

BOARD OF TRUSTEES

MARCH 8, 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 March 8, 2018 at 8:06 p.m.

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

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
Irene Woo, Village Treasurer
Thomas Stryko, Second Chief Fire Department
Ausberto Huertas, Jr., Superintendent, Building Department
Kenneth A. Gray, Bee Ready Fishbein Hatter & Donovan, LLP

Attendance: Approximately 16

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

The Board reconvened the February 27, 2018 Board of Assessment Review at 8:00 p.m. The Board of Assessment Review concluded at 8:05 p.m. and the Board continued with the regular Board of Trustees Meeting.

Mayor Daughney called the meeting to order and called upon Kevin Ocker, who reported on the St. Paul's Field House Interior Wall Padding, Second Chief Stryko who gave some information regarding the Radio Room Project and Joseph DiFrancisco who reported on the recent winter storms as well as an update on the new receptacles that the Village is interested in purchasing to be placed in a few of the high volume trash areas in the Village.

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 27, 2018 were reviewed, and on motion of Trustee Hyer were approved as presented.

NEW BUSINESS

FORMAL AGENDA

1. 555 Stewart Avenue. After a brief overview of the project from Trustee DeMaro regarding the Report and Recommendation of the Zoning Change Review Committee concerning the application filed by 550 Stewart Acquisitions, LLC, which requests a zoning change or amendment with respect to property located in the Village's R-T Zoning District, at Section 44, Block 76, Lot 15 (commonly known and referred to as 555 Stewart Avenue) to permit certain multiple dwelling housing at the Property, the following took place:

Trustee DeMaro offered the following resolution and moved its adoption:

RESOLUTION NO. 22-2018

WHEREAS, the Board of Trustees ("Board") of the Village of Garden City, New York ("Village") has received an application on behalf of 550 Stewart Acquisitions, LLC, requesting change in the zoning classification or permitted uses of property at 555 Stewart Avenue currently in the R-T Zone, and a related Special Use Permit and Site Plan Approval concerning property located at 555 Stewart Avenue, (collectively, the "Project"); and

WHEREAS, the State Environmental Quality Review Act and its implementing regulations (collectively "SEQRA") mandate that the environmental impacts of certain actions undertaken or funded by governmental agencies be assessed prior to implementing such actions; and

WHEREAS, the Project is an action subject to the SEQRA environmental review process and the Board is an Involved Agency within the meaning of SEQRA; and

WHEREAS, for actions which involve approvals such as those requested by the applicant, SEQRA requires a process for review of environmental impacts, to be conducted by an agency, known as the "Lead Agency"; and

WHEREAS, there are various other agencies which are Involved Agencies, whose approval is required for the Project; and

WHEREAS the Board has determined that it would be in the best interest of the Village for the Board to be the Lead Agency for the Project, and the Board desires to be the Lead Agency for purposes of SEQRA review of the Project;

NOW, THEREFORE, BE IT RESOLVED, that in furtherance of such determination and desire, the Village Administrator is hereby authorized and directed to send written notification to the various other agencies identified in the Environmental Assessment Form filed by the applicant, and such other agencies as the Village Administrator shall determine are required to receive such notification, (a) informing such agencies of the Board's desire to be Lead Agency under SEQRA for the Project, and (b) advising such agencies that if the Village does not receive a response to the contrary within 30 days of such notification, the Village will assume that the agency agrees to the designation of the Board as Lead Agency for this Project.

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

AYES: 8

NOES: 0

The resolution was declared adopted.

Trustee DeMaro offered the following resolution and moved its adoption:

RESOLUTION NO. 23-2018

WHEREAS, the Board of Trustees ("Board") of the Village of Garden City has received an application to amend the Village Code in respect to permitted uses in the Village R-T District; and

WHEREAS, consideration of such proposed legislation requires a public hearing before the Board of Trustees; and whether the Board wishes to schedule such public hearing to obtain community input with respect to the proposed Code amendment as required by law, prior to making any determination whether to enact such proposed law;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees shall hold a public hearing at the Village Hall, on March 22, 2018 at 8:00 pm, with respect to a proposed local law to amend the Code of the Village of Garden City in relation to uses permitted in the R-T District; and

IT IS FURTHER RESOLVED, that the Village Clerk shall cause notice of such public hearing to be given as required by law; and

IT IS FURTHER RESOLVED, that the Village Attorney shall take such steps as are required by law to transmit to the Nassau County Planning Commission a full statement of the proposed local law.

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

AYES: 8
NOES: 0

The resolution was declared adopted.

Trustee DeMaro offered the following resolution and moved its adoption:

RESOLUTION NO. 24-2018

WHEREAS, the Board of Trustees ("Board") of the Village of Garden City has received an application from 550 Stewart Acquisitions, LLC for a special permit and site plan approval to allow multiple dwelling housing at premises situated at Section 44, Block 76, Lot 15 on the Nassau County Land and Tax Map, commonly known and referred to as 555 Stewart Avenue, and located on the north side of Stewart Avenue, east of Village owned buffer property east of Raymond Court, and west of the entrance road to Roosevelt Field Shopping Center, Incorporated Village of Garden City, County of Nassau, State of New York; and

WHEREAS, consideration of such application requires a public hearing before the Board of Trustees; and whether the Board wishes to schedule such public hearing to obtain community input with respect to the proposed special permit approval and site plan approval as required by law, prior to making any determination whether to approve such applications;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees shall hold a public hearing at the Village Hall, on March 22, 2018 at 8:00 pm, with respect to the application of 550 Stewart Acquisitions, LLC, for a special permit and site plan approval; and

FURTHER RESOLVED, that the Village Clerk shall cause notice of such public hearing to be given as required by law; and

FURTHER RESOLVED, that the Village Attorney shall take such steps as are required by law to transmit to the Nassau County Planning Commission a full statement of the application.

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

FINANCE

1. Set Date for Public Hearing - Proposed Budget for Fiscal Year 2018-2019. After discussion, Trustee Trouvé introduced the following resolution and moved its adoption:

RESOLUTION NO. 25-2018

RESOLVED, that the Board of Trustees hold a public hearing on the proposed budget for Fiscal Year 2018-2019.

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 proposed budget for Fiscal Year 2018-2019 to be held at the Village Hall, 351 Stewart Avenue, in said Village at 8:00 p.m. on the 12th day of April, 2018.

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

AYES: 8
NOES: 0

The resolution was declared adopted.

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

a) Sears Roebuck and Co. Requested authorization for the proposed settlement with Sears Roebuck and Co., a department store, with regard to property located at 1111 Franklin Avenue, Garden City, Account No. 04268-0-001, which would result in a refund of \$425,000, without interest, for the tax years 2009/10 through 2017/18 with a new assessment of \$425,000.

Trustee Trouvé offered the following resolution and moved its adoption:

RESOLUTION NO. 26-2018

WHEREAS, Sears Roebuck and Co., has commenced proceedings pursuant to the Real Property Tax Law to review the assessment on property located at 1111 Franklin Avenue in the Village of Garden City for the tax years 2009/10 through 2017/18; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that Village Special Tax Certiorari Counsel is hereby authorized to settle such proceedings by stipulation and consenting to an order directing a refund of \$425,000 for the tax years 2009/10 through 2017/18, with a new assessment of \$425,000 for the property described on the Village Assessment Roll as 1111 Franklin Avenue, Account No. 04268-0-001.

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) Fourth Street Associates. Requested authorization for the proposed settlement with Fourth Street Associates, a mixed use building, with regard to property located at 118–120 Seventh Street, Garden City, Account No. 02923-001, which would result in a refund of \$60,000, without interest, for the tax years 2011/12 through 2017/18 with a new assessment of \$68,000.

Trustee Trouvé offered the following resolution and moved its adoption:

RESOLUTION NO. 27-2018

WHEREAS, Fourth Street Associates, has commenced proceedings pursuant to the Real Property Tax Law to review the assessment on property located at 118-120 Seventh Street in the Village of Garden City for the tax years 2011/12 through 2017/18; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that Village Special Tax Certiorari Counsel is hereby authorized to settle such proceedings by stipulation and consenting to an order directing a refund of \$60,000 for the tax years 2010/11 through 2017/18, with a new assessment of \$68,000 for the property described on the Village Assessment Roll as 118-120 Seventh Street, Account No. 02923-001.

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.

3. Reimburse Expenditures for Project Costs from Proceeds of Tax Exempt Obligations. This resolution will allow the Village to preserve its option to seek alternative funding options that would allow the reimbursement of funds expended on the Streetscape Project.

Trustee Trouvé offered the following resolution and moved its adoption:

RESOLUTION NO. 28-2018

RESOLUTION OF THE BOARD OF TRUSTEES OF THE
VILLAGE OF GARDEN CITY REGARDING ITS INTENTION TO
REIMBURSE EXPENDITURES FOR PROJECT COSTS FROM
PROCEEDS OF TAX-EXEMPT OBLIGATIONS

WHEREAS, the Board of Trustees of the Village of Garden City (the "Village") expects to incur certain capital expenditures (the "Expenditures") with respect to the replacement of certain improvements to the Village's Streetscape (the "Project"); and

WHEREAS, the Village may determine in the future to issue bonds or notes or enter into a lease financing, installment purchase or similar type of agreement (such bonds, notes or agreements being referred to herein as the "Obligations"), the interest upon which is excluded from gross income for federal income tax purposes, to finance the Project or portions thereof; and

WHEREAS, the Board of Trustees of the Village has determined that, if required for budgetary relief, it may be necessary to reimburse the Village for the Expenditures from the proceeds of the Obligations.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE VILLAGE OF GARDEN CITY DOES HEREBY RESOLVE AND DETERMINE AS FOLLOWS:

SECTION 1. The Village hereby states its intention and reasonably expects to reimburse Project costs incurred prior to the issuance of the Obligations with proceeds of the Obligations.

SECTION 2. The reasonably expected maximum principal amount of the Obligations is \$400,000.

SECTION 3. This resolution is being adopted no later than 60 days after the date on which the Village will expend moneys for the portion of the costs of the Project to be reimbursed from proceeds of the Obligations.

SECTION 4. The Village will make a reimbursement allocation, which is a written allocation that evidences the Village's use of proceeds of the Obligations to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid.

SECTION 5. This resolution is adopted as official action of the Village in order to comply with Treasury Regulation Section 1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of expenditures of the Village incurred prior to the date of issue of the Obligations.

SECTION 6. This resolution shall become effective immediately.

The vote on the foregoing resolution was as follows:

AYES: 8
NOES: 0

The resolution was declared adopted.

4. Appropriation of Funds - Streetscape Project. Requested authorization to appropriate \$400,000 from Surplus to Account 0A.9950.9000 - Capital Projects Account, to fund the amount previously approved by the Board of Trustees for the Streetscape Project.

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

5. Appropriation of Funds - Sewer Main Collapse. Requested authorization to appropriate \$300,000 from Surplus to Account 0A.9950.9000 - Capital Projects Account, to fund the emergency repair costs for the sewer main collapse at Whitehall Boulevard.

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

SICK LEAVE

POLICE

1. Sick Leave - Barone. Requested authorization to pay Angelo Barone, Police Detective through April 12, 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

2. Sick Leave - Two Employees. Requested authorization to pay John Anselmo, Labor Supervisor, Street Department and Greg Antoszyk, Maintainer, Water Department through April 12, 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.

RECREATION

St. Paul's Field House - Interior Wall Padding - Increase Capital Expense - SEQRA. Requested authorization to increase the Capital Expense for the purchase and installation of wall padding on the interior of the east and west walls of the Field House as well as behind each basketball backboard. The amount to increase this project to is \$18,575. Funds are available in the existing Capital Project Account. This is recommended to be a Type II and would then be exempt from further SEQRA Review.

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

PUBLIC WORKS

Engagement of Professional Services - On-Call GIS Support Services - H2M Architects and Engineers. Requested authorization to engage H2M Architects and Engineers, 538 Broad Hollow Road, Melville, New York, for professional engineering services, as needed, to resolve any GIS-related needs for a not to exceed amount of \$20,000. The tasks are on file in the Department of Public Works. Funds are available in Account 0H.1680.2040.

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

FIRE

1. Radio Room Project - Increase the Budget. Requested authorization to increase the Capital Project for the Radio Room Project from \$185,000 to \$200,000. The cost of the Infrastructure Upgrade Capital Radio Room Project has increased and additional funds are required.

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

2. Radio Room Project - Transfer of Funds. Requested authorization to transfer funds as follows:

(a) \$15,000 from Account 0A.1990.4000 - Contingent, to Account 0A.9950.9000 Capital Projects (0H.3410.2080 Fire Department Radio Infrastructure), to fund additional work required by Nassau County Police Department's radio vendor to install the Village's equipment on their antennae tower and Firecom's radio console tie-in. Phase I of this additional work and contingency is estimated to bring the Phase I project costs to \$200,000.

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.

AWARD OF BIDS

1. Renewal of Contract Award - Annuals. Recommended to renew the contract award with Otto Keil/Emma's Garden Growers, 30 East Gate Drive, Huntington, New York, for a subtotal award of \$20,000, for an additional year at the same prices and under the same conditions. This is recommended to be a Type II and would then be exempt from further SEQRA Review.

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

2. Renewal of Contract Award - Perennials. Recommended to renew the contract award with The Garden Department, Corp., 3672 Route 112, Coram, New York, for perennials, for a subtotal award of \$1,000, for an additional year at the same prices and under the same conditions. This is recommended to be a Type II and would then be exempt from further SEQRA Review.

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

3. Renewal of Contract Award - Bulbs. Recommended to renew the contract award with Bissett Nursery, a SiteOne Company, 323 Long Island Avenue, Holtsville, New York, for Bulbs, for a subtotal award of \$13,000, for an additional year at the same prices and under the same conditions. This is recommended to be a Type II and would then be exempt from further SEQRA Review. Total Renewal for Annuals, Perennials and Bulbs are \$34,000.

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

4. Renewal of Contract Award - Tablet Chlorine. Recommended to renew the contract award with Eagle Control Corporation, 23 Old Dock Road, Yaphank, New York, for Tablet Chlorine, for a unit price of \$112.90 per gallon, for an additional year at the same prices and under the same conditions. This is recommended to be a Type II and would then be exempt from further SEQRA Review.

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

There being no further business, on motion duly made, the meeting adjourned at 8:30 p.m.