

BOARD OF TRUSTEES

OCTOBER 1, 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 October 1, 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. Filippou, 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
William K. Castoro, First Assistant Chief, Fire Department
Peter A. Bee, Bee Ready Fishbein Hatter & Donovan, LLP

Attendance: Approximately 20

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 a public hearing on proposed Local Law 4-2015 - "A Local Law Amending Village Code Chapter 193, Article III to Require a Parking Permit and Sticker for Certain Times and Locations". Mayor Episcopia made a motion to open the hearing.

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

After discussion, on motion of Trustee Daughney and unanimously carried, the public hearing pursuant to proposed Local Law 4-2015 was closed.

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 September 10, 2015 were reviewed, and on motion of Trustee Daughney, were approved as presented.

NEW BUSINESS

CONSENT CALENDAR

PUBLIC WORKS

SEQR - Lead Agency

On motion of Trustee Bolebruch the following resolution was offered:

RESOLUTION NO. 178-2015

WHEREAS, the Village of Garden City has proposed the adoption of Local Law 4-2015 - "A Local Law Amending Village Code Chapter 193, Article III to Require a Parking Permit and Sticker for Certain Times and Locations", 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 there are no other involved agencies.

NOW, THEREFORE, BE IT RESOLVED, that the Village of Garden City Board of Trustees shall act as Lead Agency in the review of this matter.

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

The resolution was declared adopted.

Short Environmental Assessment Form - Proposed Local Law 4-2015. Stated that Mr. Mangan has prepared a Short Environmental Assessment Form for proposed Local Law 4-2015 - "A Local Law Amending Village Code Chapter 193, Article III to Require a Parking Permit and Sticker for Certain Times and Locations", 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 Bolebruch introduced the following resolution and moved its adoption:

RESOLUTION NO. 179-2015

WHEREAS, a Short Environmental Assessment Form has been prepared by Director of Public Works Robert J. Mangan in connection with proposed Local Law 4-2015, and

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

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

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

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

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

AYES: 8

NOES: 0

The resolution was declared adopted.

Trustee Makrinos requested that Item #10 (Personnel - Executive Staff Compensation) be removed for discussion.

Trustee Daughney requested that Item #2 (Public Works - Proposal for Engineering Services - Meter Replacement Program - H2M) be removed for discussion.

Mayor Episcopia requested that Item #3c (Finance - Payment of Invoice - Cullen and Dykman, LLP - \$52,793.63) be removed for discussion.

PUBLIC WORKS

1. Sick Leave - Two Employees. Requested authorization to pay Nicholas Brusack, Sanitation Worker, Sanitation Department and John Anselmo, Labor Supervisor, Street Department through November 5, 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 Bolebruch and unanimously carried, the aforesaid authorization was approved.

FINANCE

1. Payment of Invoice - Bee Ready Fishbein Hatter & Donovan, LLP - Legal Services - Reimbursement of Disbursement - Litigation, Judgment and Lien Search. Requested authorization to pay the claim of Bee Ready Fishbein Hatter & Donovan, LLP, 170 Old Country Road, Suite 200, Mineola, New York, in the amount of \$350 for the reimbursement of the actual costs incurred. This billing reflects the disbursement of money with regard to a litigation, judgement and lien search on Construction Consultants, L.I., Inc., as part of due diligence for the Fire Department Headquarters Improvement Project.

On motion of Trustee Bolebruch 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 August 1 through August 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 \$874.05.

On motion of Trustee Bolebruch 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 period August 1, 2015 through August 31, 2015, with respect to legal services for general labor matters as follows:

(a) General Labor Matters - Hourly	\$ 2,423.50
(b) Edward Galazka 207a	459.00
(c) Christopher VanManen 207a	212.00
(d) FF Recall Stay of Arbitration	1,032.50
(e) Christopher VanManen Arbitration 207a/Sick Leave	23.50
(f) Firefighters IPC	2,759.00
(g) P.O. Bartkowski Disability Retirement	141.50
(h) Compliance with the Deinhardt Award	472.00
(i) Campbell, VanManen, Galazka 207a/PIC	1,260.00
(j) FF Joseph T. Cieslewicz	194.50
(k) Change in Hours PFFA/Lt. Tours Arbitration	259.00
(l) Joseph Campbell Removal Light Duty Arbitration	59.00
(m) Paul Brower Potential Discipline	289.00
(n) PFFA Case No. U-34294	1,646.50
(o) Computer Access Investigation	70.50
(p) Thomas Michon Potential Discipline	359.50
(q) Gerald Cadigan Potential Discipline	295.00
(r) Center for Public Safety Management Study	<u>1,867.50</u>
Total	\$13,823.50

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

4. Engage Consultant Services in Relation to the Affordable Care Act - Corporate Plans, Inc. (CPI-HR) - \$15,500. Requested authorization to engage the services of Corporate Plans, Inc., (CPI-HR), P.O. Box 293, Syracuse, New York, at a cost of \$15,500 annually. The Federal Affordable Care Act (the "ACA") imposes certain obligations on Village governments as employers. It is requested that the Mayor execute a contract with Corporate Plans, Inc., (CPI-HR) to assist the Village in complying with its ACA obligations. A budget transfer from Contingency to Consultant Services is being simultaneously requested.

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

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

(a) \$3,692 from Account A1990.4000 - Contingent to Account A1625.4030 - St. Paul's - Maintenance of Plant, for additional funds required for the flagpole lighting system previously approved for \$3,000 at the August 20, 2015 Board of Trustees Meeting. The total cost for this is now \$3,692. Subject to the approval of the request for additional funds for St. Paul's exterior lighting under the Recreation section of the Consent Calendar.

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) \$5,318.75 from Account A1640.4030 - Central Garage - Maintenance of Plant, to Account H1640.2060 - Salt Storage Area to replenish the funds that were used to pay for soil borings and report for the new salt structure at the Municipal Yard.

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) \$20,000 from Account 1990.4000 - Contingent, to Account A1430.4160 - Personnel - Consultant, to fund Disability Management Associates efforts related to the Village's Extended Sick Leave Program. This is subject to the approval of the request for additional funds under the Village Administrator Section of the Consent Calendar.

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) \$15,500 from A1990.4000 Contingent to A1430.4160 Personnel - Consultant Fees, to fund Affordable Care Act compliance consulting services. Subject to approval of request for Engagement of Consultant under the Supplemental Finance section of the Consent Calendar.

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.

6. Appropriation of Funds - Senior Center Project. Requested authorization to appropriate \$300,000 from Surplus to Capital Project OH.7140.2370 - Senior Recreation Center. At the March 19, 2015 Board of Trustees meeting the total cost of the project was increased by \$300,000. It is now necessary to transfer these funds.

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

7. Appropriation of Funds - Employee Benefits - Adopt Resolution - Chapter 64 - Fire and Police Retirement. Requested authorization to appropriate \$968,917 from Surplus to A9015.8000 Employee Benefits - Fire and Police Retirement, subject to the approval of

the request to Adopt the Resolution under the Village Counsel section of the Consent Calendar. This lump sum payment saves the Village approximately \$145,000 in interest payments over the next five years.

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

VILLAGE ADMINISTRATOR

1. Engage Services - Disability Management Associates, Inc. - Medical Management Services. Authorization is requested to continue to utilize the services of Disability Management Associates, Inc., 92 Chateau Terrace, Snyder, New York, at an amount not to exceed \$20,000, to provide the Village assistance in the area of Worker's Compensation and Disability Case Management for uniformed and non-uniformed service employees. We anticipate that their services may be required to oversee approximately five to eight (5-8) more cases during the remainder of the fiscal year. An agreement was approved by the Board of Trustees on October 2, 2014.

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

2. Utility Cost Reductions - TRI, Utility Cost Reductions. Authorization is requested to engage the firm of TRI, Utility Cost Reductions, 44 Wall Street, New York, New York. A Request for Proposal was sent out for Utility Cost Reduction Audit Services and five responses were received. After reviewing all of the proposals, it is recommended that TRI, Utility Cost Reductions be engaged to perform an audit on all wireless phones, internet and data, electricity and gas bills. All work will be performed 100% on contingency upon refunds or credits obtained. There will be no out-of-pocket expenses to the Village and the Village shall receive all refund checks from the utility provider. Any fees will be paid exclusively from refunds received after savings.

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

VILLAGE COUNSEL

Police Officers Benefit 375i or 375j. Requested authorization for the Board to adopt a Resolution, pursuant to Chapter 674, of the Laws of 2003, benefit of 375i or 375-j of the Retirement and Social Security Law, as presented. This resolution would allow eligible Tier 2, Tier 3 (Article 14), Tier 5 and Tier 6 Police Officers to retire at age 55 without pension reduction.

Trustee Bolebruch offered the following resolution and moved its adoption:

RESOLUTION NO. 180-2015

BE IT RESOLVED, that the Board of Trustees of the Village of Garden City does hereby elect to provide, pursuant to Chapter 674 of the Laws of 2003, the age 55 retirement without reduction benefit of Section 375-i or 375-j of the Retirement and Social Security Law, as presently or hereafter amended.

BE IT FURTHER RESOLVED, that the effective date of such shall be the 5th day of October, 2015.

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.

POLICE

Sick Leave - Three Employees. Requested authorization to pay Detective Sergeant James Bartkowski, Detective Angelo Barone and Police Officer John Florio through November 5, 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 Bolebruch and unanimously carried, the aforesaid authorization was approved.

RECREATION

St. Paul's Flagpole Lighting - Ankers' Electric Service, Inc. Requested authorization to engage Anker's Electric Service, Inc., 10 South 5th Street, Locust Valley, New York, to light the flag at St. Paul's. At the August 20, 2015 Board of Trustees Meeting, an authorization of \$3,000 was granted for the lighting of the flag at St. Paul's. The estimate to do the necessary work includes the installation of 120 feet of electric cable in conduit and one LED fixture is \$3,692. Authorization is requested for the balance of \$692 in order to proceed with the installation of this lighting system. If approved, a transfer of funds will be required.

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

AWARD BID

Furnish and Install Self-Supporting Dome Salt Storage Building. Reported that a tabulation of bids had been circulated to each member of the Board to Furnish and Install Self-Supporting Dome Salt Storage Building and recommended that the bid be awarded to Dome Corporation of North America, 5450 East Street, Saginaw, Michigan, only bidder, at a cost of \$226,740. He added that specification pickups reached a total of four companies and one bid was received. A Notice to Bidders was sent to Doubletree Structures, Legacy Building Solutions Inc., Clearspan Fabric Structures, McGraw Hill Information Systems and Reed Construction Data.

On motion of Trustee Bolebruch the following resolution was offered:

RESOLUTION NO. 181-2015

RESOLVED, that the proposal of Dome Corporation of North America, 5450 East Street, Saginaw, Michigan, at a cost of \$226,740, 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 Dome Corporation of North America, for this work, pursuant to the terms and conditions set forth in the request for bids and in the proposal submitted by said Company, the form of contract to be approved by Village Counsel; and

FURTHER RESOLVED, that all other bids be rejected.

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

The resolution was declared adopted.

EXTERNAL COMMUNICATIONS

PERMITS:

1. Ms. Maureen Lyons, Director, Western Property Owners' Association, P. O. Box 7976, requesting that the Village permit the Western Section of the Village to host a traditional tree lighting ceremony on Friday, December 4, 2015, from 6:00 p.m. to 7:00 p.m., at the south end of New Hyde Park Road.

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

2. William Bradford Turner, Post No. 265, P.O. Box 8, requesting permission to place a collection bin at Village Hall through November, 2015. This collection bin is part of a special project in support of our wounded soldiers, sailors and marines at Landstuhl Regional Medical Facility in Landstuhl, Germany. (When a soldier is seriously injured in Afghanistan or Iraq, they are airlifted as quickly as possible to Landstuhl.)

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

Parade:

3. The Turkey Trot Committee of Garden City, Inc., requested to hold its 38th Annual Running of the Garden City Turkey Trot on Thanksgiving Day, Thursday, November 26, 2015 and further requested the use of the St. Paul's Fieldhouse on Wednesday, November 25 and Thursday, November 26, 2015.

On motion of Trustee Bolebruch and unanimously carried, the aforesaid authorization was approved, subject to receipt of an original Certificate of Insurance, payment of the fees as per the fee schedule (50% of the combined Incorporated Village of Garden City's expenses, not to exceed \$5,000) and coordination with the Police Department.

Solicit:

4. American Legion Auxiliary, William Bradford Turner Post, Unit 265, requested authorization to distribute poppies in the area surrounding the Veterans Memorial at the Library on Seventh Street on Veterans Day, Wednesday, November 11, 2015.

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

Block Party

5. Kenwood Road, between Washington Avenue and Lefferts Road, Sunday, October 4, 2015 from 1:00 p.m. to 8:00 p.m. (Rain date October 11)

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

On-Street Parking:

6. (a) Robert and Joan Stone, 13 Meadow Street (2)
- (b) Colin and Patricia Plass, 23 Meadow Street (2)
- (c) J. Kemp Hannon, 15 Franklin Court (2)
- (d) Jane Butler, 25 Franklin Court (1)
- (e) Virginia G. Cook, 26 Franklin Court (1)
- (f) Marion Mullahey, 50 Franklin Court (1)
- (g) Alexandra and Daphne Spirakis, 20 Franklin Court West (2)
- (h) Patricia M. Wilson, 129 Second Street, Apt. G-1 (1)

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

Following discussion, the following items were acted upon:

Agenda Item #10 of the Consent Calendar

PERSONNEL

Correct and Amend Resolution No. 154-2015 - Commissioner Kenneth O. Jackson. It is requested that Resolution No. 154-2015 be corrected and amended.

On motion of Trustee Makrinos the following resolution was offered:

RESOLUTION NO. 182-2015

RESOLVED, that inasmuch as Resolution No. 154-2015 inadvertently and incorrectly listed a salary change for Police Commissioner Jackson effective June 3, 2012 (a year in which Lt. Jackson was not yet the Commissioner and did not receive any increase under Resolution No. 154-2015), said Resolution No. 154-2015 is hereby corrected and amended to delete any reference to "Chairman, Board of Police Commissioners (Kenneth O. Jackson).

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

The resolution was declared adopted.

Executive Staff Compensation - Commissioner Jackson. It was requested that the following resolution be approved by the Board of Trustees with regard to the Executive Staff Compensation.

On motion of Trustee Makrinos the following resolution was offered:

RESOLUTION NO. 183-2015

RESOLVED, that as part of the Village's annual salary review, the following annual salary adjustment be made to the Executive Staff salary, effective May 31, 2015, such adjustment having been provided for in the Village's 2015/2016 budget.

	<u>Total Annual Salary</u>
Chairman, Board of Police Commissioner Kenneth O. Jackson	\$220,742

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

The resolution was declared adopted.

Agenda Item #2 of the Consent Calendar

PUBLIC WORKS

Engineering Services - Meter Replacement Program - H2M Water. Requested authorization to engage H2M Water, 538 Broad Hollow Road, Melville, New York, to provide the following services to assist the Water Department with the meter replacement program of which 3,500 meters need to be replaced. H2M has proposed to prepare the technical specifications and bid documents to allow the Village to publicly bid meter replacements. The contract documents will be prepared to allow the Village to receive pricing for radio-read type meters that will be installed over a one (1) year period. The specifications will also be set up to allow the Village to get pricing for the meters to be installed by an outside contractor, as well as the option of the Village installing the meters

with Village personnel. H2M will then assist the Village in reviewing the bids and making a recommendation of award. This work is to be completed in four (4) weeks after receiving authorization to proceed. The cost for this proposal is \$6,800 and funds are available in OF.1066.0000.

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

Agenda Item #3c of the Consent Calendar

FINANCE

Cullen and Dykman Billings - Quarter Ended August 31, 2015. Requested authorization to pay the claim of Cullen and Dykman, for quarter ended August 31, 2015, as follows:

(a) General Transition Legal Services	\$ 556.20
(b) General Tax Certiorari Proceedings	32,988.49
(c) Small Claims Tax Assessment Proceedings	9,164.80
(d) National Union (Chartis)	8,061.30
(e) Joseph Ferrara Assessment	<u>2,022.84</u>
Total	\$52,793.63

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

LOCAL LAW 4-2015

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

RESOLUTION NO. 184-2015

INCORPORATED VILLAGE OF GARDEN CITY
NASSAU COUNTY, NEW YORK
LOCAL LAW NO. 4-2015

A LOCAL LAW AMENDING VILLAGE CODE CHAPTER 193,
ARTICLE III TO REQUIRE A PARKING PERMIT AND STICKER FOR
CERTAIN TIMES AND LOCATIONS

BE IT ENACTED by the Village of Garden City Board of Trustees hereby amends Village Code, Chapter 193, Article III, entitled "All-Night Parking", as follows:

1. Chapter 193. Vehicles and Traffic

Article III. All-Night Parking On Street Parking

§193-9. Permit and sticker required.

No vehicle shall be parked or permitted to stand unattended on a public highway in the Village between the hours of 2:00 a.m. and 6:00 a.m. or at any other time designated by signage unless a permit therefor has first been obtained from the Village Clerk and there is conspicuously affixed to or displayed on such vehicle a sticker, tag or other proper identification in such form and manner as shall be prescribed by the Village Clerk.

2. This Local Law shall take effect immediately upon filing with the Secretary of State.

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

AYES: 8
NOES: 0

Local Law 4-2015 was declared adopted.

Mayor Episcopia recognized the following:

William Bellmer, 156 Poplar Street

Steven Ilardi, 139 Meadow Street

On motion of Mayor Episcopia to go to executive session at 9:15 p.m. to discuss a matter of personnel. The Board reconvened at 10:49 p.m.

There being no further business, on motion duly made, the meeting adjourned at 10:50 p.m.