

BOARD OF TRUSTEES

AUGUST 20, 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 August 20, 2015 at 8:00 p.m.

Present: Mayor Nicholas P. Episcopia, Trustees 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
Brian S. Ridgway, Village Clerk
Michael D. Filippin, Temporary Superintendent, Building Department
Ausberto Huertas, Jr., Superintendent, Building Department
Robert J. Mangan, Director of Public Works
Kenneth O. Jackson, Chairman, Board of Police Commissioners
Irene Woo, Village Treasurer
Joseph R. Nadolny, Chief, Fire Department
Kenneth Gray, Bee Ready Fishbein Hatter & Donovan, LLP

Absent: Trustee Brian C. Daughney

Attendance: Approximately 35

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 was the approval of the minutes of the last meetings of the Board of Trustees.

The minutes of the meeting held on July 23, 2015 were reviewed, and on motion of Trustee Makrinos, were approved as presented. (Trustee DeMaro abstained)

The minutes of the special meeting held on August 6, 2015 were reviewed, and on motion of Trustee Silver, were approved as presented. (Trustee Delany abstained)

Mayor Episcopia stated that the next item on the agenda was the presentation of a proclamation to Suzanne Alvey, former Village Historian and current Member of the Civic Beautification Committee. Mayor Episcopia thanked Suzie for her service to the Village as Village Historian and her current role as a Member of the Civic Beautification Committee.

NEW BUSINESS

Trustee Delany requested that Item #9b (Transfer of Funds - \$5,000 from Contingent to St. Paul's School - Contractual Service, to extend the exterior lighting on the St. Paul's Main Building) and Item #21 (Recreation - St. Paul's Lighting Expansion - Anker's Electric Service - \$10,200) be removed for discussion.

Trustee Silver requested that Item #10 (Sick Leave - Nine Employees) be removed for discussion.

FORMAL AGENDA

APPOINTMENT BY THE MAYOR

William A. Bellmer, 156 Poplar Street, Garden City, New York is hereby appointed as the Village Historian, for a term ending on April 4, 2016.

On motion of Mayor Episcopia the following resolution was offered:

RESOLUTION NO. 159-2015

RESOLVED, that the appointment of William A. Bellmer, 156 Poplar Street, Garden City, New York, as the Village Historian, for a term ending on April 4, 2016, be and the same hereby is approved.

The vote on the foregoing resolution was as follows:

AYES: 7
NOES: 0

Carried.

CONSENT CALENDAR

PUBLIC WORKS

1. SEQR - Lead Agency

On motion of Trustee Trouvé the following resolution was offered:

RESOLUTION NO. 160-2015

WHEREAS, the Village of Garden City has proposed Community Park Pool Bathhouse Renovation and Phase I of the project includes the professional engineering and architectural design services for the renovation of the mens and ladies restroom, shower, family restroom and changing areas at the Garden City Pool. Phase II, the construction phase of the project, will include the removal of existing fixtures, new concrete sub-flooring in shower areas, replacement of ventilation, lighting, drainage, floor and wall coverings, existing changing areas will be re-purposed as staff meeting space; 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: 7
NOES: 0

The resolution was declared adopted.

2. Short Environmental Assessment Form - Community Park Pool Bathhouse Renovation. Stated that Mr. Mangan has prepared a Short Environmental Assessment Form for the proposed Community Park Pool Bathhouse Renovation 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 Trouvé introduced the following resolution and moved its adoption:

RESOLUTION NO. 161-2015

WHEREAS, a Short Environmental Assessment Form has been prepared by Director of Public Works Robert J. Mangan in connection with the proposed Community Park Pool Bathhouse Renovation.

WHEREAS, the Director of Public Works has concluded that the proposed project 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: 7
NOES: 0

The resolution was declared adopted.

3. SEQR - Lead Agency

On motion of Trustee Trouvé the following resolution was offered:

RESOLUTION NO. 162-2015

WHEREAS, the Village of Garden City has proposed Community Park Athletic Field Renovation and Phase I of the project includes the direction and oversight of a geotechnical investigation of existing athletic fields comprised of twenty-four (24) soil borings and a complete geotechnical report of the findings. Based on the soil's profile, professional engineering services are to be provided to develop options for the stabilization of both natural and/or synthetic turf fields where required; 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: 7
NOES: 0

The resolution was declared adopted.

4. Short Environmental Assessment Form - Community Park Athletic Field Renovation. Stated that Mr. Mangan has prepared a Short Environmental Assessment Form for the proposed Community Park Athletic Field Renovation 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 Trouvé introduced the following resolution and moved its adoption:

RESOLUTION NO. 163-2015

WHEREAS, a Short Environmental Assessment Form has been prepared by Director of Public Works Robert J. Mangan in connection with the proposed Community Park Athletic Field Renovation.

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: 7
NOES: 0

The resolution was declared adopted.

5. SEQR - Lead Agency

On motion of Trustee Trouvé the following resolution was offered:

RESOLUTION NO. 164-2015

WHEREAS, the Village of Garden City has proposed an Amending Bond Resolution for the Improvements to the Fire Department Headquarters; 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: 7
NOES: 0

The resolution was declared adopted.

6. Short Environmental Assessment Form - Amending the Bond Resolution for the Improvements to the Fire Department Headquarters. Stated that Mr. Mangan has prepared a Short Environmental Assessment Form for Amending the Bond Resolution for the Improvements to the Fire Department Headquarters 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 Trouvé introduced the following resolution and moved its adoption:

RESOLUTION NO. 165-2015

WHEREAS, a Short Environmental Assessment Form has been prepared by Director of Public Works Robert J. Mangan in connection with the proposed Amending Bond Resolution for the Improvements to the Fire Department Headquarters.

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: 7
NOES: 0

The resolution was declared adopted.

FINANCE

1. Payment of Invoice - Jones Day - Special Counsel MHANY - (ACORN) Litigation. Requested authorization to pay the claim of Jones Day, 222 East 41st Street, New York, New York, for professional services at a cost of \$9,200. This billing reflects services rendered through June 30, 2015 with respect to the MHANY Litigation Matter. This is an insured matter and reimbursement is expected.

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

2. 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, 2015 through June 30, 2015, on the remedial cost recovery matter for groundwater contamination at Village Water Wells 13 and 14 in conjunction with litigation against Genesco for \$722.80.

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

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

| | |
|--|-----------------|
| (a) General Labor Matters - Hourly | \$ 1,657.50 |
| (b) Edward Galazka 207a | 936.00 |
| (c) Joseph Campbell 207a | 182.50 |
| (d) Christopher VanManen 207a | 53.00 |
| (e) Fire Fighters Recall Stay Arbitration | 6,688.00 |
| (f) Christopher VanManen 207a/Sick Leave | 206.00 |
| (g) Firefighters IPC Negotiations | 3,545.50 |
| (h) P.O. Bartkowski Disability Retirement | 59.00 |
| (i) Campbell, VanManen, Galazka 207a/IPC | 70.50 |
| (j) Joseph T. Cieslewicz 207a | 677.00 |
| (k) Change in Hours PFFA/Lt. Tours Arbitration | 224.00 |
| (l) Edward Galazka 207c Arbitration | 76.50 |
| (m) Joseph Campbell - Arbitration Light Duty | 194.50 |
| (n) Paul Brower Potential Discipline | 2,648.50 |
| (o) PFFA - IPC - Taping | 506.50 |
| (p) Computer Access Investigation | 5,410.50 |
| (q) PFFA - Michon - Potential Discipline | <u>6,686.00</u> |
| Total | \$29,821.50 |

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

4. 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 \$1,227.60. This billing reflects work done during the month of April 2015 with respect to legal services for general transition work.

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

5. Engage the Services of Michael Haberman Associates, Inc. - Assessment and Certiorari Services. Authorization is requested to engage the services of Michael Haberman Associates, Inc., 125 Front Street, Mineola, New York, to provide consulting services with regard to assessment services at an amount not to exceed \$46,200. This service is required due to the retirement of the Village Assessor. Funds are available in Account A1355.4160.

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

6. Amendment to Purchasing Policy. Requested authorization to amend the Purchasing Policy. This is necessary as there were changes to Village Personnel. This Policy was adopted on April 6, 2015. Accordingly, Board authorization is requested to amend the Policy that was adopted on April 6, 2015.

On motion of Trustee Trouvé the following resolution was offered:

RESOLUTION NO.166-2015

WHEREAS, the Purchasing Policy which was adopted on April 6, 2015 was reviewed and an amendment requested;

BE IT RESOLVED, that the Purchasing Policy which was adopted on April 6, 2015 is hereby amended for the official year expiring on April 1, 2016 to reflect the changes in Village Personnel.

The vote on the foregoing resolution was as follows:

AYES: 7

NOES: 0

The resolution was declared adopted.

7. Amended Sundry Accounts Receivable Settlement - Eileen Flood - Write Off. Requested authorization to settle an amended sundry bill in connection with a Garden Property in which Eileen M. Flood was in an automobile accident on March 25, 2015, with a Village vehicle at the intersection of Cherry Valley and Cambridge Avenues. The Village billed \$2,599.10 to repair the vehicle. GEICO Insurance Company remitted payment of \$1,375 representing the value of the vehicle. Upon discussion with Village Counsel (Bee Ready Fishbein Hatter & Donovan, LLP, the carrier has offered an additional \$1,000. Therefore, it is requested that \$224.10 be written off.

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

8. Bond Resolution - Amending Bonds for Improvements to the Fire Department Headquarters. Requested authorization for the Amendment of the Bonds for Improvements to the Fire Department Headquarters. The estimated cost of said project has now been determined to be \$1,400,000 and it is necessary in the public interest to increase the amount appropriate for the project by \$500,000 and to amend said bond resolution to increase the principal amount of bonds authorized from \$900,000 to \$1,400,000.

Trustee Trouvé offered the following resolution and moved its adoption:

RESOLUTION NO. 167-2015

RESOLUTION OF THE VILLAGE OF GARDEN CITY, NEW YORK, ADOPTED AUGUST 20, 2015, AMENDING THE BOND RESOLUTION ADOPTED ON MARCH 20, 2014

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 Garden City Fire Department Headquarters, at the estimated maximum cost of \$900,000 pursuant to the bond resolution adopted by the Board of Trustees on March 20, 2014; and

WHEREAS, the estimated cost of said project has now been determined to be \$1,400,000, and it is necessary and in the public interest to increase the amount appropriated for the project by \$500,000 and to amend said bond resolution to increase the principal amount of bonds authorized from \$900,000 to \$1,400,000;

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 March 20, 2014, entitled:

"Bond Resolution of the Village of Garden City, New York, adopted

March 20, 2014, authorizing the construction of improvements to the Garden City Fire Department Headquarters, stating the estimated maximum cost thereof is \$900,000, appropriating said amount for such purpose, and authorizing the issuance of bonds of the Village in the principal amount of \$900,000 to finance said appropriation," is hereby amended to read as follows:

BOND RESOLUTION OF THE VILLAGE OF GARDEN CITY, NEW YORK, ADOPTED MARCH 20, 2014 AND AMENDED AUGUST 20, 2015, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE GARDEN CITY FIRE DEPARTMENT HEADQUARTERS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,400,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS OF THE VILLAGE IN THE PRINCIPAL AMOUNT OF \$1,400,000 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 Garden City Fire Department Headquarters. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,400,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds of the Village in the principal amount of \$1,400,000 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 \$1,400,000 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 August 20, 2015 the Board of Trustees of the Village of Garden City, in the County of Nassau, New York, adopted a resolution amending the bond resolution adopted by said Board of Trustees on March 20, 2014, which bond resolution, as amended, is entitled:

"Bond Resolution of the Village of Garden City, New York, adopted March 20, 2014 and amended August 20, 2015, authorizing the construction of improvements to the Garden City Fire Department Headquarters, stating the estimated maximum cost thereof is \$1,400,000, appropriating said amount for such purpose, and authorizing the issuance of bonds of the Village in the principal amount of \$1,400,000 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 Garden City Fire Department Headquarters; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,400,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$1,400,000 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 \$1,400,000 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: August 20, 2015

Brian S. Ridgway
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 actions 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 March 20, 2014 shall not be in any way affected and shall remain in full force and effect.

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

AYES: 7
NOES: 0

The resolution was declared adopted.

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

(a) \$46,200 from Account A1325.1010 - Clerk Treasurer - Regular Salary to Account A1355.4160 -Assessment - Consultant Fees, in order to fund assessment consultant services.

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

(b) \$1,500 from Account A1990.4000 - Contingent, to Account No. A1440.4070

Engineering - Printing, Postage and Stationery, for the Environmental Advisory Board Communication Program which was approved at the August 6, 2015 Board of Trustees Meeting.

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

(c) \$35,000 from Account A1430.1010 - Personal - Regular Salary to Account A1430.4160 - Personnel - Consultant, for professional services to assist the Village in its internal Human Resources Function.

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

VILLAGE COUNSEL

1. Adopt Resolution - Fire Department - Active Members Volunteer Firefighters Protections of Section 209i General Municipal Law. Requested authorization to adopt a resolution for the Fire Department to make available to the active members of the Volunteer Firefighters the protections of Section 209i, subparagraph 1-b, of the General Municipal Law, as amended, effective August 20, 2015.

Trustee Trouvé offered the following resolution and moved its adoption:

RESOLUTION NO. 168-2015

WHEREAS, that based upon the foregoing it is the intention of the Mayor and Board of Trustees to make available to the active members of the Garden City Fire Department the protections of Section 209-i, subparagraph 1-b, of the General Municipal, as amended, and effective August 20, 2015, and to afford to any active member injured, rendered ill, or dying as a result of rendering services outside of our jurisdiction at the emergency scene of another fire department the protections of the Volunteer Firefighters Benefits Law, and insurance coverage provided thereunder until such time as the jurisdictional officer in command arrives at the scene; and

WHEREAS, that guidelines stated herein shall act as rules and regulations to guide volunteer firefighters and provide for greater safety and accountability. However, they shall not act to limit the right of volunteer firefighters to benefits under Section 209i, subparagraph 1-b, of the General Municipal and Volunteer Firefighter's Benefits when they act to assist another fire department at an emergency scene before a jurisdictional officer in command arrives at the scene as the intention of this resolution is to provide benefits due to the act of volunteering rather than to restrict access to those benefits; and

NOW THEREFORE BE RESOLVED, that whenever an active volunteer firefighter of the Garden City Fire Department provides services under Section 209-i of the General Municipal after responding to such scene near the place where he or she is for the time being and there is no jurisdictional officer in command present, such active volunteer firefighter shall report to such officer when he or she arrives and offer his or her assistance to such other fire company or fire department. If such offer of assistance is not accepted, the active volunteer firefighter of the Garden City Fire Department must immediately cease providing assistance, stand down and safely exit the emergency scene. If such assistance is accepted, he or she shall follow the orders of the jurisdictional officer in command.

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

AYES: 7
NOES: 0

The resolution was declared adopted.

2. Stipulation of Settlement for a Village Employee. Requested authorization for the Board to accept the Stipulation of Settlement for a Village Employee.

Trustee Trouvé offered the following resolution and moved its adoption:

RESOLUTION NO. 169-2015

WHEREAS, Ray Duran was employed by the Village's Public Library ("Library"), having its office at 60 Seventh Street, Garden City, N.Y. 11530, as a Maintenance Helper from May 21, 2008 until his position/title was abolished effective May 29, 2015; and

WHEREAS, the CSEA filed a grievance seeking severance pay for Mr. Duran under Article XVI of the Agreement; and

WHEREAS, the Village denied the CSEA's grievance; and

WHEREAS, the Village and CSEA discussed the grievance and, on or about July 24, 2015, reached a Stipulation of Settlement that included Mr. Duran and which resolved the grievance prior to arbitration; and

WHEREAS, the Library at its Board Meeting on August 10, 2015, ratified and approved the terms set forth in the Stipulation of Settlement executed by Mr. Duran and the CSEA on July 24, 2015, and which has been reviewed by Village Counsel, and which is on file with the Village Clerk; and

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees ratifies and approves the terms set forth in the Stipulation of Settlement executed by Mr. Duran and the CSEA on July 24, 2015, and which has been reviewed by Village Counsel, and which is on file with the Village Clerk.

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

AYES: 7
NOES: 0

The resolution was declared adopted.

PERSONNEL

Engage the Services of JCL HR Consulting, LLC - Jessica Oxenham - Human Resources. Authorization is requested to engage the services of JCL HR Consulting, LLC, 126 Poplar Street, Garden City, New York, to provide consulting services to assess the Village's internal Human Resources function and making recommendations in connection with labor, employment and Human Resources laws and practices at a rate of \$70 per hour not to exceed \$75,000.

On motion of Trustee Trouvé 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 21 through September 23, 2015, in Syracuse, New York, at an approximate cost of \$600, funding for which has been provided in the budget in Account No. OA3120.4120.

On motion of Trustee Trouvé 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.

BUILDING

Attendance at International Code Council (ICC) Conference and Code Development Hearings. Requested authorization for Ausberto Huertas, Jr., Superintendent of Building, to attend the International Code Council (ICC) Annual Conference and Code Development Hearings, scheduled for September 25 through October 1, 2015 in Long Beach, California, at a cost not to exceed \$2,600, funding for which has been provided in the budget.

On motion of Trustee Trouvé and unanimously carried, Ausberto Huertas, Jr., Superintendent of Building, was authorized to attend the aforesaid conference and to be reimbursed for such expenses as he may incur in connection therewith.

RECREATION

Amend the Motion for the Service of Alcohol at Selected Special Events at the Garden City Pool. Requested authorization to amend the motion that was made at the August 6, 2015 Board Meeting with regard to the Service of Alcohol at Selected Special Events at the Garden City Pool. The Board of Trustees approved the following motion at the August 6th Board of Trustees Meeting: "permit the service of alcohol at special event nights during August at the Garden City Pool. This event either will be with a vendor and/or "bring your own bottle", beer and wine only, adults only (23 years or older). The event will be one night only set by the Recreation Commission with the hours of 7:30 p.m. to 10:00 p.m." It has now been determined that the Member Appreciation date will be on Saturday, September 5, 2015 with a rain date of Sunday, September 6, 2015 with the hours 7:30 p.m. to 10:00 p.m. The pool's normal operating hours that evening would have been to 9:00 p.m., but all pools will be open until 10:00 p.m. that evening. It is requested that the original motion be amended to allow children of pool members at the event in order to avoid the need to close the pool prior to the event. In addition, it is requested that the vendor be allowed to sell alcohol to anyone of legal age. The Recreation Commission supports these amendments and feel that such action will encourage greater participation by pool members.

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

PUBLIC WORKS

1. Attendance at NYCOM 2015 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) 2015 Public Works School, scheduled for October 25 through October 28, 2015 in Cooperstown, New York at an approximate cost of \$2,000, funding for which has been provided in Operating Budget OA5010.4120.

On motion of Trustee Trouvé 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.

2. Approval for the Change from Cement to Grass for Sidewalk Easement - 39 Hawthorne Road. Request authorization for the homeowner at 39 Hawthorne Road to change from cement to sidewalk. A cement sidewalk currently exists in front of 39 Hawthorne Road, but other homes on Hawthorne Road have grass rather than cement. The homeowner has requested, and the Department of Public Works concurs, that the homeowner be permitted to remove the cement and restore the easement area to grass at the homeowner's expense.

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

3. Engineering Services for Electrical Improvements and Emergency Generator at the Country Club Well Site (Wells 13 and 14) - D & B Engineers and Architects, P.C. Requested authorization to engage D & B Engineers and Architects, P.C., 330 Crossways Park Drive, Woodbury, New York, to prepare plans and specifications and construction

management for the electrical improvements and emergency generator at the Country Club Well Site (Wells 13 and 14) . Funds are available in the Water Capital Account OF.1064.0000. The fees for the engineering services described in Section 1- Scope of Services, will not exceed the following:

| | |
|-----------------------------------|-----------|
| Detailed Design Services | \$58,000 |
| Outside Services* | \$4,000 |
| Bidding and Construction Services | \$64,000 |
| Start- up Assistance | \$5,000 |
| Total | \$131,000 |

*Outside services include laboratory testing and utility mark out. These services will be billed to the Village at a cost without markup.

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

4. Professional Service Contract - Mechanical Well Contractor and Sewer Pumping Stations Contractor - Various Wells and Pumping Stations - Atlantic Wells, Inc. Requested authorization to engage Atlantic Wells, Inc., 58 Fairfields Lane, Huntington Station, New York, mechanical well contractor and sewer pumping stations contractor for well pump an booster pump service calls for the 2015 year per the following hourly rates: first plumber - standard hourly rate - \$116, overtime hourly rate #1 - \$170, overtime rate #2 - \$226; laborer - standard hourly rate - \$94, overtime hourly rate #1 - \$132.50, overtime rate #2 - \$176; additional charges service truck charge \$125.

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

5. Defense and Indemnification of Employee Thomas Hayes. Requested Defense and Indemnification of Employee Thomas Hayes of the Garden City Department of Public Works regarding a Notice of Claim filed by Jose Galvez against the Village and its employee Thomas Hayes relative to claimed personal injuries sustained by Jose Galvez arising from an automobile accident involving a village vehicle driven by employee Hayes with village authorization and in the performance of his duties.

Trustee Trouvé offered the following resolution and moved its adoption:

RESOLUTION NO. 170-2015

WHEREAS, a Notice of Claim received by Garden City on or about July 15, 2015 alleging that the Village and Employee Hayes negligently caused personal injuries to Jose Galvez on or about May 3, 2015 on Cathedral Avenue near 6th Street through the operation of a village automobile and,

WHEREAS, Employee Hayes has requested Defense and Indemnification for any legal actions stemming from the events underlying the Notice of Claim;

NOW, THEREFORE, BE IT RESOLVED, that the Garden City Village Board of Trustees finds that, based upon the investigation of the Public Works Superintendent Robert Mangan and his recommendation regarding same to date, and subject to any further determination to the contrary, the allegations regarding the acts/omissions of Employee Hayes occurred while Employee Hayes was acting within the scope of his public service and in the discharge of his duties and was not in violation of any rule or regulation of the Village at the time the alleged acts/omissions occurred and the damages were allegedly sustained; as a result thereof, the Board adopts the recommendation of the Public Works Superintendent and authorizes the Defense and Indemnification of Employee Hayes pursuant to Village Code, Chapter 9, subject to the exceptions and conditions therein and to the extent permitted by law for the above incident.

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

AYES: 7
NOES: 0

The resolution was declared adopted.

AWARD OF BIDS

1. Water Main Improvements on Magnolia Avenue, Carteret Place and Fourth Street. Reported that a tabulation of bids had been circulated to each member of the Board for the Water Main Improvements on Magnolia Avenue, Carteret Place and Fourth Street and recommended that the bid be awarded to Bancker Construction Corp., 218 Blydenburgh Road, Islandia, New York, low bidder, at a cost of \$1,668,225. He added that specification pickups reached a total of six companies and five bids were received. A Notice to Bidders was sent to Alessio Pipe & Construction Co., Inc., McGraw Hill Information Systems and Reed Construction Data.

On motion of Trustee Trouvé the following resolution was offered:

RESOLUTION NO. 171-2015

RESOLVED, that the proposal of Bancker Construction Corp., 218 Blydenburgh Road, Islandia, New York, at a cost of \$1,668,225, 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 in behalf of the Village to execute a contract with Bancker Construction Corp., 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: 7
NOES: 0

The resolution was declared adopted.

2. Proposed Improvements to the Garden City Fire Department Headquarters. Reported that a tabulation of bids had been circulated to each member of the Board for the Proposed Improvements to the Garden City Fire Department Headquarters and recommended that the bid be awarded to Construction Consultants/L.I., Inc., 36 East Second Avenue, Riverhead, New York, only bidder, at a cost of \$1,067,000, which includes Base Bid and Alternates 1, 2 and 4. He added that specification pickups reached a total of nine companies and one bid was received. A Notice to Bidders was sent to Rockmore Contracting Corp., Talty Construction Co., The Engel Berman Group, Total Construction Corp., LoDuca Associates, Inc., Stalco Construction, Inc., Advanced Builders & Land Development, Web Construction Corp., McGraw Hill Information Systems and Reed Construction Data.

On motion of Trustee Trouvé the following resolution was offered:

RESOLUTION NO. 172 -2015

RESOLVED, that the proposal of Construction Consultants/L.I., Inc. 36 East Second Avenue, Riverhead, New York, at a cost of \$1,067,000, 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 in behalf of the Village to execute a contract with Construction Consultants/L.I., Inc., 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: 7

NOES: 0

The resolution was declared adopted.

TRUSTEE COMMUNICATIONS

Change of Board of Trustees Meeting Date. It was requested that the Regular Board of Trustees Meeting scheduled for Thursday, September 17, 2015 be changed to Thursday, September 10, 2015.

On motion of Trustee Trouvé and unanimously carried, the regularly scheduled Board of Trustees Meeting was changed from September 17, 2015 to September 10, 2015 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 6, 2015. (Rain date September 7)

On motion of Trustee Trouvé 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.

Block Parties:

2. Prescott Street between Old Country Road and Bayberry Avenue, Saturday, September 12, 2015 from 1:00 p.m. to 11:00 p.m. (Rain date September 19)

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

3. Kensington Road between Merillon and Somerset Avenues, Saturday, September 19, 2015 from 1:00 p.m. to 11:00 p.m. (Rain date September 20)

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

4. Roxbury Road between Somerset and Main Avenues, Saturday, September 12, 2015 from 12 noon to 11:00 p.m. (Rain date September 19)

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

5. Jackson Street between Stewart Avenue and Manor Road, Saturday, September 12, 2015 from 11:00 a.m. to 10:00 p.m. (Rain date September 13)

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

6. Kilburn Road Street between South and Salisbury Avenues, Saturday, September 12, 2015 from 5:00 p.m. to 11:00 p.m. (Rain date September 13)

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

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

Mr. William A. Bellmer, 156 Poplar Street, Garden City, writing with regard to putting a new water tower at the Water Works property on Eleventh Street.

TRUSTEE DEMARO

On motion of Trustee DeMaro, and unanimously carried, he requested to temporarily suspend the Rules and Procedures of the Board of Trustees.

On motion of Trustee DeMaro, and unanimously carried, he requested approval for Village Counsel to hire International City/County Management Association (ICMA) to conduct a study of the Fire Department operations at a cost not to exceed \$10,000.

Following discussion, the following items were acted upon:

Agenda Item #9b of the Consent Calendar

FINANCE

\$5,000 from Account A1990.4000 - Contingent, to Account No. A1625.4460 - St. Paul's School - Contractual Services, to extend the exterior lighting on the St. Paul's Main Building.

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.

On motion of Trustee DeMaro and unanimously carried, to increase the amount of the above by \$3,000 to install a light on the United States Flag in front of St. Paul's.

Agenda Item #10 of the Consent Calendar

SICK LEAVE

Sick Leave - Four Employees. Requested authorization to pay Detective Sergeant James Bartkowski, Detective Angelo Barone, Police Officer John Florio and Police Officer Paul Hennessy through September 10, 2015 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.

Sick Leave - Two Employees. Requested authorization to pay Christian Macchione, Labor Supervisor, Parks Department and Danny Garaguso, Labor Supervisor, Parks Department through September 10, 2015 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.

Sick Leave - Wayne Rousseau. Requested authorization to pay Wayne Rousseau, Motor Equipment Operator, Parks Department through September 1, 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 Silver and unanimously carried, the aforesaid authorization was approved.

Sick Leave - Two Employees. Requested authorization to pay Nicholas Brusack, Sanitation Worker, Sanitation Department and John Anselmo, Labor Supervisor, Street Department through September 10, 2015 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.

Agenda Item #21 of the Consent Calendar

RECREATION

St. Paul's Lighting Expansion - Ankers' Electric Service, Inc. Requested authorization to engage Anker's Electric Service, Inc., 10 South 5th Street, Locust Valley, New York to expand the flood lighting system that illuminates the exterior of the St. Paul's School Building to include the lighting of the east side of the building facing Rockaway Avenue at a cost not to exceed \$10,200.

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

On motion of Trustee DeMaro and unanimously carried, to light the United States Flag in front of St. Paul's for an amount not to exceed \$3,000.

Mayor Episcopia recognized the following:

Lorilee Crafa, 50 Meadow Street
Leo Stimmler, 67 Huntington Road
Kathleen Auro, 4 Merillon Avenue
Kevin Curtin, 45 Hilton Avenue
Robert Orosz, 28 Grove Street

On motion of Mayor Episcopia to go to executive session at 9:35 p.m. to discuss a matter of personnel and an opinion of Counsel. The Board reconvened at 10:30 p.m.

There being no further business, on motion duly made, the meeting adjourned at 10:31 p.m.