

BOARD OF TRUSTEES

OCTOBER 17, 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 October 17, 2019 at 8:00 p.m.

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

Also Present: Ralph V. Suozzi, Village Administrator
Karen M. Altman, Village Clerk
Kenneth O. Jackson, Chairman, Board of Police Commissioners
Irene Woo, Village Treasurer
Giuseppe Giovanniello, Superintendent of Building Department
Joseph DiFrancisco, Superintendent of Public Works
Thomas Stryko, Chief Fire Department
Sandra Young, Recreation Development Program Supervisor
Peter A. Bee, Bee Ready Fishbein Hatter & Donovan, LLP

Absent: Trustee Louis M. Minuto

Attendance: Approximately 21

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

Mayor Trouvé called the meeting to order and stated that the first item on the agenda were the Oaths of Office for Police Lieutenant Thomas Mauren and Police Sergeant Matthew Walsh. Trustee Mark Hyer administered the Oaths of Office to Police Lieutenant Thomas Mauren and Police Sergeant Matthew Walsh of the Garden City Police Department and offered congratulations.

Treasurer's Report. Irene Woo, Village Treasurer, presented the Treasurer's Report for the First Quarter, dated October 17, 2019 to the Board of Trustees.

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

Mayor Trouvé called upon Mr. Justin Burke, Director of External Affairs, Winthrop University Hospital who gave an update to the Board of Trustees with regard to the ambulance services which are provided to the Village.

TEMPORARILY SUSPEND THE RULES AND PROCEDURES

On motion of Trustee Hyer the following resolution was offered:

RESOLUTION NO. 120-2019

RESOLVED, to temporarily suspend the Rules and Procedures of the Board of Trustees, to add an item to the consent calendar of the agenda, specifically a Property Access Agreement with regard to Drilling and Installation of Wells at the Old Roosevelt Field Contaminated Groundwater Area Superfund Site.

The vote on the foregoing resolution was as follows:

AYES: 7
NOES: 0

The resolution was declared adopted.

Mayor Trouvé requested that item #5 (Public Works - Declare an Emergency and Purchase of Oxidant Storage Tanks for Well Nos. 7, 8, 10, 11, 12, 13 and 14 - Trojan Technologies) be removed from the Agenda for further discussion.

Mayor Trouvé stated that the next item on the agenda was approval of the minutes of the last meeting of the Board of Trustees.

The minutes of the meeting held on October 3, 2019 were reviewed, and on motion of Trustee Makrinos were approved as presented. (Trustee Daughney abstained)

NEW BUSINESS

FORMAL AGENDA

1. A Resolution extending the time for 555 Stewart Garden City, LLC (the successor in title to premises at 555 Stewart Avenue, previously owned by 550 Stewart Acquisitions, LLC) to obtain site plan approval for the property at 555 Stewart Avenue for an additional six months, i.e., until April 10, 2020, 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. Subsequently, on March 28, 2019, this Board extended that time period until October 10, 2019. By letter dated October 3, 2019, the successor applicant (through Counsel) has now requested a further extension until April 10, 2020, so that it may modify earlier site plan proposals before seeking Village approval.

Trustee Daughney offered the following resolution and moved its adoption:

RESOLUTION NO. 121-2019

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; and

WHEREAS, among the conditions of approval was a requirement that 550, or its successors in interest, obtain required site plan approvals within nine (9) months after the date of that approval resolution, unless such period of time is extended by resolution of the Board; and

WHEREAS, the aforesaid nine (9) month period expired on April 10, 2019 if not extended by the Board; and

WHEREAS, by resolution adopted by the Board of Trustees on March 28, 2019, the aforesaid period was extended for a period of six months, to expire on October 10, 2019; and

WHEREAS, by letter request dated October 3, 2019, from its authorized legal representative and addressed to the Village's special counsel, A. Thomas Levin, Esq., 550 advised the Village that title to the subject property was acquired by 550 Stewart Garden City, LLC on June 6, 2019; and

WHEREAS, by that same letter, the authorized legal representative for 550 Stewart Garden City,, LLC requested that the aforesaid time period be extended for an additional period of six (6) months, based upon reasons more fully set forth in such letter request, including, without limitation, preparation of documents required for further submissions to the Village regarding possible revisions to the approved project; and

WHEREAS, the Board has reviewed and considered the request for extension of time, and has consulted with the Village Attorney and with special counsel concerning the request, the Village's legal obligations, and applicable legal principles,

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

1. there has been no significant change in circumstances since the July 10, 2018 permit approval which would require or warrant changes in any conditions of the project approval at this time, other than with respect to the time period in which 550 or its successors in interest are required to obtain site plan approval;
2. extending the time in which the current owner, 550 Stewart Garden City, LLC 550, is required to obtain such approval would not adversely impact the Village nor other interested parties;
3. rejecting the current request for extension of time would result in negative consequences to the property owner, without any corresponding benefit to the Village or other interested parties;
4. the extension of time requested by 550 Stewart Garden City, LLC is reasonable under the circumstances; and

IT IS FURTHER RESOLVED, that the Board of Trustees, as SEQRA Lead Agency, hereby determines that the extension of time to obtain site plan approval as sought by 550, Stewart Garden City, LLC on the same terms and conditions as otherwise previously approved, is a Type II Action under the State Environmental Quality Review Act, which requires no environmental impact review; and

BE IT FURTHER RESOLVED, that the request for an extension of time to obtain site plan approval, as required by condition 14 in the Board's aforesaid July 10, 2018 resolution, as previously extended, is hereby further extended for an additional period of six (6) months, such that the required site plan approval shall be obtained within twenty-one (21) months from the July 10, 2018 resolution (i.e. April 10, 2020), unless further extended by the Board; and

BE IT FURTHER RESOLVED, that in all other respects the terms and conditions of the July 10, 2018 approval resolution, as previously amended, shall remain in effect.

The vote on the foregoing resolution was as follows:

AYES: 6
NOES: 1 (Trustee Bolebruch)

The resolution was declared adopted.

APPOINTMENTS BY THE MAYOR

Mayor Trouvé made the following reappointments to the Civic Beautification Committee: Patricia Siler, 159 Rockaway Avenue, Garden City, New York as a Member and Chairperson, Althea Robinson, 65 Garden Street, Garden City, New York as a Member and Kathleen Auro, 4 Merillon Avenue, Garden City, New York as a Member, for terms ending on April 6, 2020.

CONSENT CALENDAR

FINANCE

1. Appropriation of Termination Reserve. Board authorization is requested to appropriate \$307,614.15 from Account 0A.8670.0000 - Reserve for Compensated Absences, to Account 0A.9000.1220 - Termination Payout for two employees who have retired. Police Department employee Michael Doyle, \$302,269.75 and Recreation Department employee Michael Fiesel, \$5,344.40.

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

SICK LEAVE

POLICE

1. Sick Leave - Two Employees. Requested authorization to pay Police Officer Carlo Fracassa through November 21, 2019 and Police Communications Operator Andrea Gazarian, through November 7, 2019, or such earlier date as they may be able to return to work as determined by the Village medical advisor and pursuant to the provisions of the contract between the Incorporated Village of Garden City and the Police Benevolent Association, which became effective June 1, 2014 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 Delany and unanimously carried, the aforesaid authorization was approved.

PUBLIC WORKS

2. Sick Leave - Kratina. Board authorization is requested to pay Joseph Kratina, Sanitation Worker, Sanitation Department through November 4, 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 Delany and unanimously carried, the aforesaid authorization was approved.

HUMAN RESOURCES

1. Executive Staff Compensation - Giovanniello. It was requested that the following resolution be approved by the Board of Trustees with regard to Executive Staff Compensation.

On motion of Trustee Delany the following resolution was offered:

RESOLUTION NO. 122-2019

RESOLVED, that as part of the Village's annual salary review, the following annual salary adjustment be made to certain Executive Staff salary, effective October 18, 2019.

| | |
|---|----------------------------|
| | <u>Total Annual Salary</u> |
| Superintendent of Building Giuseppe Giovanniello | \$155,000 |

The vote on the foregoing resolution was as follows:

AYES: 7
NOES: 0

The resolution was declared adopted.

VILLAGE ADMINISTRATOR

Engage Consultant Services - Affordable Care Act - Corporate Plans, Inc. (CPI-HR). Requested authorization to renew the engagement of Corporate Plans, Inc., (CPI-HR), 109 Twin Oaks Drive, U8, Syracuse, New York, at a cost of \$15,500 annually. The Federal Affordable Care Act (the "ACA") imposes certain obligations on Village governments as employers. This renewal agreement with CPI-HR will allow them to

continue to assist the Village in complying with its ACA obligations. There is no change to the fee from last year. Village Counsel has reviewed this agreement and has approved it as to form.

On motion of Trustee Delany the aforesaid authorization was approved and the Village was authorized to execute the agreement.

RECREATION

1. Solar Powered Waste and Recycling Compactor Systems - Transfer of Funds.
Requested authorization to transfer funds as follows:

\$48,000 from Account 0A.1990.4000 - Contingent, to Account 0H.7110.2036 - Recreation and Parks - Capital Equipment, to fund the purchase of solar powered trash/recycling systems.

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

2. Purchase Solar Powered Waste and Recycling Compactor Systems - Bigbelly.
Board authorization is requested to purchase four (4) solar powered waste and recycling compactor systems from Bigbelly, 250 A Street, Needham, Massachusetts, for an approximate cost of \$48,000. (The bid to purchase nine (9) solar powered waste and recycling compactor systems was awarded to Bigbelly on May 24, 2018).

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

AWARD BIDS

Requisition No. 19-5, Dated October 17, 2019, Purchase of Materials for the Recreation and Parks and Public Works Departments.

1. Assorted Clothing Recreation. (a) Award Bid for Item #1 (hooded sweatshirts) at a unit cost of \$9.43 for SM-XL (add \$7.00 for XXL and \$9.00 for XXXL), Item #2 (crewneck sweatshirts) at a unit cost of \$5.59 for SM-XL (add \$5.00 for XXL and \$7.00 for XXXL), Item #3 (adult swim team shirts) at a unit cost of \$3.11, Item #4 (softball jersey) at a unit cost of \$8.39, Item #5 (adult t-shirts) at a unit cost of \$3.33, Item #6 (lifeguard shirts) at a unit cost of \$3.33, Item #8 (adult mesh shorts) at a unit cost of \$9.11, Item #9 (adult jerseys with printing) at a unit cost of \$5.89, Item #10 (adult jersey shirts - maroon) at a unit cost of \$5.89, Item #11 (adult jersey shirts - blue) at a unit cost of \$5.89, Item #12 (maintenance t-shirts) at a unit cost of \$3.11 and Item #13 (staff t-shirts) at a unit cost of \$3.11. Item #s 3-13 costs are all for sizes SM-XL, add \$2.00 for XXL, \$3.00 for XXXL and add \$5.00 for XXXXL, or Village "approved equal" on an "as-needed basis", to Ad-Wear & Specialty of Texas, Inc., 8120 Westalen Drive, Houston, Texas, overall low bidder. (Recreation and Parks Department)

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

(b) Award Bid for Item #7 (mesh shorts) at a unit cost of \$8.34 for SM-XL and \$9.39 for XXL, or Village "approved equal" on an "as-needed basis", to Lifestyles Sports, 1891 Wantagh Avenue, Wantagh, New York, overall low bidder. (Recreation and Parks Department)

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

(c) Award Bid for Item #14 (adult softball shirt) at a unit cost of \$3.25 for all sizes, or Village "approved equal" on an "as-needed basis", to Big City Sportswear, 3861 Buffalo Road, Rochester, New York, overall low bidder. (Recreation and Parks Department)

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

(d) Award Bid for Item #15 (polo shirt) at a unit cost of \$8.95 for sizes SM-XL and \$10.95 for sizes XXL-XXXXL, or Village “approved equal” on an “as-needed basis”, to Goldman Brothers, Inc., 1891 Wantagh Avenue, Wantagh, New York, overall low bidder. (Recreation and Parks Department)

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

(e) Award Bid for Item #16 (short sleeve T-Shirts - safety green) at a unit cost of \$3.50, for all sizes and Item #17, (short sleeve T-Shirts - navy) at a unit cost of \$4.50, for all sizes, or Village “approved equal” on an “as-needed basis”, to Big City Sportswear, 3861 Buffalo Road, Rochester, New York, overall low bidder. (Public Works Department)

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

(f) Award Bid for Item #18 (class safety T-Shirts) at a unit cost of \$11.88, for all sizes and Item No. 19 (adult jersey sport shirt w/pocket) at a unit cost of \$10.45, for all sizes, or Village “approved equal” on an “as-needed basis”, to Crossbar Athletics, 2353 Bowen Road, Elma, New York, overall low bidder. (Public Works Department)

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

(g) Award Bid for Item #20 (adult jersey sport shirt) at a unit cost of \$4.73, for sizes Small - XL, \$7.23 for size XXL and \$7.73 for sizes XXXL and XXXXL, or Village “approved equal” on an “as-needed basis”, to Lifestyles Sports, 1891 Wantagh Avenue, Wantagh, New York, overall low bidder. (Public Works Department)

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

Total approximate subtotal award for Assorted Clothing for Recreation and Parks Department is \$9,000. Funds are available (\$7,500 for the Pool) in Account 0C.7149.4040 and Account 0A.7140.4280 (\$2,500 for Recreation and Parks Department).

Total approximate subtotal award for Assorted Clothing for Department of Public Works is \$6,000. Funds are available in various Department of Public Works Accounts.

Total approximate award for Assorted Clothing is \$16,000. A total of nine invitations to bid were sent and fourteen bids were received. A Notice to Bidders was sent to Bid Reporter and advertised on New York State Contract Reporter.

On motion of Trustee Delany the following resolution was offered:

RESOLUTION NO. 123-2019

RESOLVED, that Requisition No. 19-5, dated October 17, 2019, filed under separate cover, be made a part of these minutes and that materials be purchased for the Recreation and Parks Department and 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: 7
NOES: 0

The resolution was declared adopted.

EXTERNAL COMMUNICATIONS

PERMITS:

Solicit:

1. Boy Scouts of America, Cub Scout Pack 55, requested to sell poinsettias and wreaths door-to door, beginning November 1 through November 30, 2019 between the hours of 11:00 a.m. to 5:00 p.m. Saturdays from 11:00 a.m. to 5:00 p.m. Invited call backs only between the hours of 8:00 p.m. to 9:00 p.m.

On motion of Trustee Delany and unanimously carried, the aforesaid authorization was approved, subject to compliance with Chapter 155 of the Village Code.

2. The Garden City Volunteer City Fire Department, requesting to solicit throughout the Village for their annual house-to-house fund drive, beginning November 1 through November 30, 2019 Mondays through Fridays from 4:00 p.m. to 8:00 p.m. and on Saturdays from 11:00 a.m. to 5:00 p.m.

On motion of Trustee Delany and unanimously carried, the aforesaid authorization was approved, subject to compliance with Chapter 155 of the Village Code.

3. On-Street Parking

- (a) Jane Maguire, 40 Franklin Court East (1)
- (b) Marion Mullahey, 50 Franklin Court (1)
- (c) Robert and Joan Stone, 13 Meadow Street (2)
- (d) Thomas Blaha, 17 Meadow Street (1)
- (e) Ralph and Debbie Pastore, 19 Franklin Court (1)
- (f) Patricia and Kylie McGinnis, 15 Meadow Street (2)
- (g) Michael and Erin Fleischmann, 25 Meadow Street (2)
- (h) Jane A. Butler, 25 Franklin Court (1)

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

AGREEMENT

Property Access for Drilling and Installation of Wells MW-21, MW-22 Old Roosevelt Field Contaminated Groundwater Area Superfund Site. Board authorization is requested for the Mayor to execute a "Consent for Access to Property" with regard to the Old Roosevelt Field Contaminated Groundwater Area Superfund Site. Village Counsel has reviewed this agreement and has approved it as to form.

On motion of Trustee Delany and unanimously carried, the aforesaid authorization was approved and the Mayor/Village Administrator was authorized to execute the agreement.

Following discussion, the following item was acted upon:

Agenda Item #5 of the Consent Calendar

PUBLIC WORKS

1. Declare an Emergency for the Purchase of Oxidant Storage Tanks for Well Nos. 7, 8, 10, 11, 12, 13 and 14. Board authorization is requested to declare an "emergency" related to the health and safety of residents' water quality on the basis of emerging

contaminant presence in the water supply, thereby justifying the purchase of remediation-related equipment without competitive bidding.

On motion of Trustee Daughney the following resolution was offered:

RESOLUTION NO. 124-2019

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 of the necessity of making certain purchases more particularly described in this evening's agenda item concerning the purchase of Oxidant Storage Tanks from Trojan Technologies for use with the Trojanflex Advanced Oxidation Process (AOP) Systems for the removal of 1,4 dioxane approved by the Board of Trustees on September 19, 2019 for Well No. 7 and October 3, 2019 for Well Nos. 8, 10, 11, 12, 13 and 14; and

WHEREAS, the Village has investigated such purchases and the time frame within which such purchases must be made, acquired, installed and operated 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 items described in the agenda item must be purchased immediately and a delay in order to seek alternate proposals may threaten the life, health, safety or welfare of the residents; and

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

The vote on the foregoing resolution was as follows:

AYES: 7

NOES: 0

The resolution was declared adopted.

2. Purchase of Oxidant Storage Tanks for Well Nos. 7, 8, 10, 11, 12, 13 and 14 - Trojan Technologies. Board authorization is requested to purchase, without competitive bidding, Oxidant Storage Tanks from Trojan Technologies, 3020 Gore Road, Ontario, Canada, for a total cost of \$121,425. These Oxidant Storage Tanks are required for use with the Trojanflex Advanced Oxidation Process (AOP) Systems for the removal of 1,4 dioxane approved by the Board of Trustees on September 19, 2019, for Well No. 7 and October 3, 2019 for Well Nos. 8, 10, 11, 12, 13 and 14. Funding is available in Capital Project Accounts 0F.1081.0000, 0F.1082.0000, 0F.1083.0000 and 0F.1084.0000.

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

Mayor Trouvé recognized the following:

Thomas Trottman (a/k/a Hartman), 365 Stewart Avenue
Susan Raner, 7 Heath Place

There being no further business, on motion duly made, the meeting adjourned at 9:35 p.m.