

## BOARD OF TRUSTEES

JULY 10, 2018

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 July 10, 2018 at 8:00 p.m.

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

Also Present: Ralph V. Suozzi, Village Administrator  
Karen M. Altman, Village Clerk  
Kenneth O. Jackson, Chairman, Board of Police Commissioners  
Kevin E. Ocker, Chairman, Board of Commissioners of Cultural and Recreational Affairs  
Joseph DiFrancisco, Superintendent of Public Works  
Darcia Palmer, Deputy Village Treasurer  
Giuseppe Giovanniello, Superintendent of Building  
Devyn Moody, Assistant Chief Fire Department  
Peter A. Bee, Bee Ready Fishbein Hatter & Donovan, LLP  
A. Thomas Levin, Village Special Counsel

Attendance: Approximately 35

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

Mayor Daughney called the meeting to order and stated that he would like to present a proclamation on behalf of the Village to Robert L. Cunningham, (Member and Chairperson of the Zoning Board of Appeals and Member of the Zoning Change Review Committee). Mayor Daughney thanked Mr. Cunningham for all of the time that he dedicated to these Committees throughout his years of service and volunteerism in order to enforce our Village building and zoning standards while providing the Village with his knowledge and insight for the past thirty-one plus years.

Mayor Daughney called on Ralph Suozzi who spoke about the appointment of Building Superintendent Giuseppe Giovanniello. Joseph DiFrancisco spoke about the Public Works Department items for consideration on the agenda. Commissioner Jackson spoke about the Police Department items for consideration on the agenda and Kevin Ocker spoke about the two Recreation Department items for consideration on the agenda.

Mayor Daughney called for citizens comments on Agenda items.

Mayor Daughney 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 June 21, 2018 were reviewed, and on motion of Trustee Makrinos were approved as presented.

### FORMAL AGENDA

#### APPOINTMENT BY THE MAYOR

1. Giuseppe Giovanniello, is hereby appointed Superintendent of Building, effective July 9, 2018, (or upon Civil Service Approval), for the balance of the official year, expiring on April 1, 2019, at a salary of \$145,000.

On motion of Trustee Delany the following resolution was offered:

RESOLUTION NO. 118-2018

RESOLVED, that the appointment of Giuseppe Giovanniello, as Superintendent of Building of the Incorporated Village of Garden City, effective July 9, 2018 (or upon Civil Service approval) to serve for the balance of the official year, expiring April 1, 2019, at a salary of \$145,000, be and the same hereby is approved.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

Carried.

2. David Osborn, 16 Clinch Avenue, Garden City, New York is hereby appointed as the Village Representative of the Water Authority of Western Nassau County, for a term ending on April 1, 2019. Mr. Osborn fills the expired term of John A. Ardito.

On motion of Trustee Makrinos the following resolution was offered:

RESOLUTION NO. 119-2018

RESOLVED, that the appointment of David Osborn, 16 Clinch Avenue, Garden City, New York, as the Village Representative of the Water Authority of Western Nassau County, for a term ending on April 1, 2019, be and the same hereby is approved.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

Carried.

3. Decision with respect to the Application of 550 Stewart Acquisitions LLC for a Use Permit for the Development of a 150 unit multiple residence, inclusive of fifteen (15) affordable housing units, at the premises 555 Stewart Avenue.

Trustee Minuto offered the following resolution and moved its adoption:

RESOLUTION NO. 120-2018

WHEREAS, the Board of Trustees of the Village of Garden City ("Board") has held numerous public hearings with respect to applications by 550 Stewart Acquisitions, LLC for approval of a permit, and for site plan approval, for development of a one hundred fifty (150) unit multiple residence, inclusive of fifteen (15) required affordable housing units, at premises commonly known as 555 Stewart Avenue in the Village of Garden City, New York ("Village"), and

WHEREAS, the public hearings with respect to the applications have been duly noticed, held, closed, and the ensuing written comment period authorized by the Board has concluded, and

WHEREAS, the Board has given full consideration to all comments submitted with respect to such applications during the said public hearings, during the ensuing public comment period, and at other times, and

WHEREAS, the Board has consulted with its Village Attorney, with special counsel retained for zoning matters, with special counsel related to fair housing compliance matters and other zoning and planning and traffic consultants concerning the said applications, the

Village's legal obligations, and applicable legal principles, and

WHEREAS, the Board is an Involved Agency with respect to review of the environmental impact of the applications pursuant to the State Environmental Quality Review Act (SEQRA), and

WHEREAS, the Board heretofore has (a) initiated a coordinated SEQRA review process which culminated in the designation of the Board as SEQRA Lead Agency, (b) classified the applications as Unlisted Actions, (c) conducted an extensive and extended consideration of potential environmental impacts, (d) given due consideration to the reports and recommendation of H2M Architects + Engineers, who were retained by the Village of Garden City as planning and environmental consultants, (e) given due consideration to the reports and recommendations of H2M Architects + Engineers and Nelson and Pope, who were retained by the Village as the Village's independent traffic consultants, and (f) considered the recommendations of the Village Zoning Change Review Committee concerning the applications, and

WHEREAS, the Board's consideration of these applications has included all of the many comments made by the public, and others, at the various public hearings, and the Board has given due consideration to the issues raised at those hearings, including, without limitation, traffic issues, impact on the public schools, impact on property tax revenues, compatibility of the proposed use with uses on surrounding properties and the neighborhood and community, demands on public services and infrastructure local housing needs, long and short term financial and other concerns, and

WHEREAS, the Board of Trustees has considered objections raised with respect to the project in relation to the possibility that the developer may seek and obtain IDA financing for the project, and the Board of Trustees has concluded that the availability of such IDA financing is an issue under State of New York law, such that the Village has no control over the developer's decision to seek such financing or any determination by the IDA to approve such financing or to set conditions with respect to such IDA financing approval; and

WHEREAS, the applicant has offered to agree to conditions which would hold the Village harmless from loss of property tax revenues in the event such IDA financing is approved; and

WHEREAS, the Board urges the developer to consider offering similar conditions to the Garden City School District with respect to property taxes on the subject property, but the Board recognizes that it has no authority to require the applicant to do so, nor to reject this application on the grounds that the applicant may seek relief pursuant to State laws which permit IDA financing; and

WHEREAS, the Board has reviewed and considered, among other things, the low number of school age children generated from over one thousand (1,000) current apartments in the Village, as well as information provided to it of similar and larger rental apartment buildings in communities out of the Village and the lack of school age children generally found in such apartment buildings; and

WHEREAS, the Board has considered comments and evidence in the public realm of the need and desire for apartments in Nassau County and on Long Island in order to enhance communities, retain seniors in the community, attract millenials and younger persons in the workforce to a community who do not desire single family home ownership; and

WHEREAS, after completion of all proceedings required by law precedent to taking such action, the Board previously has issued a SEQRA Negative Declaration, finding that the proposed development is not likely to have a significant, adverse, environmental impact on the Village, and

WHEREAS, pursuant to General Municipal Law §239-m, the Board has referred the applications to the Nassau County Planning Commission for its review and recommendation, and the Nassau County Planning Commission has recommended that the Board take action

as it deems appropriate, the Commission having no objections or recommended modifications, and

WHEREAS, submission and review of the site plan portion of the application is not yet complete, and the engineering, drainage and other related site plan information has not yet been reviewed by the Village's staff, consultants or counsel, and

WHEREAS, those incomplete matters do not require further public hearings, and are matters which may be reviewed and acted upon separately from the use permit application, and

WHEREAS, all required legal prerequisites to the Board taking action with respect to the use permit application have been completed, and

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

1. the portion of the application which requests site plan approval will be held in abeyance, pending submission by the applicant of all required engineering and other technical plans, drawings and specifications, all of which will be reviewed by the Board of Trustees when complete;
2. the specific design and appearance of the proposed structure will be reviewed by the Architectural Design Review Board ("ADRB") pursuant to Village Code Chapter 57, prior to issuance of any construction permits for the proposed development;
3. the proposed use of the subject property for one hundred fifty (150) multi-family dwelling units, at least fifteen (15) of which shall be required affordable housing units, complies with the Village Code requirements for development and use of property in the R-T zoning district when approved by the Board of Trustees; and

IT IS FURTHER RESOLVED, that the application for approval of the proposed use of the subject property for one hundred fifty (150) multi-family residential units (inclusive of fifteen [15] required affordable housing units), is hereby approved, subject to the following conditions, all of which are deemed to be material and essential to the approval such that failure to conform to any of such conditions will render this approval, and any permits issued pursuant hereto, to be null and void:

1. The development is approved as a one hundred thirty five (135) residential unit QRD Development (which, together with the required density bonus results in a one hundred fifty (150) residential unit development), pursuant to the applicable provisions of Village Code Chapter 200, Article V-A, and shall conform to all other applicable provisions of Village Code Chapter 200.
2. Prior to issuance of any building or other permits for the construction or improvement of the site, the property owner and the Village shall enter into a written agreement in a form approved by the Village Attorney and special counsel prior to execution, and record the same in the office of the Nassau County Clerk at the owner's expense, which agreement shall contain at least the following provisions and conditions, in addition to such other provisions or conditions as required by the QRD approval.
  - a. At least fifteen (15) of the residential units on the site shall be dedicated to the provision of affordable housing. To the extent feasible, the required affordable housing units be made available equally among "low income," "very low income," or "extremely low income" families as defined by the Department of Housing and Urban Development annually for Nassau County. The affordable housing units shall be integrated and indistinguishable from the market-rate units. The minimum floor area of each of the affordable housing units shall not be less than 80% of the comparable size market-rate units.

- b. The owner, developer or operator of the property shall institute and conduct an application process for sale or rental of all affordable housing which shall assure a fair, open, and random selection process for the purchases or rental of all such affordable housing. The owner, developer or operator of such property annually shall provide to the Village a written report as to the current nature and status of such process, and of all affordable housing sold or rented during the period of time covered by such annual report. The affordable housing units shall be marketed in a manner that is consistent with HUD's fair housing marketing guidelines.
- c. The provisions and conditions in paragraphs (a) and (b) of this condition shall remain binding and in effect for a period of fifty (50) years, during which period such provisions and conditions shall not be cancelled, terminated or amended except with the express approval of the Village Board of Trustees, and if at the request of the owner, only upon a showing of hardship.
- d. The affordable housing units shall consist of a specific mix of two (2) one bedroom units, twelve (12) two bedroom units and one (1) three bedroom unit. Of the two (2) one bedroom units, one (1) shall be for a family of very low income and one (1) for a family of extremely low income. The two bedroom units shall be allocated equally in each of the three income categories. The three bedroom unit shall be for a family of low income. The number and/or mix of affordable housing units shall not be changed without the prior written approval of the Board of Trustees, provided that there shall be in no event fewer than fifteen (15) such affordable units at any time.
- e. The availability of affordable housing units shall be advertised by the owner of the property over a wide area, in an open and public manner, as required by the Village's affordable housing law, and subject to oversight by the Board of Trustees.
- f. The selection of tenants for affordable housing units shall be made by the owner of the property in an open, transparent, and random process, as required by the Village's affordable housing law, and shall be subject to oversight by the Board of Trustees.
- g. The written agreement also shall include deed restrictions to assure that the development shall continue to include on the site at least the number and mix of affordable housing units required by this approval.
- h. The deed restrictions also shall include the requirement that the owner or operator of the subject property shall take such actions as may be required to assure compliance with all conditions with respect to affordable housing units and the occupancy thereof, and shall provide to the Village upon request any and all information relevant to such compliance and/or reasonably necessary to permit the Village to monitor the same.
- i. Leases for affordable housing units shall have a term of not more than two (2) years, and shall assure on an annual basis that in the event residents of affordable housing units required by this article cease to meet the income or other eligibility criteria specified in this article, such residents shall be required by the owner, developer or operator of the property to vacate their respective affordable housing units no later than one year after a determination of a loss of eligibility, unless the owner, developer or operator of the property provides an equal number of equivalent affordable housing units elsewhere on the site.
- j. The owner and operator of the subject property shall at all times comply with all requirements of any court judgment applicable to the Village in connection with its approval of this development, and the requirements of any applicable State or federal regulations regarding affordable housing.

- k. Compliance with the various conditions to be included in such instrument shall be monitored by the Superintendent of Building Department, or other Village official designated from time to time by the Board of Trustees.

3. All development shall be as specified on the plans presented to and reviewed by the Board of Trustees with respect to the use permit application, with revisions through February 27, 2018, and those site plan documents to be presented to, reviewed by, and approved by, the Board of Trustees, unless otherwise approved by the Board, without the requirement for a further public hearing.

4. Site plan approval shall be consistent with the terms and conditions of this approval, except as otherwise may be determined by the Board of Trustees in its sole discretion. No permit in the furtherance of the development of this site for the purposes approved herein shall be granted by the Building Department until design plans have been approved by the ADRB, after which site plan approval has been issued by the Board of Trustees. This use permit approval shall be subject to subsequent review, consistent with the terms and conditions of all other legal requirements, until such time as site plan approval has been issued by the Board of Trustees.

5. All building plans shall be subject to review by the ADRB to the extent required by the Village Code and customary Village procedures. Notwithstanding the foregoing requirement for Board approval of any variations from plans, the ADRB may authorize an increase in height for a portion of the building presently shown as two or three stories in height, for the purposes of locating or relocating a proposed amenity, provided that the portion of the building for which such increased height is authorized shall be located at the northernmost wing of the building (parallel to Stewart Avenue) as shown on the plans reviewed by the Board of Trustees. Approval of the Board of Trustees for any such plan revision shall not be required.

6. During the course of review and approval of building permit plans, or supervision and inspection of construction, the Building Department may permit minor and insubstantial field variations in the approved plans to accommodate field conditions.

7. The maximum number of residential units shall be one hundred thirty-five (135) units, in addition to the required fifteen (15) affordable housing units, making in all one hundred fifty (150) units.

8. The residential units shall conform to a specific mix of units, inclusive of any affordable housing units. There shall be twenty (20) one bedroom units, one hundred fifteen (115) two bedroom units and fifteen (15) three bedroom units. Units may not be combined without the express approval of the Board of Trustees, and no combination of units shall result in a diminution of the number or size of affordable units.

9. No permits shall be issued, and the use permit approval shall not be considered final, until the applicant and owner have entered into (a) a Services Agreement, to guarantee that the Village will receive all property taxes which would be levied against the property without any PILOT or IDA agreement, (b) covenants and restrictions to impose affordable housing conditions, and such other conditions as may be included in this resolution and which the Village Attorney and special counsel determine are appropriate for inclusion in such covenants and restrictions. Each such agreement and covenant shall run with the land so as to bind future owners of the site, and shall be recorded in the office of the Nassau County Clerk at the sole cost and expense of the applicant. All such agreements shall be first liens upon the subject property. All such agreements shall be in a form approved by the Village Attorney and special counsel prior to recording.

10. Prior to issuance of any permits for construction at the subject site, the developer shall reimburse the Village, or deposit with the Village, funds in an amount determined by the Village Administrator and sufficient to compensate the Village for all expenses incurred for legal services for preparation and review of documents required by this approval and any subsequent site plan approval. The Village may apply any such amounts in payment or reimbursement of such purposes. Upon the conclusion of construction, and issuance of all

required certificates of occupancy and completion, the party depositing such funds, or any other person entitled thereto, may apply to the Board of Trustees for refund of any remaining balance in such deposit amount. In the event no such application is made within three (3) months after the date on which such application may first be made, any remaining balance in such fund shall become the property of the Village.

11. The applicant shall provide and maintain until the issuance of all required certificates of occupancy and/or completion, at a minimum, the following insurance, naming the Village of Garden City, its elected and appointed officers, agents, employees and counsel, as an Insured or an Additional Insured. Documentation of such insurance in the form of endorsements to policies shall be provided to the Village Administrator before issuance of any building permit(s) for the project herein approved. The insurance carrier(s) must be New York State licensed carrier(s) with an A.M. Best Rating of at least an A- VII. In all cases where an additional insured is to be covered, an endorsement to the insurance policy must be provided as documentation of such additional insured status.

All contractors and subcontractors retained to provide any work, labor, services or materials in respect to the project shall be required to provide the same insurance coverage, except where waived by the Village Administrator.

I. Workers Compensation and NYS Disability

|            |                                     |
|------------|-------------------------------------|
| Coverage   | Statutory                           |
| Extensions | Voluntary Compensation              |
|            | Employers Liability -               |
|            | \$1,000,000/\$1,000,000/\$1,000,000 |

II. Commercial General Liability

|                                      |   |
|--------------------------------------|---|
| Coverage and Limits                  | Occurrence - 1999 ISO CGL or equivalent |
| General Aggregate                    | \$2,000,000                             |
| Products & Completed Operations Agg. | \$2,000,000                             |
| Personal & Advertising Injury        | \$1,000,000                             |
| Per Occurrence Limit                 | \$1,000,000                             |
| Damage to Rented Premises            | \$ 500,000                              |
| Medical Expense                      | \$ 5,000                                |

Additional Insured

Village of Garden City, its elected and appointed officers, agents, employees and counsel, using ISO Form CG 20 10 11 85 or the combination of the GC 20 10 07 04 accompanied by the CG 20 37 07 04.

Special Requirements      Hold Harmless Agreement  
 Aggregate Limits Per Project  
 Waiver of Subrogation  
 Primary & Non-Contributory  
 Broad Form Contractual Liability  
 No Exclusions for 3rd Party Injury to Employees, Volunteers, Subcontractors etc.  
 Include Completed Operations

III. Automobile Insurance

Coverage      Standard New York Policy including all owned, hired, and non-owned vehicles

Limit      Combined Single Limit \$1,000,000

Additional Insured      Village of Garden City, its elected and appointed officers agents, employees and counsel

IV. Umbrella Liability

|                     |                      |             |
|---------------------|----------------------|-------------|
| Coverage and Limits | Per Occurrence Limit | \$5,000,000 |
|                     | Aggregates           | \$5,000,000 |
|                     | Follow Form          |             |

V. Professional Liability

|                     |                   |             |
|---------------------|-------------------|-------------|
| Coverage and Limits | Each Wrongful Act | \$1,000,000 |
|                     | Aggregate         | \$3,000,000 |

12. The development of the subject property shall comply with all other representations made in the application and/or at the public hearings.

13. The development and use of the subject property at all times shall comply with all Village Code affordable housing requirements, including compliance with Village Code requirements for QRD developments.

14. The applicant and owner, and any successors in interest, shall apply for an obtain site plan approval within nine (9) months after the date of this decision, or within such longer period of time as may be approved by the Board of Trustees without a hearing. Failure to comply with this condition shall render this determination null and void at the option of the Board of Trustees. In granting any extension of time, the Board of Trustees may impose reasonable fees and/or conditions.

15. The applicant and owner, and any successors in interest, shall apply for and obtain all required building permits, and complete all prerequisites for such permit issuance as provided in this resolution, within nine (9) months after site plan approval, or within such longer period of time as may be approved by the Board of Trustees without a hearing. Failure to comply with this condition shall render this determination null and void at the option of the Board of Trustees. In granting any extension of time, the Board of Trustees may impose reasonable fees and/or conditions.

16. The applicant and owner, and any successors in interest, shall complete all required construction, and obtain all required or necessary certificates of completion and/or certificates of occupancy within fifteen (15) months after issuance of the first building permit, or such longer period of time as may be approved by the Board of Trustees without a hearing. In granting any extension of time, the Board of Trustees may impose reasonable fees and/or conditions.

17. In the event the Village reasonably determines that it requires the assistance of professional consultants for review of site or design plans, or inspection of construction, the applicant and owner, and any successors in interest, shall promptly reimburse the Village for the reasonable costs of such consultants. The Village may require advance deposits in amounts determined by the Village Administrator, to be applied to payment or reimbursement of such expenses, and such deposits shall be made with the Village within fourteen (14) days after written notice from the Village. The Village may apply any such amounts in payment or reimbursement of such purposes. Upon the conclusion of construction, and issuance of all required certificates of occupancy and completion, the party depositing such funds, or any other person entitled thereto, may apply to the Board of Trustees for refund of any remaining balance in such deposit amount. In the event no such application is made within three (3) months after the date on which such application may first be made, any remaining balance in such fund shall become the property of the Village.

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

AYES: 7  
NOES: 1 (Trustee Bolebruch)

The resolution was declared adopted.

NEW BUSINESS

CONSENT CALENDAR

FINANCE

1. Appropriation of Revenue - Police Department - Filming. The Police Department is requesting authorization to appropriate \$2,445 from Account OA.2590.1400 Permits, to Account OA.3120.1020 Police - Overtime, to reimburse overtime incurred during filming.

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

2. Appropriation of Revenue - Police Department - Forfeiture of Assets. Request authorization to appropriate \$32,961.44 which was received in the 2017/18 fiscal year to the 2018/19 fiscal year. Under the New York State Civil Practice Law, certain funds received from forfeiture of assets are restricted to fund "unbudgeted" police expenditures. At the close of the 2017/18 fiscal year, the Village had \$32,961.44 held in Reserve. These funds are restricted under this statute and authorization is requested to appropriate this to Account OA.3120.4640 CPLR - Program Expenses in the 2018/19 fiscal year.

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

3. Appropriation of Revenue - Police Department - Crime Proceeds. Request authorization to appropriate \$5,756.68 from forfeited property of crime proceeds from past cases. As set forth in Article 13-A Section 1349 of the New York State Practice Laws and Rules, these funds will be used for non-budgeted expenses. Request authorization to appropriate these funds from Account OA.2625.1000 Forfeiture of Crime Proceeds, to Account OA.3120.4640 Police - CPLR Programs.

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

4. Transfer of Funds - Fiscal Year 2017-2018. Requested authorization to transfer funds as follows:

(a) \$1,878.50 from Account OA.1620.1020 Central Garage - Overtime, to Account OA.1620.1020 Building - Overtime, to fund unexpected overtime expenses during the year due to mechanical breakdowns that required emergency responses.

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

(b) \$1,400 from Account OA.5110.4020 Street Maintenance - Maintenance of Equipment, to Account OA.1620.4020 Building - Maintenance of Equipment, to fund outstanding invoice for the repair of the Village Hall Pneumatic System.

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

(c) \$5,000 in total, \$3,259.72 from Account OA.5110.1020 Street Maintenance - Overtime and \$1,740.28 from Account OA.5110.1170 Street Maintenance - Other Payouts, to Street Maintenance - Materials and Supplies, to fund excess asphalt requirements which exceeded the budget due to efficient work done by the Street Department.

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

(d) \$738.59 from Account OA.8140.4010 Storm Sewers - Materials and Supplies, to Account OA.8140.1010 Storm Sewers - Regular Salary, to fund work orders charged to the

Village mechanics.

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

(e) \$4,082.97 from Account 0A.5010.4120 Street Administration - Travel and Training, to Account 0A.8189.4490 Recycling - Gas and Oil, to fund fuel usage for recycling vehicles that exceed the budget.

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

(f) \$4,588.86 from Account 0A.5142.4460 Snow Removal - Contractual Services, to Account 0A.8170.1020 Street Cleaning - Overtime, to fund numerous events throughout the year which required street cleaning response, such as car accidents, etc.

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

(g) \$31,475 in total, \$9,680.36 from Account 0A.5010.1010 Street Administration - Regular Salary, \$3,954.33 from Account 0A.5010.1020 Street Administration - Overtime, \$3,887.53 from Account 0A.1640.4060 Central Garage - Electricity, \$1,045.75 from Account 0A.1640.4460 Central Garage - Contractual Services, \$2,151.64 from Account 0A.1640.4510 Central Garage - Natural Gas, and \$10,755.39 from Account 0A.5182.4010 Street Lighting - Materials and Supplies, to Account 0A.8170.1120 - Street Cleaning - Part-time Help, to fund numerous events throughout the year which required street cleaning response, such as car accidents, etc.

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

(h) \$2,279.79 from Account 0A.8140.4020 Storm Sewers - Maintenance of Equipment, to Account 0A.8160.4490 Sanitation - Gas and Oil, to fund fuel usage for Sanitation vehicles which exceeded the budget.

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

(i) \$6,567.12 from Account 0F.8320.4020 Source of Supply - Maintenance of Equipment, to Account 0F.8320.1020 Source of Supply - Overtime, to fund overtime incurred throughout the year in order to respond to issues at well sites after hours.

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

(j) \$9,540.78 in total, \$1,082.23 from Account 0A.8120.1010 Sanitary Sewers - Regular Salary and \$8,458.55 from Account 0A.1640.1020 Central Garage - Overtime, to Account 0A.8120.1020 Sanitary Sewer - Overtime, to fund unexpected overtime expenses during the year for emergency responses due to multiple sewer main breaks.

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

(k) \$27,440.04 from Account 0F.8310.4000 Water Administration - Contingency, to Account 0F.8310.1010 Water Administration - Regular Salary, to cover salary merit increases.

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

(l) \$281.85 from Account ER.7145.1120 Tennis - Special Program Services, to Account ER.1980.4000 MTA Payroll Tax, to fund shortfall in budgeted taxes.

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

(m) \$6,005.54 from Account ER.7145.1120 Tennis - Special Program Services, to Account ER.9030.8000 Social Security, to fund shortfall in budgeted taxes.

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

(n) \$7,877.83 from Account 0F.8340.4030 Transmission and Distribution - Maintenance of Plant, to Account 0F.8340.1010 Transmission and Distribution - Regular Salary, to fund the work order allocations from the mechanics for work done during the year.

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

(o) \$3,707.25 from Account 0F.8330.4010 Purification - Materials and Supplies, to Account 0F.8330.1120 Purification - Part-time Help, to fund part-time help used to cover shifts during vacation and sick time.

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

#### SICK LEAVE

#### RECREATION

1. Sick Leave - Stravino. Requested authorization to pay Richard Stravino, Maintainer, Recreation and Parks Department through August 9, 2018 or such earlier date as he 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 Trouvé and unanimously carried, the aforesaid authorization was approved.

#### POLICE

2. Sick Leave - Graber. Requested authorization to pay Police Officer Scott Graber through August 9, 2018 or such earlier date as he 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 Police Benevolent Association, which became effective June 1, 2014.

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

## PUBLIC WORKS

3. Sick Leave - Two Employees. Requested authorization to pay Gary Kornova, Senior Motor Equipment Operator, Street Department and Nicholas J. Brusack, Sanitation Worker, Sanitation Department through August 9, 2018 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 Trouvé and unanimously carried, the aforesaid authorization was approved.

## VILLAGE ADMINISTRATOR

St. Paul's Facility - Transfer of Funds and Engage Beyer Blinder, Belle. Request authorization for the following:

a) Transfer Funds \$25,000 from Account 0A.1990.4000 Contingent to Account 0A.9950.9000 Capital Projects (to transfer funds to Account 0H.7140.2103 St. Paul's Facility), to fund additional expenditures related to the development of the Concept Plan and public presentations, including rental of audio visual materials, printing, 3D imaging, etc.

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

b) Further engage the firm of Beyer, Blinder, Belle, 120 Broadway, New York, New York, authorizing the Village to incur up to \$25,000 of expenses related to the development of the concept plan and public presentations, including expenditures for rental of audio visual materials, printing, 3D and/or movie film imaging and similar expenses.

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

## VILLAGE COUNSEL

Stipulation of Settlement for a Village Employee. Requested authorization for the Board to accept the Stipulation of Settlement for a Village Employee.

Trustee Trouvé offered the following resolution and moved its adoption:

### RESOLUTION NO. 121-2018

WHEREAS, Mr. Passaro has been employed by the Village since on or about April 30, 2007, and presently holds the Civil Service title of Laborer; and

WHEREAS, Mr. Passaro is a member of the bargaining unit of Village employees represented by CSEA; and

WHEREAS, the Village and CSEA were parties to a collective bargaining agreement effective June 1, 2010 - May 31, 2013 (hereinafter "CBA"), and a Legislative Determination for the period June 1, 2013 - May 31, 2014; and

WHEREAS, Mr. Passaro has been consecutively absent from work since at least January 20, 2017 as the result of a disability other than a disability resulting from occupational injury or disease as defined in New York State Workers' Compensation Law; and

WHEREAS, the Village provided Mr. Passaro with written notice on or about February 7, 2018 that he may be separated from employment with the Village pursuant to Civil Service Law §73 ("Section 73"); and

WHEREAS, Mr. Passaro and the Village met on February 27, 2018 to discuss his possible Section 73 separation from employment; and

WHEREAS, Mr. Passaro, CSEA, and the Village engaged in discussions aimed at resolving Mr. Passaro's disability status, his possible Section 73 separation, and his employment status in general; and

WHEREAS, Mr. Passaro, CSEA and the Village are all desirous of resolving Mr. Passaro's employment status with the Village without the time, expense and uncertainties of any litigation over his disability status and/or employment status,

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees ratifies and approves the terms set forth in the Stipulation of Settlement executed by Mr. Passaro, CSEA, and the Village, on June 29, 2018, and which has been reviewed by Village Counsel, and which is on file with the Village Clerk.

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

The resolution was declared adopted.

#### RECREATION

1. Engagement of Professional Services - St. Paul's Comfort Station - Architectural and Engineering Services - Cameron Engineering & Associates, LLP. Requested authorization to engage Cameron Engineering & Associates, LLP, 177 Crossways Park Drive, Woodbury, New York in the amount of \$27,000. As part of the Village's Capital Improvement Plan, the St. Paul's Comfort Station is to be renovated. Funds are available in Account OH.7140.2105.

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

2. Engagement of Professional Services - Pool Improvements - Engineering Services Cameron Engineering & Associates, LLP. Requested authorization to engage Cameron Engineering & Associates, LLP, 177 Crossways Park Drive, Woodbury, New York in the amount of \$93,000. This is for various infrastructure improvements to the Garden City Pool. Included in the scope of work to be designed is the entire bathhouse roof and gutter replacement, fascia and soffit improvements, etc. Funds are available in Account OC.7149.4420.

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

#### PUBLIC WORKS

1. Additional Contract Work - Repair and Refurbish Front Entrance at Village Hall - North Shore Architectural Stone, Inc. - Front Entry Limestone Ceiling - Change Order No. 1. Requested authorization to approve additional contract work (Change Order No. 1) with North Shore Architectural Stone, Inc., 667 Cedar Swamp Road, Glen Head, New York in the amount of \$3,853, to clean limestone and grout (as needed) on the front entry ceiling. Funds are available in Account 0A.1620.4030.

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

2. Additional Contract Work - Repair and Refurbish Front Entrance at Village Hall - North Shore Architectural Stone, Inc. - Front Entry Side Railings - Change Order No. 2. Requested authorization to approve additional contract work (Change Order No. 2) with

North Shore Architectural Stone, Inc., 667 Cedar Swamp Road, Glen Head, New York in the amount of \$3,000, to remove and replace the rails to bring them up to code. Funds are available in Account 0A.1620.4030.

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

3. Engagement of Professional Services - Semi-Annual Certification and Report of Compliance - H2M Water. Requested authorization to engage H2M Water, 538 Broad Hollow Road, Melville, New York, to prepare the Semi-Annual Certification and Report of Compliance for the New York State Department of Environmental Conservation Annual Guideline Concentrations for Well Stripping Towers Nos. 8, 9, 12, 13 and 14, for a lump sum fee of \$2,000. Funds are available in Account 0F.8310.4460.

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

4. Engagement of Professional Services - Volatile Organic Compounds Treatment at Hilton Park Well Site - Plant Nos. 15 and 16 - H2M Water. Requested authorization to engage H2M Water, 538 Broad Hollow Road, Melville, New York, to design a new Packed Tower Aeration System for wellhead treatment at the Hilton Park Well Site - Plant Nos. 15 and 16, in the amount of \$478,600. Funds are available in Account 0F.1073.0000.

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

5. Engagement of Professional Services - Water Equipment Maintenance Contract - Hach, Inc. Requested authorization to engage Hach, Inc., 5600 Lindbergh Drive, Loveland, Colorado to perform semi-annual maintenance on the chlorine analyzer, ph probe and nitrate analyzer, for an amount not to exceed \$6,514. The chlorine analyzers monitor chlorine levels and the ph probes maintain the ph levels at Village wells. The nitrate analyzers monitor the nitrate levels at the Clinton Road Well. Hach, Inc., will calibrate the analyzers, monitor them two times per year and respond to emergencies when the equipment needs an adjustment. Funds are available in Account 0F.8330.4020.

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

#### AWARD OF BIDS

1. Requisition No. 18-3, Dated July 10, 2018, Purchase of Materials for the Public Works Department.

Bulk Liquid Caustic Soda. Award bid for the purchase of Bulk Liquid Caustic Soda, or Village approved equal, from Univar USA, Inc., 200 Dean Sievers Place, Morrisville, Pennsylvania, low bidder on an as-needed basis, based upon unit costs, on file with the Village Clerk, for an estimated cost of \$56,000. A total of eight invitations to bid were sent and four bids were received. A Notice to Bidders was sent to Bid Reporter.

On motion of Trustee Trouvé the following resolution was offered:

#### RESOLUTION NO. 122-2018

RESOLVED, that Requisition No. 18-3, dated July 10, 2018, filed under separate cover, be made a part of these minutes and that materials be purchased for the Public Works Department in accordance with the recommendations hereinabove set forth, as per specifications and requirements in said requisition, at prices not exceeding those indicated.

FURTHER RESOLVED, that all other bids be rejected.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

The resolution was declared adopted.

2. Bus Stop Shelter Maintenance. Award bid for the Maintenance of Bus Stop Shelters, or Village approved equal, from Columbia Equipment Co., Inc., 72 Albany Avenue, Freeport, New York, only bidder on an as-needed basis, based upon unit costs, on file with the Village Clerk, for an estimated cost of \$45,000. A total of three invitations to bid were sent and one bid was received. A Notice to Bidders was sent to McGraw Hill Information Systems and CMD Group.

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

3. Renewal of Contract Award for Curb, Sidewalk and Road Improvements (2017) - Valente Contracting Corp. Renew contract award for an additional year at the same prices and conditions with Valente Contracting Corp., 77 Jackson Avenue, Mineola, New York, or Village approved equal, on an “as needed basis”, at unit prices on file with the Village Clerk, for an estimated cost of \$2,323,960. for the period July 17, 2018 to July 16, 2019. The SEQRA (Type II) was approved at the May 10, 2018 Board of Trustees Meeting.

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

#### PERMITS:

1. Auction Fax LLC, 300 Colonial Center Parkway, Roswell, Georgia, requesting to conduct an auction at The Garden City Hotel, 45 Seventh Street, Garden City, New York, on Tuesday, July 3, 2018 from 12:30 p.m. - 4:30 p.m. Request ratification of the Mayor's prior approval.

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

2. AAA Northeast, 1415 Kellum Place, Garden City, New York, requesting authorization to park a bus in Parking Field 11, along the west row adjacent to Golf Club Lane Thursday, August 9 through Friday, August 17. In cooperation with TSA, AAA Northeast is offering the opportunity for AAA Members and the public to sign up for TSA PreCheck.

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

#### TEMPORARILY SUSPEND THE RULES AND PROCEDURES

On motion of Mayor Daughney the following resolution was offered:

#### RESOLUTION NO. 123-2018

RESOLVED, to temporarily suspend the Rules and Procedures of the Board of Trustees, to add an item to the agenda, specifically the addition of a regular Board Meeting in July and the cancellation of the regularly scheduled August Board Meeting.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

The resolution was declared adopted.

On motion of Trustee Delany the following resolution was offered:

RESOLUTION NO. 124-2018

WHEREAS, it is requested to schedule a regular Board of Trustees Meeting for Thursday, July 26, 2018 at 5:30 p.m. (time subject to change) and to cancel the Thursday, August 9, 2018 regularly scheduled Board Meeting.

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

The resolution was declared adopted.

Mayor Daughney recognized the following:

Leo Stimmler, 167 Huntington Road  
Susan Larocca, 164 Wellington Road  
Rochelle Dowling, 100 Hilton Avenue

There being no further business, on motion duly made, the meeting adjourned at 9:10 p.m.