

BOARD OF TRUSTEES

FEBRUARY 16, 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 16, 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
Kevin E. Ocker, Chairman, Board of Commissioners of Cultural and Recreational Affairs
Kenneth O. Jackson, Chairman, Board of Police Commissioners
Sandra Yu-Clarson, Village Auditor
Joseph R. Nadolny, 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 2-2016 - "A Local Law to Adopt Chapter 13 of the Village Code Concerning Fair Housing". Trustee Delany 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 2-2016 was closed.

CONSENT CALENDAR

PUBLIC WORKS

SEQR - Lead Agency

On motion of Trustee Delany the following resolution was offered:

RESOLUTION NO. 17-2016

WHEREAS, the Village of Garden City has proposed the adoption of Local Law 2-2016 - "A Local Law to Adopt Chapter 13 of the Village Code Concerning Fair Housing", 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 2-2016. Stated that Mr. Mangan has prepared a Short Environmental Assessment Form for proposed Local Law 2-2016 - "A Local Law to Adopt Chapter 13 of the Village Code Concerning Fair Housing", 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 Delany introduced the following resolution and moved its adoption:

RESOLUTION NO. 18-2016

WHEREAS, a Short Environmental Assessment Form has been prepared by Director of Public Works Robert J. Mangan in connection with proposed Local Law 2-2016, 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 2-2016

Mayor Episcopia introduced the following proposed local law and moved its adoption:

RESOLUTION NO. 19-2016

INCORPORATED VILLAGE OF GARDEN CITY
NASSAU COUNTY, NEW YORK
LOCAL LAW NO. 2-2016
A LOCAL LAW TO ADOPT CHAPTER 13 OF THE VILLAGE CODE
CONCERNING FAIR HOUSING

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

Section 1. Chapter 13 of the Code of the Incorporated Village of Garden City, entitled "Fair Housing", is hereby enacted as follows:

§13-1 Legislative Intent.

On June 5, 2014, acting as direct by judicial decree as more fully described in the Fair Housing resolution adopted on that date, the Board of Trustees of the Village of Garden City adopted a "Fair Housing Policy". In order to further memorialize its compliance with that

judicial decree, the Board of Trustees hereby finds and concludes that it would be reasonable and appropriate to adopt said policy by a more formal legislative act in the form of this local law.

§13-2 Fair Housing Policy.

- A. This policy is adopted in compliance with and in furtherance of judicial decree, to formally state the fair housing policy of the Village of Garden City as it relates to zoning and land use to assure equal housing opportunities and nondiscrimination in its zoning and other land use processes.
- B. The Village shall at all times comply with the Federal Fair Housing Act, 42 U.S.C. 3601, et seq. (the "FHA"), 42 U.S.C. 1981, 42 U.S.C. 1982, 42 U.S.C.1983, 42 U.S.C. 2000d, et seq., and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.
- C. The Village shall not interpret nor enforce its zoning and/or land use processes in a manner that unlawfully discriminates in the sale, rental and/or financing of dwellings, and/or in other housing-related transactions, because of race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), or disability.
- D. The Village shall interpret and enforce its zoning and/or land use processes in a manner calculated to assure equal housing opportunities and nondiscrimination as required by law.
- E. The Village shall not interpret nor enforce its zoning and/or land use processes in a manner that restricts or denies housing opportunities or otherwise makes unavailable or denies dwellings to persons because of race, color, national origin, religion, sex, handicap, familial status or disability.

Section 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 2-2016 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 February 4, 2016 were reviewed, and on motion of Trustee Bolebruch, were approved as presented.

NEW BUSINESS

Trustee Daughney requested that Item #2 (Finance - Retain the Appraisal Firm of Michael Haberman Associates, Inc., for a Preliminary Appraisal - \$4,500) of the Supplemental Agenda be removed for discussion.

Trustee Makrinos requested that Item #9 (Award of Bids - Fire Rescue UTV and Equipment - Polaris Sales, Inc., - \$22,945.45) be removed for discussion.

DEFERRED AGENDA

PUBLIC WORKS

Maintenance Bond - Foundation Utility and Site Work at Garden City Roller Rink. Requested authorization to accept Maintenance Bond No. 9173507M in the amount of \$92,500, which guarantees for one year the work performed by Laser Industries, Inc., 1775 Route 25, Ridge, New Jersey, for the Foundation Utility and Site Work at the Garden City Roller Rink. The bond issued by the bonding company, Fidelity & Deposit Company of Maryland, 300 Interpace Parkway, Morris Corp I, Parsippany, New Jersey, has been reviewed and approved by Village Counsel as to form.

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

CONSENT CALENDAR

PUBLIC WORKS

1. Sick Leave - Two Employees. Requested authorization to pay Brian Kast, Sanitation Worker, Sanitation Department and Louis Madura, Sanitation Worker, Sanitation Department through March 17, 2016 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 Trouvé and unanimously carried, the aforesaid authorization was approved.

2. Emergency Repair of the Central Garage Lift - Statewide Installations, Inc. Requested authorization to engage Statewide Installations, Inc., 43 Mahan Street, West Babylon, New York, to perform the replacement of the Southeast Truck Lift at the Village Garage in the amount of \$21,850, utilizing the prevailing wage labor. This is contingent upon the transfer of funds in the finance section of the agenda. Funds are available in Account No. OA1640.4030.

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

FINANCE

1. Payment of Invoice - Bee Ready Fishbein Hatter & Donovan, LLP - Legal Services - Reimbursement of Disbursement - Epoch 5 - Fire Department Consultant. 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 \$7,864 50 for the reimbursement of the actual costs incurred. This billing reflects the disbursement of money with regard to Epoch 5, 755 New York Avenue, Huntington, New York as it relates to the Fire Department.

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

2. 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 December 1, 2015 through December 31, 2015, with respect to legal services for general labor matters as follows:

(a) General Labor Matters - Hourly	\$220.50
(b) Edward Galazka 207a	226.50
(c) Christopher VanManen Arbitration/Sick Leave 207c	20.50

(d) FF Recall Stay of Arbitration	4,387.50
(e) Firefighters IPC	798.00
(f) Compliance with Deinhardt Award	236.00
(g) P.O. Bartkowski Disability Retirement	874.00
(h) Stay of Chief's Matrix Arbitration/Deinhardt Award	462.50
(i) Campbell, VanManen, Galazka 207a/PIC	20.50
(j) FF Joseph T. Cieslewicz 207a	147.00
(k) Change in Hours of Lieutenant Tours/Arbitration	29.50
(l) Paul Brower Potential Discipline	102.50
(m) Firefighters IPC	29.50
(n) Gerald Cadigan Potential Discipline	20.50
(o) PFFA Stay Regarding Layoff Arbitration	<u>3,278.00</u>
Total	\$10,853.00

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

3. 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 \$6,165 This billing reflects services rendered from January 1 through January 31, 2016, 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 Trouvé and unanimously carried, the aforesaid authorization was approved.

4. Village Authorization to join the Nassau BOCES Cooperative Bidding Program for Passenger Vehicles. Requested authorization for the Village of Garden City to join the Nassau BOCES Cooperative Bidding Program for Passenger Vehicles. There is a \$400 fee to participate in this Cooperative. Funds are available in Account No. 0A.1920.4000.

On motion of Trustee Trouvé the following resolution was offered:

RESOLUTION NO. 20-2016

WHEREAS, the Village of Garden City (the "Village") has the opportunity to join in a cooperative bidding program sponsored by Nassau BOCES for the purchase of passenger cars, vans and trucks (hereinafter the "BOCES Cooperative"); and

WHEREAS, joining the BOCES Cooperative may result in significant cost savings for the Village when acquiring new passenger vehicles; and

WHEREAS, the Board of Trustees finds that it is in the Village's interest to explore cooperative purchasing options as a means of furthering the Village's cost savings goals; and

WHEREAS, joining the BOCES Cooperative requires payment of a participation fee of four hundred dollars (\$400)

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Garden City hereby authorizes the Village to join the BOCES Cooperative; and be it

FURTHER RESOLVED, that the Village Administrator is hereby authorized and directed to perform all actions necessary for the Village's participation in the BOCES Cooperative, including but not limited to, paying the \$400 participation fee; and be it

FURTHER RESOLVED, that the approval by the Board of Trustees shall be required for renewal or extension of the Village's membership in the BOCES Cooperative once the current membership period expires.

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

The resolution was declared adopted.

5. Appropriation of Termination Reserve. Authorization is requested to appropriate \$18,113.93 from Account No. 0A8670 - Reserve for Compensated Absences to Account No. 0A3120.1010 - Police - Regular Salary to fund the contractual payment for a retiring employee from the reserve maintained for that purpose.

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

(a) \$21,850 from Account A5182.4010 - Street Lighting - Materials and Supplies, to Account A1640.4030 - Central Garage - Maintenance of Plant, for the emergency replacement of the truck lift at the Central Garage. This is subject to the approval of the repair of the Central Garage Lift under the Public Works 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.

(b) \$6,000 from Account A1420.4351 - Certiorari - Litigation, to Account A1420.4160 - Law - Consultant Fees, to fund the Bee, Ready, Fishbein Hatter & Donovan, LLP, December, 2015 invoice and an estimate of future invoices to end of fiscal year for Epoch5. This transfer is subject to the approval of Bee Ready Fishbein Hatter & Donovan, LLP invoice.

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.

(c) \$2,000 from Account H7410.2020 - Library - Local Area Network, to Account H7410.2140 - Library - Elevator Renovations, to fund the required modernization of the Library Elevators. This transfer was approved by the Library Board of Trustees at the meeting of February 8, 2016. This transfer is subject to the approval of the Elevator Modernization at the Garden City Public Library item under Award of Bids 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.

POLICE

Sick Leave - Six Employees. Requested authorization to pay Detective Sergeant James Bartkowski, Detective Angelo Barone, Police Officer Keith Wehr, Police Officer John Florio, Police Officer Anthony Baker and Police Officer Jana Wiggins through March 17, 2016 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 Trouvé and unanimously carried, the aforesaid authorization was approved.

RECREATION

1. Sick Leave - Four Employees. Requested authorization to pay Sam Simone, Senior Maintainer, Recreation and Parks Department, Danny Garaguso, Labor Supervisor, Recreation and Parks Department, Steve Espey, Recreation Supervisor, Recreation and Parks Department and Daniel Leopold, Motor Equipment Operator, Recreation and Parks Department through March 17, 2016 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 Trouvé and unanimously carried, the aforesaid authorization was approved.

2. Pool Concession License Agreement - D & J Refreshments, Inc. Requested authorization to renew the License Agreement with D & J Refreshments, Inc., 2600 Newbridge Road, Bellmore, New York, for food service at the Garden City Pool and Stewart Field. D & J Refreshments has requested an extension of the License Agreement for one year. Fees paid to the Village for this past year were \$25,000. Under the terms of the Agreement bid, this fee is to increase to \$26,000 in the first option year, 2016.

The Board of Commissioners of Cultural and Recreational Affairs is recommending that alcohol in the form of beer and wine be made available on a trial basis for the upcoming pool season. The consumption of these beverages will be limited to the concession and upper picnic areas of the pool and will be available for sale on Friday, Saturday and Sunday, July 4th and Labor Day from 4:00 p.m. to closing. In addition, beer and wine will be sold at three special events evenings at the pool. An amendment to the License Agreement has been drafted authorizing the concessionaire to sell beer and wine at the Garden City Pool for on-site consumption only. Under the terms of the proposed amendment, the Village will receive an additional license fee equal to 50% of the profits from the sale of the alcoholic beverages after the deduction of the licensee's overhead expenses directly related to insurance, New York State Liquor Authority license and legal fees, not to exceed \$6,000. Board authorization is requested to sell beer and wine at the pool at the designated times detailed above.

On motion of Trustee Trouvé and unanimously carried, the Mayor was authorized to execute the agreement.

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 2nd Street, Riverhead, New York in the amount of \$3,218.37. This will increase the contract from the previously approved amount of \$1,084,296.13 to \$1,087,514.50. This does not increase the cost of the project or the amount originally bonded.

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

AWARD OF BIDS

1. Rehabilitation of Well No. 14. Reported that a tabulation of bids had been circulated to each member of the Board for the Rehabilitation of Well No. 14 and recommended that the bid be awarded to A. C. Schultes, Inc., 664 S. Evergreen Avenue, Woodbury Heights, New Jersey, low bidder, at a cost of \$154,800. He added that specification pickups reached a total of eight companies and four bids were received. A Notice to Bidders was sent to Delta Well & Pump Co., Reed Construction Data and McGraw Hill Information Systems.

On motion of Trustee Trouvé the following resolution was offered:

RESOLUTION NO. 21-2016

RESOLVED, that the proposal of A. C. Schultes, Inc., at a cost of \$154,800, 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 A. C. Schultes, Inc., 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.

2. Elevator Modernization at the Garden City Public Library. Reported that a tabulation of bids had been circulated to each member of the Board for the Elevator Modernization at the Garden City Public Library and recommended that the bid be awarded to Thyssenkrupp Elevator Corp., 59 Otis Street, West Babylon, New York, second low bidder, at a cost of \$145,000. He added that specification pickups reached a total of five companies and four bids were received. A Notice to Bidders was sent to Vertical, Schindler, McGraw Hill Information Systems and Reed Construction Data.

On motion of Trustee Trouvé the following resolution was offered:

RESOLUTION NO. 22-2016

RESOLVED, that the proposal of Thyssenkrupp Elevator Corp., at a cost of \$145,000, 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 Thyssenkrupp Elevator Corp., 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.

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

1. Resignation of Herbert B. Brown, Jr., Member, Water Authority of Western Nassau County, 64 Adams Street as of March 1, 2016.

2. Shirley and Joseph Ortego, 109 Fifth Street, writing in opposition to the proposed six month moratorium on the demolition of thirty-eight homes in the Central Section of the Village designated by the Architectural Design Review Board as "A. T. Stewart Era" homes.

3. Kathleen and Thomas Galgano, 94 Fifth Street, writing in opposition to a moratorium and code changes proposed by the Architectural Design Review Board.

4. Barbara and Kevin Walsh, 42 Hilton Avenue, writing in opposition to a moratorium on the demolition of certain homes in the Village.

5. Alistaire Bambach, 106 Ninth Street, (also owning the residence at 118 Fifth Street), writing in support of the proposed moratorium proposed by the Architectural Design Review Board.

6. Maureen Leone, 24 Westbury Road, writing with regard to Crown Castle's proposal to replace existing DAS units with more powerful units.

Following discussion, the following items were acted upon:

Agenda Item #9 of the Consent Calendar

AWARD OF BIDS

Requisition No. 15-7, Dated February 16, 2016, Purchase of Materials for the Fire Department.

Fire Rescue UTV and Equipment. Recommended the purchase of a new 2016 Polaris Ranger 800, 6x6 avalanche gray, red body panel kit and fire rescue skid, or Village approved equal, from Polaris Sales, Inc., 2100 Highway 55, Medina, Minnesota, low bidder, for a total cost of \$22,945.45.

A total of nine invitations to bid were sent and two bids were received. Specifications were sent to Kim Tek Corp., Gold Coast Motorsports, Island Powersports, Chief Equipment, Tent and Trailer City, Liffco Power Equipment, Inc., and Proliner Rescue, Inc., A Notice to Bidders was sent to Bid Reporter.

On motion of Trustee Makrinos the following resolution was offered:

RESOLUTION NO. 23-2016

RESOLVED, that Requisition No. 15-7, dated February 16, 2016, filed under separate cover, be made a part of these minutes and that materials 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.

Agenda Item #2 of the Consent Calendar of the Supplemental Agenda

FINANCE

Retain Michael Haberman Associates, Inc. - Preliminary Appraisal of 1111 Franklin Avenue - Sears. Authorization is requested to retain the firm of Michael Haberman Associates, Inc., 125 Front Street, Mineola, New York, with regard to a Preliminary Appraisal of 1111 Franklin Avenue - Sears. This approval is for Preliminary Appraisal services at a cost of \$4,500. Funds are available in the Tax Certiorari Litigation budget for this purpose.

On motion of Trustee Daughney and unanimously carried, this item was deferred to the March 3, 2016 Board of Trustees Meeting.

TRUSTEE DISCUSSION

Discussion Regarding the T-Zone. It was requested that a discussion with regard to the T-Zone take place, as to whether it should be continued, modified or abolished be made. No discussion took place, however, Dennis Donnelly, Executive Director, Garden City Chamber of Commerce advised the Board that within sixty days he would submit a recommendation to the Board of Trustees for their review.

Mayor Episcopia recognized the following:

Robert Orosz, 28 Grove Street
Mary Timmons, 6 Linden Street
Margaret Rydzewski, 7 Linden Street
Jacqueline Reinhard, 5 Linden Street
Nancy Davidson, 7 Maple Street
Joe Moody, President, EPOA
Christina Vassila, 98 Mulberry Avenue
Sherri DeMarco, 31 Maxwell Road
Juan Cadavid, 87 Mulberry Avenue
Maureen Leone, 24 Westbury Road

On motion of Mayor Episcopia to go to executive session at 9:20 p.m. to discuss a matter of personnel and collective bargaining. The Board reconvened at 9:59 p.m.

There being no further business, on motion duly made, the meeting adjourned at 10:00 p.m.