

BOARD OF TRUSTEES

MARCH 17, 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 March 17, 2016 at 8:00 p.m.

Present: Mayor Nicholas P. Episcopia, Trustees Brian C. Daughney, John A. DeMaro, Robert A. Bolebruch, Richard V. Silver, 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 Theresa A. Trouvé

Attendance: Approximately 25

The Clerk reported that due notice of this meeting had been served on each member of the Board.

Mayor Episcopia called the meeting to order and stated that the first item on the Agenda was an Oath of Office for a Special Police Officer.

Deputy Mayor Daughney then administered the Oath of Office to James Morrell, Special Police Officer of the Garden City Special Police and offered congratulations.

Mayor Episcopia stated that the next item on the agenda is a request from Chief Joseph R. Nadolny of the Garden City Fire Department for the approval of a Garden City Volunteer Firefighter, Andrew D. Holguin, 108 New Hyde Park Road, Garden City. The Volunteer Fire Department formally accepted him into the Department at their March 2016 monthly meeting.

On motion of Trustee DeMaro and unanimously carried, Andrew D. Holguin 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 the approval of the minutes of the last meetings of the Board of Trustees.

The minutes of the special meeting (Board of Review) held on March 3, 2016 were reviewed, and on motion of Trustee Silver, were approved as presented.

The minutes of the meeting held on March 3, 2016 were reviewed, and on motion of Trustee Bolebruch, were approved as presented.

The minutes of the special meeting (Budget) held on March 8, 2016 were reviewed, and on motion of Trustee DeMaro, were approved as presented.

Treasurer's Report. Reviewed the Treasurer's Report dated January 31, 2016, after which on motion of Trustee DeMaro and unanimously carried, said report was ordered received and placed on file.

NEW BUSINESS

FORMAL AGENDA

APPOINTMENT BY MAYOR

Mayor Episcopia appointed a Negotiating Committee for the Verizon Franchise Renewal Agreement consisting of Trustee Theresa A. Trouvé, Village Administrator Ralph V. Suozzi and Village Counsel Peter A. Bee. Ms. Pamela Goldstein, Assistant General Counsel, Verizon, 500 Summit Lake Drive, 4<sup>th</sup> Floor, Valhalla, New York, has advised the Village that the Franchise Agreement with the Incorporated Village of Garden City expires on September 21, 2018 and it is their intention to seek renewal of the Franchise Agreement.

On motion of Trustee Silver and unanimously carried, the aforesaid appointment by the Mayor was ratified.

CONSENT CALENDAR

Trustee DeMaro requested that Item #1 (Finance - Engagement of Consultant - Quest Computer Products, Inc.) be removed for discussion.

FINANCE

1. 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 month of January 2016, with respect to legal services for general labor matters as follows:

(a) General Labor Matters - Hourly	\$ 2,440.50
(b) Edward Galazka 207a	20.50
(c) Christopher VanManen Arbitration/Sick Leave 207a	209.00
(d) Firefighters IPC	4,535.00
(e) P.O. Bartkowski Disability Retirement	789.00
(f) Campbell, VanManen, Galazka 207a/IPC	690.00
(g) FF Joseph T. Cieslewicz 207a	108.50
(h) Change in Hours of Lieutenant Tours/Arbitration	1,152.50
(i) Paul Brower Potential Discipline	438.50
(j) FF Recall Stay of Arbitration	<u>5,372.50</u>
Total	\$15,756.00

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

2. Payment of Invoice - Bond, Schoeneck & King, PLLC - Legal Services - Disbursements - Hourly Labor Matters. Requested authorization to pay the claim of Bond, Schoeneck & King, PLLC, 1010 Franklin Avenue, Suite 200, Garden City, New York, for professional services. This billing reflects work done during the months of November, December 2015 and January 2016, at a cost of \$7,624.17, with regard to hourly labor matters for legal services.

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

3. Payment of Invoice - Bond, Schoeneck & King, PLLC - Legal Services - Disbursements - Retainer Labor Matters. Requested authorization to pay the claim of Bond, Schoeneck & King, PLLC, 1010 Franklin Avenue, Suite 200, Garden City, New York, for professional services. This billing reflects work done during the months of November, December 2015, and January 2016 at a cost of \$70, with regard to hourly retainer disbursements for legal services.

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

4. Payment of Invoice - Bee Ready Fishbein Hatter & Donovan, LLP - Legal Services - Reimbursement of Disbursement - Epoch 5 - Public Relations 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 \$2,219 for the reimbursement of the actual costs incurred with regard to Epoch 5, 755 New York Avenue, Huntington, New York, Consultant, for the month of January, 2016.

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

5. 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 \$12,110. This billing reflects services rendered from February 1 through February 29, 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 DeMaro and unanimously carried, the aforesaid authorization was approved.

6. Tax Certiorari Settlements. Requested authorization to settle the following tax certioraris:

a) Gallp Enterprises. Requested authorization for the proposed settlement with Gallp Enterprises, a warehouse, with regard to property located at 4 Commercial Avenue, Garden City, Account No. 02153-0-001, which would result in a refund of \$5,000, without interest, for the tax years 2009/10 through 2015/16 with a new assessment of \$17,000.

Trustee DeMaro offered the following resolution and moved its adoption:

RESOLUTION NO. 27-2016

WHEREAS, Gallp Enterprises, has commenced proceedings pursuant to the Real Property Tax Law to review the assessment on property located at 4 Commercial Avenue in the Village of Garden City for the tax years 2009/10 through 2015/16; 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 \$5,000 for the tax years 2009/10 through 2015/16, with a new assessment of \$17,000 for the property described on the Village Assessment Roll as 4 Commercial Avenue, Account No. 02153-0-001.

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.

b) Garden City Medical Plaza. Requested authorization for the proposed settlement with Garden City Medical Plaza, a medical office building with regard to the property located at 1075 Franklin Avenue, Garden City, Account No. 04277-0-001 which would result in a refund of \$7,500, without interest, for the tax years 2012/13 through 2015/16 with a new assessment of \$28,500.

Trustee DeMaro offered the following resolution and moved its adoption:

RESOLUTION NO. 28-2016

WHEREAS, Garden City Medical Plaza, has commenced proceedings pursuant to the Real Property Tax Law to review the assessment on the property located at 1075 Franklin Avenue in the Village of Garden City for the tax years 2012/13 through 2015/16; 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 Council is hereby authorized to settle such proceedings by stipulation and consenting to an order directing a refund of \$7,500 for the tax years 2012/13 through 2015/16, with a new assessment of \$28,500 for the property described on the Village Assessment Roll as 1075 Franklin Avenue, Account No. 04277-0-001.

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.

c) 394 Old Country Road Owners Corp. Requested authorization for the proposed settlement with 394 Old Country Road Owners Corp., a medical office building, with regard to the property located at 394 Old Country Road, Garden City, Account No. 01276-0-001 which would result in a refund of \$13,000, without interest, for the tax years 2010/11 through 2015/16 with a new assessment of \$18,000.

Trustee DeMaro offered the following resolution and moved its adoption:

RESOLUTION NO. 29-2016

WHEREAS, 394 Old Country Road Owners Corp., has commenced proceedings pursuant to the Real Property Tax Law to review the assessment on the property located at 394 Old Country Road in the Village of Garden City for the tax years 2010/11 through 2015/16; 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 Council is hereby authorized to settle such proceedings by stipulation and consenting to an order directing a refund of \$13,000 for the tax years 2010/11 through 2015/16 with a new assessment of \$18,000, for the property described on the Village Assessment Roll as 394 Old Country Road, Account No. 01276-0-001.

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.

d) 907-11 West 7<sup>th</sup> Street Associates. Requested authorization for the proposed settlement with 907-11 West 7<sup>th</sup> Street Associates, a mixed use building, containing retail, restaurant and office space, with regard to the property located at 821-827 Franklin Avenue, Garden City, Account No. 04304-0-001 and 04305-0-001 which would result in a refund of \$3,000, without interest, for the tax years 2009/10 through 2015/16 with no change in the current assessment.

Trustee DeMaro offered the following resolution and moved its adoption:

RESOLUTION NO. 30-2016

WHEREAS, 907-11 West 7<sup>th</sup> Street Associates, has commenced proceedings pursuant to the Real Property Tax Law to review the assessment on the property located at 821-827 Franklin Avenue in the Village of Garden City for the tax years 2009/10 through 2015/16; 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 \$3,000 for the tax years 2009/10 through 2015/16, with no new assessment for the property described on the Village Assessment Roll as 821-827 Franklin Avenue, Account No. 04304-0-001 and 04305-0-001.

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.

e) BAP Holding, LP. Requested authorization for the proposed settlement with 66 New Hyde Park Road, a mixed use retail and office building, with regard to the property located at 66 New Hyde Park Road, Garden City, Account No. 07704-0-001 which would result in a refund of \$7,500, without interest, for the tax years 2010/11 through 2015/16 with a new assessment of \$24,000.

Trustee DeMaro offered the following resolution and moved its adoption:

RESOLUTION NO. 31-2016

WHEREAS, BAP Holding, LP, has commenced proceedings pursuant to the Real Property Tax Law to review the assessment on the property located at 66 New Hyde Park Road in the Village of Garden City for the tax years 2010/11 through 2015/16; 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 Council have recommended that these matters be settled upon the terms and conditions set forth below;

NOW, THEREFORE, BE IT RESOLVED, that Village Council is hereby authorized to settle such proceedings by stipulation and consenting to an order directing a refund of \$7,500 for the tax years 2010/11 through 2015/16, with a new assessment of \$24,000 for the property described on the Village Assessment Roll as 66 New Hyde Park Road, Account No. 07704-0-001.

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. Pledge, Assignment and Custodial Agreement - JPMorgan Chase Bank, N.A. Requested authorization for approval of the Pledge, Assignment and Custodial Agreement for JPMorgan Chase Bank, N.A., to act as a depository bank and custodian for the Incorporated Village of Garden City. The prior Agreement was with The Bank of New York, which has since merged with JPMorgan Chase. This Agreement has been reviewed by Counsel.

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

8. Appropriation of Revenue - Street Maintenance of Equipment. The Department of Public Works is seeking Board of Trustees approval to appropriate \$7,014.93 from Account A2680.1000 - Insurance Recoveries, to Account A5100.4020 - Street Maintenance - Maintenance of Equipment, to fund the payment of an invoice for the repairs to damaged Truck #533.

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

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

(a) \$10,000 from Account A8189.4040 - Recycling - Maintenance of Equipment, to Account A5110.4020 - Street Maintenance - Maintenance of Equipment, to complete the funding invoice for repairs to Truck #533 and other required repairs.

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

(b) \$36,056 from Account A3120.4400 - Police - Special Program Services, to Account A3120.1020 - Police - Overtime, to fund overtime for specialized patrols.

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

## POLICE

1. Sick Leave - Four Employees. Requested authorization to pay Detective Sergeant James Bartkowski, Detective Angelo Barone, Police Officer John Florio and Police Officer Keith Wehr through April 21, 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 DeMaro and unanimously carried, the aforesaid authorization was approved.

## RECREATION

Sick Leave - Three Employees. Requested authorization to pay Sam Simone, Senior Maintainer, Recreation and Parks Department, Daniel Leopold, Motor Equipment Operator, Recreation and Parks Department and Robert O’Kane, Tree Pruner, Recreation and Parks Department through April 4, 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 DeMaro and unanimously carried, the aforesaid authorization was approved.

## PUBLIC WORKS

1. Sick Leave - Louis Madura. Requested authorization to pay Louis Madura, Sanitation Worker, Sanitation Department through April 4, 2016 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 DeMaro and unanimously carried, the aforesaid authorization was approved.

2. Sick Leave - Charles Argenzio, Jr. Requested authorization to pay Charles Argenzio, Jr., Sanitation Worker, Sanitation Department through March 28, 2016 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 DeMaro and unanimously carried, the aforesaid authorization was approved.

## BUILDING

Amend Fee Schedule. Requested authorization to amend the Fee Schedule and include the changes and additions of fees to the Building Department section of the Fee Schedule. This fee schedule change is effective immediately.

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

## 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 \$16,225.17. This will increase the contract from the previously approved amount of \$1,116,598.82 to \$1,132,823.99. This does not increase the cost of the project or the amount originally bonded.

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

## AWARD BIDS

1. Renewal of Formal Bid - Liquid Chlorine. Recommended to renew the bid with Twin County Swimming Pool, Maintenance Supply Co., Inc., 797 Conklin Street,

Farmingdale, New York, for liquid chlorine at a total cost of \$28,000 for an additional year at the same prices and under the same conditions. This is a third renewal of the bid.

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

2. Renewal of Formal Bid - Tablet Chlorine. Recommended to renew the bid with Eagle Control Corporation, 23 Old Dock Road, Yaphank, New York, for tablet chlorine at a total cost of \$30,960 for an additional year at the same prices and under the same conditions. This is the first renewal of the bid.

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

3. Renewal of Formal Bid - Perennials. Recommended to renew the bid with The Garden Department, 3672 Route 112, Coram, New York, for Perennials at a total cost of \$4,000 for an additional year at the same prices and under the same conditions. This is the first renewal of the bid.

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

4. Renewal of Formal Bid - Trees, Shrubs and Mulch. Recommended to renew the bid with The Garden Department, 3672 Route 112, Coram, New York, for Trees, Shrubs and Mulch at a total cost of \$6,000 for an additional year at the same prices and under the same conditions. This is the first renewal of the bid.

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

5. Renewal of Formal Bid - Annuals. Recommended to renew the bid with Otto Keil Florists, Inc., 30 East Gate Drive, Huntington, New York, for Annuals at a total cost of \$20,000 for an additional year at the same prices and under the same conditions. This is the first renewal of the bid.

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

6. Renewal of Formal Bid - Spring Flowering Bulbs. Recommended to renew the bid with Bisset Nursery Corp., 323 Long Island Avenue, Holtsville, New York, for Spring Flowering Bulbs at a total cost of \$8,000 for an additional year at the same prices and under the same conditions. This is the first renewal of the bid.

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

7. Renewal of Formal Bid - Shade Trees. Recommended to renew the bid with Bisset Nursery Corp., 323 Long Island Avenue, Holtsville, New York, for Shade Trees at a total cost of \$2,000 for an additional year at the same prices and under the same conditions. This is the first renewal of the bid.

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

#### VILLAGE COUNSEL

Professional Services Contract - Engage Richard A. Comi, d/b/a, The Center for Municipal Solutions - Crown Castle. Requested authorization to engage Richard A. Comi, d/b/a, The Center for Municipal Solutions, 70 Cambridge Drive, Glenmont, New York. This is to perform post-installation testing on newly upgraded or installed telecommunications facilities and equipment in the Village of Garden City. Said services shall be furnished on

an as-needed bases on request by the Village.

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

## EXTERNAL COMMUNICATIONS

### PERMITS

1. Sister Jeanne M. Ross, C.S.J., President, Sacred Heart Academy, 47 Cathedral Avenue, Hempstead, New York, requesting to hold a 5K Run/Walk on Saturday, September 24, 2016, between the hours of 9:00 a.m. and 11:00 a.m. They would like to hold their race through portions of the Village of Garden City. The streets that will need to have portions closed are; First Street, Cathedral Avenue, Sixth Street and Hilton Avenue. This route has been reviewed and approved by the Garden City Police Department. This request is also subject to the fees and insurance certificate as required by the Village.

On motion of Trustee DeMaro 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, a check in the amount of \$2,500 (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.

2. Ms. Kelly Zingar, Vice-President/General Manager, Lord & Taylor, 1200 Franklin Avenue, Garden City, requesting permission to stage two storage trailers in the back of their parking lot until the fall of 2016.

On motion of Trustee DeMaro and unanimously carried, the aforesaid authorization was approved, subject to receipt of an original Certificate of Insurance.

### **Following discussion, the following item was acted upon:**

### FINANCE

#### Agenda Item #1 of the Consent Calendar

Engagement of Consultant Renewal - Quest Computer Products, Inc. Authorization was requested to renew the Professional Services Contract with Quest Computer Products, Inc., 807 Westbourne Grove Court, Colfax, North Carolina, for maintenance and propriety systems and enhancements at an hourly rate of \$145 per hour, increased from an hourly rate of \$140 per hour.

On motion of Trustee DeMaro and unanimously carried, the aforesaid authorization was deferred until the April 4, 2016 Board Meeting so that Trustee DeMaro can review the wording in paragraph number 3, regarding ownership with Village Counsel.

### RECREATION - STRATEGIC PLAN

Kevin Ocker, Chairman, Board of Commissioners of Cultural and Recreational Affairs presented the Department of Recreation and Parks Strategic Plan - Phase I.

On motion of Trustee Silver and unanimously carried, the Strategic Plan - Phase I was accepted by the Board of Trustees.

#### Mayor Episcopia recognized the following:

Steve Ilardi, 139 Meadow Street  
John Wilton, Chairman, Garden City Chamber of Commerce Merchants Group  
Thomas Michon, 65 Fairmount Street/Local 1588 President  
Leo Stimmler, 67 Huntington Road  
Mary Timmons, 6 Linden Street  
Maggie Rydzewski, 7 Linden Street

On motion of Trustee Delany to go to executive session at 10:05 p.m. to discuss a matter of labor and an opinion of Counsel. The Board reconvened at 11:14 p.m.

There being no further business, on motion duly made, the meeting adjourned at 11:15 p.m.