

BOARD OF TRUSTEES

MAY 21, 2015

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 21, 2015 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 (arrived at 8:12 p.m.) and John M. Delany.

Also Present: Brian S. Ridgway, Village Clerk
James E. Olivo, Village Auditor
Michael D. Filippone, Superintendent, Building Department
Robert J. Mangan, Director of Public Works
Kevin E. Ocker, Chairman, Board of Commissioners of Cultural and Recreational Affairs
Kenneth O. Jackson, Chairman, Board of Police Commissioners
Joseph R. Nadolny, Chief, Fire Department
Peter A. Bee, Bee Ready Fishbein Hatter & Donovan, LLP

Attendance: Approximately 65

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

Mayor Episcopia called the meeting to order and stated that the first item on the agenda was to recognize Jan Burman, who in his capacity as President of the Engel Burman Group, generously donated a one-story 3,800 square foot structure along with a donation of \$180,000 to the Village of Garden City. This donation is appreciated by the Board of Trustees and the residents of the Incorporated Village of Garden City as this structure will be utilized as a Senior/Community Recreation Center by residents for many years to come.

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 meeting held on May 7, 2015 were reviewed, and on motion of Trustee Bolebruch and unanimously carried, were approved as presented.

Treasurer's Report. Reviewed the Treasurer's Report dated April 30, 2015, after which on motion of Trustee Delany and unanimously carried, said report was ordered received and placed on file.

NEW BUSINESS

FORMAL AGENDA

1. Application for Final Site Plan Approval - 502 Old Country Road, LLC - 502 Old Country Road. Mayor Episcopia stated that the Village is in receipt of an application for a final site plan approval to convert 3,500 sq. ft. of existing retail space to office use for a bank with a drive-thru canopy at 502 Old Country Road.

Trustee Trouvé offered the following resolution and moved its adoption:

RESOLUTION NO. 132-2015

WHEREAS, pursuant to Article XII(A) of Chapter 200 of the Code of the Village of Garden City, the Board of Trustees must review site plans and recommendations of the Planning Commission; and

WHEREAS, site plans have been submitted by Mr. Kevin M. Walsh, Counselors at Law, Walsh Markus McDougal & DeBellis, LLP, 229 Seventh Street, Garden City, New York, in connection with the final site plan approval with regard to the conversion of the existing 3,500 sq. ft. existing retail space to office use for a bank with a drive-thru canopy at 502 Old Country Road.

WHEREAS, the Board of Trustees has reviewed the site plans pursuant to Section 200-82.5 of the Village Code; and

WHEREAS, pursuant to Chapter 200 of the Village Code, Mr. Kevin M. Walsh, Counselors at Law, Walsh Markus McDougal & DeBellis, LLP, 229 Seventh Street, Garden City, New York submitted various plans for the project; and

WHEREAS, the Zoning Board of Appeals, at its meeting on October 28, 2014 approved the project; and

WHEREAS, the Planning Commission, at its meeting on April 18, 2015 recommended final site plan approval and recommended its acceptance by the Board of Trustees; and

WHEREAS, the Architectural Design Review Board at its meeting on April 21, 2015 recommended final site plan approval and recommended its acceptance by the Board of Trustees; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Incorporated Village of Garden City approves the site plans submitted by Mr. Kevin M. Walsh, Counselors at Law, Walsh Markus McDougal & DeBellis, LLP, 229 Seventh Street, Garden City, New York, in connection with the final site plan approval with regard to the conversion of the existing 3,500 sq. ft. existing retail space to office use for a bank with a drive-thru canopy at 502 Old Country Road.

The vote on the foregoing resolution was as follows:

AYES: 7
NOES: 0

The resolution was declared adopted.

2. Abolition of Cleaner Position. After a discussion, the following action was taken.

On motion of Trustee Bolebruch the following resolution was offered:

RESOLUTION NO. 133-2015

WHEREAS, for reasons of efficiency and economy and to stay within the New York State Tax Cap, the Board of Trustees has determined to reduce the Village's Staff by one position on or before May 29, 2015, subject to necessary Civil Service requirements;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby abolishes one position of a full-time Cleaner, effective on or before May 29, 2015, as more particularly determined by the Village Administrator subject to the approval of the Nassau County Civil Service Commission.

The vote on the foregoing resolution was as follows:

AYES: 7
NOES: 0

The resolution was declared adopted.

DEFERRED AGENDA

TRUSTEE COMMUNICATION

Changes in the Procedures for Running Board of Trustees Meetings. It was requested that a resolution be proposed to amend the Rules and Procedures of the Board of Trustees so as to increase the time for Citizen Comments on Agenda Items and Under Public Participation from three (3) to four (4) minutes.

On motion of Mayor Episcopia the following resolution was offered:

RESOLUTION NO. 134-2015

RESOLVED that the Rules and Procedures of the Board of Trustees are hereby amended in Section 6D thereof to provide that "A limit of four minutes will be allotted to each speaker on any given topic."

The vote on the foregoing resolution was as follows:

AYES: 5
NOES: 0 (Trustees Daughney and DeMaro)

The resolution was declared adopted.

CONSENT CALENDAR

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 \$144,896.17.

On motion of Trustee Bolebruch the following resolution was offered:

RESOLUTION NO. 135-2015

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: 7
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 \$5,456.22.

On motion of Trustee Bolebruch the following resolution was offered:

RESOLUTION NO. 136-2015

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: 7
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 2015, with respect to legal services for general labor matters as follows:

(a) General Labor Matters - Hourly	\$ 1,401.00
(b) Edward Galazka 207a	654.00
(c) Joseph Campbell 207a	359.50
(d) Christopher VanManen 207a	418.50
(e) P.O. Angelo Barone Disability Retirement	329.50
(f) Christopher VanManen Arbitration 207a/Sick Leave	436.00
(g) Firefighters IPC	1,261.00
(h) Compliance with the Deinhardt Award	531.00
(i) P.O. Bartkowski Disability Retirement	354.00
(j) Stay of Chief's Matrix Arbitration/Response/Deinhardt	13,590.50
(k) Campbell, VanManen, Galazka 207a/IPC	3,411.50
(l) Joseph T. Cieslewicz 207a	1,446.00
(m) Change in Hours PFFA/Lt. Tours Arbitration	767.00
(n) Edward Galazka 207c Arbitration	318.50
(o) Jeffrey Cataldi Termination	678.50
(p) Joseph Brusack Disability Health Insurance	<u>265.50</u>
Total	\$26,222.00

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

4. Payment of Invoice - Cullen and Dykman - Legal Services Monthly Retainer - Village Court. Requested authorization to pay the claim of Cullen and Dykman, 100 Quentin Roosevelt Boulevard, Garden City, New York, for professional services in the amount of \$12,250. This billing reflects work done during the month of April 2015 with respect to legal services for Village Court.

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

5. Payment of Invoice - Cullen and Dykman - Legal Services - General Transition Work. Requested authorization to pay the claim of Cullen and Dykman, 100 Quentin Roosevelt Boulevard, Garden City, New York, for professional services in the amount of \$2,873.70. This billing reflects work done during the month of April 2015 with respect to legal services for general transition work.

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

6. Reynolds, Caronia, Gianelli & LaPinta - Fair Housing Compliance Officer - MHANY Management - ACORN. Requested authorization to pay the claim of Reynolds, Caronia, Gianelli & LaPinta, 200 Vanderbilt Motor Parkway, Hauppauge, New York, in the amount of \$8,395. This billing reflects services rendered from April 1 - April 30, 2015, with respect to legal issues as Fair Housing Compliance Officer with MHANY Management Inc., and the ACORN Litigation Case.

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

7. Transfer of Funds and Appropriation of Fund Balances - Supervisors, Confidential and Managerial Contract Settlement. Requested authorization to increase the Village Budget in order to fund retroactive contract settlements for Supervisors, Confidential and Managerial employees, as approved on December 18, 2014 and March 12, 2015, through an appropriation of Surplus (Account No. A9090) in the amount of \$91,066, to the following accounts:

A1110.1210 - Village Justice - Retroactive Payment	\$5,489.00
A1325.1210 - Clerk - Treasurer - Retroactive Payment	11,864.00
A1345.1210 - Purchasing - Retroactive Payment	4,807.00
A1355.1210 - Assessment - Retroactive Payment	710.00
A1440.1210 - Engineer - Retroactive Payment	2,426.00
A1640.1210 - Central Garage - Retroactive Payment	5,525.00
A1680.1210 - Central Data Process. - Retroactive Payment	5,320.00
A3120.1210 - Police - Retroactive Payment	3,171.00
A3620.1210 - Safety Inspection - Retroactive Payment	10,478.00
A5010.1210 - Street Administration - Retroactive Payment	7,032.00
A5110.1210 - Street Maintenance - Retroactive Payment	2,560.00
A5182.1210 - Street Lighting - Retroactive Payment	9,602.00
A7110.1210 - Parks - Retroactive Payment	9,602.00
A7140.1210 - Recreation - Retroactive Payment	11,686.00
A8120.1210 - Sanitary Sewers - Retroactive Payment	1,631.00
A8160.1210 - Refuse and Garbage - Retroactive Payment	<u>7,435.00</u>
Total	\$91,066.00

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

8. Transfer of Funds and Appropriation of Fund Balances - Supervisors, Confidential and Managerial Contract Settlement. Requested authorization to increase the Village Budget in order to fund retroactive contract settlements for Supervisors, Confidential and Managerial employees, as approved on December 18, 2014 and March 12, 2015, through an appropriation of Surplus (Account No. C9090) in the amount of \$2,377, to Account No. C7149.1210 - Swimming Pool - Retroactive Payment.

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

9. Transfer of Funds and Appropriation of Fund Balances - Supervisors, Confidential and Managerial Contract Settlement. Requested authorization to increase the Village Budget in order to fund retroactive contract settlements for Supervisors, Confidential and Managerial employees, as approved on December 18, 2014 and March 12, 2015, through an appropriation of Surplus (Account No. F9090) in the amount of \$22,413, to Account No. F8310.1210 - Water Administration - Retroactive Payment.

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

10. Transfer of Funds and Appropriation of Fund Balances - Supervisors, Confidential and Managerial Contract Settlement. Requested authorization to increase the Village Budget in order to fund retroactive contract settlements for Supervisors, Confidential and Managerial employees, as approved on December 18, 2014 and March 12, 2015, through an appropriation of Surplus (Account No. ER9090) in the amount of \$1,053, to Account No. ER7145.1210 - Tennis Retroactive Payment.

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

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

(a) \$10,000 from Account A8120.4460 - Sanitary Sewers - Contractual Services, to Account A5182.4060 - Street Lighting - Electricity, due to higher electrical costs.

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

(b) \$9,000 from Account A5110.4490 - Street Maintenance - Gas and Oil, to Account No. A1640.4510 - Central Garage - Natural Gas, due to additional heating as a result of a severe winter.

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

(c) \$3,000 from Account A8160.4490 - Refuse and Garbage - Gas and Oil, to Account No. A1640.4030 Central Garage - Maintenance of Plant, for additional repairs to the time clock and building.

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

(d) \$9,000 from Account A8160.4460 - Refuse and Garbage - Contractual Services, to Account A8170.4020 - Street Cleaning - Maintenance of Equipment, for additional street sweeper repairs.

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

(e) \$3,500 from Account A8120.4030 - Sanitary Sewers - Maintenance of Plant, to Account No. A5182.4010 - Street Lighting - Materials and Supplies, as required for additional street paint.

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

(f) \$2,100 from Account A8189.4490 - Recycling - Gas and Oil, to Account No. A8170.4020 - Street Cleaning, for additional sweeper maintenance.

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

(g) \$26,400 from Account A1990.4000 - Contingent, to Account No. A5142.4010 - Snow Removal - Materials and Supplies, to fund additional salt and sand work orders processed due to a severe winter.

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

(h) \$100,000 from Account A9710.7000 - Interest on Debt, to Account No. A1420.4350 - Law -Litigation, since litigation expenses, principally from labor matters, far exceeded expectations.

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

(i) \$8,395 from Account A1990.4000 - Contingent, to Account No. A1420.4352 - Law - Fair Housing Compliance Officer, since originally established budget for this startup of procedures were insufficient for actual activity.

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

(j) \$8,000 from Account A8120.4460 - Sanitary Sewers - Contractual Services, to Account No. A5182.4460 - Street Lighting -Contractual Services, to fund additional lighting maintenance work which was approved at the Board of Trustees Meeting of April 6, 2015.

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

(k) \$4,600 from Account A3120.4490 - Police - Gas and Oil, to Account No. A3120.2000 - Police - Equipment, for the purchase of three additional AED Defibrillator Units. All patrol and tactical vehicles will not be equipped with AED's.

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

VILLAGE COUNSEL

1. Engage Consultant - Pace University - MHANY, Management Inc. Authorization is requested to engage Pace University, One Pace Plaza, New York, New York, not to exceed \$25,000. This is required for training services that comply with Section IX of a Judgment dated April 22, 2014 in an action venued in the United States District Court for the Eastern District of New York and entitled MHANY Management Inc., et ano v. Incorporated Village of Garden City, et ano, 05-CV-2301.

On motion of Trustee Bolebruch and unanimously carried, this item was approved and the Mayor was authorized to execute the Consultant Agreement on behalf of the Village.

2. Increase Rates Legal Counsel- Genesco - 150 Fulton Avenue Superfund - Sive Paget & Riesel, P.C. Authorization is requested to increase the rates for Sive Paget & Riesel, P.C., 460 Park Avenue, 10th Floor, New York, New York. The Village of Garden City has been utilizing the services of Sive Paget & Riesel since 2006. This new proposal seeks to increase previous rates effective June 1, 2015, but still reflects a significant (16%) discount from the firm's "regular" rates: \$600 per hour (for the time of Mr. Yudelson, rather than the standard \$715 rate).

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

POLICE

Sick Leave - One Employee. Requested authorization to pay Police Officer John Florio through June 18, 2015 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, 2009.

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

RECREATION

1. Sick Leave - Danny Garaguso. Requested authorization to pay Danny Garaguso, Labor Supervisor, Parks Department through June 18, 2015 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 Bolebruch and unanimously carried, the aforesaid authorization was approved.

2. Additional Contract Work - 2014 Tree Removals. Requested authorization to approve additional trees in the contract with Northport Tree Company, P.O. Box 223, Northport, New York, in the amount of \$27,180 for seventy-seven (77) additional trees and seventy-one (71) additional shrubs. On May 9, 2014 the Board awarded a contract in the amount of \$76,135 to Northport Tree Company for the planting of two-hundred fifty eight (258) trees and fifty-five (55) shrubs. This work has been completed. The approved budget for tree planting for 2014 was \$100,000 plus a balance of \$2,502.75 from the prior year giving the Village a total of \$102,502.75. The current balance in the tree planting account is \$24,117.75.

Due to delays in the removal of existing trees by the tree removal contractor, many tree planting sites throughout the Village were not available for planting in the spring when the above mentioned contract work was awarded and completed. Normally all of the tree removals would have been completed in the previous fall or winter. As a result seventy-seven (77) additional trees and seventy-one (71) additional shrubs were planted throughout the Village this past fall in response to resident requests and our long standing procedure of replacing trees one for one when they are removed from inventory. The additional contract work totals \$27,180 and is based on the original contract pricing. Funds are available in Account OH.8560.2000.

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

PUBLIC WORKS

1. Sick Leave - John LaLonde. Requested authorization to pay John LaLonde, Motor Equipment Operator, Street Department through June 18, 2015 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 Bolebruch and unanimously carried, the aforesaid authorization was approved.

2. Extension of Bid for Rubbish Removal - Municipal Service Yard - Stasi Brothers Asphalt Corp. Requested authorization to extend the bid for rubbish removal for another year with Stasi Brothers Asphalt Corp., 422 Maple Avenue, Westbury, New York from July 1, 2015 through June 30, 2016. The previous contract price was estimated at \$16,000 and their prices are \$20 per 20 cubic yard container for mixed asphalt at a quantity of 800 containers.

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

3. Professional Service Proposal - Inspection of Water Storage Tanks - H2M Group. Requested authorization to approve the engagement of H2M Group, 575 Broad Hollow Road, Melville, New York, for the 2015 annual inspections of the Village's five (5) water storage tanks in the amount of \$9,800 for the two inspections required by the Nassau County and New York State Health Departments. The Village does not have a certified tank inspector and one is employed by H2M. Funds are available in the Water Operating Account OF.8310.4460.

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

EXTERNAL COMMUNICATIONS

PERMITS

Street Fair

1. Mr. John Wilton, Chairman, Merchant, Business Retail Group, Garden City Chamber of Commerce, 230 Seventh Street, Garden City, advising that the Friday Night Promenades will begin on Friday, June 12, 2015 and end on September 11, 2015, with the only exclusion being Friday, July 3, 2015. 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 Bolebruch and unanimously carried, the aforesaid authorization was approved.

Block Parties:

2. Adams Street between Chester and Salisbury Avenues, Saturday, June 13, 2015 from 10:00 a.m. to 11:00 p.m. (Rain date June 14)

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

3. Linden Street between Mulberry and Bayberry Avenues, Saturday, June 27, 2015 from 12 noon to 11:00 p.m. (Rain date June 28)

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

Mayor Episcopia reported on communications received since the last meeting of the Board.

Christine Mullaney, President, Eastern Property Owners' Association requesting that the Board of Trustees reject the current proposal as presented by Nassau County that would remake the intersection of Clinton Road and Stewart Avenue. A petition with 394 resident signatures was submitted to the Mayor and Board of Trustees.

Mayor Episcopia recognized the following:

Christine Mullaney, President, Eastern Property Owners' Association
Robert Nouryan, President, Central Property Owners' Association
Joseph Moody, Vice-President, Eastern Property Owners' Association
John Wilton, Chairman, Garden City Chamber of Commerce Merchants Group
Patricia DiMattia, 9 Cedar Place
Leo Stimmler, 67 Huntington Road
Colleen Ciullo, 109 Huntington Road
Jennifer Sullivan, 157 Garden Street

Monica Kelly, 95 Huntington Road
Robert McFeely, 46 Chestnut Street
Tom Hoffman, 109 Wyatt Road
James Bauer, 87 Huntington Road
Andrew Shumelda, P.O. Box 719

On motion of Mayor Episcopia to go to executive session at 9:15 p.m. to discuss a matter of personnel and collective bargaining. The Board reconvened at 10:29 p.m.

There being no further business, on motion duly made, the meeting adjourned at 10:30 p.m.