

BOARD OF TRUSTEES

SEPTEMBER 10, 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 September 10, 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 and John M. Delany.

Also Present: Ralph V. Suozzi, Village Administrator  
Brian S. Ridgway, Village Clerk  
Michael D. Filippone, Temporary Superintendent, Building Department  
Ausberto Huertas, Jr., 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  
Irene Woo, Village Treasurer  
Joseph R. Nadolny, Chief, Fire Department  
Peter A. Bee, Bee Ready Fishbein Hatter & Donovan, LLP

Attendance: Approximately 25

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 meeting of the Board of Trustees.

The minutes of the meeting held on August 20, 2015 were reviewed, and on motion of Trustee Delany, were approved as presented.

Treasurer's Report. Reviewed the Treasurer's Report dated July 31, 2015, after which on motion of Trustee Bolebruch and unanimously carried, said report was ordered received and placed on file.

NEW BUSINESS

FORMAL AGENDA

Fix Date for Public Hearing - "A Local Law Amending Village Code Chapter 193, Article III to Require a Parking Permit and Sticker for Certain Times and Locations". After discussion, Trustee Silver introduced the following resolution and moved its adoption:

RESOLUTION NO. 173-2015

RESOLVED, that the Board of Trustees hold a public hearing on a proposal to enact a Local Law entitled, "A Local Law Amending Village Code Chapter 193, Article III to Require a Parking Permit and Sticker for Certain Times and Locations".

FURTHER RESOLVED, that the Clerk be and he hereby is authorized and directed to publish and post a notice of a public hearing with regard to the adoption of such local law to be held at the Village Hall, 351 Stewart Avenue, in said Village at 8:00 p.m. on the 1<sup>st</sup> day of October, 2015.

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

AYES: 8

NOES: 0

The resolution was declared adopted.

Trustee Delany requested that Item #9 (Public Works - Notice to Repair Water Leak - 39 Hilton Avenue) be removed for discussion as the homeowner has made the necessary repair.

Trustee Daughney requested that Item #8 (Public Works - Emergency Replacement of Cedar Valley Pump #1 - G.P. Jager, Inc. - \$21,418) be removed for discussion.

Trustee Silver requested that Item #5 (Sick Leave - Seven Employees) be removed for discussion.

Trustee DeMaro requested that Item #1c (Finance - Payment of Invoice - Bond, Schoeneck & King, PLLC - \$32,556.50) be removed for discussion.

## CONSENT CALENDAR

### FINANCE

1. 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 July 1 through July 31, 2015, on the remedial cost recovery matter for groundwater contamination at Village Water Wells 13 and 14 in conjunction with litigation against Genesco for \$4,020.

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

2. Reynolds, Caronia, Gianelli & LaPinta - Fair Housing Compliance Officer - MHANY Management - ACORN. Requested authorization to pay the claim of Reynolds, Caronia, Gianelli & LaPinta, 200 Vanderbilt Parkway, Suite C-17, Hauppauge, New York, in the amount of \$4,280. This billing reflects services rendered from July 1 through July 31, 2015, with respect to legal issues as Fair Housing Compliance Officer with MHANY Management Inc., and the ACORN Litigation Case.

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

3. Payment of Invoice - Bond, Schoeneck & King, PLLC - Legal Services - Disbursements - Retainer Labor Matters. Requested authorization to pay the claim of Bond, Schoeneck & King, PLLC, 1010 Franklin Avenue, Suite 200, Garden City, New York, for professional services. This billing reflects work done May, June and July 2015, at a cost of \$180.45, with regard to hourly retainer disbursements for legal services.

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

4. Payment of Invoice - Bond, Schoeneck & King, PLLC - Legal Services - Disbursements - Hourly Labor Matters. Requested authorization to pay the claim of Bond, Schoeneck & King, PLLC, 1010 Franklin Avenue, Suite 200, Garden City, New York, for professional services. This billing reflects work done during the month of July, 2015, at a cost of \$265.52, with regard to hourly labor matters for legal services.

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

5. Payment of Invoice - Jones Day - Special Counsel MHANY - (ACORN) Litigation. Requested authorization to pay the claim of Jones Day, 222 East 41<sup>st</sup> Street, New York, New York, for professional services at a cost of \$329.15. This billing reflects services rendered through July 31, 2015 with respect to the MHANY Litigation Matter. This is an insured matter and reimbursement is expected.

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

6. Tax Certiorari Settlement. Requested authorization to settle the following tax certiorari:

Joseph Ferrara, 15 St. Paul's Place. Requested authorization for the proposed settlement with Joseph Ferrara, 15 St. Paul's Place, Garden City, a private residence, Village Account No. 03482-0-001, which results in a refund of \$13,417.48, without interest, for tax years 2012/2013 with a new assessment of \$14,940.

Trustee Daughney offered the following resolution and moved its adoption:

RESOLUTION NO. 174-2015

WHEREAS, Joseph Ferrara has commenced proceedings pursuant to the Real Property Tax Law to review the assessment on property located at 15 St. Paul's Place in the Village of Garden City for the tax years 2012/2013 for 15 St. Paul's Place; and

WHEREAS, the petitioner, after discussion with the Village Assessor and Village Counsel, has offered to settle these proceedings; and

WHEREAS, the Village Assessor and Village Counsel have recommended that these matters be settled upon the terms and conditions set forth below;

NOW, THEREFORE, BE IT RESOLVED, that Village Council is hereby authorized to settle such proceedings by stipulation and consenting to an order directing a refund of \$13,417.48 for the tax years 2012/2013 for 15 St. Paul's Place, with a new assessment of \$14,940 being established.

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

AYES: 8  
NOES: 0

The resolution was declared adopted.

7. Appropriation of Termination Reserve. Authorization is requested to appropriate \$309,442 from Account OA.8670 - Reserve from Compensated Absences to the following Accounts:

OA.9961.9000	Contribution to Library	\$ 16,110
OA.3410.1010	Fire	111,119
OA.1620.1010	Building	7,939
OA.1440.1010	Engineer	49,946
OA.1345.1010	Purchasing	31,989
OA.1325.1010	Clerk-Treasurer	89,844
OA.1110.1010	Village Justice	<u>2,496</u>
		\$309,442

This transfer funds the contractual termination payments due to ten (10) employees who retired or otherwise separated from service during the months of June through August

from the reserves maintained for that purpose.

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

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

(a) \$4,053.99 from Account A1990.4000 - Contingent to Account A1625.4030 - St. Paul's School - Maintenance of Plant, to repair the electrical main that was damaged during the paving work in front of Cluett Hall.

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

#### PERSONNEL

Adopt Amended Part-Time and Seasonal Salary Schedule. Requested authorization to adopt the Amended Pay Schedule of Part-Time and Seasonal Employees, to increase the daily rate for the School Crossing Guards from a starting rate of pay of \$39 to \$41, for new hires and from \$44 to \$46 for the top step after five years and to add the title Court Clerk to the Schedule, at a starting hourly rate of \$11.25 for new hires and for the top step after five years \$13.80 per hour effective September 1, 2015.

On motion of Trustee Daughney the following resolution was offered:

#### RESOLUTION NO. 175-2015

RESOLVED, that the Part-Time and Seasonal Salary Schedule as appended to the minutes be adopted as amended.

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

The resolution was declared adopted.

#### POLICE

Defense and Indemnification of Police Officer Stephen Oswald. The Police Commissioner has recommended Village Defense and Indemnification of Police Officer Stephen Oswald of the Garden City Police Department regarding a Notice of Claim dated January 28, 2015, which was received by the Incorporated Village of Garden City on February 6, 2015 regarding Blotter #GC-10674-14 dated December 22, 2014.

Trustee Daughney offered the following resolution and moved its adoption:

#### RESOLUTION NO. 176-2015

WHEREAS, a Notice of Claim dated January 28, 2015 was received by the Incorporated Village of Garden City on February 6, 2015, regarding Police Blotter Entry #GC-10674-14 dated December 22, 2014 alleging injuries resulting from a motor vehicle accident between a car in which claimant was a passenger in and a car operated by Police Officer Stephen Oswald; and

WHEREAS, Police Officer Oswald has requested "Defense and Indemnification for any legal action stemming from Blotter #GC-10674-14, dated December 22, 2014";

NOW, THEREFORE, BE IT RESOLVED, that the Garden City Village Board of Trustees finds that, based upon the investigation of the Police Commissioner and his recommendation regarding same to date, and subject to any further determination to the contrary, the allegations regarding the acts/omissions of Police Officer Oswald occurred while Officer Oswald was acting within the scope of his public service and in the discharge of his duties and were 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 Police Commissioner and authorizes the Defense and Indemnification of Police Officer Oswald pursuant to Village Code, Chapter 9, subject to the exceptions and conditions therein and to the extent permitted by law for the above incident and arrest.

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

AYES: 8

NOES: 0

The resolution was declared adopted.

### RECREATION

Emergency Electrical Repairs - St. Paul's Building - Anker's Electric Service, Inc. Requested authorization to approve the emergency electrical repairs to the St. Paul's Building with Anker's Electric Service, Inc., 10 South 5<sup>th</sup> Street, Locust Valley, New York at a cost of \$4,053.99. During the construction and excavation phase of the paving work in front of Cluett Hall, the electrical main that feeds the exterior lighting system in front of the Main Building was damaged. It was necessary for Anker's Electric Service, Inc., to make the necessary repairs.

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

### PUBLIC WORKS

1. 2015 Sidewalk and Curb Construction Charges. Requested that the 2015 charges for sidewalk and curb construction work be established to reflect the prices charged by the contractor (Pratt Brothers, Inc., 45 South Fourth Street, Bay Shore, New York) as follows:

<u>Thickness</u>	<u>Rate</u>
4" sidewalk	\$8.15 per square foot
6" sidewalk	\$9.75 per square foot
Drop Curb	\$27.50 per linear foot

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

2. Engagement of Engineering Services - Condition Assessment of the Meadow Street and Cedar Valley Pumping Stations - D & B Engineers. Requested authorization to approve the engagement of D & B Engineers, 330 Crossways Park Drive, Woodbury, New York, to assess the condition of the Meadow Street and Cedar Valley Pumping Stations and to perform the assessment of the two existing pumping stations and associated facilities. The lump sum fee proposed is \$5,000. Funds are available in Account OF.8310.4460.

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

## AWARD BID

### Requisition No. 15-3, Dated September 10, 2015, Purchase of Materials for the Fire Department.

Sport Utility Vehicle - 2015 Chevrolet Tahoe. Recommended the purchase of one new unused 2015 Chevrolet Tahoe 4x4, or Village approved equal from Cars Unlimited of Suffolk LLC, 2096 Route 112, Medford, New York, low bidder for a total cost of \$39,594. A total of five invitations to bid were sent and two bids were received. A Notice to Bidders was sent to Bid Reporter.

On motion of Trustee Daughney the following resolution was offered:

#### RESOLUTION NO. 177-2015

RESOLVED, that Requisition No. 15-3, dated September 10, 2015, filed under separate cover, be made a part of these minutes and that materials and equipment be purchased for the Fire Department in accordance with the recommendations hereinabove set forth, as per specifications and requirements in said requisition, at prices not exceeding those indicated.

FURTHER RESOLVED, that all other bids be rejected.

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

The resolution was declared adopted.

## EXTERNAL COMMUNICATIONS

### PERMITS

#### Street Fair

1. Garden City Chamber of Commerce, 230 Seventh Street, Garden City, advising that since they cancelled the Friday Night Promenade for September 11<sup>th</sup> out of respect for the victims of 911, they would like to hold the final Friday Night Promenade on September 18, 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 Daughney and unanimously carried, the aforesaid authorization was approved.

#### Block Parties:

2. Spruce Street between Old Country Road and Bayberry Avenue, Saturday, September 19, 2015 from 5:00 p.m. to 11:00 p.m. (Rain date September 26)

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

3. Kilburn Road between Stratford Avenue and Newmarket Road, Saturday, September 12, 2015 from 2:00 p.m. to 10:00 p.m. (Rain date September 13)

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

On-Street Parking:

4. (a) Mary E. Messmer, 29 Meadow Street
- (b) Margaret M. Murphy, 47 Franklin Court
- (c) John F. and Karen E. Munkenbeck, 22 Franklin Court West (2)
- (d) Jane Ashdown, 19 Franklin Court
- (e) Chris Valerakis, 27 Meadow Street
- (f) Patricia McGinnis, 15 Meadow Street
- (g) Jane M. Maguire, 40 Franklin Court East
- (h) Thomas Blaha, 17 Meadow Street
- (i) Michael and Erin Fleischmann, 25 Meadow Street (2)
- (j) Judith Stanley, 19 Meadow Street (2)

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

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

1. Mr. Cyril Smith, 109 Fourth Street, writing with regard to tasking an intern to work in the Building Department to do research on the rich architectural history of Garden City (for both residential and commercial structures). The research would be for the purpose of incorporating the architectural heritage of Garden City into the planned digital museum and archives for the Village.

2. Mr. Dennis Donnelly, Executive Director, Garden City Chamber of Commerce, writing to advise the Board that the Chamber is exercising its option to renew the current License Agreement under the same terms and conditions (except for an automatic 2.5% per year license fee increase) for an additional five years, under the option granted to the Chamber of Commerce in the current license agreement, which was previously approved by the Board of Trustees on October 7, 2010.

3. Mr. Benjamin J. Truncale, Jr., Spellman Rice Gibbons Polizzi & Truncale, LLP, advising that Nicole Kolenda, 92 Carlton Terrace, Stewart Manor, is proposing to remove the existing garage and to construct a two-story addition. There will be a hearing for a zoning variance application in the Village of Stewart Manor, 120 Covert Avenue, on Monday, September 21, 2015 at 8:00 p.m.

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

Agenda Item #1c of the Consent Calendar

FINANCE

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

(a) General Labor Matters - Hourly	\$ 4,541.00
(b) Edward Galazka 207a	271.00
(c) Joseph Campbell 207a	212.00
(d) Christopher VanManen 207a	53.00
(e) P.O. Angelo Barone - Disability Retirement	236.00
(f) Fire Fighters Recall Stay Arbitration	5,382.00
(g) Christopher VanManen 207a/Sick Leave	4,446.50
(h) Firefighters IPC Negotiations	4,029.50
(i) P.O. Bartkowski Disability Retirement	3,375.00
(j) Stay of Chief's Matrix Arbitration/Deinhardt Award	708.00
(k) Campbell, VanManen, Galazka 207a/IPC	359.00
(l) Joseph T. Cieslewicz 207a	517.50

(m) Jeffrey Cataldi Termination	118.00
(n) Joseph Campbell - Arbitration Light Duty	200.50
(o) Paul Brower Potential Discipline	1,207.50
(p) PFFA - IPC - Taping	59.00
(q) Computer Access Investigation	570.50
(r) PFFA - Michon - Potential Discipline	6,211.50
(s) Gerald Cadigan Potential Discipline	<u>59.00</u>
Total	\$32,556.50

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

Agenda Item #5 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 October 1, 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 - Danny Garaguso. Requested authorization to pay Danny Garaguso, Labor Supervisor, Parks Department through October 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 October 1, 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.

Trustee Silver requested that Village Administrator Suozzi review and improve the Extended Sick Leave Process and Mayor Episcopia requested that a Mission Statement and set of goals be developed.

Agenda Item #8 of the Consent Calendar

PUBLIC WORKS

Emergency Replacement of Cedar Valley Pump #1. Requested authorization for the payment of the emergency replacement of Cedar Valley Pump #1 by G.P. Jager, Inc., P. O. Box 417, Butler, New Jersey in the amount of \$21,418 (Wilo Pump Model No. FA15.772 with FKT27.1.6/22KEX, 32.5 HP) Cedar Valley Pump Specifications and Motor). The vendor has honored the bid price of Pump #2 which was bid on August 1, 2014. Funds are Available in Account OA.8120.2990.

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

Agenda Item #9 of the Consent Calendar

Notice to Repair Water Leak - 39 Hilton Avenue. Stated that in accordance with Village Law, Section 11-1112, the Board of Trustees is requested to act as Board of Water Commissioners to adopt a resolution to publish a notice requiring the homeowner of 39 Hilton Avenue to repair the water leak on his service by October 10, 2015.

On motion of Trustee Delany and unanimously carried, the aforesaid item was removed from the agenda as the homeowner has made the necessary repair.

Mayor Episcopia recognized the following:

Andrew Shumelda, P.O. Box 719

William Keegan, 127 Second Street

Presentation - Community Park

Mayor Episcopia called on Kevin McAndrew, Partner, Cameron Engineering & Associates, LLP, 100 Sunnyside Boulevard, Woodbury, New York, to give a presentation to update the Board of Trustees on the sub surface soil conditions for the fields at Community Park.

On motion of Mayor Episcopia to go to executive session at 9:40 p.m. to discuss a matter of personnel and collective bargaining. The Board reconvened at 11:10 p.m.

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