

BOARD OF TRUSTEES

FEBRUARY 26, 2019

A meeting of the Board of Trustees of the Village of Garden City in the County of Nassau, New York, was held at the Village Hall, 351 Stewart Avenue in said Village on February 26, 2019 at 7:20 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
Irene Woo, Village Treasurer
Joseph DiFrancisco, Superintendent of Public Works
Giuseppe Giovanniello, Superintendent of Building
Brian G. Gallo, Chief Fire Department
Peter A. Bee, Bee Ready Fishbein Hatter & Donovan, LLP

Attendance: Approximately 47

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 the first items on the agenda were the Oaths of Office for Police Lieutenant Kevin Jacobsen and Police Sergeant Keith Wehr. Trustee Mark Hyer administered the Oaths of Office to Police Lieutenant Kevin Jacobsen and Police Sergeant Keith Wehr of the Garden City Police Department and offered congratulations.

Mayor Daughney called upon Ralph Suozzi who spoke about the Bidding Resolution for Nassau BOCES Cooperative. Kevin Ocker requested that the Board add an agenda item with regard to Change Orders needed for the Garden City Pool and Bath House. He also spoke about his agenda items. Joseph DiFrancisco addressed the Board with regard to the Public Works items listed 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 February 13, 2019 were reviewed, and on motion of Trustee Hyer were approved as presented.

NEW BUSINESS

CONSENT CALENDAR

TEMPORARILY SUSPEND THE RULES AND PROCEDURES

On motion of Trustee Delany the following resolution was offered:

RESOLUTION NO. 21-2019

RESOLVED, to temporarily suspend the Rules and Procedures of the Board of Trustees, to add items to the agenda, specifically the Change Orders for the Garden City Pool and Bath House and the Ratification of the Stipulation of Agreement between the Civil

Service Employees Association, Inc. (Rank and File Unit) and the Village of Garden City for the Collective Bargaining Agreement, period June 1, 2014 through May 31, 2021.

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

The resolution was declared adopted.

RECREATION

1. Additional Contract Work - Garden City Pool and Bath House - Change Orders - Preferred Construction Incorporated. Requested authorization to approve an invoice with Preferred Construction Incorporated, 223 Wall Street, Halesite, New York, for various Change Orders which include the following, Main Entrance Soffit, \$15,480; Main Entrance Fascia, \$9,600; Court Yard Soffit and Fascia Board, \$3,384, 140 Linear Feet Yankee Gutter Rehab, \$14,472; Main Entrance Cricket Roof, \$19,200 and Remove existing lights to make flush with siding, \$6,540 for a total cost of \$68,676. Funds are available in the Capital Budget.

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

2. Ratification of the Stipulation of Agreement between the Civil Service Employees Association, Inc. (Rank and File Unit) and the Village of Garden City for the Collective Bargaining Agreement, period June 1, 2014 through May 31, 2021.- SEQRA - Action - Type II. Ratification is requested of the Stipulation of Agreement which was executed by Village Administrator Suozzi and the President of the CSEA Supervisors Unit on February 13, 2019, and which has been ratified by CSEA Rank and File bargaining unit members. A copy of the Stipulation of Agreement is on file in the Village Clerk's Office.

Trustee Trouvé offered the following resolution and moved its adoption:

RESOLUTION NO. 22-2019

WHEREAS, the Village and CSEA were parties to a collective Bargaining Agreement that expired on May 31, 2013 ("Agreement"); and

WHEREAS, the Village and CSEA completed the statutory Legislative Determination process for the contract year June 1, 2013 - May 31, 2014; and

WHEREAS, the Village acted to terminate the parties' Collective Bargaining Agreement effective for the contract year ending May 31, 2017, and further took the position that its duty to bargain, except on a prospective basis, has been satisfied and/or waived; and

WHEREAS, the CSEA filed litigation related to the Village terminating the parties' Collective Bargaining Agreement effective for the contract year ending May 31, 2017 and the Village's position with regard to bargaining; and

WHEREAS, the parties have engaged in discussions in an effort to arrive at mutually-Agreement; and

WHEREAS, the parties have arrived at a tentative agreement and the Village Administrator and Labor Counsel have heretofore executed said Agreement subject to the approval of this Board; and

WHEREAS, the Agreement has been otherwise fully executed and ratified by all of the parties thereto; and

WHEREAS, after consultation with Counsel and after due deliberation;

BE IT RESOLVED that the act of the Village Administrator and Labor Counsel in executing the Agreement constitutes a Type II act of collective bargaining under the New York State Environmental Quality Review Act ("SEQRA"), and is hereby ratified; and

BE IT RESOLVED that the Village Administration and Labor Counsel are authorized and directed to take all steps necessary to incorporate the Agreement into a new full Collective Bargaining Agreement, and that upon doing so;

IT IS FURTHER RESOLVED that the Mayor be and he hereby is authorized to execute the new full Collective Bargaining Agreement.

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

The resolution was declared adopted.

FORMAL AGENDA

APPOINTMENT BY THE BOARD OF TRUSTEES:

On motion of Trustee Delany the following resolution was offered:

RESOLUTION NO. 23-2019

RESOLVED, that the below appointment to the position and term listed, be and the same hereby are approved.

Jim Van Schoick, Member, Zoning Board of Appeals, 74 Meadow Street, for a term to expire April 6, 2020 (the remainder of Mr. Cunningham's unexpired term). (He is replacing the position vacated by Robert L. Cunningham).

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

Carried.

CONSENT CALENDAR

FINANCE

1. Appropriation of Termination Reserve. Requested authorization to appropriate \$3,117.03 from Account OA.8670.0000 - Reserve for Compensated Absences to Account OA.9000.1220 - Termination Payout for payment from the Reserve maintained for that purpose for Vincent DiBona, Firefighter. This is to fund the contractual termination payments due to an employee who have left Village service.

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. Village Authorization to Renew Membership - Nassau BOCES Cooperative Bidding Program for Passenger Vehicles. Requested authorization for the Village of Garden City to renew the membership in the Nassau BOCES Cooperative Bidding Program for Passenger Vehicles. There is a \$450 fee to participate in this Cooperative. Funds are available in Account OA.1920.4000.

On motion of Trustee Trouvé the following resolution was offered:

RESOLUTION NO. 24-2019

WHEREAS, the Village of Garden City (the “Village”) has the opportunity to renew the membership in a cooperative bidding program sponsored by Nassau BOCES for the purchase of passenger cars, vans and trucks (hereinafter the “BOCES Cooperative”); and

WHEREAS, renewing the BOCES Cooperative may result in significant cost savings for the Village when acquiring new passenger vehicles; and

WHEREAS, the Board of Trustees finds that it is in the Village’s interest to explore cooperative purchasing options as a means of furthering the Village’s cost savings goals; and

WHEREAS, renewing the BOCES Cooperative requires payment of a participation fee of four hundred fifty dollars (\$450)

NOW THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Garden City hereby authorizes the Village to renew the membership in the BOCES Cooperative; and be it

FURTHER RESOLVED, that the Village Administrator is hereby authorized and directed to perform all actions necessary for the Village’s participation in the BOCES Cooperative, including but not limited to, paying the \$450 participation fee; and be it

FURTHER RESOLVED, that the approval by the Board of Trustees shall be required for renewal or extension of the Village’s membership in the BOCES Cooperative once the current membership period expires.

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

The resolution was declared adopted.

3. Tax Certiorari Settlements. Requested authorization to settle the following tax certioraris:

(a) 120 Old Broadway, LLC. Requested authorization for the proposed settlement with 120 Old Broadway, LLC, with regard to property located at 120 Old Broadway, Garden City, Account No. 06439-0-001, which would result in a refund of \$7,000 and a new assessment of \$33,000. This is for tax years 2013/14 through current fiscal year 2018/19.

Trustee Trouvé offered the following resolution and moved its adoption:

RESOLUTION NO. 25-2019

WHEREAS, 120 Old Broadway, LLC, an industrial building, has commenced proceedings pursuant to the Real Property Tax Law to review the assessment on property located at 120 Old Broadway in the Village of Garden City for the tax years 2013/14 through 2018/19; and

WHEREAS, the petitioner, after discussion with the Village Assessor and Village Counsel, has offered to settle these proceedings; and

WHEREAS, the Village Assessor and Village Counsel have recommended that these matters be settled upon the terms and conditions set forth below;

NOW, THEREFORE, BE IT RESOLVED, that Village Counsel is hereby authorized to settle such proceedings by stipulation and consenting to an order directing a refund of \$7,000, and a new assessment of \$33,000, for tax years 2013/14 through 2018/19, for the

property described on the Village Assessment Roll as 120 Old Broadway, Account No. 06439-0-001.

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

AYES: 8
NOES: 0

The resolution was declared adopted.

(b) CVS Albany, LLC. Requested authorization for the proposed settlement with CVS Albany, LLC, with regard to property located at 820 Franklin Avenue, Garden City, Account No. 02982-0-001, which would result in a refund of \$39,000 and a new assessment of \$42,000. This is for tax years 2009/10 through current fiscal year 2018/19.

Trustee Trouvé offered the following resolution and moved its adoption:

RESOLUTION NO. 26-2019

WHEREAS, CVS Albany, LLC, has commenced proceedings pursuant to the Real Property Tax Law to review the assessment on property located at 820 Franklin Avenue in the Village of Garden City for the tax years 2009/10 through 2018/19; and

WHEREAS, the petitioner, after discussion with the Village Assessor and Village Counsel, has offered to settle these proceedings; and

WHEREAS, the Village Assessor and Village Counsel have recommended that these matters be settled upon the terms and conditions set forth below;

NOW, THEREFORE, BE IT RESOLVED, that Village Counsel is hereby authorized to settle such proceedings by stipulation and consenting to an order directing a refund of \$39,000, and a new assessment of \$42,000, for tax years 2009/10 through 2018/19, for the property described on the Village Assessment Roll as 820 Franklin Avenue, Account No. 02982-0-001.

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

AYES: 8
NOES: 0

The resolution was declared adopted.

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

(a) \$250 to Account 0A.1450.4300 Election - Legal Advertising and Printing, from Account 0A.1230.4070 Administration - Printing, Postage and Stationery, to fund the cost of legal ads with regard to the 2019 Village Election.

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

PUBLIC WORKS

1. Sick Leave - Cisneros. Requested authorization to pay Leopoldo Cisneros, Motor Equipment Operator, Street Department through March 28, 2019 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.

RECREATION

1. Additional Contract Work - Community Park Field #2 - Reconstruction - French Drain - The LandTek Group. Requested authorization to approve a change order with The LandTek Group, Inc., 235 County Line Road, Amityville, New York for the installation of a French Drain at Community Park at a cost of \$4,890. Funds are available in Account 0H.7140.2192.

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

2. Additional Contract Work - Pool Filter Room Rehabilitation Project - Norberto Construction. Requested authorization to approve additional contract work with Norberto Construction, 227 Commack Road, Commack, New York for the replacement of hardware and fittings at the Garden City Community Pool at a cost of \$1,640.22. Funds are available in Account 0C.1059.000.

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

3. St. Paul's Comfort Station - Increase Capital Project Requested authorization to increase the amount of the Capital Project by \$5,246. This project was approved at the December 6, 2018, Board of Trustees Meeting at a cost of \$162,948. Upon the demolition of the St. Paul's Comfort Station, several conditions were discovered that warrant remedial and additional work.

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

4. St. Paul's Comfort Station - Transfer of Funds. Requested authorization to transfer funds as follows:

(a) \$5,246 from Account 0H.7140.2402 - Cluett and Fieldhouse Rehabilitation Project, to Account 0H.7140.2405 - St. Paul's - Comfort Station Rehabilitation, to fund additional remedial work that is needed.

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.

5. St. Paul's Comfort Station - Additional Contract Work - B&B Contracting Group. Requested authorization to approve Change Orders with B&B Contracting Group, 247 West 35th Street, New York, New York. Several existing conditions were uncovered that warrant remedial and additional work. Using the \$10,000 in contingency in the project leaves a shortfall of \$5,246.

Change Order #2	Repair of Microbial Damage	\$10,870
Change Order #3	Remedial Plumbing Work	\$ 1,998
Change Order #4	Remedial Electric Work	\$ 1,938
Change Order #5	Remove Ceiling Mounted Heaters	<u>\$ 440</u>
		\$15,246

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

PUBLIC WORKS

1. Additional Contract Work - Street Lighting LED Project - Spring City Electric Manufacturing Co. Requested authorization to approve a Change Order in the amount of \$13,041 with Spring City Electrical Manufacturing Co., One South Main Street, Spring City, Pennsylvania, for the purchase of additional equipment with regard to the Street Lighting LED Project. This change order will increase the amount of the project to \$270,113 which is still within the approved budget for the Project. Funds are available in Account OH.5110.2021.

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

2. Emergency Purchase - Air Stripper Booster Pump for Well No. 9 - Atlantic Wells, Inc. Requested authorization for the ratification of the emergency purchase of a new Air Stripper Booster Pump for Well 9 from Atlantic Wells, Inc., 58 Fairfields Lane, Huntington Station, New York at a cost of \$42,000. Funds are available in Account OF.1040.000.

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

3. Engagement of Professional Services - Emerging Contaminant Planning Report - H2M, Architects and Engineers. Requested authorization to engage H2M Architects and Engineers, 538 Broad Hollow Road, Melville, New York, at a cost of \$29,600 to perform a Village-wide evaluation of emerging contaminants as part of the Water Department's Emerging Contaminant Action Plan for the Village of Garden City's drinking supply wells as per the schedule on file with the Village Clerk. Funds are available in Account OF.8310.4460.

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

4. Engagement of Professional Services - Litigation Support Services - VHB Engineering, Surveying, Landscape Architecture and Geology, P.C. Requested authorization to engage VHB Engineering, Surveying, Landscape Architecture and Geology, P.C., 100 Motor Parkway, Hauppauge, New York, to provide litigation services in connection with a Village lawsuit.

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

WORK SESSION

Work Session - Discussion of the Code Process for Pools. Mayor Daughney and the Board of Trustees invited the Members of the Architectural Design Review Board and the Zoning Board of Appeals to the Board Meeting to discuss the code process for Pools. Chairman Villanella of the Zoning Board of Appeals addressed the Board and gave an overview of the process for the application of pools within the Village. Messrs. Gall and Schroder, Members of the Zoning Board of Appeals also spoke to the Board regarding the process. After a brief discussion, it was decided that the Board of Trustees will meet jointly with the Architectural Design Review Board and the Zoning Board of Appeals in a few months in order for both Boards to gather more information regarding the approval process and the timelines.

Mayor Daughney recognized the following:

Thomas Kaufman, 365 Stewart Avenue

There being no further business, on motion duly made, the meeting adjourned at 9:31 p.m.