

BOARD OF TRUSTEES

OCTOBER 15, 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 15, 2015 at 8:00 p.m.

Present: Mayor Nicholas P. Episcopia, Trustees Brian C. Daughney, Robert A. Bolebruch, Richard V. Silver, Theresa A. Trouvé 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
Kevin E. Ocker, Chairman, Board of Commissioners of Cultural and Recreational Affairs
Kenneth O. Jackson, Chairman, Board of Police Commissioners
Irene Woo, Village Treasurer
Christopher Markin, Village Engineer
Brian Gallo, Second Assistant Chief, Fire Department
Peter A. Bee, Bee Ready Fishbein Hatter & Donovan, LLP

Absent: Trustees John A. DeMaro and Stephen S. Makrinos.

Attendance: Approximately 15

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 October 1, 2015 were reviewed, and on motion of Trustee Bolebruch, were approved as presented.

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

NEW BUSINESS

Trustee Bolebruch requested that Item #8 (Permit - St. Joseph's School - 5K and Fun Run) be removed for discussion.

Trustee Silver requested that Item #1 (Finance - Bond Resolution - Community Park Bathhouse Renovation) be removed for discussion.

CONSENT CALENDAR

FINANCE

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

(a) \$480 from Account A5110.1020 - Street Maintenance - Overtime, to Account A5182.1010 - Street Lighting - Overtime, due to Parking Field painting done over the weekend, which overspent the money allocated.

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

(b) \$45,000 from Account A1990.4000 - Contingent, to Account A1420.4352 - Litigation - Fair Housing, to assist the Federal Compliance Officer in his duties. This is subject to the approval of Item #4 of the Agenda under Village Counsel.

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.

VILLAGE COUNSEL

Authorization to Incur Costs - Consultant - Professor John Nolon. Requested authorization to incur the costs of Consultant, Professor John Nolon, 78 North Broadway, White Plains, New York, at an amount up to \$325 per hour, to an initial maximum of \$45,000. This is to assist the Federal Housing Compliance Officer, Anthony LaPinta, in his duties, particularly in connection with his review of the pending application for a development at 550 Stewart Avenue and related zoning change request.

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

PUBLIC WORKS

Professional Service Proposal - Well #14 Rehabilitation - H2M Group. Requested authorization to approve the engagement of H2M Group, 575 Broad Hollow Road, Melville, New York, for the rehabilitation of Well #14 at the Garden City Country Club. This project was approved in the Capital Budget for 2015/16. Funds are available in the Capital Budget Account OF1068. The fees for the engineering services will not exceed the following:

Task	Description	Fee Type	Fee
1	Design	Lump Sum	\$11,000
2	Construction Administration	Lump Sum	\$3,000
3	Construction Observation	Hourly Rates	\$6,000
	Total Fee (Tasks 1, 2 and 3)	Total	\$20,000

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

POLICE

1. Sick Leave - Brian Caputo. Requested authorization to pay Police Officer Brian Caputo through November 19, 2015 or such earlier date as he may be able to return to duty as determined by the Village medical advisor and pursuant to the provisions of the contract between the Incorporated Village of Garden City and the Police Benevolent Association, which became effective June 1, 2014.

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

2. New York State Division of Criminal Justice Services - Grant. Requested authorization to participate in the contractual agreement between the Village of Garden City and the New York State Division of Criminal Justice Services. The Garden City Police Department has been awarded \$8,345 to participate in this program for the time period October 1, 2015 through September 30, 2016.

Garden City was one of only two villages on Long Island who were awarded funding for a Live-Scan Fingerprinting Scanner. A unit costs approximately \$16,700 and New York State Division of Criminal Justice Services will reimburse the Village half of the cost up to \$8,345. The Police Department will totally fund the project by using asset forfeiture funds

along with the grant. There will be no cost to the Village. Currently the Police Department responds to their prisoners at a Nassau County Police location for fingerprinting and ID purposes. Not having a Live-Scanner puts a burden on officer safety and adds significant time to routine arrest processing. A Live-Scan Printer will also assist the Department in identifying dangerous subjects and wanted persons.

This grant agreement was applied for and the acceptance sent electronically on July 31, 2015. Village Counsel has reviewed and approved the contract as to form. Since this grant was previously processed electronically, it is requested that the acceptance of this grant be ratified.

On motion of Trustee Delany and unanimously carried, the acceptance of this grant was ratified.

RECREATION

Sick Leave - Sam Simone. Requested authorization to pay Sam Simone, Senior Maintainer, Recreation Department through November 19, 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 Delany and unanimously carried, the aforesaid authorization was approved.

AWARD BID

Requisition No. 15-4, Dated October 15, 2015, Purchase of Materials for the Public Works Department.

Fire Hydrants and Repair Kits. Recommended the purchase of assorted Fire Hydrants and Repair Kits, or Village approved equal, from Ferguson Enterprise, 200 Atlantic Avenue, New Hyde Park, New York, low bidder, for a total cost of \$34,310. A total of seven invitations to bid were sent and two bids were received. A Notice to Bidders was sent to Bid Reporter.

On motion of Trustee Delany the following resolution was offered:

RESOLUTION NO. 185-2015

RESOLVED, that Requisition No. 15-4, dated October 15, 2015, filed under separate cover, be made a part of these minutes and that materials and equipment be purchased for the Department of Public Works 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: 6

NOES: 0

The resolution was declared adopted.

EXTERNAL COMMUNICATIONS

PERMITS:

Solicit:

1. Garden City Fire Department requested authorization to conduct its annual fund drive beginning November 1 through November 30, 2015. They will solicit Mondays through Fridays from 4:00 p.m. to 8:00 p.m. and on Saturdays from 11:00 a.m. to 5:00 p.m.

On motion of Trustee Delany and unanimously carried, the aforesaid authorization was approved, subject to compliance with Chapter 155 of the Village Code.

Block Party:

2. Ash Street between Magnolia Street and St. James Street South, Saturday, October 24, 2015 from 11:00 a.m. to 11:00 p.m. (Rain date November 7)

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

On-Street Parking:

3. (a) Michael Knechtges, 18 Franklin Court (2)
- (b) Kathleen nhDuffy, 48 Franklin Court (1)

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

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

Mr. Benjamin J. Truncale, Jr., Spellman Rice Gibbons Polizzi & Truncale, LLP, advising that the Stewart Manor Zoning Board of Appeals has an application from Victoria Casey, 238 Elton Road, Stewart Manor, proposing to add a 224.70 sq. ft. addition over the existing attached garage on the subject property.

Garden City Pool Bathhouse Project

Robert deBruin of deBruin Engineering, P.C., 11 Union Avenue, Bethpage, New York, gave a presentation with regard to the proposed Garden City Pool Bathhouse Project.

Following discussion, the following items were acted upon:

Agenda Item #1 of the Consent Calendar

FINANCE

Trustee Silver offered the following resolution and moved its adoption:

RESOLUTION NO. 186-2015

BOND RESOLUTION OF THE VILLAGE OF GARDEN CITY, NEW YORK, ADOPTED OCTOBER 15, 2015, AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE VILLAGE POOL FACILITIES, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$750,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$750,000 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 Village pool facilities, including improvements to the existing shower and restroom facilities; replacement of lighting systems, fixtures and restroom partitions; removal of existing floor and wall treatments; renovations to other existing areas to support staff operations, relocate locker rooms, provide changing areas and increase ADA compliant restroom space; and replacement of existing hot water heaters and drainage systems; all of the foregoing to include ancillary or related work required in connection therewith. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$750,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$750,000 bonds of the Village 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 \$750,000 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 October 15, 2015, the Board of Trustees of the Village of Garden City, in the County of Nassau, New York, adopted a bond resolution entitled:

"Bond Resolution of the Village of Garden City, New York, adopted October 15, 2015, authorizing the construction of improvements to the Village pool facilities, stating the estimated maximum cost thereof is \$750,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of not to exceed \$750,000 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 Village pool facilities, including improvements to the existing shower and restroom facilities; replacement of lighting systems, fixtures and restroom partitions; removal of existing floor and wall treatments; renovations to other existing areas to support staff operations, relocate locker rooms, provide changing areas and increase ADA compliant restroom space; and replacement of existing hot water heaters and drainage systems; all of the foregoing to include ancillary or related work required in connection therewith STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$750,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of \$750,000 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 \$750,000 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: October 15, 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.

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

AYES: 6
NOES: 0

The resolution was declared adopted.

Agenda Item #8 of the Consent Calendar

EXTERNAL COMMUNICATIONS

PERMITS:

Dr. Michael P. Spinelli, St. Joseph's School, 450 Franklin Avenue, Garden City, requesting permission to hold a 5K Run and Fun/Run, on Saturday, March 19, 2016, beginning at 8:30 a.m. The race route will be Fourth Street to Rockaway Avenue, to First Street to Cambridge Avenue. The route will be reviewed by the Garden City Police Department.

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 and approval of the route with the Garden City Police Department.

TRUSTEE SILVER

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

On motion of Trustee Silver, and unanimously carried, he requested approval to engage the firm Meyer, Suozzi, English & Klein, P.C., 990 Stewart Avenue, Suite 300, P.O. Box 9194, Garden City, New York, to provide legal expertise for zoning change applications at an amount not to exceed \$30,000.

TRUSTEE DISCUSSION

Cameras in the Village Parks, Village Parking Lots and Village-Wide Facilities. A discussion regarding the use of and implementation of a plan for use of cameras in Village Parks, Village Parking Lots and Village-Wide Facilities in order to increase security and reduce mischief and vandalism and related issues. Additional information will be provided to the Board of Trustees at the November 5, 2015, Board of Trustees Meeting.

MAYOR EPISCOPIA

Mayor Episcopia appointed the Mayor's Residential Code Review Committee (MRCRC) consisting of James Bauer, Hugh Lacy, Charles Debeneditis and Richard Vallely, Robert L. Cunningham, Michael T. Schroder, Brian Paradine, John A. Ardito, Michael D. Filippou, Temporary Building Superintendent and Ausberto Huertas, Jr., Building Superintendent. This Committee is being appointed in response to the concern expressed by many residents from different areas of Garden City regarding the proliferation of "McMansions" throughout the Village. The mission of the Committee is to enter into full review and discussion of the Zoning Code to include, but not be limited to, the charge to the Architectural Design Review Board contained therein, as well as the existing allowable height, width, overall bulk and set-backs of residential structures within the respective residential zones; and thereafter, to propose amendments that will preserve the unique character of the Village's neighborhoods without denying the owner the right to improve his or her property while ensuring the right of neighboring property owners to continue to enjoy the character and curb appeal of theirs.

PARKING PERMITS

The Board directed the Village Clerk to offer for sale eighteen (18) non-resident parking permits at the Nassau Boulevard Railroad Station in the north east section of the parking lot. The permit fee to be charged is \$300 and the eighteen (18) permits being sold are from the "wait list" from the prior non-resident sale held on September 29, 2015.

Mayor Episcopia recognized the following:

John Wilton, Chairman, Garden City Chamber of Commerce Merchants Group
(Mr. Wilton presented a petition in support of the Friday Night Promenades)
Andrew Shumelda, P.O. Box 719

There being no further business, on motion duly made, the meeting adjourned at 10:15 p.m.