

BOARD OF TRUSTEES

FEBRUARY 6, 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 February 6, 2020 at 8:00 p.m.

Present: Mayor Theresa A. Trouvé, Trustees Robert A. Bolebruch, Stephen S. Makrinos, John M. Delany, 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

Absent: Trustee Louis M. Minuto

Attendance: Approximately 17

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

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

Mayor Trouvé stated that the first item on the agenda was the public hearing with regard to “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”. Copies of the proposed local law had been distributed to the Board Members more than seven days prior to the meeting. Trustee Delany made a motion to open the public hearing which was unanimously approved.

(A tape recording of this hearing has been typed under separate cover and constitutes a part of these minutes.)

There being no further public comment, on motion of Trustee Delany and unanimously carried, the public hearing pursuant to the proposed local law was closed.

On motion of Trustee Hyer the following resolution was offered:

RESOLUTION NO. 11-2020

LOCAL LAW 1-2020

A 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 THE VILLAGE OF GARDEN CITY

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

Section 1. Legislative Findings. The Board of Trustees of the Village of Garden City seeks to provide the highest quality water possible to its residents and has been aggressively addressing the issue of Village-sourced water and water contaminants.

Widespread contamination of groundwater with “emerging contaminants” (specifically 1,4-Dioxane and Per- and Polyfluoroalkyl Substances (PFAS)) has been reported in water supplies on Long Island and across the country. The New York State Department of Health has proposed regulations that would implement very stringent maximum contaminant levels (“MCLs”) for these emerging contaminants and would impose a compliance deadline as early as March 2020. Recent tests have shown that a number of Garden City’s water wells may not meet the proposed MCLs and therefore will require a new form of treatment system that will not be operational by the proposed March 2020 regulatory deadline due to the complexities of the treatment process, the availability of specialized filtration equipment, and the need to thoroughly test and ensure the efficacy of the new treatment process. The Village will not supply water that does not meet all Federal, State, and County requirements, so any wells that require additional treatment to meet the MCLs will be unavailable during the installation and testing of the treatment system, and the Village’s available water supply therefore will be reduced. Accordingly, the Board of Trustees finds that, to protect the health, safety, and welfare of Village residents and to ensure the provision of adequate potable water and fire suppression capabilities, it may be necessary to temporarily further regulate the use of water by imposing additional water usage restrictions. The Board of Trustees further finds that it is expedient and desirable for the powers and duties of the Superintendent of Public Works to include the determination of when and to what extent such additional water usage restrictions are appropriate, and the administration of such restrictions. The Board of Trustees further finds that, due to the critical importance and necessity of these additional restrictions in ensuring that the Village has an adequate supply of drinking water and fire suppression capabilities, it is reasonable to impose a higher penalty for violations of the restrictions imposed in a water shortage declaration.

Section 2. Article II of Chapter 197 of the Village Code is hereby amended by adding thereto a new subsection “E” to Section 197-12, to read as follows:

- E. Water shortage. Notwithstanding any other provision of this Article, the Superintendent of Public Works is hereby empowered to declare a “water shortage” and issue a “water shortage declaration” as described herein, if the Superintendent determines that there is an insufficient supply of water available that meets all Federal, State, and County water quality standards.
 - 1. The water shortage declaration shall be made in writing to the Mayor and posted on the Village website.
 - 2. The water shortage declaration shall include those additional water usage restrictions enumerated in paragraph 3 below that the Superintendent of Public Works deems appropriate to ensure an adequate supply of potable water and fire suppression capabilities, and to otherwise protect the health, safety, and welfare of Village water users.
 - 3. The water shortage declaration shall include one or more of the following temporary restrictions:
 - A. A partial or complete ban on lawn sprinkling.
 - B. A ban on filling private and/or public swimming pools.
 - C. A ban on new water connections.
 - 4. The water shortage declaration and restrictions set forth therein shall be effective for 60 calendar days, unless renewed or withdrawn upon further notice to the Mayor and publication on the Village website.
 - 5. Penalties for violations. Any person, including any property owner, agent, contractor, landscaper, lessee, or tenant, who violates the restrictions contained in a water shortage declaration issued pursuant to this subsection (E) shall be guilty of a violation of the Village Code. Each day shall constitute a separate violation which shall be subject to the following fines:
 - A. A first violation shall be punishable by a fine of \$2,000.
 - B. A second violation shall be punishable by a fine of \$3,000.

- C. A third violation, and all subsequent violations, shall be punishable by a fine of \$5,000.

Section 3. This Local Law shall take effect immediately upon its filing with the Secretary of State of the State of New York.

Thereupon the above Local Law was submitted for final passage and the vote thereon was as follows:

AYES: 7
NOES: 0

The resolution was declared adopted.

Mayor Trouvé stated that the next item on the agenda was the public hearing with regard to “A Proposed Local Law to Amend Chapter 12 of the Village Code in Relation to the Code of Ethics”. Copies of the proposed local law had been distributed to the Board Members more than seven days prior to the meeting. Trustee Makrinos made a motion to open the public hearing which was unanimously approved.

(A tape recording of this hearing has been typed under separate cover and constitutes a part of these minutes.)

There being no further public comment, on motion of Trustee Daughney and unanimously carried, the public hearing pursuant to the proposed local law was closed.

On motion of Trustee Daughney the following resolution was offered:

RESOLUTION NO. 12-2020

LOCAL LAW 2-2020
A LOCAL LAW TO AMEND CHAPTER 12 OF THE
VILLAGE CODE IN RELATION TO A CODE OF ETHICS

WHEREAS, Article 18 of the New York General Municipal Law prohibits the officers and employees of a municipality from having certain conflicts of interest; and

WHEREAS Section 806 of the New York General Municipal Law requires the governing body of therein designated municipalities, including villages, to adopt a code of ethics that sets forth for the guidance of its officers and employees standards of conduct reasonably expected of them; and

WHEREAS Section 806 of the General Municipal Law also authorizes the governing body of any municipality to adopt such a code of ethics; and

WHEREAS, such code of ethics must set forth standards of conduct for the guidance of the officers and employees of the municipality with respect to disclosure of interests in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable; and

WHEREAS, the State of New York provides for certain protections for employees under Subsection 740 of the New York State Labor Laws and the Village of Garden City may also adopt "whistleblower" procedures and protections and intends that the Board of Ethics shall be a responsible party on behalf of the Village of Garden City to receive any whistleblower complaints.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Garden City hereby adopts a code of ethics to read as follows:

Section 1: The Current Chapter 12 of the Village Code of Garden City is hereby repealed in its entirety and the following is substituted therefore:

12-1. Purpose.

Officers, elected officials and employees of the Village of Garden City ("Village") hold their positions to serve and benefit the public, and not for obtaining personal or private gain in the exercise and performance of their official powers and duties. The Board of Trustees of the Village recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics is designed to establish those standards, while recognizing that many persons serving the Village serve as volunteers to the Village in various capacities and maintain private employment with third parties not affiliated with the Village.

12-2. Definitions.

(a) "Board" means the Board of Trustees of the Village, inclusive of the Mayor of the Village ("Board of Trustees"), and any municipal administrative board, commission, agency or body of the Village, the membership of which is subject to approval by the Board of Trustees including, without limitation, those board and commissions listed on the Village website or established under Village law, from time to time.

(b) "Code" means this code of ethics.

(c) An Officer or Employee shall be deemed to have an "Interest" in any entity or organization, when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls, any of the organization's outstanding stock or membership interests or is entitled to any portion of the profits or losses of any such entity.

(d) "Officer or Employee" means a paid or unpaid officer or employee of the Village including, but not limited to, the members of any Board, whether paid or unpaid, but shall not include professionals and consultants retained by the Village or third parties retained through public bidding contracts or other contracts which may be entered into by the Village.

(e) "Relative" means a spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a municipal officer or employee, and individuals having any of these relationships to the spouse of the officer or employee.

(f) "Senior Staff" shall mean the Village Administrator; Secretary to the Board of Trustees; Village Clerk; Village Treasurer; Village Auditor; Chairman, Board of Police Commissioners; Fire Chief; Chairman of the Board of the Recreation and Cultural Affairs; Superintendent of Building Department; and Superintendent of Public Works, Library Director, or any comparable senior staff position reporting to the Village Administrator, and such other titles as may be established from time to time by the Board of Trustees.

12-3. Applicability.

This Code applies to the Officers and Employees of the Village, and, effective on the date of its adoption by the Board of Trustees, shall supersede any prior Village code of ethics. The provisions of this Code shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics, including, but not limited to, Article 18 of the New York General Municipal Law, and all rules, regulations, policies and procedures of the Village.

12-4. Prohibition on use of Village position for personal or private gain.

No Officer or Employee shall use his or her Village position or official powers, duties and discretion to secure a material financial or other benefit, directly or indirectly, for himself or herself, a Relative, or any organization or entity in which he or she or a Relative is deemed to have an Interest. Notwithstanding the foregoing, it is not the intention of this section to prohibit any Officer or Employee (or any Relative of an Officer or Employee) who is a resident and/or taxpayer of the Village from receiving any goods, services or other benefit available generally to residents and/or taxpayers of the Village.

provided that such are made available to such Officer or Employee in amounts and on terms comparable to residents and/or taxpayers generally. For purpose of this Section and of this Code generally, "material" means any benefit other than one which is so trivial or *de minimus* as not to raise the reasonable prospect that it would affect the judgment, decision-making or advocacy of the Officer or Employee.

12-5. Disclosure of Interest in legislation and other matters.

(a) Whenever a matter requiring the exercise of discretion comes before a Village Officer or Employee, either individually or as a member of a Board, and disposition of the matter could result in a violation of Section 4, the Officer or Employee shall disclose in writing the nature of the Interest.

(b) The disclosure shall be made when the matter requiring disclosure first comes before the Officer or Employee, or when the Officer or Employee first acquires knowledge of the Interest requiring disclosure, whichever is earlier.

(c) In the case of a person serving in an elective office, the disclosure shall be filed with the Board of Trustees and the Village Administrator. In all other cases, the disclosure shall be provided to the person's supervisor (with a copy provided by the Officer or Employee to the Village Clerk) or, if the person does not have a supervisor, the disclosure shall be filed with the Officer, Employee or Board having the power to appoint to the person's position. In addition, in the case of a person serving on a Board, a copy of the disclosure shall be filed with such Board. Any disclosure made to a Board or the Public Administrator shall be made publicly at a meeting of the Board prior to the taking of any action and must be included in the minutes of the meeting and shall be deemed proper notice under this Code.

12-6. Recusal and Abstention.

(a) No Officer or Employee shall participate in any decision or take (or forbear from taking) any official action with respect to any matter or proceeding requiring the exercise of discretion, including discussing the matter and voting on it, if he or she knows or has reason to know that the action or forbearance could confer a benefit prohibited by Section 12-4 (an "Offending Officer or Employee").

(b) In the event that this section prohibits an Officer or Employee from acting or forbearing:

(1) if the action or forbearance is vested in an Officer as a member of a Board, then it shall be exercised or performed by the other members of the Board without the participation of the Offending Officer or Employee; or

(2) other than as provided in sub-clause (b)(i) above, if the action or forbearance is vested in an Officer or Employee individually, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to act or forbear as appropriate. In the case of the Village Administrator, the referral shall be made to the Village Mayor ("Mayor") who shall act or forbear as appropriate or designate another person to do so.

(c) In the event that a member of the Senior Staff is subject to a prohibition under this Section 12-6, the Village Administrator shall promptly report this matter to the Mayor, and shall report it to the Board of Trustees at the next Board of Trustees meeting, and such report shall be recorded in the minutes of such meeting. Such report shall be in addition to the obligations imposed by subsection (b).

12-7. Prohibition inapplicable; disclosure, recusal and abstention not required.

(a) Subject to state or federal laws and regulations stating otherwise, the

provisions of Sections 12-4, 12-5 and 12-6 of this Code shall not apply to the Board of Trustees with respect to the following matters:

- (1) adoption of the Village's annual budget;
 - (2) any matter requiring the exercise of discretion or forbearance that directly affects any of the following groups of people or a lawful class of such groups:
 - (i) all Officers or Employees;
 - (ii) all residents or taxpayers of the Village or an area of the Village; or
 - (iii) the general public;
 - (3) any matter that does not require the exercise of discretion; or
 - (4) any matter related to general tax laws, zoning laws or building laws or other regulations or policies or the approval or expenditure of funds which affect all residents or taxpayers of the Village or an area of the Village.
- (b) Recusal and abstention shall not be required with respect to any matter:
- (1) which comes before a Board when a majority of the Board's total membership would otherwise be prohibited from acting by section 12-6 of this Code;
 - (2) which comes before an Officer when the Officer would be prohibited from acting by section 12-66 of this Code and the matter cannot be lawfully delegated to another person.
- (c) Matters which are acted upon pursuant to the exemptions of subsection (b) of this Section 7 shall be promptly reported to the Board of Trustees and shall be voidable by the majority vote of the Board of Trustees within 60 days of such notice or at the next regularly scheduled meeting of the Board of Trustees, whichever shall be later.

12-8. Investments in conflict with official duties.

- (a) No Officer or Employee while employed by the Village may acquire the following investments:
- (1) investments that can be reasonably expected to require more than sporadic recusal and abstention under section 12-6 of this Code; or
 - (2) investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.
- (b) This section does not prohibit an Officer or Employee from acquiring any other investments or the following assets:
- (1) real property located within the Village and used as his or her personal residence;
 - (2) less than ten percent (10%) of the stock of a publicly traded corporation or an affiliate thereof that transacts business with the Village; or
 - (3) bonds or notes publicly issued by the Village.

12-9. Private employment in conflict with official duties.

- (a) No Officer or Employee, during his or her tenure as an Officer or Employee,

may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

- (1) can be reasonably expected to require more than sporadic recusal and abstention pursuant to section 6 of this code;
- (2) can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as an Officer or Employee;
- (3) violates any applicable law, regulation or rule, including without limitation, section 805- a(1)(c) or (d) of the New York General Municipal Law; or
- (4) requires representation of a person or organization other than the Village in connection with litigation, arbitrations, negotiations or any other matter or proceeding in which the Village is also a party.

(b) The Village recognizes under this Code that Section 805-a (1) (c) of the New York State General Municipal Law prohibits any municipal Officer or Employee from, among other things, receiving or entering into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee. Therefore, notwithstanding anything to the contrary appearing elsewhere in this Code, including, without limitation Section 12-6 (b)(1) above, no member of the Architectural Design Review Board, Planning Commission or Zoning Board of Appeals may serve on such boards or commissions, or continue to serve on such boards or commission if such person would be required to recuse themselves, from acting on matters to be considered by, or in proceedings before, such board or commission on which such person then is serving, or if appointed, would serve.

12-10. Future employment.

(a) No Officer or Employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the Officer or Employee, either individually or as a member of a board, while the matter is pending or within the one year following final disposition of the matter.

(b) No Officer or Employee, for the one-year period after serving as an Officer or Employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, Board, department or comparable Village organizational unit for which he or she serves.

(c) No Officer or Employee, at any time after serving as such, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as an Officer or Employee.

12-11. Personal representations and claims permitted.

This Code shall not be construed as prohibiting an Officer or Employee from:

- (a) representing himself or herself, or his or her spouse or minor children before the Village;
- or
- (b) asserting a claim against the Village on his or her own behalf, or on behalf of his or her spouse or minor children.

12-12. Use of Village resources

- (a) Village resources shall be used only for lawful Village purposes. Village

resources include, but are not limited to, Village personnel, Village funds, vehicles, equipment, materials, supplies, real property or other property. Village resources shall also be deemed to include access to and the ability to utilize the sanitation and/or refuse disposal facilities of the Village.

(b) No Officer or Employee may use or permit the use of Village resources for personal or private purposes or the personal or private purposes of a Relative, nor may an Officer or Employee allow any unauthorized party to use Village resources, but this provision shall not be construed as prohibiting:

- (1) any use of Village resources authorized by law or written Village policy established by the Board and evidenced by resolutions duly adopted by the Board;
- (2) the use of Village resources for personal or private purposes when expressly provided to an Officer or Employee as part of his or her compensation provided that such use has been expressly approved by the Board of Trustees and evidenced by resolutions duly adopted by the Board or in conformity with policies established by the Board of Trustees from time to time in connection with terms of employment or general employee policies.
- (3) the occasional and incidental use during the work day of Village telephones and computers for necessary personal matters such as family care, medical reasons and changes in work schedule.

(c) No Village Officer or Employee shall cause the Village to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

12-13. Interests in Contracts.

(a) No Officer or Employee may have an Interest in a contract that is prohibited by section 801 of the New York General Municipal Law.

(b) Every Officer and Employee shall disclose Interests in contracts with the Village at the time and in the manner required by section 803 of the New York General Municipal Law.

12-14. Nepotism.

Except as otherwise required by law:

(a) No Officer or Employee, either individually or as a member of a Board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a Relative for any position at, for or within the control of the Village or a Board.

(b) No Officer or Employee may supervise a Relative in the performance of the Relative's official powers or duties.

(c) No Relative shall be hired or retained as an Employee of the Village, and no entity controlled by a Relative shall be hired or retained as a contract party or consultant or perform services for monetary gain for the Village unless such relationship is disclosed to the Board of Trustees prior to any such employment or retention, and such employment or retention is approved in writing by the Board of Trustees. For purposes of this Section 12-14 (c), the term "control" shall mean that such Relative (or such Relative's Relatives as defined above) (i) beneficially owns more than 5% of the equity interests or the right to receive more than 5% of the profits or losses of any such entity and evidenced by resolutions duly adopted by the Board or (ii) is a partner, officer, manager or director of any such entity.

12-15. Political Solicitations.

(a) No Officer or Employee shall directly or indirectly to compel or induce a subordinate Officer or Employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.

(b) No Officer or Employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any Officer or Employee, or an applicant for a position as an Officer or Employee, on the basis of the giving or withholding or failing to make any contribution of money or service or any other valuable thing for any political purpose.

(c) No member of the Board shall: (i) coerce, or conspire with, third parties or any business(es) to promise the grant of gifts, favors, special treatment or similar entitlements not available to the public at large; or (ii) without disclosure in writing to the Board or in publicly disseminated speeches or campaign materials available to the public at large, promise changes or promise to seek changes in Village laws or policies which changes in Village policies or laws are intended to benefit either (X) a specific interest group or class of residents of the Village or (Y) customers or recipients of services from any third party or business in the Village, or (Z) a particular business or entity providing products or services in the Village, in order to induce or influence the vote of residents in connection with the election of Board members.

12-16. Confidential Information.

No Officer or Employee who acquires confidential information in the course of exercising or performing his or her Village powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing in good faith his or her powers and duties. All confidential information so obtained is the property of the Village.

12-17. Gifts.

(a) No Officer or Employee shall solicit, accept or receive a gift in violation of section 805- a(1)(a) of the New York General Municipal Law as interpreted in this section.

(b) No Officer or Employee may directly or indirectly solicit any gift.

(c) No Officer or Employee may accept or receive any gift or multiple gifts from the same donor which exceed the Limit when:

(1) the gift reasonably appears to be intended to influence the Officer or Employee in the exercise or performance of his or her powers or duties (including forbearance from action);

(2) the gift could reasonably be expected to influence the Officer or Employee in the exercise or performance of his or her powers or duties (or forbearance from action); or

(3) the gift is intended as a reward for any action or forbearance on the part of the Officer or Employee.

(d) For purposes of this section, a "gift" includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. A gift or gifts may not exceed an annual aggregate value of seventy-five (\$75.00) dollars or more, or such amount as the Board of Trustees may reasonably determine ("Limit"). Determination of whether multiple gifts from a single donor exceeds the Limit must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

(e) (1) A gift to an Officer or Employee is presumed to be intended to influence

the exercise, performance or forbearance of his or her powers or duties when the gift is from a private person or organization that seeks Village action involving the exercise of discretion by or with the participation of the Officer or Employee or in exchange for information, treatment or opportunities that otherwise would not be given;

(2) A gift to an Officer or Employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained or is about to obtain Village action or forbearance involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months including, without limitation, action or forbearance that violates Village policy or and law or regulation.

- (f) This section does not prohibit any other gift, including:
- (1) gifts made to the Village;
 - (2) gifts from a person with a family or personal relationship with the Officer or Employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a Village Officer or Employee, is the primary motivating factor for the gift;
 - (3) gifts given on special occasions, such as marriage, illness, death of a Relative, or retirement, which are modest, reasonable and customary;
 - (4) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
 - (5) awards and plaques having a value not in excess of \$300 which are publicly presented in recognition of service as an Officer or Employee, or other service to the community;
 - (6) meals and refreshments provided when an Officer or Employee is: (i) a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants; (ii) an attendee with one or more members of the Board for a meeting at which Village business is being discussed; or (iii) such other Village or Village-related functions including those sponsored by volunteer, charitable or benevolent organizations;
 - (7) gifts made by the Village to the Officer or Employee which are evidenced by resolutions duly adopted by the Board and otherwise allowed under law; or
 - (8) subject to federal and state laws providing for more limited amounts, pledges or donations not to exceed the sum of \$250 per pledgee or donor made as political contributions in connection with the recipient's election campaign for public office.

12-18. Board of Ethics.

(a) The Village has established a Board of Ethics for the Village. The Board of Ethics shall consist of three members, none of whom shall be Officers or Employees of the Village. The members of the Board of Ethics shall be appointed by the Mayor, subject to approval by a majority of the Board of Trustees, to serve at the pleasure of the Board of Trustees for a term of three years, and shall receive no salary or compensation for their service. In the event that one or more vacancies occur, and the Mayor fails to nominate one or more persons to fill such vacancies within 90 days of any such vacancy, then the Board of Trustees, acting by majority, may appoint one or more persons to fill such vacancies. For the avoidance of doubt, members of the Board of Ethics may be removed solely upon the vote of a majority of the Board of Trustees.

- (b) The Board of Ethics shall render advisory opinions to the Officers and

Employees of the Village with respect to Article 18 of the New York General Municipal Law and this Code. Such advisory opinions must be rendered pursuant to the written request of any such Officer or Employee or the Village Board of Trustees under such rules and regulations as the Board of Ethics may prescribe. The Board of Ethics shall have the ability to obtain advice of legal counsel which, in the discretion of the Board of Ethics may include Village Counsel, at the cost of the Village. In addition, the Board of Ethics may make recommendations with respect to the amendment of this Code upon the request of the Mayor and/or Board of Trustees.

(c) The Board of Ethics shall also be deemed an appropriate party to receive whistleblower complaints on behalf of the Village.

12-19. Posting and distribution.

(a) The Village Clerk must promptly cause a copy of this Code, and a copy of any amendment to this Code, to be posted publicly and conspicuously in each Village building at which any Village Officer or Employee regularly performs the majority of his or her duties. The Code must be posted within ten days following the date on which the Code takes effect. An amendment to the Code must be posted within ten days following the date on which the amendment takes effect.

(b) The Village Clerk must promptly cause a copy of this Code, including any amendments to the Code, to be distributed to every person who is or becomes an Officer or Employee.

(c) Every Officer or Employee who receives a copy of this Code or an amendment to the Code must acknowledge such receipt in writing. Such acknowledgments must be filed with the Village Clerk who must maintain such acknowledgments as a public record.

(d) The failure to post this Code or an amendment to the Code does not affect either the applicability or enforceability of the Code or the amendment. The failure of an Officer or Employee to receive a copy of this Code or an amendment to the Code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the Code or amendment to the Code.

12-20. Compliance and Enforcement; Interpretation.

(a) Subject to the provisions and procedures contained in any federal or state law or contractual agreement stating otherwise, any Village Officer or Employee or member of the Board who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law or as determined by the Board of Trustees. Violations of this Code of Ethics may be deemed, in the opinion of the Board of Trustees acting upon majority vote, sufficient "cause" to require removal from a Board or employment by the Village. The Board of Trustees may, in its discretion, require, in order to ensure compliance with this Code, annual or other periodic certifications of compliance from members of any Board, Senior Staff, Officers or Employees or third party vendors.

(b) Upon request of the Village Board of Trustees, the Board of Ethics may render opinions to the Village Board of Trustees regarding the applicability of, violations of, or interpretations of matters contained within, this Code.

Section 2: Effective date.

This Local Law shall take effect immediately upon its filing with the Secretary of State.

Thereupon the above Local Law was submitted for final passage and the vote thereon was as follows:

AYES: 7

NOES: 0

The resolution was declared adopted.

Mayor Trouvé stated that the next item on the agenda was the public hearing with regard to “A Proposed Local Law Amending Chapter 193, Article III of the Village Code Entitled “All-Night Parking”. Copies of the proposed local law had been distributed to the Board Members more than seven days prior to the meeting. Trustee Bolebruch made a motion to open the public hearing which was unanimously approved.

(A tape recording of this hearing has been typed under separate cover and constitutes a part of these minutes.)

There being no further public comment, on motion of Trustee Bolebruch and unanimously carried, the public hearing pursuant to the proposed local law was closed.

On motion of Trustee Foley the following resolution was offered:

RESOLUTION NO. 13-2020

LOCAL LAW 3-2020
A LOCAL LAW AMENDING CHAPTER 193, ARTICLE III
OF THE VILLAGE CODE ENTITLED “All-Night Parking”

BE IT ENACTED, by the Board of Trustees of the Incorporated Village of Garden City, in the County of Nassau, New York as follows:

Section 1. The Board of Trustees finds that it is fitting and in the public interest to vest the Board of Police Commissioners, with the power and authority to establish policies, rules and regulations for issuance and enforcement of short-term over-night parking authorization where it deems there to be good cause. The Board of Police Commissioners shall have the right and power to delegate such issuance and enforcement authority to the Police Commissioner, as Chairman of the Board of Police Commissioners and head of the day to day operations of the Village Police Department to further establish procedures in furtherance of the provisions of this Local Law and any policies, rules, and regulations created as a result thereof.

In establishing this Local Law, the Board of Trustee has determined to preserve long established policies within the Village to generally prohibit full day, long term and overnight parking on public streets in residential areas absent special circumstances such as the lack of a residential driveway, construction being undertaken on a residence or driveway, overnight visits to a residence by friends or relatives or health care workers and other circumstances.

The Board of Trustees further finds that the issuance of permission for overnight parking for more than twelve calendar days per calendar year and more than six consecutive calendar days would be an unwarranted burden on the Village’s network of roadways and ability of the Village Department of Public Works to clean and repair roadways, aesthetically offensive, and encourage abuse of an authorization intended for temporary relief from the provisions of the Village Code. As such, the Board of Trustees finds that the issuance of such authorization for more than twelve calendar days per calendar year and more than six consecutive calendar days, absent special circumstances as may be determined by the Board of Trustees, or their designee, pursuant to Chapter 193 of the Village Code or by subsequent resolution, to present a public nuisance.

Section 2. Article III of Chapter 193 of the Village Code is hereby amended to read as follows:

§193-9. Permit and sticker required.

No vehicle shall be parked or permitted to stand unattended on a public highway in the Village between the hours of 2:00 a.m. and 6:00 a.m., or at any other time designated by signage, unless a permit therefor has first been obtained from the Village Clerk and there

is conspicuously affixed to or displayed on such vehicle a sticker, tag or other proper identification in such form and manner as shall be prescribed by the Village Clerk.

§193-10. Issuance; eligibility for permit; conditions.

All permits for such parking shall be issued by the Village Clerk in accordance with applications and forms therefor approved by the Board of Trustees. Such a permit shall be issued only to a person in an area in the Village where, as determined by the Board of Trustees, adequate off-street parking is not available. No fee or other charges shall be made for the issuance of such a permit. No permit shall be transferable from one holder to another and permits shall be applicable solely to the vehicles identified in the application. No permit shall be issued for a period of more than one year.

§193-10.1. Short-term authorization; limitations.

Notwithstanding the forgoing provisions contained in §193-9 and §193-10, the Board of Police Commissioners is authorized to promulgate policies, rules and regulations for the authorizing of short-term parking or standing of an unattended non-commercial vehicle on a public highway in the Village during any time otherwise prohibited by designated signage. The promulgation of processes, issuance, and enforcement of such authorization under this subsection may be delegated to the Police Commissioner. No authorization under this subsection shall be issued for a period exceeding six (6) consecutive calendar days. No applicant under this subsection shall be permitted to avail himself or herself of the provisions of this subsection and no vehicle shall be permitted to park overnight under the provisions of this subsection for more than twelve (12) calendar days in a calendar year. Upon proper application and upon finding of certain short-term special circumstances, the Police Department may grant authorizations for such additional periods of time as deemed appropriate.

§193-11. Suspension or revocation of permit or authorization.

Any grant under this Article may be suspended by the Mayor until the meeting of the Board of Trustees first ensuing after such suspension and may be revoked at any time by the Board of Trustees if the resident, permit holder, owner, operator or driver of the vehicle for which a permit or authorization has been issued shall have violated any of the provisions of this Article or shall be found to be no longer qualified to hold such permit or authorization. The Board of Trustees shall also have the power and authority to prohibit the issuance of any permit otherwise issuable to an applicant under the provisions of this Article for up to one calendar year, upon a finding of a violation of any of the provisions of this Article by said applicant.

§193-11.1. Violation; Continuing Violations.

Any person who violates any of the provisions of this Article shall be guilty of a violation thereof. Each and every calendar day that a violation of this section shall exist shall constitute a separate violation of the provision(s) of this Article and the owner of the vehicle shall be held liable as provided in §1-12 for each separate violation.

§193-12. Limitations of permit.

No permit issued pursuant to this Article shall authorize the holder thereof to park or permit to stand unattended any vehicle on a public highway within the Village during any snowstorm, flood, fire or other public emergency or shall restrict the authority of the Department of Public Works or the Police Department of the Incorporated Village of Garden City to remove the same in accordance with the provisions of Article IV hereof.

§193-13. Exceptions during emergency.

This Article shall not apply to the parking, during the times specified in §193-9 hereof, of any vehicle used by a clergyman, practicing physician, public official or employee, public utility repairman or other person while rendering an essential service during an emergency.

Section 3. Severability. If any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or

circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective Date. This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Thereupon the above Local Law was submitted for final passage and the vote thereon was as follows:

AYES: 7
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 January 9, 2020 were reviewed, and on motion of Trustee Hyer were approved as presented.

NEW BUSINESS

FORMAL AGENDA

APPOINTMENTS BY THE MAYOR:

Ralph V. Suozzi, is hereby appointed as Registrar of Vital Statistics for a term of office coterminous with that of the Village Clerk, which position of Registrar of Vital Statistics shall carry no salary.

On motion of Trustee Delany the following resolution was offered:

RESOLUTION NO. 14-2020

RESOLVED, that the appointment of Ralph V. Suozzi, as Registrar of Vital Statistics of the Incorporated Village of Garden City to serve for a term of office coterminous with that of the Village Clerk and which position of Registrar of Vital Statistics shall carry no salary, be and the same hereby is approved.

The vote on the foregoing resolution was as follows:

AYES: 7
NOES: 0

Carried.

CONSENT CALENDAR

Trustee Foley requested that Item #25 (Library Security Guard – Transfer of Funds and Security Services) be removed from the Consent Calendar for discussion.

Trustee Daughney requested that Item #27 (A Resolution endorsing the adoption by the Traffic Commission of the procedural rules contained in its correspondence to this Board of January 2020) be tabled.

TEMPORARILY SUSPEND THE RULES AND PROCEDURES

On motion of Trustee Daughney the following resolution was offered:

RESOLUTION NO. 15-2020

RESOLVED, to temporarily suspend the Rules and Procedures of the Board of Trustees, to add an item to the consent calendar of the agenda, specifically to amend the

“Rules and Procedures of the Board of Trustees” which was adopted on February 20, 1992 and amended on October 4, 2018.

The vote on the foregoing resolution was as follows:

AYES: 7
NOES: 0

The resolution was declared adopted.

Amend the “Rules and Procedures of the Board of Trustees” which was adopted on February 20, 1992 and amended on October 4, 2018. Requested authorization to amend the “Rules and Procedures of the Board of Trustees, namely Article III Clause “B” Agenda so as to read: “Individual Board Members and the Village Administrator may contribute agenda items, it being expressly understood that any Trustee may place an item on the agenda without approval of any other Trustee or Mayor, provided, however, such item shall not be placed on the agenda if, based upon written advice of Village Legal Counsel and the Board of Trustees’ Legal Committee (if one has been established), such item should not be discussed in public as it would be detrimental to a legitimate legal position of the Village and public discussion would be adverse to the legal interests of the Village.

On motion of Trustee Daughney the following resolution was offered:

RESOLUTION NO. 16-2020

RESOLVED that the "Rules and Procedures of the Board of Trustees" (as last amended on October 4, 2018) is hereby further amended as stated above for Article III Clause B.

The vote on the foregoing resolution was as follows:

AYES: 7
NOES: 0

The resolution was declared adopted.

FINANCE

1. Annual Independent Auditor’s Report. The Audit Report, which was prepared by PFK O’Connor Davies Company, for the period of June 1, 2018 through May 31, 2019, was received and has been reviewed by the Audit Committee.

On motion of Trustee Hyer and unanimously carried, the Independent Auditor’s Report was accepted.

2. Tentative 2020 Assessment Roll. Advised that the Tentative 2020 Assessment Roll has been filed in the office of the Village Clerk.

3. Professional Service Proposal - Sound Actuarial Consulting - Worker’s Compensation and General Liability Self-Insured and other Insurance Coverages. Board authorization is requested to ratify the engagement of Sound Actuarial Consulting, 403 Main Street, Port Jefferson Village, New York, to perform an actuarial analysis of the Village’s Worker’s Compensation, General Liability Self-Insured and Other Insurance Coverages, at a cost not to exceed \$15,500 for fiscal year 2020/21. This study is required for fiscal year end statements where a municipality is self-insured.

On motion of Trustee Hyer and unanimously carried, the aforesaid authorization was ratified.

4. Professional Service Proposal - Sound Actuarial Consulting – Other Post-Employment Benefits (OPEB) - GASB-75. Board authorization is requested to ratify the engagement of Sound Actuarial Consulting, 403 Main Street, Port Jefferson Village, New

York, to perform actuarial analysis of the Village's Other Post-Employment Benefits (OPEB), in accordance with GASB Statement No. 75, at a cost of \$3,000. The results of this analysis will be used to draft notes and disclosures on the Village's May 31, 2020 financial statements.

On motion of Trustee Hyer and unanimously carried, the aforesaid authorization was ratified.

5. Engagement of Professional Services -Tyler Technologies, Inc. - Tax Billings and Assessments Software. Board authorization is requested to engage Tyler Technologies, Inc., One Tyler Drive, Yarmouth, Maine, for the implementation of their Tax Billings and Assessments Software system for the Finance Department for approximate cost of \$500,000. Funds are available in the Capital Budget.

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

6. Attendance at the New York State Government Finance Officers Association (GFOA) 41st Annual Conference. Board authorization is requested for Darcia Palmer, Deputy Village Treasurer and Kevin Mitchell, Accountant, to attend the Government Finance Officers Association (GFOA) 41st Annual Conference, scheduled for March 31 through April 3, 2020 in Albany, New York, at an approximate cost of \$2,400. Funds are available in the Operating Budget.

On motion of Trustee Hyer and unanimously carried, Darcia Palmer, Deputy Village Treasurer and Kevin Mitchell, Accountant, were authorized to attend the aforesaid conference and to be reimbursed for such expenses as they may incur in connection therewith.

7. Appropriation of Termination Reserve. Requested authorization to appropriate \$6,636.28 from Account 0A.8670.0000 - Reserve for Compensated Absences to Account 0A.9000.1220 Termination Payout, for the retirement of Barry Naumann, Stores Clerk, Department of Public Works, Central Garage.

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

8. Request to Close Capital Project and Transfer Funds. Board authorization is requested to close out a Capital Project (0H.1310.2000) - Finance E-Bid System (\$37,500). This project was established for a subscription to an e-bidding system. The Village subsequently began using NYS Contract Reporter at no cost. The Village has successfully utilized this system for the past year. The following transfers are requested:

- (a) Recreation - St. Paul's Comfort Station Rehabilitation 0H.7140.2405 \$31,000
- (b) General Fund 0H.9901.2000 \$6,500

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

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

(a) \$7,400 to Account 0A.1110.4540 Village Justice Court - Maintenance of Software, from Account 0A.1990.4000 Contingent, for funds required to cover the maintenance of software in the Village Justice Court for October 1, 2018 through September 20, 2019. This is needed due to transitional issues from Quest Computer Products, Inc., to NYS Court Room Program.

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

(b) \$3,650 to Account 0A.1010.4160 Board of Trustees - Consultant Fees, from Account 0A.1990.4000 Contingent, amount approved for Police Study that began in the previous fiscal year. This amount represents the unused portion that transferred to surplus at the end of the fiscal year.

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

(c) \$10,132.40 to Account 0A.1680.4540 Central Data Processing - Maintenance of Software, from Account 0A.1230.1010 Administration - Regular Salary, for the renewal of Microsoft Exchange Mailbox Licenses and Office 365 Licenses.

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

(d) \$405 to Account 0A.1440.4280 Engineering - Uniforms, from Account 0A.1440.1010 Engineering - Regular Salary, to purchase jackets as per contractual requirement.

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

(e) \$2,000 to Account 0A.1440.4020 Engineering - Maintenance of Equipment, from Account 0A.1440.1010 Engineering - Regular Salary, due to additional unplanned repair of an Engineering vehicle.

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

SICK LEAVE

POLICE

1. Sick Leave – Three Employees. Requested authorization to pay Police Officers Carlo Fracassa, Jana Wiggins and Thomas Schade through March 5, 2020, or such earlier 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 Hyer and unanimously carried, the aforesaid authorization was approved.

RECREATION

2. Sick Leave – Two Employees. Requested authorization to pay David Thilbourg, Senior Maintainer, Recreation Department through March 5, 2020 and Stacy Smith, Typist Clerk, Recreation Department, through February 10, 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 Hyer and unanimously carried, the aforesaid authorization was approved.

PUBLIC WORKS

3. Sick Leave – Four Employees. Board authorization is requested to pay Barry Parkhill, Motor Equipment Operator, Street Department, Robert Moffitt, Laborer, Street Department, and Patrick Dillon, Water and Sewer Servicer, Water Department through

March 5, 2020 and Nicholas Brusack, Sanitation Worker, Sanitation Department through February 10, 2020 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 Hyer and unanimously carried, the aforesaid authorization was approved.

CLERK'S OFFICE

1. Annual Village Election - March 18, 2020. Board authorization is requested to appoint the following Election Inspectors and Translator for the Village Election.

Trustee Hyer offered the following resolution and moved its adoption:

RESOLUTION NO. 17-2020

RESOLVED, that pursuant to Section 15-116 of the Election Law, the following are hereby are appointed Inspectors and Translator of Election therein:

Matt Cody, Chairperson/Inspector
106 Tullamore Road

Irene Christie, Inspector
117 Weyford Terrace

Michael DeSimone, Inspector
7 Brompton Road

Betty Lesmez, Inspector
122 Tullamore Road

Richard McGee, Inspector
127 Manor Road

Linda Patriquin, Inspector
117 Weyford Terrace

Carolyn Pelgrim, Inspector
84 Roxbury Road

Mary Quinn, Inspector
117 Second Street

Olga B. Santoli, Translator
375 White Road, Mineola

Elaine Kreisberg, Alternate
14 Lydia Lane

Walter Roller, Alternate
3 Kingsbury Road

The compensation is hereby fixed as follows: Chairperson at the rate of one hundred forty dollars (\$140) per day and Inspectors and Alternate Inspectors at a rate of one hundred dollars (\$100) per day and Translator at a rate of one hundred fifty dollars (\$150) per day.

The vote on the foregoing resolution was as follows:

AYES: 7

NOES: 0

The resolution was declared adopted.

VILLAGE ADMINISTRATOR

1. Acceptance of Donation - Eastern Property Owners' Association - Benches and Plaques - Grove and Hemlock Parks. Board authorization is requested to accept the donation from the Eastern Property Owners' Association to the Village of four (4) benches and four (4) plaques. Two (2) benches will be placed at Grove Park and two (2) benches will be placed at Hemlock Park. Total amount of the donation is not to exceed \$4,000. This will be coordinated by the Village Clerk.

On motion of Trustee Hyer the following resolution was offered:

RESOLUTION NO. 18-2020

WHEREAS, the Eastern Property Owners' Association has volunteered to make a donation to the Village of four (4) benches and four (4) plaques. Two (2) benches will be placed at Grove Park and two (2) benches will be placed at Hemlock Park; and

WHEREAS, the Village desires to accept such gift;

NOW, THEREFORE, IT IS RESOLVED that the Village Board has considered the factors of its Gifts and Donations Policy and hereby determines to accept the unconditional gift of four (4) benches and four (4) plaques at an estimated value of \$4,000. The Village Clerk will coordinate the purchase and installation of these benches.

The vote on the foregoing resolution was as follows:

AYES: 7
NOES: 0

The resolution was declared adopted.

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

2. Attendance at the New York State Government Finance Officers Association (GFOA) 41st Annual Conference. Board authorization is requested for Courtney Rosenblatt, Village Auditor, to attend the Government Finance Officers Association (GFOA) 41st Annual Conference, scheduled for March 31 through April 3, 2020 in Albany, New York, at an approximate cost of \$1,100. Funds are available in the Operating Budget.

On motion of Trustee Hyer and unanimously carried, Courtney Rosenblatt, Village Auditor, was authorized to attend the aforesaid conference and to be reimbursed for such expenses as she may incur in connection therewith.

3. Long Island Lighting Company d/b/a LIPA – License Agreements and Electric Easement. Board authorization is requested to enter into a new agreement superseding the previous agreement which was approved by the Board of Trustees at the November 7, 2019 Board of Trustees Meeting. This expands the license site area to 58,000 sq. ft. and will increase the fee paid by PSEG to \$26,100 and require the planting of twelve (12) trees at the sole cost of PSEG. Village Counsel has reviewed these documents and approves them as to form.

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

4. St. Paul's Comfort Station - Change Orders - B & B Contracting Group - Revised Plans. Board authorization is requested to approve Change Order #9. This is a revised plan to complete the St. Paul's Comfort Station with 3" x 12" wall tiles on the lower walls and a stone countertop behind the sinks. This Change Order is funded by existing funds in the Capital Project and an additional \$27,000 of funds transferred from a closed Capital Project. This work is to be completed by B & B Contracting Group, 247 West 35th Street, New York, New York in the amount of \$41,945.

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

HUMAN RESOURCES

1. Exempt Staff Compensation - Woo. 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 Hyer the following resolution was offered:

RESOLUTION NO. 19-2020

RESOLVED, that as part of the Village's annual salary review, the following one-time compensation be made to certain Exempt Staff salary, to be paid on February 20, 2020 (no salary increase).

	<u>One-Time Compensation</u>
Village Treasurer Irene Woo	\$7,500

The vote on the foregoing resolution was as follows:

AYES: 7
NOES: 0

The resolution was declared adopted.

2. Exempt Staff Compensation - Palmer. 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 Hyer the following resolution was offered:

RESOLUTION NO. 20-2020

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>
Deputy Village Treasurer Darcia Palmer	\$100,000

The vote on the foregoing resolution was as follows:

AYES: 7
NOES: 0

The resolution was declared adopted.

JUSTICE COURT

Appointment and Compensation for "Per Diem" Prosecutor in Village Justice Court. The Mayor appointed an additional individual, Melissa H. Melis, Esq., 21 Findley Drive, East Northport, New York, to act as an independent contractor to represent the Village Justice Court beginning February 6, 2020 through April 6, 2020, at the rate of \$300 per court session. The Mayor is also authorized to extend the contract for an additional sixty days.

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

RECREATION

Purchase of Toro Workman Utility Cart - Storr Tractor Company. Board authorization is requested to purchase a Toro Workman MDX mid-duty utility cart from Storr Tractor Company, 175 13th Avenue, Ronkonkoma, New York at a cost of \$11,931.89. Funds are available in the Capital Account.

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

POLICE

1. Agreement between the New York State Police, the "Lead Agency" and the Garden City Police Department for TraCS Software. Board authorization is requested to

enter into an agreement as the New York State Police (NYSP), working with the New York State Department of Motor Vehicles (DMV), the Governor's Traffic Safety Committee (GTSC), the Office of Court Administration (OCA) and other state and federal agencies, has developed a system for the electronic capture of ticket and accident report data in a police vehicle environment and the electronic transfer of that data from law enforcement agencies to DMV and courts. This system is called TraCS (Traffic and Criminal Software). It is the intention of NYSP to provide the TraCS Software to any police agency in New York free of charge, based on NYSP support staff availability and the Lead Agency's ability to self-support. This agreement has been approved by Village Counsel as to form.

On motion of Trustee Hyer and unanimously carried, the aforesaid authorization was approved and the Village was authorized to execute the agreement.

2. Criminal Investigations Using Cellular Technologies Course IMPACT Training. Board authorization is requested to approve the attendance of Detective Kevin Madden to attend a criminal Investigations Using Cellular Technologies Course, to be held in Rochester, New York, April 27 through May 1, 2020, at an approximate cost of \$2,000. Funds are available in Account 0A.3120.4120.

On motion of Trustee Hyer and unanimously carried, Detective Kevin Madden of the Police Department, was authorized to attend the aforesaid conference and to be reimbursed for such expenses as he may incur in connection therewith.

PUBLIC WORKS

1. Attendance at the American Water Works New York Section Spring Meeting. Requested authorization for Domenick Stanco, Deputy Superintendent of Public Works and Philip A. Jermain, Water Plant Operator, to attend the American Water Works New York Section Spring Meeting, scheduled for April 14 through April 16, 2020 in Saratoga Springs, New York, at an approximate cost of \$1,650. Attendance is required in order to maintain the Water Plant Operators Licenses. Funds are available in Account 0F.8310.4120.

On motion of Trustee Hyer and unanimously carried, Domenick Stanco, Deputy Superintendent of Public Works and Philip A. Jermain, Water Plant Operator, Water Department, were authorized to attend the aforesaid conference and to be reimbursed for such expenses as they may incur in connection therewith.

2. Acceptance of Maintenance Bond - Renovation of First Floor Bathroom at the Garden City Public Library. Board authorization is requested to accept Maintenance Bond No. RCB0005344M for Flagship Contractors, Inc., 7815, 4th Avenue, Brooklyn, New York, for the renovation of first floor bathroom at the Garden City Library. This guarantees for eighteen (18) months the work that they completed for the Village. The bond is in the amount of \$58,532.04. This Maintenance Bond has been reviewed by Counsel and approves it as to form.

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

3. Professional Rate Services Renewal - Electrical Work - Corkrey Electric Services, Inc. Board authorization is requested to engage Corkrey Electrical Services, Inc., 300 Jerusalem Avenue, Hempstead, New York, for electrical work at Village facilities, for the period February 1, 2020 to December 31, 2020, at a rate of \$179.50 per hour for Electrician Mechanics and \$359 per hour for Mechanics. Funds are available in various budgets.

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

4. Professional Rate Services Renewal - Electrical Well Contractor - Wire to Water, Inc. Board authorization is requested to engage Wire to Water, Inc., 136 Gazza Boulevard, Farmingdale, New York, electrical well contractor for water well service calls

for the time period January 1, 2020 to December 31, 2020, at a rate of \$155 per hour for electricians and \$165 per hour for engineers plus the cost of parts. Funds are available in Account 0F.8320.4020.

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

5. Recycling Rates - Grenelefe Recyclers. Board authorization is requested to approve the proposal submitted by Grenelefe Recyclers, 3550 Hampton Road, Oceanside, New York, to provide recycling services (on a trial basis) to the Village at the following rates: Newspaper/Cardboard Recycling at \$23/per ton and Commingled Recycling at \$73/per ton. Funds are available in Account 0A.8160.4230.

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

AWARD OF BIDS

Digital Scanning Project – Village Clerk. (a) Reject the bids of DRS Imaging Services, LLC, Image Data, Inc., Konica Minolta Business Solutions, USA, Inc., TransPerfect Legal Solutions and ARC Document Solutions as based upon New York State Finance Law, New York Industries for the Disabled (NYSID) has the first right of refusal to supply the Digital Scan Project Services requested.

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

(b) Reported that a tabulation of bids had been circulated to each Member of the Board for the Digital Scanning Project and recommended that the bid be awarded to a Preferred Source Vendor, New York Industries for the Disabled (NYSID), 11 Columbia Circle Drive, Albany, New York, at an approximate cost of \$131,310 (per unit prices). (Budgeted Amount for this phase of the project - \$200,000).

Specification pickups reached a total of eight companies and five bids were received. A Notice to Bidders was sent to Dodge Data & Analytics and CMD Group and were advertised on New York State Contract Reporter.

On motion of Trustee Hyer the following resolution was offered:

RESOLUTION NO. 21-2020

RESOLVED, that the proposal of New York Industries for the Disabled (NYSID), 11 Columbia Circle Drive, Albany, New York, at an approximate cost of \$131,310, 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 New York Industries for the Disabled, 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: 7
NOES: 0

The resolution was declared adopted.

BOARD OF TRUSTEES

Engage the Firm of Ruskin Moscou Faltischek, P.C. - Real Estate Matters. Board authorization is requested to engage the firm of Ruskin Moscou Faltischek, P.C., 1425 RXR Plaza, Uniondale, New York, for professional services with regard to real estate and related tax exemption and zoning matters. Rates are on file in the Village Clerk's Office.

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

EXTERNAL COMMUNICATIONS

PERMITS:

Mr. Dennis C. Donnelly, Executive Director, Garden City Chamber of Commerce, requested authorization to hold its annual Vintage Car Parade on Easter Sunday, April 12, 2020 (no rain date). Further requested to close Franklin and Stewart Avenues and Seventh Street during the parade.

On motion of Trustee Hyer and unanimously carried, the aforesaid recommendation was approved, subject to coordination with the Police Department and receipt of an original Certificate of Insurance.

Following discussion, the following item was acted upon:

Agenda Item #25 of the Consent Calendar

LIBRARY

After a brief discussion it was unanimously agreed to amend the Library's original request of the transfer of funds and the engagement of Security Services to the information stated below.

1. Library Security Guard - Transfer of Funds and Security Services. (a) Board authorization is requested for the transfer of funds in the amount of \$39,000 from the Library Bathroom Project and \$6,767 from the General Fund to the Library's Operating Budget - Contracted Services, in order to pay for the retention of the security guard services. Amount originally budgeted was \$53,995.

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

(b) Board authorization is requested to engage the services of Securitas Security Services, USA, Inc., 1412 Broadway, New York, New York, for sixty-eight and a half (68.5) hours per week, at an amount of \$99,762. Based on hourly rates on file in the Village Clerk's Office. As per the RFQ, this contract is being awarded for a full year, but is renewable after a year.

BOARD OF TRUSTEES

Board of Trustees Work Session to discuss an Overview of the Village Debt. Village Treasurer Irene Woo gave a power point presentation on the Village Debt. There was a brief discussion regarding the presentation.

There being no further business, on motion duly made, the meeting adjourned at 10:06 p.m.