

Garden City Board of Trustees Action: July 23, 2015

The Garden City Board of Trustees, with the exception of Trustees John DeMaro and Stephen Makrinos, who were absent, convened at a regular meeting on Thursday, July 23, 2015 at 7:45 p.m. in which the Board took the following action:

Board Approval of Volunteer Firefighters:

The Board approved new volunteer firefighters: Jack Joseph, Kyle Marshall and Steven G. Rudolph, Jr.

Approval of Minutes:

The Board of Trustees approved the minutes for the following meetings: June 18, 2015 and July 2, 2015.

Treasurer's Report:

Finance Commissioner Trustee Robert Bolebruch provided the Treasurer's Report, which the Board approved. Report highlights include:

As of May 31, 2015, the Village's total cash balance totaled \$19,689,000. Money market accounts have a balance of \$9,898,000.

As of May 31, 2015, operating expenses were 4 percent favorable to the budget and operating revenue was 8 percent favorable to the budget. Overtime was 17 percent (\$268,000) unfavorable to the budget. However, \$165,000 will be reimbursed through Police Department grants and special programs.

Formal Agenda:

The Board appointed Karen M. Altman as the Village's Disability Compliance Coordinator, effective July 31, 2015.

Consent Calendar:

The Board of Trustees approved the following items on the Consent Calendar:

Payment of Invoices:

The Board approved a \$10,620 invoice payment for Sive, Paget & Riesel, P.C., of New York. This billing reflects work done May 1-31, 2015 on the Remedial Cost Recovery for Groundwater Containment at Village Water Wells 13 and 14 in conjunction with litigation against Genesco.

The Board approved a \$1,681.50 invoice payment for Sive, Paget & Riesel, P.C., of New York. This billing reflects professional services rendered from March 23, 2015 through April 17, 2015, on an Environmental Law issue. The Board of Trustees approved \$5,000 for this issue. Therefore, an additional \$1,681.50 is requested.

The Board approved a \$1,609.34 invoice payment for Cullen and Dykman, of Garden City. This billing is for general transition work for the month of June.

The Board approved an \$11,130 invoice payment for Irene Woo, of Garden City. This billing reflects work done June 1, 2015 through July 2, 2015 with respect to financial analysis and

transitional training.

The Board approved a \$10,362.57 invoice payment for Reynolds, Caronia, Gianelli & LaPinta, P.C. (Anthony LaPinta, Fair Housing Compliance Officer). This billing reflects professional services rendered June 1-30, 2015 with respect to the legal issues as the Fair Housing Compliance Officer with regard to MHANY Management Inc. and the ACORN Litigation.

The Board approved a \$3,000 invoice payment for Bee Ready Fishbein Hatter & Donovan, LLP, of Mineola. This billing is for reimbursement of disbursement for the appraisal of the Franklin Court property.

NYCOM Fall Training:

The Board approved the attendance of Village Clerk Brian Ridgway, Village Treasurer Irene Woo and Village Auditor Sandra Yu-Clarson at NYCOM's Annual Fall Training School, scheduled for Sept. 29 through Oct. 1, 2015 in Lake Placid, NY, for an approximate cost of \$7,000.

Appropriation of Funds:

Under the New York State Civil Practice Law, certain funds received from forfeiture of assets are restricted to fund "unbudgeted" police expenditures. At the close of Fiscal Year 2015, the Village had \$24,325.90 held in Reserve. These funds are restricted under this statute. The Board appropriated the funds to Police A3120.4640 - CPLR Program Expenses.

The Village received \$19,270 in funds during 2014-2015, which was placed in a trust account. The Board appropriated the funds to Police A3120.4640 CPLR Program Expenses.

Transfer of Funds:

The Board approved the following fund transfers (2014-2015 Budget):

Trustees approved the transfer of \$1,100 from Central Garage-Salary to Central Garage-Maintenance of Plant due to late billing for an item repairing gasoline dispensing system filters.

Trustees approved the transfer of \$525 from Recreation-Equipment to Recreation-Operating Staff to fund a slight overdraw on the Maintenance Service Account and Operating Staff. (Funds were transferred from underspent accounts to pay for overspent accounts, all available within the Pool Enterprise Fund.)

Trustees approved the transfer of \$1,960 from Refuse and Garbage Stability to Refuse and Garbage Materials and Supplies to fund final inventory charges for stock used.

Trustees approved the transfer of \$1 from Water-Health and Dental Insurance to Water-Interest on Debt due to a rounding error in the budget.

Trustees approved the transfer of \$6,259 from Swimming Pool-Electricity to Employee Benefits-Compensated Absences to fund an increase for the compensated absence accrual, which was not budgeted. (Funds were transferred from underspent accounts to pay for overspent accounts, all available within the Pool Enterprise Fund.)

Trustees approved the transfer of \$11,154 from Swimming Pool-Water to Employee Benefits-State Retirement System to cover a retirement contribution for part-time staff in the Retirement System not budgeted properly. (Funds were transferred from underspent accounts to pay for overspent accounts, all available within the Pool Enterprise Fund.)

Trustees approved the transfer of \$691 from Tennis-Special Programs to State Retirement System, as the account was overdrawn due to reallocation and final adjustments. (Funds were transferred from underspent accounts to pay for overspent accounts, all available within the Pool Enterprise Fund.)

Trustees approved the transfer of \$41,426 from various Swimming Pool Accounts to Other Post Employment Benefits. These transfers represent final calculations of the allocated share of Other Post Employment Benefits, as these were unbudgeted items. (Funds were transferred from underspent accounts to pay for overspent accounts, all available within the Pool Enterprise Fund.)

Trustees approved the transfer of \$18,092 from various Tennis Accounts and a Bond Interest Account to Other Post Employment Benefits. These transfers represent final calculations of the allocated share of Other Post Employment Benefits, as these were unbudgeted items. (Funds were transferred from underspent accounts to pay for overspent accounts, all available within the Pool Enterprise Fund.)

(2015-2016 Budget):

Trustees approved the transfer of \$152,863 from Police Holiday and \$329,601 from Contingent to Various Accounts to fund the agreed settlement for the Police Contract Settlement.

Sick Leave:

Trustees approved sick leave for nine employees in the Public Works (1), Police (4) and Recreation (3) departments and the Business Office (1). These employees are the only ones who are out on extended sick leave at this time. At the June 18, 2015 Board meeting, authorization was given for four sworn members of the Police Department, four members of the Recreation Department and two members of the Department of Public Works for extended sick leave through July 23, 2015.

Personnel:

The Board approved increases for the Executive Staff for the years 2012-13, 2013-14 and 2014-15.

Public Works:

The Board renewed an agreement with Tri-State Transportation, of Setauket, for \$16,000 for professional services for drug and alcohol testing for Phase II in compliance with federal Department of Transportation Commercial Driver's License (CDL) requirements and the non-CDL employees as required by the CSEA contract.

The Board approved the attendance of two Department of Public Works employees at the

American Water Works New York Section Fall Meeting, scheduled for Sept. 23-24, 2015 in West Harrison, NY for an approximate cost of \$975.

Fire:

The Board authorized the utilization of funds from the Hesse Estate to purchase accessory materials for the Fire Rescue Truck. At the April 6, 2015 Board meeting, bids in the amount of \$48,671.16 were awarded to various vendors for accessory equipment for the truck.

The Board approved the attendance of four members of the Garden City Fire Department at Vehicle Stabilization Training University, scheduled for Sept. 12, 2015 in Elmira, NY, at a cost of \$1,800. This is a full day of hands-on training for equipment housed on the Fire Department's new Rescue Truck.

Building:

The Board approved the attendance of one Building Department employee at the New York State Building Officials School and Conference, scheduled for Sept. 9-11, 2015 in Vernon, NY for an approximate cost of \$750.

Recreation:

The Board approved a revised proposal from de Bruin Engineering, P.C., of Bethpage, for professional engineering services for the complete renovation of the men's and women's bathrooms, shower facilities and locker rooms at the Garden City Pool for a total cost of \$70,000.

The Pool facility has not been renovated in 30 years. Fixtures, walls, floors and plumbing in the existing facilities will be completely rehabilitated. Work will commence at the close of the current season and be completed prior to the opening of next season.

Pool membership, particularly family memberships, has declined considerably from its levels a decade ago; a number of reasons have been offered – from demographics and increasing competition from other venues like beach clubs to changing recreational patterns and dissatisfaction with the facility's amenities, quality and service standards.

Deputy Mayor Richard Silver, Board liaison to Cultural and Recreational Affairs, said the Board recognizes that, if not checked, membership declines inevitably will increase the need for fee increases or service reductions in order for the Pool to continue to be self-sustaining.

“With that said, there is a need to invest in the facilities. The shower facilities and bathrooms are in need of significant renovation. The last renovation was done many years ago and largely without any outside professional involvement. While there might be ways to stretch out the renovations over multiple years in order to put less expense pressure on the facility – something the Recreation Commission recommended to help spread the need for a significant fee increase – I believe that the sense of the Board is that we should not do the project that way,” he said.

“Doing so on a piecemeal basis will detract from the experience that is critical to attracting and retaining members. The Board believes the best way to continue to have the Pool be self-

sustaining is to improve the customer experience and drive growth in membership.”

Deputy Mayor Silver added, "I believe we all recognize, as does the Recreation Commission, that providing updated shower and restroom facilities will not by itself drive growth in memberships and sustain the pool as an Enterprise Fund. To do so, I believe we need concerted improvements in service in response to the feedback that we have been receiving. What we also need to do is understand what features and amenities our members and prospective members want beyond what we offer today. We are committed to taking very meaningful steps to upgrade not just our facilities but the experience that we offer, and for some of those changes to begin to become obvious this year."

Bid Awards:

Garden City Senior Center Site Construction Work: Awarded bid to PSL Industries, Inc., of Ronkonkoma, low bidder, for \$144,945.

Garden City Senior Center Building Construction: Awarded bid to Advanced Builders & Land Development, of Hauppauge, low bidder, for \$1,228,000.

Both expenditures are under the authorized spending level the Board adopted at its March 19, 2015 meeting.

Permits:

Trustees approved the following permit requests:

5K Run/Walk: The Garden City Teachers' Association will hold a Run/Walk 1.5 Mile Race and a timed 5K Run for Charity (Garden City for a Cure) Saturday, April 16, 2015, at 9 a.m.

Fall Festival Street Fair: The Garden City Chamber of Commerce will hold its annual Fall Festival and Street Fair Saturday, Oct. 17, 2015, 9 a.m. to 3 p.m. Seventh Street will be closed from 6 a.m. to 3 p.m.

Village Tree Lighting Ceremony: The Garden City Chamber of Commerce will holds its annual Village Tree Lighting Ceremony Sunday, Dec. 6, 2015 beginning at 3:30 p.m. Stewart Avenue, between Franklin and Hilton Avenues, will be closed from 3 to 4:45 p.m.

Fireworks:

The Board granted Cherry Valley Club's request to hold its annual Labor Day Carnival and Fireworks Display on Monday, Sept. 7, 2015, at approximately 8:45 p.m. and to erect a tent on Third Street at the dead-end closest to the Club, extending approximately 80-100 feet.

Block Parties:

The Board approved the following block parties:

Terrace Park, between Tanners Pond and Wickham Roads, on Saturday, Aug. 8, 2015, 10 a.m. to 9 p.m. (Rain Date: Aug.9)

Roosevelt Street, between Stewart and Stratford Avenues, on Saturday, Aug. 15, 2015, 11 a.m. to 9 p.m. (Rain Date: Aug. 22)

Jefferson Street, between Stewart Avenue and Manor Road, on Saturday, Aug. 29, 2015, 3 to 11 p.m. (Rain Date: Aug. 30)

Kildare Road, between Newmarket Road and Somerset Avenue, on Saturday, Aug. 15, 2015, 10 a.m. to 11 p.m. (Rain Date: Aug. 16)

Willow Street, between Boylston and Grove Streets, on Saturday, Aug. 22, 2015, 6 to 11 p.m. (Rain Date: Aug. 23)

Withdrawn: Sundry Accounts Receivable Settlement:

The Board withdrew this item from the Consent Calendar to allow Village Counsel to further investigate: A request to write off the balance of a sundry bill in connection with Garden City Property, in which Eileen M. Flood was in an automobile accident with a Village vehicle at the intersection of Cherry Valley and Cambridge Avenues. This accident occurred on March 25, 2015. The Village billed \$2,599.10 to repair the vehicle. GEICO Insurance Company remitted payment of \$1,375, representing the value of the vehicle. Therefore, since the amount of the invoice exceeds the vehicle's worth, it is requested that \$1,224.10 be written off.

Trustee Discussion on Generators (Permanent and Portable):

Deputy Mayor Brian Daughney thought it prudent to revisit the topic of generators (both permanent and portable) since it was last discussed post-Superstorm Sandy.

"It's so hard to distinguish and create differences between permanent generators and portable generators. Right now there are no real restrictions on portable generators, and they are much louder than permanent generators," he said.

Several years ago, after Hurricane Irene, the Building Department saw an uptick in permit requests for the installation of permanent generators. According to Building Superintendent Michael Filippone, the Department took a proactive approach and introduced noise limitations. The Village's acoustical engineering consultant looked to the New York State Department of Environmental Conservation (NYS DEC) for guidance, using its criteria to establish a more reasonable upper noise limit within the Village.

The Village increased its noise limit from 56 to 65 decibels at the nearest property line. These rules and regulations, however, were never codified, but rather just defined as a matter of policy through the Building Department, according to Mr. Filippone.

Trustee Robert Bolebruch told Board members, in his opinion, the Village cannot "lump together" restrictions for both permanent and portable generators. He also suggested those in the Village that own generators because of medical needs be exempt from any restrictions.

Deputy Mayor Richard Silver believes there isn't a rational basis for having different noise rules for portable generators than permanent generators. "Despite our ability to more easily regulate permanent generators because we require permits and inspections as part of the installation process, if noise is our concern, there is no logic in exempting noisier portable generators from noise limitations but not permanent generators which are typically quieter," he said.

Should all generators be allowed usage regardless of noise level during times of emergency, as declared by the Village? The consensus of the Board was to seek input from the Environmental Advisory Board, which next meets in September.

Executive Session:

The Board adjourned to an executive session to discuss a matter of personnel.

The next regularly scheduled Board of Trustees meeting is Thursday, August 20, 2015 at Village Hall.