

BOARD OF TRUSTEES

JANUARY 9, 2020

A 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 January 9, 2020 at 8:20 p.m.

Present: Mayor Theresa A. Trouvé, Trustees Robert A. Bolebruch, Stephen S. Makrinos, John M. Delany, Louis M. Minuto, Mark A. Hyer, Colleen E. Foley and Brian C. Daughney.

Also Present: Ralph V. Suozzi, Village Administrator
Karen M. Altman, Village Clerk
Kenneth O. Jackson, Chairman, Board of Police Commissioners
Irene Woo, Village Treasurer
Giuseppe Giovanniello, Superintendent of Building Department
Joseph DiFrancisco, Superintendent of Public Works
Thomas Stryko, Chief Fire Department
Paul Blake, Chairman, Board of Commissioners of Cultural and Recreational Affairs
Peter A. Bee, Bee Ready Fishbein Hatter & Donovan, LLP

Attendance: Approximately 29

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

Mayor Trouvé called the meeting to order and called upon Ralph Suozzi along with the Department Heads who spoke about their agenda items.

Mayor Trouvé called upon Village Counsel Peter Bee who spoke with regard to the proposed public hearing on “A Proposed Local Law to Amend Article II (Water Conservation) of the Village Code so as to Enable the Superintendent of Public Works to declare a “Water Emergency” and Further Restrict Water Usage in Garden City”. Mr. Bee stated that due to an inadvertent emailing error, the Village Clerk was sent an earlier version of the proposed law, a version which was subsequently amended. Because of the posting requirements for local laws, Mr. Bee further opined that it will be necessary to re-post the correct version of the proposed law and hold a hearing upon the proper draft on another night, and therefore, respectfully suggested the Board cancel this evening’s hearing and re-schedule a hearing for the next Board of Trustees Meeting.

Trustee Makrinos introduced the following resolution and moved its adoption:

RESOLUTION NO. 1-2020

RESOLVED, that the Board of Trustees cancel tonight’s public hearing on a proposal to enact a Local Law entitled, “A Proposed Local Law to Amend Article II (Water Conservation) of the Village Code so as to Enable the Superintendent of Public Works to declare a “Water Emergency” and Further Restrict Water Usage in Garden City”.

RESOLVED, that the Board of Trustees hold a public hearing on a proposal to enact a Local Law entitled, “A Proposed Local Law to Amend Chapter 197, Article II (Water Conservation) of the Village Code so as to Enable the Superintendent of Public Works to declare a “Water Shortage” and Further Restrict Water Usage in Garden City”.

FURTHER RESOLVED, that the Clerk be and she 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 6th day of February, 2020.

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.

Mayor Trouvé stated that the next item on the agenda was approval of the minutes of the last meeting of the Board of Trustees.

The minutes of the regular meeting held on December 12, 2019 were reviewed, and on motion of Trustee Delany were approved as presented. (Trustee Makrinos abstained)

NEW BUSINESS

FORMAL AGENDA

1. Set Date for Public Hearing - "A Proposed Local Law to Repeal Chapter 12 of the Village Code in order to Amend the Code of Ethics". After discussion, Trustee Delany introduced the following resolution and moved its adoption:

RESOLUTION NO. 2-2020

RESOLVED, that the Board of Trustees hold a public hearing on a proposal to enact a Local Law entitled, "A Proposed Local Law to Repeal Chapter 12 of the Village Code in order to Amend the Code of Ethics".

FURTHER RESOLVED, that the Clerk be and she 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 6th day of February, 2020.

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.

2. Set Date - Annual Tax Lien Sale. Reported that a detailed account of all 2019 Village tax arrears had been filed, pursuant to the provisions of Section 1438 of the Real Property Tax Law, including a description of the lands on which such taxes remain unpaid as the same were placed on the original rolls, that the members of the Board compared such account with the original 2019 tax rolls and found the same to be a true and correct record of the Village taxes remaining unpaid for said year, and the Tax Collection Account of the Village Clerk was ordered credited with the amount thereof, namely \$792,830.62.

On motion of Trustee Delany the following resolution was offered:

RESOLUTION NO. 3-2020

RESOLVED, that a tax sale of all property on which the 2019 Village Tax remains unpaid, as shown on the tax rolls of the Village of Garden City, is hereby ordered to be held in the Village Hall on the 27th day of March, 2020, commencing at 10:00 a.m., and that such sale be conducted by the Treasurer in the manner provided and prescribed by Section 1454 of the Real Property Law of the State of New York, and that such real property be sold subject to the provisions of the New York State and Federal Soldiers' and Sailors' Civil Relief Acts, as amended, insofar as the same may be applicable to the owners of any of said real estate; and

FURTHER RESOLVED, that the Treasurer is hereby directed to publish in the Village's official newspaper, for three consecutive weeks ending on or before March 10, 2020, a list of the real property upon which the 2019 Village Tax is unpaid, with the amount of the tax, interest and other charges thereon, together with a notice that said real property

will be sold at public auction, at the same time and place stated above, to discharge the tax, interest, fees and charges due at the time of sale.

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

The resolution was declared adopted.

2. Set Date for Public Hearing - "A Proposed Local Law Amending Chapter 193, Article III of the Village Code Entitled "All-Night Parking". After discussion, Trustee Delany introduced the following resolution and moved its adoption:

RESOLUTION NO. 4-2020

RESOLVED, that the Board of Trustees hold a public hearing on a proposal to enact a Local Law entitled, "A Proposed Local Law Amending Chapter 193, Article III of the Village Code Entitled "All-Night Parking".

FURTHER RESOLVED, that the Clerk be and she 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 6th day of February, 2020.

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.

3. A Resolution granting the application of 555 Stewart Garden City LLC, (successor in title to premises at 555 Stewart Avenue, previously owned by 550 Stewart Acquisitions, LLC, for amendment of the zoning and use permit approval granted on July 10, 2018 with respect to the property at 555 Stewart Avenue, as previously amended. After discussion, Trustee Delany offered the following resolution and moved its adoption.

RESOLUTION NO. 5-2020

WHEREAS, on July 10, 2018, the Board of Trustees of the Village of Garden City ("Board") granted an application by 550 Stewart Acquisitions, LLC ("550") for approval of a use permit, for development of a 150 unit multiple residence, inclusive of 15 affordable housing units, at premises 555 Stewart Avenue in the Village, subject to various conditions as stated in the resolution of approval of that application ("2018 Resolution"); and

WHEREAS, the Board previously has granted amendments of the 2018 Resolution to extend the time in which the applicant was required to comply with various conditions of the 2018 Resolution, and

WHEREAS, 555 Stewart Garden City LLC ("555"), as successor in title to 550, has applied to the Board of Trustees for further amendment of certain conditions and requirements of the 2018 Resolution, to authorize 555 to proceed with submission of an amended development application based upon revised plans for the proposed project, and

WHEREAS, the conditions of the July 2018 approval now sought to be amended are as follows:

- Amendment of paragraph 3 of the conditions set forth in the 2018 Resolution, to require all development of the project to be as specified on the amended plans presented to and reviewed by the Board of Trustees, with revisions through December 3, 2019, and those further site plan documents

to be presented to, reviewed by, and approved by the Board of Trustees, unless otherwise approved by the Board without the requirement for a public hearing;

- Amendment of paragraph 8 of the conditions set forth in the 2018 Resolution, to require that there shall be sixty (60) one bedroom units instead of the twenty (20) previously specified, seventy-four (74) two bedroom units instead of the one hundred fifteen (115) previously specified, and nine (9) three bedroom units instead of the fifteen (15) previously specified. The number, allocation, and bedroom counts, for the required affordable housing units shall remain unchanged from those specified in the 2018 Resolution; and

WHEREAS, as previously provided in the 2018 Resolution, no permits for the construction or development of the project will be issued until the project site plan has been reviewed and approved in accordance with customary practice and requirements of the Village of Garden City, and as provided in the Village Code; and

WHEREAS, the requested amendment of the 2018 Resolution does not constitute a final approval for the development project, which will require further review and approvals and/or recommendations from the Village Zoning Board of Appeals, Planning Committee, Architectural Review Committee and Building Department; and

WHEREAS, the Board of Trustees has reviewed the proposed amendment, and has considered the presentation made by 555 and its counsel on January 9, 2019, and considers the same to be in the best interests of the Village,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees hereby find and concludes as follows:

1. The proposed project amendments would not increase the number of residential units in the project, but would reduce the total number of bedrooms from two hundred ninety five (295) to two hundred forty-two (242), without affecting the number of affordable housing units or the number of bedrooms contained therein;
2. The proposed project amendments would provide for two residential structures on the site, in the place and stead of the one larger structure originally proposed, and would revise make related revisions to the ingress/egress, parking and other on-site features, all of which will be further reviewed by various Village boards and agencies and will eventually require final approval from the Board of Trustees;
3. The proposed amendments are offered for the purposes of improving the proposed development, without adversely affecting the Village's requirements for the inclusion of affordable housing;
4. Further consideration of the project, as proposed to be amended, is in the best interests of the Village;
5. The proposed structures would require variances to (a) increase the permitted floor area ratio to 1.27% of the site, where the Village Code permits a maximum of 0.99%, (b) increase the proposed building coverage to 33.37% of the site, where the Village Code permits a maximum of 27%, (c) increase the maximum height of structures to 47.97 feet or four stories, where the Village Cod permits a maximum of 45 feet or four stories, and (d) reduce the amount of open space to 20.7% of the site, where the Village Code requires a minimum of 25%. All of such variances would require approval from the Village Board of Appeals before any final site plan approval, or building permit(s), could be issued. (The action now taken by the Board of Trustees does not approve, and should not be interpreted to approve, any of those requested variances, each of which requires independent review and appropriate action by the Board of Appeals.);
6. The proposed amendments are not likely to result in significant adverse environmental impacts sufficient to require re-opening of the State Environmental

Quality Review Act (SEQRA) process, nor result in any change to the SEQRA Negative Declaration previously adopted by this Board. Furthermore, because further approvals are required from other Village boards or agencies, including further approval from this Board, the Board of Trustees classifies this action as a Type II Action which does not require further environmental impact review;

7. The 2018 Resolution is hereby amended only in the following respects:
 - a. Paragraph 3 of the conditions set forth in the 2018 Resolution, is amended to require all development of the project to be as specified on the amended plans presented to and reviewed by the Board of Trustees, with revisions through December 3, 2019, and those further site plan documents to be presented to, reviewed by, and approved by the Board of Trustees, unless otherwise approved by the Board without the requirement for a public hearing;
 - b. Paragraph 8 of the conditions set forth in the 2018 Resolution is amended, to require that there shall be sixty (60) one bedroom units instead of the twenty (20) previously specified, seventy-four (74) two bedroom units instead of the one hundred fifteen (115) previously specified, and nine (9) three bedroom units instead of the fifteen (15) previously specified. The number, allocation, and bedroom counts, for the required affordable housing units shall remain unchanged from those specified in the 2018 Resolution; and
8. Nothing in this resolution is intended, nor should any part of this resolution be interpreted, to indicate Board of Trustees approval or disapproval of any zoning variances requested by the applicant in the revised plans. Whether or not any or all such variances should be approved shall be determined by the Board of Appeals as provided by law;
9. In all other respects the terms and conditions of the 2018 Resolution, as previously amended, shall remain in effect; and
10. All Village boards and agencies hereby are authorized to conduct such review, and make such determinations and/or recommendations consistent with the 2018 Resolution, as amended, as they may determine to be necessary and appropriate with regard to this proposed development; and
11. The subject amendment application, and this resolution, shall be transmitted by the Village to the Nassau County Planning Commission for its review and recommendation, and this resolution shall be considered effective unless and until (a) the Nassau County Planning Commission recommends denial of this application or modification of this resolution within thirty days after a complete submission to the said Commission, and (b) subsequent to such negative recommendation by the said Commission, the Board of Trustee fails to adopt a resolution to act contrary to such recommendation as provided in General Municipal Law §239-m.

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 Makrinos requested that item #7 (Village Justice Court Appointment and Compensation for a “Per Diem” Prosecutor in Village Court) be removed from the Agenda due to the fact that the prosecutor was unable to secure the insurance coverage as required by the Village.

CONSENT CALENDAR

FINANCE

1. Budget Calendar for Fiscal Year 2020-2021. Submitted a Budget Calendar setting forth a proposed schedule of meeting dates for fiscal year 2020-2021 which are as follows: March 10, March 12, March 18 and March 26, 2020.

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

2. Sundry Write Off. Board authorization is requested to write off \$1,605.01 for damages to a Village light pole listed on the books and records of the Village as accounts receivable and now deemed uncollectible. A write off of this amount is recommended by Village Counsel.

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

3. Correction of Errors. Board authorization is requested to correct the 2019 Tax Roll presented by the Village Assessor and refund \$18,686.77 of taxes paid to several property owners. This amount represents overpayment of taxes due to overassessment of properties as a result of building permits incorrectly identified to the wrong properties, and in some cases as a result of clerical errors. Below is a listing of properties.

Account #	Address	Refund
06351-0-001	191 Weyford Terrace	\$7,656.11
03192-0-001	84 Fourth Street	\$4,145.03
04607-0-001	151 Weyford Terrace	\$2,291.96
07754-0-001	34 Roosevelt Street	\$2,145.66
00675-0-001	135 Locust Street	\$1,024.07
03915-0-001	4 Beech Street	\$563.24
01819-0-001	75 Transverse Road	\$519.35
00331-0-001	108 Kingsbury Road	\$146.30
00543-0-001	110 Chestnut Street	\$146.29
07570-0-001	84 Adams Street	\$48.76
03143-0-001	89 Eleventh Street	\$0
04987-0-001	200 Kensington Road	\$0
01822-0-001	69 Transverse Road	\$0
		\$18,686.77

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

SICK LEAVE

POLICE

1. Sick Leave - Two Employees. Requested authorization to pay Police Officer Carlo Fracassa and Police Officer Jana Wiggins, through February 6, 2020, or such earlier date as they may be able to return to work 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 Delany and unanimously carried, the aforesaid authorization was approved.

RECREATION

2. Sick Leave - Two Employees. Requested authorization to pay David Thilbourg, Senior Maintainer, Recreation Department and Stacy Smith, Typist Clerk, Recreation Department through February 6, 2020 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 Delany and unanimously carried, the aforesaid authorization was approved.

PUBLIC WORKS

3. Sick Leave - Two Employees. Board authorization is requested to pay Barry Parkhill, Motor Equipment Operator, Street Department and Robert Moffitt, Laborer, Street Department through February 6, 2020, 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 Delany and unanimously carried, the aforesaid authorization was approved.

VILLAGE ADMINISTRATOR

1. Acceptance of New York State Environmental Facilities Corporation Grant. Board authorization is requested to accept a Grant from New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York, for Project No. 18663 – 1,4 Dioxane Treatment at Well No. 12. This is with regard to the NYS Water Infrastructure Improvement Act Grant for an amount not to exceed \$3,653,794. The Village will take any action deemed necessary in order to secure this grant.

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

2. Acceptance of New York State Environmental Facilities Corporation Grant. Board authorization is requested to accept a Grant from New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York, for Project No. 18781 – 1,4 Dioxane Treatment at Clinton Road Wells No. 10 and 11. This is with regard to the NYS Water Infrastructure Improvement Act Grant for an amount not to exceed \$5,336,304. The Village will take any action deemed necessary in order to secure this grant.

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

HUMAN RESOURCES

1. Exempt Staff Compensation - Altman. Board authorization was requested that the following resolution be approved by the Board of Trustees with regard to Exempt Staff Compensation.

On motion of Trustee Delany the following resolution was offered:

RESOLUTION NO. 6-2020

RESOLVED, that as part of the Village's annual salary review, the following annual salary adjustment be made to certain Exempt Staff salary, effective January 1, 2020.

	<u>Total Annual Salary</u>
Village Clerk Karen M. Altman	\$120,000

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

The resolution was declared adopted.

2. Transfer of Funds - Exempt Staff Compensation - Cutrone. (a) Board authorization was requested to transfer funds as follows: \$5,625 to Account 0A.1110.1010 – Justice Court - Regular Salary, from Account 0A.1230.1010 - Administration - Regular Salary, for the increase in salary for the Clerk to the Village Justice effective January 1, 2020, through the end of the fiscal year.

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

(b) Exempt Staff Compensation - Cutrone. Board authorization was requested that the following resolution be approved by the Board of Trustees with regard to Exempt Staff Compensation.

On motion of Trustee Delany the following resolution was offered:

RESOLUTION NO. 7-2020

RESOLVED, that as part of the Village’s annual salary review, the following annual salary adjustment be made to certain Exempt Staff salary, effective January 1, 2020.

	<u>Total Annual Salary</u>
Clerk to the Village Justice Gregory Cutrone	\$94,000

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

The resolution was declared adopted.

CLERK’S OFFICE

1. Memorandum of Agreement - Nassau County Board of Elections. Requested authorization to enter into an agreement with the Nassau County Board of Elections for their assistance in the Village’s March 18, 2020 election.

Trustee Delany offered the following resolution and moved its adoption:

RESOLUTION NO. 8-2020

WHEREAS, the Village will be conducting and administrating an election on March 18, 2020, and is seeking the assistance of the Board of Elections, in providing election services consisting of the provision and usage of voting machines, all equipment and supplies necessary to conduct voting operations (hereafter collectively referred to as “voting systems”); as well as training and assistance concerning voting machine operations;

WHEREAS, pursuant to Section 3-224 of the New York State Election Law, the Board of Elections may permit Villages within the County to use its voting machines and other equipment, for the conduct of elections, upon such terms and conditions as shall be fixed by the Board of Elections and agreed to by both the Board of Elections and the Village; and

NOW THEREFORE, the parties named above hereby enter into an Agreement applicable to the Village election being held March 18, 2020, and any subsequent run-off election(s) related thereto.

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

The resolution was declared adopted.

PUBLIC WORKS

1. Professional Rate Services Renewal - Mechanical Well Contractor - Atlantic Wells, Inc. Requested authorization to engage Atlantic Wells, Inc., 58 Fairfields Lane, Huntington Station, New York, mechanical well contractor for the renewal of well pump and booster pump service calls for 2020. The renewal rates are on file in the Village Clerk's Office. Rates have increased from last year. Funds are available in Account 0F.8320.4020.

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

AWARD OF BIDS

1. St. Paul's Vine Removal - U. Arias Corp. Reported that a tabulation of bids had been circulated to each Member of the Board for the St. Paul's Vine Removal Contract and recommended that the bid be awarded to U. Arias Corp., 1855 Imperial Avenue, New Hyde Park, New York, low bidder, for a total cost of \$49,965.76. Funds are available in Account 0H.7140.2103.

Specification pickups reached a total of five companies and five bids were received. Bid specifications were advertised on New York State Contract Reporter.

On motion of Trustee Delany the following resolution was offered:

RESOLUTION NO. 9-2020

RESOLVED, that the proposal of U. Arias Corp., 1855 Imperial Avenue, New Hyde Park, New York, at a cost of \$49,965.76, be and the same hereby is accepted, this being the lowest and best bid received.

FURTHER RESOLVED, that the Village Administrator and Clerk be and they hereby are authorized on behalf of the Village to execute a contract with U. Arias Corp., for this work, pursuant to the terms and conditions set forth in the request for bid and in the proposal submitted by said Company, the form of contract to be approved by Village Counsel; and

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

The resolution was declared adopted.

2. St. Paul's Window Protection - Talty Construction, Inc. Reported that a tabulation of bids had been circulated to each Member of the Board for the St. Paul's Window Protection Contract and recommended that the bid be awarded to Talty Construction, Inc., 108 Powell Avenue, Rockville Centre, New York, low bidder, for a total cost of \$39,400. Funds are available in Account 0H.7140.2103.

Specification pickups reached a total of five companies and five bids were received. Bid specifications were advertised on New York State Contract Reporter.

On motion of Trustee Delany the following resolution was offered:

RESOLUTION NO. 10-2020

RESOLVED, that the proposal of Talty Construction, Inc., 108 Powell Avenue, Rockville Centre, New York, at a cost of \$39,400, be and the same hereby is accepted, this being the lowest and best bid received.

FURTHER RESOLVED, that the Village Administrator and Clerk be and they hereby are authorized on behalf of the Village to execute a contract with Talty Construction, Inc., for this work, pursuant to the terms and conditions set forth in the request for bid and in the proposal submitted by said Company, the form of contract to be approved by Village Counsel; and

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

The resolution was declared adopted.

3. St. Paul's Stabilization - Reject Bid. Reported that a tabulation of bids had been circulated to each Member of the Board for the St. Paul's Stabilization Contract and it is recommended that the sole bid from Westar Construction Group, Inc., 6800 Jericho Turnpike, Syosset, New York be rejected as it came in \$356,500 over the budgeted amount.

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

Mayor Trouvé recognized the following:

Robert Orosz, 38 Grove Street
Andrew Shumelda, P.O. Box 719

On motion of Trustee Minuto the Board recessed to executive session at 9:20 p.m. for personnel matters. The Board reconvened at 10:35 p.m.

There being no further business, on motion duly made, the meeting adjourned at 10:36 p.m.