

BOARD OF TRUSTEES

FEBRUARY 4, 2016

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 February 4, 2016 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  
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  
Kenneth Gray, Bee Ready Fishbein Hatter & Donovan, LLP

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 is a request from Chief Joseph R. Nadolny of the Garden City Fire Department for the approval of Garden City a Volunteer Firefighter, Ms. Megan A. Krause, 108 Washington Avenue, Mineola. The Volunteer Fire Department formally accepted her into the Department at their February 2016 monthly meeting.

On motion of Trustee Daughney and unanimously carried, Ms. Megan A. Krause was approved by the Village Board of Trustees to be a Volunteer Firefighter for the Garden City Fire Department.

Mayor Episcopia stated that the next item on the agenda was a public hearing on proposed Local Law 1-2016 - "A Local Law Authorizing the Use of Best Value Standard in the Award of Competitively Bid Contracts". Trustee Bolebruch 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 Delany and unanimously carried, the public hearing pursuant to proposed Local Law 1-2016 was closed.

CONSENT CALENDAR

PUBLIC WORKS

SEQR - Lead Agency

On motion of Trustee Bolebruch the following resolution was offered:

RESOLUTION NO. 10-2016

WHEREAS, the Village of Garden City has proposed the adoption of Local Law 1-2016 - "A Local Law Authorizing the Use of Best Value Standard in the Award of

Competitively Bid Procurement Contracts”, 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 1-2016. Stated that Mr. Mangan has prepared a Short Environmental Assessment Form for proposed Local Law 1-2016 - “A Local Law Authorizing the Use of Best Value Standard in the Award of Competitively Bid Procurement Contracts”, 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. 11-2016

WHEREAS, a Short Environmental Assessment Form has been prepared by Director of Public Works Robert J. Mangan in connection with proposed Local Law 1-2016, 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.

LOCAL LAW 1-2016

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

RESOLUTION NO. 12-2016

INCORPORATED VILLAGE OF GARDEN CITY  
NASSAU COUNTY, NEW YORK  
LOCAL LAW NO. 1-2016  
A LOCAL LAW TO ADOPT CHAPTER 43 OF THE VILLAGE CODE  
REGARDING PURCHASING

BE IT ENACTED, by the Board of Trustees of the Village of Garden City, as follows:

Section 1. Chapter 43 of the Village Code, entitled "Purchasing", is hereby adopted as follows:

§43-1 Purchasing by Best Value.

- A. Purpose. The Board of Trustees of the Village of Garden City hereby finds that contracts for the procurement of goods required by law to be awarded by competitive bidding should be awarded in a manner that assures the most prudent and economical use of public monies and guards against favoritism, extravagance, fraud and corruption. The Board finds further that, while the lowest responsible bidder has long been the accepted method of awarding such contracts, the lowest responsible bidder may not always offer the most cost-effective or efficient option in the long-term. Accordingly, the Board wishes to exercise its authority pursuant to Section 103 of the General Municipal Law to allow the Village to utilize the "best value" standard of procurement, as an alternative to lowest responsible bidder, on appropriate contracts.
- B. Award of contracts to other than the lowest responsible bidder. For purposes of this chapter, "best value" shall have the meaning provided in Section 163(1)(j) of the State Finance Law, as amended from time to time. All bid offerings advertised by the Village for the purchase of goods and related service work shall be issued on the basis of lowest responsible bidder unless the Village Administrator authorizes the use of the "best value" standard. "Best value" shall not be available for purchase contracts needed for the completion of a public works contracts. When the "best value" standard is to be used, the bid advertisement shall provide all prospective bidders with advanced notice that the contract shall be awarded on the basis of "best value" rather than lowest responsible bidder.
- C. The standards and procedures for awarding a purchase contract on the basis of "best value" shall be set forth in the Village Procurement Policy, as enacted and amended by the Board of Trustees.

Section 2. The Village Procurement Policy shall be and is hereby amended in accordance with this local law to include standards and procedures for the award of purchase contracts on the basis of "best value".

Section 3. This local law shall take effect immediately upon filing with the Office of 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 1-2016 was declared adopted.

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 January 14, 2016 were reviewed, and on motion of Trustee DeMaro, were approved as presented.

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

## NEW BUSINESS

### FORMAL AGENDA

Set Date for Public Hearing - "A Local Law to Adopt Chapter 13 of the Village Code Concerning Fair Housing". After discussion, Trustee DeMaro introduced the following resolution and moved its adoption:

#### RESOLUTION NO. 13-2016

RESOLVED, that the Board of Trustees hold a public hearing on a proposal to enact a Local Law entitled, "A Local Law to Adopt Chapter 13 of the Village Code Concerning Fair Housing".

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 16<sup>th</sup> day of February, 2016.

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 Bolebruch requested that Item #14 (Public Works - Maintenance Bond - Foundation Utility and Site Work - Garden City Roller Rink) be deferred to the February 16, 2016 Board of Trustees Meeting.

Trustee Silver requested that Item #4 (Finance - Resolution Approving the Appropriation of General Funds to the Pool Enterprise Funds, Item #9 (Village Counsel Professional Services Agreement - Review Application of OTO Development for a Change in Permitted Use - H2M Architects & Engineers) and Item #16 (Recreation - Engage Pool Marketing and Promotion Professional Consultant - Panos Graphic Services - \$4,030) be removed for discussion.

Trustee Daughney requested that Item #11 (Building - Engagement of Consultant BFJ Planning - Parking Study - \$2,500) and Item #17 (Fire - Improvements to Garden City Fire Headquarters - Additional Contact Work - \$17,296.13) be removed for discussion.

## FINANCE

1. Amendment to Procurement Policy. Authorization was requested to amend the Village's Procurement Policy. This amendment will include standards and procedures for awarding procurement contracts based on "best value", as provided under Chapter 43 of the Village Code. Subject to the approval of "A Local Law Authorizing the Use of Best Value Standard in the Award of Competitively Bid Procurement Contracts". The Procurement Policy is on file in the Clerk's and Purchasing Offices.

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

2. Tentative 2016 Assessment Roll. Advised that the Tentative 2016 Assessment Roll has been filed in the office of the Village Clerk.

3. Engagement of Auditor - Albrecht, Viggiano, Zureck & Company, P.C. - Audit Compensation Plan. Requested authorization to engage the audit firm, Albrecht, Viggiano, Zureck & Company, P.C., 25 Suffolk Court, Hauppauge, New York to perform an audit of the Deferred Compensation Plan for the period ended December 31, 2015 for a fee of \$13,000.

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

4. Settlement of Claim - Fire Department Emergency Response Action - Sundry Write-Off. Requested authorization to settle a sundry bill in connection with a Garden City Fire Department Emergency Response Action. Sabrina Rodriguez (driver of Sandra Ferrante's vehicle) was in an automobile accident in Garden City on February 22, 2012 at the intersection of Stewart Avenue and Meadbrook Road. The Village billed \$500. After much litigation by Cullen and Dykman to recoup the funds and transferring the case to Bee, Ready, Fishbein, Hatter & Donovan, LLP, the New York State Unified Court Systems reflects that this case was "removed from the calendar" in January 2014. Due to the time and costs of pursuing this case further, and the revenue to be collected if successful, Counsel has suggested that this case be written off. Village Administrator, Ralph Suozzi has agreed not to pursue the matter any further on the advice of Counsel.

On motion of Trustee Trouvé and unanimously carried, the aforesaid authorization was approved and the Treasurer was authorized to make the necessary adjustments to the Village records and to write off the sum representing the balance of this claim.

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

(a) \$2,500 from Account A.1990.4000 - Contingent, to Account A.3620.4460 - Safety Inspection - Consulting, to fund the engagement of Buckhurst, Fish, Jacquemart Planning, 115 Fifth Avenue, New York for a Parking Study. This is subject to the approval of the request for Engagement of Consultant under the Building Section of the Consent Calendar.

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.

6. 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 December 1 through December 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 \$6,418.08.

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

#### CLERK'S OFFICE

Annual Village Election - March 15, 2016. Trustee Trouvé offered the following resolution and moved its adoption:

#### RESOLUTION NO. 14-2016

RESOLVED, that pursuant to Section 15-116 of the Election Law, the following residents and qualified voters of the Village be and hereby are appointed Inspectors of Election therein until their successors are appointed:

Matt Cody, Chairperson/Inspector  
106 Tullamore Road

Irene Christie, Inspector  
117 Weyford Terrace

Carolyn Pelgrim, Inspector  
84 Roxbury Road

Betty Lesmez, Inspector  
122 Tullamore Road

Walter Roller, Inspector  
3 Kingsbury Road

Linda Patriquin, Inspector  
117 Weyford Terrace

Linda Murray, Inspector  
41 Lauren Street

John Wills, Inspector  
146 Willow Street

Edward Murray, Inspector  
41 Lauren Street

Mary Nori, Inspector  
51 Yale Street

James Scott  
62 Poplar Street

The compensation is hereby fixed as follows: Chairperson at the rate of one hundred forty (\$140) dollars per day and Inspectors at a rate of one hundred (\$100) dollars per day.

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

The resolution was declared adopted.

#### PUBLIC WORKS

1. Engagement of Professional Services - Consumer Confidence Report - H2M. Requested authorization to engage H2M Water, 538 Broad Hollow Road, East Melville, New York, to prepare the Annual Consumer Confidence Report/Annual Water Supply Statement in the amount of \$2,700. Funds are available in Account No. OF.8310.4460.

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

2. Emergency Declaration - Snow Plowing. Stated that it would be necessary to engage Pratt Brothers, Inc., 45 South Fourth Street, Bay Shore, New York, for the use of three (3) payloaders and operators for snow plowing in Parking Fields 11 and 12 for the January 23-24, 2016 snowstorm, in the amount of \$19,920. Rates were in accordance with a prior quote which was based on Nassau Community College requirements contract which required Board of Trustees approval. Funds are available in Operating Account OA.5142.4460.

On motion of Trustee Trouvé the following resolution was offered:

#### RESOLUTION NO. 15-2016

WHEREAS, Pratt Brothers, Inc., was called in for snow plowing in Parking Fields 11 and 12 for the January 23-24, 2016 snowstorm; and

WHEREAS, rates were in accordance with prior quotes that were based on the Nassau Community College requirements contract which was approved by the Board of Trustees on January 13, 2011; and

WHEREAS, the Mayor and Board determined that an emergency exists requiring authorization for the immediate use of three (3) payloaders and operators for snow plowing pursuant to Section 103(4) of the General Municipal Law.

NOW, THEREFORE, BE IT RESOLVED, that the Department of Public Works be and it hereby is authorized to execute the engagement of Pratt Brothers, Inc., 45 South Fourth Street, Bay Shore, New York, for emergency snow plowing, at a cost of \$19,920.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

The resolution was declared adopted.

#### RECREATION

Additional Contract Work - 2015 Tree Removal Contract. Requested authorization to approve additional tree removal in the contract with Dragonetti Brothers Landscaping, Nursery & Florist, 129 Louisiana Avenue, Brooklyn, New York, in the amount of \$3,212 for the removal of four (4) additional trees. During the continued inspection of our Village tree inventory, our certified arborist has identified four (4) additional trees that, due to general decline, must be removed at this time. Under the terms of the contract, the Village may add tree removals as required at the bid price of \$803 per tree. Funds are available in Account OA.7110.4460.

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

#### AGREEMENT

Agreement between 555 Stewart Acquisition, LLC and the Village of Garden City - Dumping of Snow on the Premise. Requested to approve an Agreement with 555 Stewart Acquisition, LLC and the Village of Garden City. This will allow the Village to stockpile snow and store snow during the winter months at the above Parking Field in exchange for the Village's performance of certain property maintenance work on the licensed premises through April 30, 2016. Village Counsel has reviewed this agreement and approved it as to form.

On motion of Trustee Trouvé and unanimously carried, the aforesaid request was approved and the Village was authorized to sign the agreement.

#### EXTERNAL COMMUNICATIONS

##### Permits:

##### Solicit:

1. Mr. Anthony Sampogna, 145 Natures Lane, Miller Place, New York, requesting a permit for the year 2016 to operate a mobile knife and tool sharpening business in Garden City.

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

2. Mr. Dennis C. Donnelly, Executive Director, Garden City Chamber of Commerce, Inc., requested authorization to hold its annual Vintage Car Parade on Easter Sunday, March 27, 2016 (no rain date). Further requested to close Franklin and Stewart Avenues and Seventh Street during the parade.

On motion of Trustee Trouvé and unanimously carried, the aforesaid recommendation was approved, subject to coordination with the Police Department and receipt of an original Certificate of Insurance.

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

Resignation of Charles M. Palagonia, Member Planning Commission, as of January 12, 2016.

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

Agenda Item #4 of the Consent Calendar

FINANCE

Appropriation of General Funds - Pool Enterprise Fund - Purchase Outdoor Furniture. Requested authorization to appropriate \$40,000 from the General Fund - Parks Department to the Pool Enterprise Fund for the purchase of outdoor furniture at the Village's Pool facilities.

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

RESOLUTION NO. 16-2016

WHEREAS, the Pool Enterprise Fund, has requested a one-time appropriation of funds from the General Fund in the amount of \$40,000 for the purchase of outdoor furniture; and

WHEREAS, the Board of Trustees has determined that the purchase of outdoor furniture is a necessary expenditure for the operation of the Village's pool facilities; and

WHEREAS, the Board of Trustees is authorized to make budget transfers from the General Fund pursuant to Section 5-520 of the Village Law;

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby approves the transfer of \$40,000 from the General Fund to the Pool Enterprise Fund to be used for the purchase of outdoor furniture for the Village's pool facilities.

General Fund:

Transfer from		
0A7110-.4010	Parks - Materials and Supplies	\$21,000
0A7110.4490	Parks - Gas and Oil	\$19,000
0A9960.9000	Transfer Out	\$40,000

Pool Fund:

Transfer to		
0C9962.9000	Transfer In	\$40,000
0C7149.4040	Pool - Maintenance and Supplies	\$40,000

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

The resolution was declared adopted.

Agenda Item #9 of the Consent Calendar

VILLAGE COUNSEL

Professional Services Agreement - Review Application - OTO Development Change in Use - H2M. Village Counsel advises that after receiving a number of proposals, the

Village's Zoning Change Review Committee (the "ZCRC") has selected H2M, Architects & Engineers, 538 Broadhollow Road, Melville, New York, as a Consultant to assist it in its review of the application of OTO Development for a change in the permitted uses of the C-R Zoning District on the southwest side of the Roosevelt Ring Road in connection with the proposed construction of a Marriott Residence Inn and related improvements. In the earlier Resolution of the Board of Trustees creating the ZCRC, the Board has already authorized the ZCRC to engage consultants of this type, and the costs are entirely borne by the Applicant. Nevertheless, because the Village will be the "contracting party" with H2M, formal Board of Trustees approval is sought for the engagement.

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

Agenda Item #11 of the Consent Calendar

BUILDING

Engagement of Consultant - BFJ Planning - Zoning Requirements - Parking Study. Requested authorization to engage the firm of BFJ Planning, 115 Fifth Avenue, New York, New York, to finalize the Zoning Requirements for Parking with regard to the Parking Study previously performed for the Village in 2013 at a fee not to exceed \$2,500. Funds are available in Account No. A.3620.4460.

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

Agenda Item #16 of the Consent Calendar

RECREATION

Engage Pool Marketing and Promotion Professional Consultant - Panos Graphic Services, Inc. Requested authorization to engage the firm of Panos Graphic Services, Inc., West Bay Shore, New York, for Public Relations and Social Media Services with regard to developing and implementing a comprehensive and cohesive social media strategy that will elevate the exposure of various Recreation Department activities, at a fee not to exceed \$4,030. Funds are available in Account No. OC.7149.4460.

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

Agenda Item #17 of the Consent Calendar

FIRE

Improvements to Garden City Fire Headquarters - Additional Contract Work. Requested authorization for additional contract work for the Garden City Headquarters with Construction Consultants/LI, 36 East 2<sup>nd</sup> Street, Riverhead, New York in the amount of \$17,296.13. This will increase the contract from the previously approved amount of \$1,067,000 to \$1,084,296.13. This does not increase the cost of the project or the amount originally bonded.

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

Presentation - Rehabilitation of the Community Park Fields. Kevin McAndrew, Cameron Engineering, 100 Sunnyside Boulevard, Woodbury, New York gave a presentation with regard to the Rehabilitation of the Community Park Fields.

Mayor Episcopia recognized the following:

Mary Timmons, 6 Linden Street  
Sherri DeMarco, 31 Maxwell Road  
Larry DeMarco, 31 Maxwell Road

Michael Butler, 47 Huntington Road  
Keith Hochheiser, 32 Cathedral Avenue  
Maureen Leone, 24 Westbury Road  
Kevin Walsh, 42 Hilton Avenue

On motion of Mayor Episcopia to go to executive session at 9:55 p.m. to discuss a matter of personnel, collective bargaining and litigation. 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.