

BOARD OF TRUSTEES

NOVEMBER 19, 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 November 19, 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
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
Ausberto Huertas, Jr., Superintendent, Building Department
Joseph R. Nadolny, Chief, Fire Department
Peter A. Bee, 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 meeting of the Board of Trustees.

The minutes of the meeting held on November 5, 2015 were reviewed, and on motion of Trustee Bolebruch, were approved as presented.

Mayor Episcopia stated that the next item on the agenda was the Oath of Office for a Special Police Officer.

Mayor Episcopia administered the Oath of Office to Special Police Officer Trevor Aquino and offered congratulations.

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

NEW BUSINESS

Trustee Bolebruch requested that Item #8 (Recreation - St. Paul's Main Building - Window Repairs) be removed for discussion.

CONSENT CALENDAR

FINANCE

1. Payment of Invoice - Reynolds, Caronia, Gianelli & LaPinta, P.C. - Fair Housing Compliance Officer -MHANY Management - ACORN. Requested authorization to pay the claim of Reynolds, Caronia, Gianelli & LaPinta, P.C. 200 Vanderbilt Parkway, Suite C-17, Hauppauge, New York, in the amount of \$7,870. This billing reflects services rendered from October 1 through October 31, 2015, with respect to legal issues as Fair Housing Compliance Officer with MHANY Management Inc., and the ACORN Litigation Case. This billing includes services rendered by Professor John Nolon.

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

2. Retention of Special Legal Counsel - Tax Certiorari Matters - Bonventre Law Group. Requested authorization to engage Bonventre Law Group, 2 Fenimore Lane, Huntington, New York, to represent the Village of Garden City as special legal counsel, in three tax certiorari matters at a rate of \$200 per hour. Cullen and Dykman ordinarily represents Garden City in tax certiorari matters; however, from time to time, specific matters have been reassigned based on potential conflicts with the Cullen and Dykman firm. This retainer is for three such matters: NYCB v. Garden City (110 Seventh Street), JP Morgan Chase v. Garden City (82 Seventh Street) and JP Morgan Chase v Garden City (71 Clinton Road). Funds are available in the budget.

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

3. Annual Independent Auditor's Report. The Audit Report, which was prepared by Albrecht, Viggiano, Zureck & Company, for the period of June 1, 2014 through May 31, 2015, was received and has been reviewed by the Audit Committee.

On motion of Trustee Delany and unanimously carried, the Independent Auditor's Report was accepted.

4. Tax Correction. Requested authorization for the Mayor to sign an Application for Refund and Credit of Real Property Taxes for the Year 2015 and an Application For Correction of Real Property Taxes for Year 2015. This is necessitated by a clerical error in transposing numbers on the Village Tax Map incorrectly applying an on-going benefit assessment to Village Map 09-Block 6-Lot 18, Account No. 02892-0-001, instead of Village Map 09-Block 8-Lots 23-27, Account No. 02982-0-001. The correct business will be billed for these taxes.

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

5. Release Letter of Credit - 301 Franklin Avenue. Requested authorization for the Mayor to sign the Release of Letter of Credit issued by Signature Bank for the property located at 301 Franklin Avenue, Garden City, New York, all construction activities have been completed, all fees paid to the Village and a Certificate of Occupancy has been issued for the premises.

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

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

New York Community Bank, 108-110 Seventh Street. Requested authorization for the proposed settlement with New York Community Bank, 108-110 Seventh Street, a bank, Village Account No. 02919-0-001, which would result in a refund of \$70,000, without interest, for tax years 2008/2009 through 2015/2016 with a new assessment of \$22,500.

Trustee Delany offered the following resolution and moved its adoption:

RESOLUTION NO. 209-2015

WHEREAS, New York Community Bank has commenced proceedings pursuant to the Real Property Tax Law to review the assessment on property located at 108-110 Seventh Street in the Village of Garden City for the tax years 2008/2009 through 2015/2016 for 108-110 Seventh Street; 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 Counsel is hereby authorized to settle such proceedings by stipulation and consenting to an order directing a refund of \$70,000 for the tax years 2008/2009 through 2015/2016 for 108-110 Seventh Street, with a new assessment of \$22,500 being established.

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.

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

(a) \$1,750 from Account A1990.4000 - Contingent, to Account OA1625.4030 - St. Paul's - Maintenance of Plant, to repair broken windows in 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.

(b) \$82,000 from Account OA1990.4000 - Contingent, to Account OH.1680.2050 - Data Processing - Police, to provide funds for cameras and controlled access to doors to improve security at Village Hall, Water Department, Well Sites and to purchase servers and software to monitor new systems being planned for Village Parks.

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.

(c) \$5,500 from Account H8120.2020 - Equipment and Capital - Sewer Repairs, to Account H8160.2000 - Equipment and Capital - DPW Equipment, to provide funds to renew the Skid Steer Loader off of the Suffolk County Bid which expires on November 23, 2015.

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.

RECREATION

Sick Leave - Sam Simone. Requested authorization to pay Sam Simone, Senior Maintainer, Recreation and Parks Department through December 17, 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.

POLICE

1. Sick Leave - Two Employees. Requested authorization to pay Police Officer Keith Wehr and Police Officer Christopher Reynolds through December 17, 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 Delany and unanimously carried, the aforesaid authorization was approved.

2. New York State Division of Homeland Security and Emergency Services Grant. Requested authorization to utilize \$82,000 for the grant that was approved at the March 12, 2015 Board of Trustees Meeting. Funds in the amount of \$40,250 will be reimbursed by the New York State Division of Homeland Security and Emergency Services Critical Infrastructure Grant Program. This system will provide a network in Village Hall capable of incorporating all future Village camera and security projects in Garden City and other entities such as Garden City Library and Garden City Schools. The term of this contract is from October 16, 2014 through August 31, 2016.

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

CLERK'S OFFICE

1. Adopt a Filming/Photography Permit. Requested authorization for the Board to adopt a Filming/Photography Permit.

Trustee Delany offered the following resolution and moved its adoption:

RESOLUTION NO. 210-2015

WHEREAS, the Village of Garden City is adopting a resolution which will standardize the form of a Filming/Photography Permit for the Village of Garden City.

WHEREAS, the Filming/Photography Permit includes language for insurance, fees and reimbursement expenses to the Village; and

WHEREAS, this resolution authorizes the Mayor to approve same (with such conditions as he/she and Village Counsel may deem appropriate in individual circumstances) when there is insufficient time to obtain advance approval of the Board of Trustees; and

RESOLVED, that the Board of Trustees adopt this Filming/Photography Permit effective immediately.

AYES: 7

NOES: 0

The resolution was declared adopted.

2. Amend Fee Schedule - Filming/Photography Permit. Requested authorization to amend the Fee Schedule and include the fee of \$1,000 per day for a Filming/Photography Permit. This fee is effective immediately.

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

Filming Request:

3. ABC Studios - Film Shoot Hemlock Park. Requested authorization for Mr. David Velasco, Location Manager, ABC Studios to conduct a film shoot at Hemlock Park on Saturday, November 21, 2015. He has provided the necessary insurance, payment for Police and Recreation Staff to be present for assistance, the \$1,000 fee for the day and a \$4,000 donation to Hemlock Park.

On motion of Trustee Delany and unanimously carried, the aforesaid recommendation was approved subject to the receipt of an insurance certificate the naming the Incorporated Village of Garden City additionally insured, an executed Village Filming/Photography Permit, the fee of \$1,000, as well as a \$4,000 donation to Hemlock Park.

PUBLIC WORKS

1. Sick Leave - Louis Madura. Requested authorization to pay Louis Madura, Sanitation Worker, Sanitation Department through December 17, 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.

2. Professional Service Contract - Swiftreach Networks, Inc. Authorization is requested to renew the agreement with Swiftreach Networks, Inc., 31 Industrial Avenue, Mahwah, New Jersey, to provide an emergency notification system to reach Village residents in case of an emergency. The fee for the service is \$350 per month plus an additional \$0.07 per minute usage charge. The Board of Trustees approved the agreement on November 20, 2008 with a renewal option. This system will allow Village residents to receive notifications to home, cell or work phones when there are water alerts, natural disasters, terrorist threats, industrial disasters or police emergencies. This is a Board of Health requirement for all water systems. Funds are available in the Operating Budget and will be billed to the Department originating the alert.

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

FIRE

Agreement - Fire Department - Commercial Building Inspection Services - M. J. Barney Corporation, d/b/a, Long Island Fire Technology. Requested authorization to enter into an agreement with M. J. Barney Corporation, d/b/a, Long Island Fire Technology, 122 Suffolk Road, Massapequa, New York at an amount not to exceed \$18,000. This company will provide Commercial Building Inspection Services for the Fire Department through May 31, 2016. Funds are available in Account OA.3410.4400.

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.

Following discussion, the following item was acted upon:

Agenda Item #8 of the Consent Calendar

FINANCE

St. Paul's Main Building - Window Repairs - Mike the Glazier of Mineola. Requested authorization to engage Mike the Glazier of Mineola, 133 East Jericho Turnpike, Mineola, New York, to repair seven (7) broken windows at the St. Paul's Main Building in an amount not to exceed \$1,750. Funds are available in Account OA1625.4030.

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

Mayor Episcopia recognized the following:

Richard Bankosky, 73 Dartmouth Street

William Bellmer, 156 Poplar Street

Rosemary Brown, 7 Wydler Court

Christine Mullaney, 104 Huntington Road

Evelyn Iagrossi, 24 Hamilton Place

George Salem, 24 St. Paul's Place

Leo Stimmler, 67 Huntington Road
Grace Kelly, 15 Roosevelt Street
Ellen Moynahan, 140 Brook Street
Steven Ilardi, 139 Meadow Street
Joseph Moody, President, Eastern Property Owners' Association
Connie Quill, 111 Cherry Valley Avenue

On motion of Mayor Episcopia to go to executive session at 9:45 p.m. to discuss a matter of personnel, collective bargaining and an opinion of Counsel. The Board reconvened at 11:25 p.m.

There being no further business, on motion duly made, the meeting adjourned at 11:26 p.m.