

BOARD OF TRUSTEES

MAY 7, 2020

A meeting of the Board of Trustees of the Village of Garden City in the County of Nassau, New York, was held via Zoom video/audio (due to the Coronavirus Pandemic) on May 7, 2020 at 8:00 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
Joseph DiFrancisco, Superintendent of Public Works
Giuseppe Giovanniello, Superintendent of Building Department
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 21

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 approval of the minutes of the last meetings of the Board of Trustees.

The minutes of the special meeting (budget) held on April 13, 2020 were reviewed, and on motion of Trustee Makrinos were approved as presented.

The minutes of the special meeting (budget) held on April 15, 2020 were reviewed, and on motion of Trustee Makrinos were approved as presented.

The minutes of the regular meeting held on April 15, 2020 were reviewed, and on motion of Trustee Makrinos were approved as presented.

The minutes of the special meeting (budget) held on April 28, 2020 were reviewed, and on motion of Trustee Makrinos were approved as presented

NEW BUSINESS

FORMAL AGENDA

1. 555 Stewart Garden City, LLC. Board authorization is requested to adopt a resolution extending the time in which 555 Stewart Garden City, LLC (the owner of premises 555 Stewart Avenue) to obtain site plan approval for such property at 555 Stewart Avenue for an additional ninety (90) days and declaring such extension to be Type II under SEQRA. On July 10, 2018, this Board granted a use permit for development of a 150-unit multiple residence at premises at 555 Stewart Avenue, subject to various conditions, including that the owner obtain site plan approval by April 10, 2019. By subsequent resolutions, that time was extended to October 10, 2019, and April 10, 2020. By letter dated April 21, 2020, the successor applicant (through Counsel) has now requested a further ninety-day extension so that it may complete the pending process of obtaining final site plan approval. Counsel A. T. Levin and Counsel for 555 Stewart Garden City, LLC, Kevin Walsh gave a brief explanation for the reason for this extension.

Trustee Delany offered the following resolution and moved its adoption:

RESOLUTION NO. 54-2020

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 the paragraph 3 of the 2018 Resolution, as last amended on October 17, 2019, to extend further the time in which 555 is required to obtain final approvals from the Board of Trustees; and

WHEREAS, the 2018 Resolution permits the Board of Trustees to consider, and act upon, the subject amendment request without a public hearing; and

WHEREAS, as previously provided in the 2018 Resolution, no permits for the construction of 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 project requires review and approvals and/or recommendations from the Village Zoning Board of Appeals, Planning Committee, Architectural Review Committee and Building Department, and final site plan approval from the Board of Trustees;

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

1. The current request is reasonable under the circumstances, particularly in light of the ongoing pandemic health emergency, and in recognition of the applicant having diligently pursued its application and required approvals, to date;
2. The proposed amendment is 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;
3. The 2018 Resolution is hereby further amended only in the following respects:
 - a. Paragraph 3 of the conditions set forth in the 2018 Resolution, as previously amended, is amended to extend the time in which final site plan documents are required to be presented to, reviewed by, and approved by the Board of Trustees, on or before ninety (90) days from the date of adoption of this resolution, unless otherwise approved by the Board without the requirement for a public hearing;
4. 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;

5. In all other respects the terms and conditions of the 2018 Resolution, as previously amended, shall remain in effect; and
6. 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 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 to Amend Chapter 12 of the Village Code in relation to the Code of Ethics". After discussion, Trustee Daughney introduced the following resolution and moved its adoption:

RESOLUTION NO. 55-2020

RESOLVED, that the Board of Trustees hold a public hearing on a proposal to enact a Local Law entitled, "A Proposed Local Law to Amend Chapter 12 of the Village Code in relation to 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 via Zoom video/audio (due to the Coronavirus Pandemic) on the 21st day of May 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.

CONSENT CALENDAR

Trustee Delany requested that item #6 (Public Works - (St. Paul's School Window Protection - Change Orders - Talty Construction, Inc.) be removed from the Consent Calendar for further discussion.

FINANCE

1. Unpaid Water Rents. Stated that as required by State Law, it is necessary to adopt a resolution directing that all delinquent water rents be included in the annual Village tax levy. Further stated that water arrears total \$232,795.41.

On motion of Trustee Hyer the following resolution was offered:

RESOLUTION NO. 56-2020

WHEREAS, the Village Clerk has presented to this Board a certificate pursuant to Section 11-1118 of the Village Law, setting forth the amounts of all unpaid water rents together with a description of the real property affected thereby,

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Section 11-1118 of the Village Law, the Village Clerk be and she hereby is directed to include in the annual Village tax levy all such water rents, and said Village Clerk be and she hereby is further directed to levy the same upon the real property in default, all as required by said Section 11-1118 of the Village Law.

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

The resolution was declared adopted.

2. Unpaid Commercial Sanitation Charges. Stated that as required by State Law, it is necessary to adopt a resolution directing that all delinquent commercial sanitation charges be included in the annual Village tax levy. Further stated that unpaid commercial sanitation charges total \$7,321.60.

On motion of Trustee Hyer the following resolution was offered:

RESOLUTION NO. 57-2020

WHEREAS, the Village Clerk has presented to this Board a certificate pursuant to Section 115-15 of the Village Code, setting forth the amounts of all unpaid commercial sanitation charges together with a description of the real property affected thereby,

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Section 115-15 of the Village Code, the Village Clerk be and she hereby is directed to include in the annual Village tax levy all such commercial sanitation charges, and said Village Clerk be and she hereby is further directed to levy the same upon the real property in default, all as required by said Section 115-15 of the Village Code.

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

The resolution was declared adopted.

3. Appropriation of Termination Reserve. Board authorization is requested to appropriate \$30,704.98 from Account 0A.8670.0000 - Reserve for Compensated Absences, to Account 0A.9000.1220 - Termination Payout for a retirement in the Fire Department (Thomas J. Michon).

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

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

(a) \$22,000 to Account 0A.8160.4460 Refuse and Garbage - Contractual Services, from Account 0A.5142.4010 Snow Removal - Materials and Supplies, to fund rubbish removal for the remainder of fiscal year 2019/20.

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) \$27,000 to Account 0A.5110.1120 Street Maintenance - Part-Time Help, from Account 0A.5142.1020 Snow Removal - Overtime, for additional funds needed to cover shortage.

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) \$41,000 to Account 0A.8160.1120 Refuse and Garbage - Part-Time Help, from Account 0A.5142.1020 Snow Removal - Overtime, additional funds needed to cover shortage.

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) \$13,000 to Account 0A.8160.1120 Refuse and Garbage - Part-Time Help, from Account 0A.5142.4460 Snow Removal - Contractual Services, additional funds needed to cover shortage.

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) \$39,000 to Account 0A.5110.1020 Street Maintenance - Overtime, from Account 0A.5142.4010 Snow Removal - Materials and Supplies, additional funds needed to cover shortage.

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.

(f) \$25,000 to Account 0A.5182.4060 Street Lighting - Electricity, from Account 0A.5142.4010 Snow Removal - Materials and Supplies, additional funds needed to cover shortage.

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.

AGREEMENT

1. Renewal of Vending Machine Agreement - D & J Refreshments. Board authorization is requested for the Village to renew the agreement with D & J Refreshments, 2600 Newbridge Road, Bellmore, New York for vending machines at various locations in the Village for the term May 7, 2020 to May 6, 2025. This Agreement has been approved by Counsel as to form.

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

PUBLIC WORKS

1. Emerging Contaminant Emergency Declaration. Board authorization is requested to declare an emergency requiring the exemption from competitive bidding for the design, purchase, installation and placement into service of interim emergency AOP Treatment Systems for the removal of 1,4 Dioxane from Village Wells.

Trustee Hyer offered the following resolution and moved its adoption:

RESOLUTION NO. 58-2020

WHEREAS, the Village of Garden City has been notified by the State of New York that its water supply may not meet certain health standards, particularly in connection with certain emergent contaminants, and

WHEREAS, the Village desires to assure the highest quality water quality for its residents and considers doing so a matter of vital public health and safety, and

WHEREAS, the Village has been notified in a memorandum dated April 23, 2020 from its consultant, H2M, of the necessity of making certain arrangements for the design, purchase, installation and placement into service of an interim emergency AOP treatment system for the removal of 1,4 Dioxane from Village Wells; and

WHEREAS, the Village has investigated such matters and the time frame within which same must be designed, made, acquired, installed and operated in order to safeguard the public health;

NOW THEREFORE, IT IS RESOLVED that an emergency is hereby declared pursuant to Village Procurement Policy and General Municipal Law section 103(4) such that the matters described hereinabove be arranged for immediately inasmuch as a delay in order to seek alternate proposals and/or competitive bidding for the services and/or purchases recommended by the Village's Consultant may threaten the life, health, safety or welfare of the residents;

IT IS FURTHER RESOLVED that, accordingly, the requirements for public bidding and/or alternative proposals with respect to said matters are waived and the Mayor and/or Village Administrator is authorized to forthwith proceed with such matters pursuant to the recommendation received without competitive bidding and/or obtaining alternative proposals.

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

The resolution was declared adopted.

2. Emergency Declaration - Well No. 7 - Bensin Contracting, Inc. Board authorization is requested to declare an emergency requiring the exemption from competitive bidding for a contract with Bensin Contracting, Inc., in the amount of \$933,000 for the plumbing, electrical and site work for the removal of 1,4 contaminants at Well No. 7.

Trustee Hyer offered the following resolution and moved its adoption:

RESOLUTION NO. 59-2020

WHEREAS, the Village of Garden City has been notified by the State of New York that its water supply may not meet certain health standards, particularly in connection with certain emergent contaminants, and

WHEREAS, the Village desires to assure the highest quality water quality for its residents and considers doing so a matter of vital public health and safety, and

WHEREAS, the Village has been notified in a memorandum dated April 22, 2020 from its consultant, H2M, of the necessity of making certain arrangements for the plumbing, electrical and site work for the removal of 1,4 contaminants at Well No. 7; and

WHEREAS, the Village has investigated such matter and the time frame within which same must be done in order to safeguard the public health;

NOW, THEREFORE, IT IS RESOLVED that an emergency is hereby declared pursuant to Village Procurement Policy and General Municipal Law section 103(4) such that the matters described hereinabove be arranged for immediately inasmuch as a delay in order to seek any further alternate proposals and/or competitive bidding for the services and/or purchases recommended by the Village's Consultant may threaten the life, health, safety or welfare of the residents;

IT IS FURTHER RESOLVED that, accordingly, the requirements for public bidding and/or alternative proposals with respect to said matters are waived and the Mayor and/or Village Administrator is authorized to forthwith proceed to engage Bensin Contracting, Inc., 652 Union Avenue, Holtsville, New York, for the plumbing, electrical and site work for the removal of 1,4 contaminants at Well No. 7, consistent with its Proposal dated April 10, 2020, in the amount of \$933,000 without further competitive bidding and/or obtaining additional alternative proposals. Funds are available in Account OF.1083.000.

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

The resolution was declared adopted.

3. Emergency Declaration - Well Nos. 10 and 11 - Philip Ross Industries, Inc. Board authorization is requested to declare an emergency requiring the exemption from competitive bidding for a contract with Philip Ross Industries, Inc., in the amount of \$1,976,000 for the plumbing, electrical and site work for the removal of 1,4 contaminants at Well Nos. 10 and 11.

Trustee Hyer offered the following resolution and moved its adoption:

RESOLUTION NO. 60-2020

WHEREAS, the Village of Garden City has been notified by the State of New York that its water supply may not meet certain health standards, particularly in connection with certain emergent contaminants, and

WHEREAS, the Village desires to assure the highest quality water quality for its residents and considers doing so a matter of vital public health and safety, and

WHEREAS, the Village has been notified in a memorandum dated April 23, 2020 from its consultant, H2M, of the necessity of making certain arrangements for the plumbing, electrical and site work for the removal of 1,4 contaminants at Well Nos. 10 and 11; and

WHEREAS, the Village has investigated such matter and the time frame within which same must be done in order to safeguard the public health; and

NOW THEREFORE IT IS RESOLVED that an emergency is hereby declared pursuant to Village Procurement Policy and General Municipal Law section 103(4) such that the matters described hereinabove be arranged for immediately inasmuch as a delay in order to seek any further alternate proposals and/or competitive bidding for the services and/or purchases recommended by the Village's Consultant may threaten the life, health, safety or welfare of the residents; and

IT IS FURTHER RESOLVED that, accordingly, the requirements for public bidding and/or alternative proposals with respect to said matters are waived and the Mayor and/or Village Administrator is authorized to forthwith proceed to engage Philip Ross Industries, Inc., 88 Duryea Road, Melville, New York for the AOP treatment at Clinton Road Plant in order to remove 1,4 contaminants at Well Nos. 10 and 11, consistent with its Proposal dated April 15, 2020, in the amount of \$1,976,000 without further competitive bidding and/or obtaining additional alternative proposals. Funds are available in Account OF.1081.0000.

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

The resolution was declared adopted.

4. Emergency Change Orders - Replace Roofing Systems at the Municipal Service Yard East and West Office Buildings and Clinton Road Well Houses No. 10 and 11. Board authorization is requested for the ratification of Change Order Nos. 1-3, 5, 7-10, 12 and 14-15 submitted by MDB Construction Corp., 5 Split Rail Place, Commack, New York, for a total of \$21,808.18, for additional labor and materials, increasing the bid amount, awarded on July 18, 2019, from \$140,235 to \$162,043. This additional work was necessary for the successful completion of the four (4) roofing systems that were installed. Funds are available in Account 0H.1640.2080 for the DPW Yard Roof Replacement (\$6,854.52) and Account 0F.1077.0000 for the Roof Replacement at Clinton Road Site (\$14,953.66).

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

5. Engagement of Solid Waste Disposal Services - Transfer of Funds. Board authorization is requested to transfer funds as follows:

(a) \$2,170 to Account 0A.8160.4460 Refuse and Garbage - Contractual Services, from Account 0A.5142.4460 Snow Removal - Contractual Services, additional funds needed to cover shortage.

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) \$8,000 to Account 0A.8160.4460 Refuse and Garbage - Contractual Services, from Account 0A.5142.4010 Snow Removal - Materials and Supplies, additional funds needed to cover shortage.

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.

6. Engagement of Solid Waste Disposal Services - D & B Architects, P.C. Board authorization is requested to engage D & B Architects, P.C., 330 Crossways Park Drive, Woodbury, New York, to assist the Village in the procurement of solid waste disposal services for residential trash collected by Garden City, not including other solid waste such as recyclables, bulk wastes, leaves or street sweepings, for a total cost of \$10,170. Funds are available in Account 0A.8160.4460.

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

7. Well No. 9 - 1,4-Dioxane Removal - New Capital Project. Board authorization is requested to establish a new 2019-2020 Capital Project, in the amount of \$5,200,000, for a new well treatment system for 1,4-dioxane removal, including pilot testing.

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

8. Bond Resolution - Well Treatment - Well No. 9. Requested authorization for a bond resolution for Well No. 9. The total cost of the bond for the Well No. 9, including financing costs and additional contingencies for unforeseen expenses is estimated to be \$5,200,000.

Trustee Hyer offered the following resolution and moved its adoption:

RESOLUTION NO. 61-2020

BOND RESOLUTION OF THE VILLAGE OF GARDEN
CITY, NEW YORK, ADOPTED MAY 7, 2020,

AUTHORIZING THE CONSTRUCTION OF IMPROVEMENTS TO THE VILLAGE WATER SYSTEM, CONSISTING OF WELLHEAD TREATMENT IMPROVEMENTS FOR EMERGING CONTAMINANTS AT WELL NO. 9, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$5,200,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$5,200,000 TO FINANCE SAID APPROPRIATION, AND AUTHORIZING THE EXPENDITURE OF ANY GRANT FUNDS RECEIVED OR TO BE RECEIVED FOR SAID PURPOSE

THE BOARD OF TRUSTEES OF THE VILLAGE OF GARDEN CITY, IN THE COUNTY OF NASSAU, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Garden City, in the County of Nassau, New York (herein called the "Village"), is hereby authorized to construct improvements to the Village water system, consisting of wellhead treatment improvements for emerging contaminants at Well No. 9, as described in the report prepared for the Village by H2M Architects + Engineers. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,200,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of \$5,200,000 bonds of the Village to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable. Any grant funds received by the Village and any other funds available for such purpose are authorized to be applied toward the cost of said project or redemption of the Village's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes.

Section 2. Bonds of the Village in the principal amount of \$5,200,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

- (a) The period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 1 of the Law, is forty (40) years.
- (b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.
- (c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in

anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and Section 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to executing agreements for credit enhancement, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in the "*Garden City News*" and the "*Garden City Life*," which are hereby designated the official newspapers of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form:

VILLAGE OF GARDEN CITY, NEW YORK

PLEASE TAKE NOTICE that on May 7, 2020, the Board of Trustees of the Village of Garden City, in the County of Nassau, New York, adopted a bond resolution entitled:

"Bond Resolution of the Village of Garden City, New York, adopted May 7, 2020, authorizing the construction of improvements to the Village water system, consisting of wellhead treatment improvements for emerging contaminants at Well No. 9, stating the estimated maximum cost thereof is \$5,200,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of not to exceed \$5,200,000 to finance said appropriation, and authorizing the expenditure of any grant funds received or to be received for said purpose"

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Village to construct improvements to the Village water system, consisting of wellhead treatment improvements for emerging contaminants at Well No. 9, as described in the report prepared for the Village by H2M Architects + Engineers; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$5,200,000; APPROPRIATING said amount for such purpose; STATING the plan of financing includes the issuance of \$5,200,000 bonds of the Village to finance said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest

thereon; and STATING that any grant funds received by the Village and any other funds available for such purpose are authorized to be applied toward the cost of said project or redemption of the Village's bonds or notes issued therefor, or to be budgeted as an offset to the taxes to be collected for the payment of the principal of and interest on said bonds or notes;

SECOND: AUTHORIZING the issuance of \$5,200,000 bonds of the Village pursuant to the Local Finance Law of the State of New York (the "Law") to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is forty (40) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Village for expenditures made after the effective date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds, and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: May 7, 2020

Karen M. Altman
Village Clerk

Section 8. The Village Clerk is hereby directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary or in full, in the newspapers referred to in Section 7 hereof, and hereby designated the official newspapers for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Law.

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

AYES: 8
NOES: 0

The resolution was declared adopted.

9. Wellhead Treatment - Well No 9 - SEQRA Review - Type II. Request authorization for the approval of the SEQRA.

Trustee Hyer offered the following resolution and moved its adoption:

RESOLUTION NO. 62-2020

WHEREAS H2M Architects and Engineers has completed a Short Form Environmental Assessment analysis of the subject project and recommended that the project is a Type II action because it is a "nonresidential structure or facility having less than 4,000 square feet of gross floor area".

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Incorporated Village of Garden City determined that the project is a Type II action under SEQRA and therefore requires no further review in accordance with 6 NYCRR 617.5(c)(7).

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

The resolution was declared adopted.

10. Engage H2M Architects and Engineers - Well No. 9 - 1.4 - dioxane Removal. Board authorization is requested to engage H2M Architects and Engineers, 538 Broad Hollow Road, 4th Floor East, Melville, New York, for professional engineering services associated with pilot testing a new wellhead treatment system for 1.4-dioxane removal at Well No. 9 at Edgemere Park on Wilson Street, for a total cost of \$178,000. Funds are available in the Water Department's Cash Reserve Account.

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

11. Professional Services Contract - SCADA System and Well Controls - Eagle Control Corp. Board authorization is requested to engage Eagle Control Corp., 23 Old Dock Road, Yaphank, New York, computer well contractor for additional water well service calls for the Supervisory Control and Data Acquisition System (SCADA) and well controls for the period July 1, 2020 through June 30, 2021, plus cost of parts. Rates remain the same as last year. Funds are available in Account 0F.8320.4040.

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

12. Renewal of Rates - Water Quality Testing - Pace Analytical Services, Inc. Board authorization is requested to approve the rates for Laboratory Analytical Services with Pace Analytical Services, Inc., 575 Broad Hollow Road, Melville, New York, for fiscal year 2020-2021 for Village drinking and ground water testing as required by the Nassau County and New York State Health Departments. The Village is also required to sample for the Lead/Copper Program. The rate schedule is on file with the Village Clerk. Funds are available in Account 0F.8330.4460.

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

13. Renew Professional Services Contract - Swiftreach Networks, Inc. Board authorization is requested to renew the agreement (March 16, 2020 through March 15, 2021) with Swiftreach Networks, Inc., 31 Industrial Avenue, Mahwah, New Jersey, to continue to provide an emergency notification system to reach residents in case of an emergency, at the rates are on file with the Village Clerk. Funds are available in the Operating Budget and will be billed to the department generating the alert.

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

14. Change Order - Village Signage - Berkshire Sign Studio. Board authorization is requested to approve the ratification of a Change Order in the amount of \$4,021.30 for additional labor and materials with Berkshire Sign Studio, 528 Main Street, Vermont. This will increase the amount of this project from \$27,482.35 to \$31,503.65. Funds are available in Account 0H.1620.2048.

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

AWARD OF BIDS

1. Stewart Field Additional Parking Area - 2020 - Increase Budget. Board authorization is requested to increase the budget for the Stewart Field Project from \$200,000 to \$388,000.

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

2. Stewart Field Additional Parking Area - 2020 - Transfer Funds. Requested authorization to transfer funds as follows:

(a) \$188,000 to Account 0A.9950.9000 - Capital Projects (to fund 0H.7140.2003 Stewart Field Project), from Account 0A.1990.4000 - Contingent, for additional funding needed to cover the award of bid.

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.

3. Stewart Field Additional Parking Area 2020 - Award Bid. Reported that a tabulation of bids had been circulated to each Member of the Board for the Stewart Field Additional Parking Area 2020 Project and recommended that the bid be awarded to Coastal Contracting Corp., 152 Railroad Street, Huntington Station, New York, low bidder for a total cost of \$388,000. Funds are available in Account 0H.7140.2003.

A total of twelve invitations to bid were sent and six bids were received. A Notice of Bidders was sent to Dodge Data & Analytics and CMD Group and Bid specifications were advertised on New York State Contract Reporter.

On motion of Trustee Hyer the following resolution was offered:

RESOLUTION NO. 63-2020

RESOLVED, that the proposal of Coastal Contracting, Corp., 152 Railroad Street, Huntington Station, New York, at a cost of \$388,000, 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 Coastal Contracting, 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.

Board of Trustees

1. Contract Authority of the Mayor. Board authorization is requested to adopt a resolution providing explicit authorization for the Board's practice of empowering the Mayor and/or the Mayor's designee to select and contract with certain vendors when doing so constitutes the implementation of a previously approved budget line item. Village Counsel advises that State law requires Village Boards of Trustees to approve "all contracts" entered into by the Village. This resolution memorializes and clarifies the Board's practice of expressing its approval through line item budget approval, and explicitly authorizes the Mayor (or designee) to select vendors and contract with vendors when doing so is the implementation of a previously approved budget line item.

On motion of Trustee Hyer the following resolution was offered:

RESOLUTION NO. 64-2020

WHEREAS, New York State Law places the responsibility for the “management of village property and finances” on the Board of Trustees; and

WHEREAS, Garden City’s Board of Trustees generally exercises that authority through the adoption of a budget empowering the Village to implement its terms (inclusive, *inter alia*, of implementation by the entering into and execution of contracts); and

WHEREAS, Garden City has empowered its Mayor (or his/her designee) to implement its budget through the negotiation and execution of contracts in appropriate circumstances; and

WHEREAS, Garden City wishes to memorialize and confirm the authority of the Mayor (or his/her designee) to select vendors and execute contracts in the name of the Village;

NOW THEREFORE, BE IT RESOLVED that the Mayor be, has been, and he/she hereby is authorized to select vendors, negotiate and execute agreements in the name of the Village in the following circumstances:

1. Where doing so will constitute the implementation of a line item authorization contained in the annual budget adopted by the Board of Trustees and requires no further transfer of funds by this Board; and
2. Where doing so conforms to the Village’s Procurement Policy; and
3. Where doing so concerns a contract not required to be competitively bid under New York law (the award of such contracts being reserved to this Board); and
4. Where the amount of the contract does not exceed \$50,000 in expenditure for a single fiscal year
5. Where doing so is not contrary to any other specific Resolution of this Board.

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

The resolution was declared adopted.

Following discussion, the following item was acted upon:

Agenda Item #6 of the Consent Calendar

PUBLIC WORKS

Change Orders - St. Paul’s School Window Protection - Talty Construction, Inc.
Board authorization is requested for ratification of Change Order No. 1 (\$3,600), Change Order No. 2 (\$13,133.40) and Change Order No. 3 (\$19,043.43) submitted by Talty Construction, Inc., 108 Powell Avenue, Rockville Centre, New York, for a total of \$35,776.83, for additional labor and materials. This increases the amount of the St. Paul’s School Window Protection Bid, awarded on January 9, 2020, from \$39,400 to \$75,176.83. The total amount exceeds the CNY budgeted amount of \$69,000 by \$6,176.83. (Capital Budget). Mr. Walter Beal of CNY Group was present at the meeting and gave a brief overview with regard to this item. The Board of Trustees has requested that Mr. Beal contact Talty Construction, Inc., to determine if the amounts of these change orders can be negotiated and to report back to the Board.

On motion of Trustee Delany and unanimously carried, it was agreed that this item be removed from the agenda until Mr. Beal reports back to the Board.

Mayor Trouvé recognized the following:

Steve Ilardi, President, Eastern Property Owners’ Association
Howard Kroplick, President, Long Island Motor Parkway Preservation Society

There being no further business, on motion duly made, the meeting adjourned at 9:07 p.m.