and its provisions shall remain in full force and effect.

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 5-2016 was declared adopted.

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 July 21, 2016 were reviewed, and on motion of Trustee Silver and unanimously carried, were approved as presented.

NEW BUSINESS

FORMAL AGENDA

APPOINTMENT BY THE MAYOR

1. Darcia Palmer is hereby appointed Deputy Village Treasurer, effective August 22, 2016, (or upon Civil Service Approval), for the balance of the official year, expiring on April 3, 2017, at a salary of \$70,000.

On motion of Trustee Demaro the following resolution was offered:

RESOLUTION NO. 149-2016

RESOLVED, that the appointment of Darcia Palmer as Deputy Village Treasurer of the Incorporated Village of Garden City, effective August 22, 2016 (or upon Civil Service approval), to serve for the balance of the official year, expiring April 3, 2017, at a salary of \$70,000, be and the same hereby is approved.

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

Carried.

2. Set terms and conditions of employment for the Position Deputy Village Treasurer.

On motion of Trustee Bolebruch the following resolution was offered:

RESOLUTION NO. 150-2016

WHEREAS, Ms. Darcia Palmer was appointed to the (Civil Service "Exempt") office of Deputy Village Treasurer on August 22, 2016 by the Mayor and confirmed by Resolution No. 149-2016, and

WHEREAS, such appointment remains subject to Civil Service approval; and

WHEREAS, this Board wishes to re-set the terms and conditions of employment for the Office of Deputy Village Treasurer effective with the effective date of Ms. Palmer's appointment to the office;

NOW THEREFORE IT IS RESOLVED, that effective with the Civil Service approval of Deputy Village Treasurer, the terms and conditions of employment for such office shall be:

- a) Salary - the annualized salary for such position shall be \$70,000
- b) Overtime. Exempt (i.e., not eligible)
- c) Benefits. The office-holder shall receive the additional benefits enumerated in items 4-11 (Health and Dental Insurance, Holidays, Termination Pay, Hours of Work and Overtime, Vacations and Sick Days) of Resolution No. 130-2012, as same may be amended from time to time.

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

The resolution was declared adopted.

CONSENT CALENDAR

VILLAGE COUNSEL

1. A Resolution authorizing the Mayor to execute a Letter Agreement with the Nassau County Planning Commission shortening the time frame for within which the Village may take certain land use actions in the absence of comment from the County Planning Commission. Counsel advises that the County Planning Commission authorizes villages to enter into "streamlining" agreements (such as this) by which the Village may provide 'notice' of its intention to take certain land use activities to the Commission, and the Village may thereafter act if the Commission does not otherwise comment within seven (7) days (rather than wait the thirty (30) days that would be otherwise required). This resolution authorizes a Streamlining Agreement with the Nassau County Planning Commission for Zoning and Planning Matters.

On motion of Trustee Delany the following resolution was offered:

RESOLUTION NO. 151-2016

WHEREAS, Section 239-m of the General Municipal Law mandates referral to a

county or regional planning commission whenever a municipality takes one or more of the land use actions described under that statute; and

WHEREAS, GML §239-m provides further that the municipality may not act on the proposed action covered by the statute until its receipt of the commission's response, or expiration of 30 days, whichever is longer; and

WHEREAS, in February 2009, Nassau County adopted its "Guidelines for Streamlining Nassau County Zoning Referrals" ("Guidelines"); and

WHEREAS, the Guidelines provide, among other things, that municipalities within Nassau County can enter into an agreement with the NCPC whereby specific land use activities that might otherwise require referral to the NCPC require notice to the Commission only (unless the Commission notifies the municipality within seven (7) days of notice that there is an issue of inter-community or county-wide importance associated with the action); and

WHEREAS, the Board of Trustees of the Incorporated Village of Garden City has reviewed the Guidelines and, in particular, the list of actions which are included under the notice only requirement; and

WHEREAS, the Board of Trustees finds that a Streamlining Agreement with the Nassau County Planning Commission will benefit the Village and its constituent boards in that it will reduce the delay between introduction of a proposed action and the Village's ability to act on same where those actions are unlikely to be of inter-community or county-wide significance;

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby classifies the proposed Streamlining Agreement as a Type II Action pursuant to 6 NYCRR §617.5(c)(20), (27) of SEQRA, and accordingly, no further environmental review is required; and

BET IT FURTHER RESOLVED, authorizes the Village to enter into a Streamlining Agreement with the Nassau County Planning Commission, as proposed herein, and as stated in the letter agreement attached hereto; and

BE IT FURTHER RESOLVED, that the Board of Trustees directs the Mayor to execute the letter agreement and to deliver same to the Nassau County Planning Commission for consideration.

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

The resolution was declared adopted.

2. A Resolution ratifying the earlier action of the Board of Trustees in the adoption of Local Law 4-2016. Inasmuch as the County Planning Commission's correspondence authorizing the Board to proceed with adoption of the Local Law was not officially received until after the Local Law's adoption date, it is recommended that the Board Members ratify and reaffirm their earlier assent to the adoption of the Housing Density Bonus Law.

On motion of Trustee Delany the following resolution was offered:

RESOLUTION NO. 152-2016

WHEREAS, on July 21, 2016, this Board enacted Local Law No. 4-2016 in furtherance of its policy to foster fair housing, and for the purpose of codifying various judicially imposed requirements for a system of density bonuses for affordable housing, and Whereas, this Board had theretofore duly referred the proposed local law to the Nassau

County Planning Commission, and

WHEREAS, the comments of the Nassau County Planning Commission were not received until July 28, 2016; however, the Nassau County Planning Commission had no comments regarding the Village's Local Law and issued its recommendation in the form of its resolution 10104-16 resolving only that the Board of Trustees take such action with respect to the local law as the Board of Trustees deemed appropriate,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby ratifies its July 21, 2016 action in having enacted Local Law 4-2016.

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

The resolution was declared adopted.

FINANCE

1. Settlement Agreement and Release (Consulting Agreement) - Sandra Yu-Clarson. Ratification is requested of the Settlement Agreement and Release which was executed by the Mayor on July 25, 2016 which includes the Consulting Agreement for Sandra Yu-Clarson. This Agreement is between the Village and Sandra Yu-Clarson who will provide consulting services with regard to transitioning of the new Village Auditor, at a rate of \$68.50 per hour. A copy of the Settlement Agreement and Release is on file in the Village Clerk's Office.

On motion of Trustee Delany and unanimously carried, Board ratification of the Mayor's prior approval was granted.

2. Transfer of Funds.

\$10,000 from Account 0A1990.4000 - Contingent, to Account 0A1325.4160 - Clerk-Treasurer - Consulting Fees, to fund consultant fees for transitioning services.

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

3. Payment of Invoice - Sandra Yu-Clarson - Consultant - Transitioning Services. Requested authorization to pay the claim of Sandra Yu-Clarson, 74 McCulloch Drive, Dix Hills, New York, for consulting services with regard to the transitioning of the Village Auditor at the rate of \$63.50 per hour. This invoice is for seventy-four (74) hours for the time period July 29 through August 12, 2016, in the amount of \$5,069.

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

4. Payment of Invoice - Meyer, Suozzi, English & Klein, P.C. - Zoning Change Applications. Requested authorization to pay the claim of Meyer, Suozzi, English & Klein, P.C., 990 Stewart Avenue, Garden City, New York, for professional services. This billing reflects work done for the period of June 1 through June 30, 2016, to provide legal expertise for zoning change applications in the amount of \$6,917.42.

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

5. 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 \$2,646 for the reimbursement of the actual costs incurred with regard to Epoch 5, 755 New York Avenue,

Huntington, New York, through June 30, 2016.

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

6. Payment of Invoice - Reynolds, Caronia, Gianelli & LaPinta, P.C. - Fair Housing Compliance Officer - MHANY Management - ACORN. Requested authorization to pay the claim of Reynolds, Caronia, Gianelli & LaPinta, P.C., 200 Vanderbilt Parkway, Suite C-17, Hauppauge, New York, in the amount of \$6,770. This billing reflects services rendered from June 1 through June 30, 2016, with respect to legal issues as Fair Housing Compliance Officer with MHANY Management Inc., and the ACORN Litigation Case. This billing includes services rendered by Professor John Nolon.

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

7. Payment of Invoice - Reynolds, Caronia, Gianelli & LaPinta, P.C. - Fair Housing Compliance Officer - MHANY Management - ACORN. Requested authorization to pay the claim of Reynolds, Caronia, Gianelli & LaPinta, P.C., 200 Vanderbilt Parkway, Suite C-17, Hauppauge, New York, in the amount of \$11,067.50 This billing reflects services rendered from July 1 through July 31, 2016, with respect to legal issues as Fair Housing Compliance Officer with MHANY Management Inc., and the ACORN Litigation Case. This billing includes services rendered by Professor John Nolon.

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

8. Payment of Invoice - Sive, Paget & Riesel, P.C. - Groundwater Contamination. Requested authorization to pay the claim of Sive, Paget & Riesel, P.C., 460 Park Avenue, New York, New York, for professional services. This billing reflects work done for the period of June 1 through June 30, 2016, on the remedial cost recovery matter for groundwater contamination at Village Water Wells 13 and 14 in conjunction with litigation against Genesco for \$14,990.80.

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

9. 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 June 2016, with respect to legal services for general labor matters as follows:

(a) General Labor Matters - Hourly	\$ 5,015.00
(b) Edward Galazka 207a	450.50
(c) Joseph Campbell 207a	220.50
(d) Firefighters IPC	544.50
(e) FF Recall Stay of Arbitration (Deinhardt)	1,538.00
(f) Paul Brower Potential Discipline	20.50
(g) Construction IPC	120.50
(h) P.O. Bartkowski Light Duty Arbitration	609.50
(i) Firefighters Layoffs Arbitration	960.50
(j) FF Joseph T. Cieslewicz Article 78	<u>2,113.00</u>
Total	\$11,592.50

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

10. Payment of Invoice - Pillsbury Winthrop Shaw Pittman, LLP - Insurance Coverage Counsel MHANY - (ACORN) Litigation. Requested authorization to pay the claim of Pillsbury Winthrop Shaw Pittman, LLP, 1540 Broadway, New York, New York, for professional services. This billing reflects work done through June 30, 2016 at a cost of

\$2,444.41, in connection with the MHANY Management Inc., et al, (ACORN) litigation pending against the Village of Garden City.

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

11. Appropriation of Termination Reserve. Authorization is requested to appropriate \$104,224.53 from Account 0A8670 - Reserve for Compensated Absences to Account 0A9000.1220 - Termination Payout, for payments from the Reserve maintained for that purpose as follows:

Brian Ridgway - Clerk - Treasurer	\$90,073.11
Sandra Yu-Clarson - Clerk - Treasurer	\$6,368.75
Anthony Pirolo - Sanitation	\$6,029.11
Keith Jackowski, Recreation Maintenance	\$1,753.56

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

12. Appropriation of Funds - Police Reserves. Under the New York State Civil Practice Law, certain funds received from forfeiture of assets are restricted to fund “underbudgeted” police expenditures. At the close of the 2016 fiscal year, the Village had \$20,643.76 held in Reserve. These funds are restricted under this statute and authorization is requested to appropriate this to Program Expenses.

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

13. Deferred Compensation Audit Reports. The Deferred Compensation Audit Report, which was prepared by Albrecht, Viggiano, Zureck & Company, for the period of January 1, 2015 through December 31, 2015, was received and has been reviewed by the Audit Committee.

On motion of Trustee Delany and unanimously carried, the Independent Auditor’s Report was received.

14. Transfer of Funds - 2015-2016 Budget: The following transfers are needed to cover Salary related expenses:

a) \$2,030.57 from Account 0A5182.4010 - Street Lighting - Materials and Supplies, to Account 0A5182.1010 - Street Lighting - Regular Salary.

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

b) \$8,986.89 from Account 0A5182.4010 - Street Lighting - Materials and Supplies, to Account 0A8160.1010 - Refuse and Garbage - Regular Salary.

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

SICK LEAVE

POLICE

1. Sick Leave - Five Employees. Requested authorization to pay Detective Angelo Barone, Detective Sergeant James Bartkowski, Police Officer John Florio, Police Officer Michael Punch and Police Officer Keith Wehr through September 8, 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 Delany and unanimously carried, the aforesaid authorization was approved.

FIRE

2. Sick Leave - Vincent DiBona. Requested authorization to pay Firefighter Vincent T. DiBona through September 8, 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 Professional Fire Fighters Association, which became effective June 1, 2004.

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

RECREATION

3. Sick Leave - Robert Schichtel. Requested authorization to pay Robert Schichtel, Laborer, Recreation and Parks Department through September 8, 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 Civil Service Employees' Association, which became effective June 1, 2010.

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

PUBLIC WORKS

4. Sick Leave - Stephen Ditzel. Requested authorization to pay Stephen Ditzel, Senior Water and Sewer Servicer, Water Department through September 8, 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 Civil Service Employees' Association, which became effective June 1, 2010.

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

POLICE

Attendance at New York State Bureau of Weights and Measures - Truck Scale Calibration. Requested authorization for Police Officer Peter Hudak to attend the New York State Bureau of Weights and Measures for Truck Scale Calibration, scheduled for September 19 through September 21, 2016, in Syracuse, New York, at an approximate cost of \$600, funding for which has been provided in the budget in Account OA3120.4120.

On motion of Trustee Delany and unanimously carried, Police Officer Peter Hudak was authorized to attend the aforesaid conference and to be reimbursed for such expenses as he may incur in connection therewith.

PUBLIC WORKS

1. Extension of Street Sweepings Disposal and Broken Concrete Removal and Mixed Asphalt - Stasi Brothers Asphalt Corp. Requested authorization to extend the Street Sweepings Disposal and Broken Concrete Removal and Mixed Asphalt Contract with Stasi Brothers Asphalt Corp., 435 Maple Avenue, Westbury, New York. The prices and terms as previously bid, will remain for an additional year. Funds are available in Account OA.8160.4460.

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

2. Extension of Mixed Rubbish Removal - National Waste Services, LLC. Requested authorization to extend the Mixed Rubbish Contract with National Waste Services, LLC, 1863 Harrison Avenue, Bay Shore, New York. The prices and terms as previously bid, (containers for mixed rubbish removal at \$575 per container for 30 cubic yard containers) will remain for an additional year. Funds are available in Account OA.8160.4460.

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

3. Additional Engineering Fees - Evaluation of the Rehabilitation (Painting) vs. Construction of a New Elevated Water Tank - H2M Water. Requested authorization to approve the additional engineering fees from H2M Water, 538 Broad Hollow Road, Melville, New York, for the additional work and presentation for the elevation of the rehabilitation (painting) vs. construction of a new elevated water tank, at a cost of \$1,675.06. Funds are available in the Water Operating Account.

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

4. Additional Contract Work - Water Meter Replacement Project - Exit Testing National Metering Services, Inc. Requested authorization to approve Change Order No. 1 with National Metering Services, Inc., 163 Schuyler Avenue, Kearny, New Jersey, in the amount of \$12,597. This is for "exit testing" of each meter being replaced in order to determine a final reading and flow rate of meter in the amount of \$41,373, which is being offset by the salvage value of each meter in the amount of \$28,776, which results in a net increase to the project of \$12,597. Funds are available in Account OF.1066.0000.

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

5. Additional Contract Work - Water Meter Replacement Project - Repair 1" Valves National Metering Services, Inc. Requested authorization to approve Change Order No. 2 with National Metering Services, Inc., 163 Schuyler Avenue, Kearny, New Jersey, at a cost of \$75 each. This is for the replacement of damaged 1" water shutoff valves which may be encountered during the installation of the water meters. Funds are available in Account OF.1066.0000.

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

6. Attendance at NYCOM 2016 Public Works School. Requested authorization for Robert J. Mangan, Director of Public Works, Domenick Stanco, Deputy Superintendent of Public Works and Craig Bandini, Senior Civil Engineer to attend the New York Conference of Mayor's (NYCOM) 2016 Public Works School, scheduled for October 16 through October 19, 2016 in Geneva, New York at an approximate cost of \$2,600, funding for which has been provided in Operating Budget OA5010.4120. Mr. Mangan is a member of the Planning Committee for this Conference and he moderates several training sessions. Water Operator Credits and Professional Engineering Credits are available for attending this Training School.

On motion of Trustee Delany and unanimously carried, Robert J. Mangan, Director of Public Works, Domenick Stanco, Deputy Superintendent of Public Works and Craig Bandini, Senior Civil Engineer were authorized to attend the aforesaid conference and to be reimbursed for such expenses as they may incur in connection therewith.

RECREATION

1. Additional Contract Work - Community Park Field Renovation Project - Soil - Landtek Group, Inc. Requested authorization to pay the claim of Landtek Group, Inc., 235 County Line Road, Amityville, New York, in the amount of \$70,427.15. This is for the removal of unsuitable soils from the project area. Cameron Engineering Associates, LLP has reviewed the quantities listed in the claim manifest and scale tickets. These quantities

matched what was physically observed by the Cameron Inspector leaving the site. This is within the approved contingency budget. The proposed action is a Type II Action under SEQRA and, accordingly, no further environmental review is required.

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

2. Additional Contract Work - Community Park Field Renovation Project - Concrete Sidewalk Removal - Landtek Group, Inc. Requested authorization to pay the claim of Landtek Group, Inc., 235 County Line Road, Amityville, New York, in the amount of \$1,590.21. This is for the removal and replacement of concrete sidewalk for the installation of the control wires and clock for the irrigation system. This work was directed by staff in order to avoid possible vandalism to the irrigation controller since the original design had the controller on a pedestal and not within the structure. This work allowed for the controller to be placed in the utility chase of the restroom building. This is within the approved contingency budget. The proposed action is a Type II Action under SEQRA and, accordingly, no further environmental review is required.

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

TRUSTEE COMMUNICATIONS

Change of Board of Trustees Meeting Date. It was requested that the Regular Board of Trustees Meeting scheduled for Thursday, September 15, 2016 be changed to Thursday, September 8, 2016.

On motion of Trustee Delany and unanimously carried, the regularly scheduled Board of Trustees Meeting was changed from September 15, 2016 to September 8, 2016 at 8:00 p.m.

EXTERNAL COMMUNICATIONS

PERMITS:

Fireworks:

1. Garden City Country Club, 206 Stewart Avenue, requested authorization to conduct a fireworks display on Sunday, September 4, 2016. (Rain date September 5)

On motion of Trustee Delany and unanimously carried, the aforesaid authorization was approved, subject to receipt of an original Certificate of Insurance, the permit fee of \$500, approval from Nassau County and a review of the launch area so that residents along Stewart Avenue are not impacted by shell debris.

2. Cherry Valley Club, Inc., 28 Rockaway Avenue at Third Street, requested to hold its annual Labor Day Carnival and Fireworks Display on Monday, September 5, 2016 and to erect a tent on Third Street at the dead-end closest to the Club and extending approximately 80-100 feet east.

On motion of Trustee Delany and unanimously carried, the aforesaid authorization was approved, subject to receipt of an original Certificate of Insurance, the permit fee of \$500 and approval from Nassau County.

Block Parties:

3. Roosevelt Street between Stewart and Stratford Avenues, Saturday, August 27, 2016 from 11:00 a.m. to 9:00 p.m. (Rain date August 28)

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

4. Wellington Road between Chester Avenue and Salisbury Road, Saturday, September 17, 2016 from 10:00 a.m. to 10:00 p.m. (Rain date September 18)

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

5. Kildare Road between Newmarket Road and Somerset Avenue, Saturday, September 10, 2016 from 12 Noon to 11:00 p.m. (Rain date September 11)

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

POLICE

Commissioner Kenneth Jackson gave a report of the police activity within the Village and residents asked him questions.

Mayor Episcopia recognized the following:

Jack Colucci, 143 Willow Street

Ellen Colucci, 143 Willow Street

John Colucci, 143 Willow Street

Steve Ilardi, 139 Meadow Street

Jill Bauer, 87 Huntington Road

Tina Ottomanelli, 131 Tullamore Road

Kevin Greene, 41 Meadow Street

Carolyne Greene, 41 Meadow Street

John Wilton, Chairman, Garden City Chamber of Commerce Merchants Group

Joe Moody, President, Eastern Property Owners Association

Robert Orosz, 28 Grove Street

Maureen Leone, 24 Westbury Road

Kevin Dunphy, 55 Westbury Road

Kathy Auro, 4 Merillon Avenue

On motion of Mayor Episcopia to go to executive session at 10:00 p.m. to discuss an opinion of counsel, matter of personnel, litigation and real estate. The Board reconvened at 11:25 p.m.

There being no further business, on motion duly made, the meeting adjourned at 11:30 p.m.