

Garden City Board of Trustees Action: March 3, 2016

The Garden City Board of Trustees convened at a regularly scheduled meeting on Thursday, March 3, 2016 at 8:00 p.m. and took the following action:

Continuation of the February 16, 2016 Board of Review

The Board approved certain reductions of assessments where adequate supporting documentation was provided and rejected requests where insufficient information was provided.

Approval of Minutes

The Board approved minutes for the following meetings:

- February 11, 2016 (Budget Presentation)
- February 16, 2016 (Regular Board of Trustees Meeting)

Formal Agenda

Set Date for Public Hearing:

The Board set April 4, 2016 as the date for a public hearing on the tentative budget for Fiscal Year 2016-2017

Deferred Agenda

Finance

Retain Appraisal Firm:

The Board retained the appraisal firm of Michael Haberman Associates, Inc. for preliminary appraisal services at a cost of \$4,500. This is regarding appraisal of 1111 Franklin Avenue (Sears). Should court appearances or conferences be required, further authorizations will be requested at that time. Funds are available in the Tax Certiorari Litigation Budget.

Consent Calendar

Finance

Invoice Payment:

\$3,066 to Sive, Paget & Riesel, P.C. for work done January 1-31, 2016 on the Remedial Cost Recovery for Groundwater Containment at Village Water Wells 13 and 14 in conjunction with litigation against Genesco.

Engagement of Consultant:

The Board engaged the consulting services of RH Accountemps for an amount not to exceed \$30,000 to assist the Village in providing financial services.

Related Transfer of Funds:

\$30,000 from Personnel-Regular Salary to Clerk-Treasurer-Consultant Fees to hire a consultant for the Finance Department.

Miscellaneous Transfer of Funds:

\$10,000 from Street Cleaning-Gas and Oil to Snow Removal-Maintenance of Equipment to fund additional work on plows and connections due to the blizzard.

\$12,086 from Contingent to Snow Removal-Overtime to fund extensive overtime required due to the blizzard and subsequent storm.

\$3,570 from Contingent to Snow-Removal-Materials and Supplies to fund salt delivery due to the blizzard and subsequent storm.

\$20,000 from Contingent to Safety Inspection-Contractual Services to fund the electrical consultant through the end of fiscal year, due to an increase in electrical filings.

Sick Leave

The Board approved sick leave for one employee in the Public Works Department.

Village Administrator

Engage Services:

The Board engaged the services of Disability Management Associates, Inc. for \$14,000 to provide the Village assistance in the area of Worker's Compensation and Disability Case Management for uniformed and non-uniformed service employees. It is anticipated that their services may be required to oversee approximately five to eight more cases during the remainder of this fiscal year.

Related Transfer of Funds:

\$14,000 from Central Data Processing-Purchase of Software to Personnel Consultant to provide Village assistance in the area of Workers' Compensation and Disability Case Management.

Public Works

American Water Works Spring Meeting:

The Board approved attendance for two Public Works employees to attend the American Water Works New York Section spring meeting scheduled for April 12-14, 2016 in Saratoga, New York, not to exceed \$1,500. Their attendance is required in order to maintain the Water Plant Operators Licenses of the two attendees.

Additional Contract Work:

The Board approved \$3,840 in additional contract work. Bids were awarded on June 5, 2014 and extended on May 7, 2015 to Island Cable Co. for a directional drilling unit price of \$16 per foot for an estimated amount of \$37,100. The additional \$3,840 will fund an emergency repair that was completed on January 31, 2016 on Cherry Valley Avenue, between Ninth and Tenth Streets.

Maintenance Bond:

The Board accepted a Maintenance Bond for the Self-Supporting Dome Salt Storage Building. The \$226,740 bond guarantees for one year the work the Dome Corporation of North America completed for the Village.

Additional Service Work:

The Board approved \$1,200 in additional service work to Stasi Brothers Asphalt Corp. The original contract amount was \$14,000. The additional funding will pay their current invoice for the disposal of additional broken concrete.

Police

Grant Awards:

The Board accepted the following grants for the Garden City Police Department:

- \$10,000 Nassau County Traffic Safety Board “Stop DWI” grant for the period January 1, 2016 through December 31, 2016. This program is a Countywide campaign to reduce impaired driving and the injuries and fatalities caused by motor vehicle crashes.
- \$15,000 Nassau County Traffic Safety Board “Police Traffic Service Grant” grant for the period January 1, 2016 through December 31, 2016. This program is a Countywide campaign to battle improper safety belt use and aggressive driving.
- \$7,500 Nassau County Traffic Safety Board - Special Holiday Enforcement “Stop DWI” grant for the period October 1, 2015 through September 30, 2016. This is a Countywide campaign for increased enforcement for special patrols during designated holiday periods and/or special events to be determined.

New York State Bureau of Weights and Measures:

The Board approved the attendance of a Garden City Police Officer at the New York State Bureau of Weights and Measures Annual Truck Scale Calibration, scheduled for May 1 through May 3, 2016 in Syracuse, New York, at an approximate cost of \$600. The Department Truck Scales are now due for calibration which is necessary for court presentation and prosecution. Due to the travel time involved an overnight stay is required.

Building

Professional Service Proposal:

The Board approved a professional service proposal with Muncity Software Consulting Associates (SCA) IT Data Correction not to exceed \$10,000.

Related Transfer of Funds:

\$10,000 from Contingent to Safety Inspection-Contractual Services to fund Muncity Software Consultant Associates (SCA) IT Data Correction.

Professional Service Proposal:

The Board approved a professional service proposal with Seery Systems Group, Inc. not to exceed \$1,500 for reviewing previously scanned images against paper permit fees. (This effort is for a potential cost savings determination for the capital scan project being proposed in the 2016/17 Capital Budget.)

Related Transfer of Funds:

\$1,500 from Contingent to Safety Inspection-Contractual Services to fund the Seery Systems Group, Inc., Scan Project.

Amendment to Agreement:

The Board approved an amendment to the agreement the Village currently has with Richard Barbieri for \$20,000 enabling him to provide plan review and inspection services at a rate of \$67 per hour for the time period March 7, 2016 through May 31, 2016 for an average of 20 hours per week.

Related Transfer of Funds:

\$20,000 from Contingent to Safety Inspection-Contractual Services to fund a Plan Examiner and Building Inspector Consultant previously contracted due to a department vacancy and increase in building application filings. Funds will cover costs for the remaining fiscal budget.

Recreation

Authorization to Re-direct Equipment Funding:

The Board re-directed \$40,000 contained within the Recreation 2014/15 approved Capital Equipment Plan for a "Brush Chipper" toward the purchase of a small dump truck equipped with a snow plow, previously planned for replacement in fiscal year 2017/18. After considerable research of the existing NYS Equipment Contracts and obtaining other quotes, the price of the brush chipper increased beyond the budget. In order to sustain operations, necessary repairs were made to the other brush chippers.

Contract Award Recommendation:

After reviewing the proposal by Landtek Group, Inc. for the rehabilitation of Community Park Fields 3 and 4, Cameron Engineering confirmed that the pricing and quantities are consistent with their engineer's estimate. The total cost of the contract using the existing Nassau County Requirements Contract is \$1,602,139.99, which includes a

contingency allowance of \$200,000. As part of the project implementation, certain materials and furnishings like fencing material and running bases, in the amount of \$44,000, will be directly purchased by the Village and furnished to the contractor for installation.

St. Paul's Window and Door Repairs:

The Board approved \$6,000 worth of emergency window and door repairs at St. Paul's. These funds will secure six windows as well as secure every door with additional locking mechanisms.

Related Transfer of Funds:

\$6,000 from Recreation-Maintenance of Plant to St. Paul's School-Maintenance of Plant to transfer funds to repair window and door security at St. Paul's.

Fire

Change Order:

The Board approved a \$29,084.32 change order for Construction Consultants/LI to provide additional contract work at Garden City Fire Department Headquarters. The change order is from contingency. The contract will be increased from the previously approved amount of \$1,087,514.50 to \$1,116,598.82. This does not increase the cost of the project or the amount originally bonded.

Removed From Consent Calendar

The Board removed the following item from the Consent Calendar:

Reimbursement of Overpayment:

Board authorization is requested to reimburse retired Assistant Motor Supervisor for overpayment of health insurance premiums for years 2014, 2015 and 2016 in the amount of \$4,976.82.

Permit

Parade:

The Board granted the Garden City Athletic Association's request to hold its annual Baseball/Softball Opening Day Parade on Saturday, April 9, 2016 beginning at 9:00 a.m.

Presentation

Crown Castle:

Al Tagliaferri, a representative from The Center for Municipal Solutions, made a brief presentation regarding the Crown Castle project. Mr. Tagliaferri, a non-practicing attorney with extensive experience with the federal law and regulations governing applications by telecommunications companies to install and/or modify telecommunications equipment, also fielded several questions from concerned residents. Prior to introducing Mr. Tagliaferri, Village Counsel Peter Bee read the following statement:

I thought it might be helpful if I outlined some of the law and the facts relating to Crown Castle's pending efforts to modify its existing equipment at three locations in the village, i.e., 128 Wetherill Road, 220 Clinton Avenue and 31 Maxwell Road.

First, it is important to realize that the federal government has enacted federal legislation which governs the village's potential responses to Crown Castle's proposed modifications. Specifically, Section 6409 of the Middle Class Tax Relief & Job Creation Act of 2012 (codified at 47 USC 1455) provides that local governments (such as our Village) "may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station."

Thus, a Village's role is limited to determining if a given request meets the conditions of that directive, i.e., is it a modification that does not substantially change the physical dimensions of the original equipment. In that regard, our first contact with Crown Castle regarding the three proposed modifications was the receipt of a letter dated June 22, 2015 from Crown Castle which characterized itself as an "Eligible Facilities Request" to modify certain of its transmission equipment at the three specific locations in Garden City, and expressly represented that the proposed modifications met the criteria of Section 6409 and that the Village "must" therefore approve its request.

On July 20, 2015, and in response to the June 22 letter, I contacted Mr. John Cavaliere (of Crown Castle) asking for some additional information. On July 22, 2015, Mr. Cavaliere responded to me, advising me (amongst other things) that the proposed modifications would not involve any excavation work, and that "nearby residents" would be notified of the proposed work by "door hanger notification."

On July 29, 2015, I consulted with the Village's Public Works Department and was advised that Garden City permits would not be required as long as the proposed modifications did not involve excavation work and would be limited to "backyard" work on poles.

On July 30, 2015, I requested of Mr. Cavaliere that he provide certain additional documentation, specifically that the "pole owner's" consent to the work had been obtained, and on July 31, 2015, Mr. Cavaliere sent me the pole-attachment licenses that evidenced the consent for Crown Castle to utilize the Verizon poles.

Subsequently, In October 2015, Crown Castle met with the Village Staff to review the plans and specifications for the proposed modification in order to confirm its compliance with the criteria under federal law which triggered the "must consent" provisions of federal law.

On February 2, 2016, after studying the material which had been presented to us, the Village's Public Works Department determined that the federal requirements were being met. It was then, on February 3, 2016, that my office opined that the Village "must" consent to the proposed modification based on the federal law and the description of the proposed modifications.

I am aware that you, Board members, subsequently received certain public input expressing continued doubt that the Village “must” approve the proposed modifications. Some members of the public apparently suggested that a “second opinion” be obtained from a Mr. Richard Comi, who operated a consulting company known as “The Center for Municipal Solutions.” Our office made some inquiries and learned that Mr. Comi was indeed expert in this area and was already acting as a consultant to some of the other municipalities in this area on similar applications from Crown Castle.

Accordingly, my office engaged Mr. Comi’s company, and provided Mr. Comi with the plans and specifications and other materials relevant to the proposed work. After reviewing the material, Mr. Comi’s office reached the identical conclusion as had my office; specifically, by letter dated February 20, 2016, Mr. Comi advised my office that Crown Castle’s “ ... plans are consistent with Crown Castle’s letter of June 22, 2015 and ... Garden City is required by federal law to approve the proposed installations.”

Executive Session

The Board entered into an executive session to discuss a matter of personnel and a matter of collective bargaining and to seek an opinion of counsel.

The next regularly scheduled Board of Trustees meeting is Thursday, March 17, 2016 at 8:00 p.m. at Village Hall.