

## BOARD OF TRUSTEES

JULY 20, 2023

A meeting of the Board of Trustees of the Village of Garden City in the County of Nassau, New York, was held via Zoom Webinar (with Trustees, Department Heads and Village Counsel and audience present in the Board Room) at 351 Stewart Avenue in said Village on July 20, 2023, at 7:33 p.m.

Present: Mayor Mary Carter Flanagan, Trustees Bruce J. Chester, Edward T. Finneran, Michele Beach Harrington, Charles P. Kelly, Lawrence N. Marciano, Jr., Michael J. Sullivan and Bruce A. Torino.

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  
James R. Taunton, First Assistant Chief Fire Department  
Paul Blake, Chairman, Board of Commissioners of Cultural and Recreational Affairs  
John Borroni, Superintendent of Public Works  
Gary Fishberg, Cullen and Dykman, LLP

Attendance: Approximately 14 in person and 10 (via Zoom)

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

Mayor Flanagan called the meeting to order and stated that the evening will begin with the Board of Trustees taking Quick Residents comments from those who wish to speak about any item for no more than one minute each for a limit of thirty minutes. Mrs. Madeline Nelson, 76 Wellington Road presented a petition to the Board of Trustees with regard to sidewalks.

Mayor Flanagan stated that the Thursday, September 14, 2023 Board of Trustees Meeting will be moved to Wednesday, September 13, 2023 at the same time of 7:30 p.m. The Traffic Commission Meeting will also be moved to Wednesday, September 13, 2023 at the same time of 6:30 p.m.

Mayor Flanagan stated that the first item on the agenda was the Oaths of Office for Police Lieutenant Matthew Walsh and Police Sergeant Anthony Baker. Deputy Mayor Marciano/Commissioner of the Police Department administered the Oaths of Office to Police Lieutenant Matthew Walsh and Police Sergeant Anthony Baker of the Garden City Police Department and offered congratulations.

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

Mayor Flanagan 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 15, 2023 were reviewed, and on motion of Trustee Kelly were approved as presented.

### NEW BUSINESS

### FORMAL AGENDA

Mayor Flanagan made the following required appointments (either by Village Code, State Law or other consideration) for the ensuing official year:

1. Appoint Shepard Poole, 73 Second Street, as an Alternate Member of the Planning Commission, for a term to expire April 6, 2026. He is replacing Gregory E. Senken whose term expired April 3, 2023.

On motion of Trustee Kelly, the following resolution was offered:

RESOLUTION NO. 90-2023

RESOLVED, that the appointment of Shepard Poole, 73 Second Street, Garden City, New York, as an Alternate Member of the Planning Commission, for a term to expire on April 6, 2026, be and the same hereby is approved.

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

Carried.

2. Trustees Charles P. Kelly and Edward T. Finneran are appointed as Members of the Zoning Change Review Committee for a term to expire April 1, 2024.

On motion of Trustee Chester, the following resolution was offered:

RESOLUTION NO. 91-2023

RESOLVED, that the appointments of Trustees Charles P. Kelly and Edward T. Finneran are appointed Members of the Zoning Change Review Board Committee for a term to expire on April 1, 2024, be and the same hereby is approved.

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

Carried.

3. Richard Williams, 411 Stewart Avenue, Garden City, New York, is hereby appointed as a Member of the Zoning Change Review Committee, for a term to expire April 1, 2024. (Zoning Board of Appeals Member)

On motion of Trustee Chester, the following resolution was offered:

RESOLUTION NO. 92-2023

RESOLVED, that the appointment of Richard Williams, 411 Stewart Avenue, Garden City, New York, as Member of the Zoning Change Review Committee, for a term to expire on April 1, 2024, be and the same hereby is approved.

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

Carried.

4. Jack Hartog, 82 Second Street, Garden City, New York, is hereby appointed as a Member of the Zoning Change Review Committee, for a term to expire April 1, 2024. (Planning Commission Member)

On motion of Trustee Chester, the following resolution was offered:

RESOLUTION NO. 93-2023

RESOLVED, that the appointment of Jack Hartog, 82 Second Street, Garden City, New York, as Member of the Zoning Change Review Committee, for a term to expire on April 1, 2024, be and the same hereby is approved.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

Carried.

5. Lynn Krug, Two Wydler Court, Garden City, New York, is hereby appointed as a Member of the Zoning Change Review Committee, for a term to expire April 1, 2024. (Architectural Design Review Board Member)

On motion of Trustee Chester, the following resolution was offered:

RESOLUTION NO. 94-2023

RESOLVED, that the appointment of Lynn Krug, Two Wydler Court, Garden City, New York, as Member of the Zoning Change Review Committee, for a term to expire on April 1, 2024, be and the same hereby is approved.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

Carried.

6. Maureen Lyons, 8 Plattsdale Road, Garden City, New York, is hereby reappointed as Chairperson of the Civic Beautification Committee, for a term to expire April 1, 2024.

On motion of Trustee Chester, the following resolution was offered:

RESOLUTION NO. 95-2023

RESOLVED, that the reappointment of Maureen Lyons, 8 Plattsdale Road, Garden City, New York, as Chairperson of the Civic Beautification Committee, for a term to expire on April 1, 2024, be and the same hereby is approved.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

Carried.

7. Althea Robinson, 65 Garden Street, Garden City, New York, is hereby reappointed as a Member of the Civic Beautification Committee, for a term to expire April 1, 2024.

On motion of Trustee Chester, the following resolution was offered:

RESOLUTION NO. 96-2023

RESOLVED, that the reappointment of Althea Robinson, 65 Garden Street, Garden City, New York, as a Member of the Civic Beautification Committee, for a term to expire on April 1, 2024, be and the same hereby is approved.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

Carried.

8. Kathy Auro, Four Merillon Avenue, Garden City, New York, is hereby reappointed as a Member of the Civic Beautification Committee, for a term to expire April 1, 2024.

On motion of Trustee Chester, the following resolution was offered:

RESOLUTION NO. 97-2023

RESOLVED, that the reappointment of Kathy Auro, Four Merillon Avenue, Garden City, New York, as a Member of the Civic Beautification Committee, for a term to expire on April 1, 2024, be and the same hereby is approved.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

Carried.

9. Patricia Siler, 159 Rockaway Avenue, Garden City, New York, is hereby reappointed as a Member of the Civic Beautification Committee, for a term to expire April 1, 2024.

On motion of Trustee Chester, the following resolution was offered:

RESOLUTION NO. 98-2023

RESOLVED, that the reappointment of Patricia Siler, 159 Rockaway Avenue, Garden City, New York, as a Member of the Civic Beautification Committee, for a term to expire on April 1, 2024, be and the same hereby is approved.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

Carried.

CONSENT CALENDAR

BOARD OF TRUSTEES

1. Parking Field 7N - Expand Eligibility. Board authorization is requested to remove this item from the agenda so as to set a date for a Public Hearing with regard to a new proposed local law.

On motion of Trustee Kelly and unanimously carried, this item was removed from the agenda.

## SUSPEND THE RULES AND PROCEDURES

On motion of Trustee Kelly the following resolution was offered:

### RESOLUTION NO. 99-2023

RESOLVED, to suspend the Rules and Procedures of the Board of Trustees, to add an item to the agenda namely, to set the date of August 17, 2023 at 7:30 p.m. with regard to a public hearing to expand eligibility for a Parking Permit in Parking Field 7N to include residents of Hampshire House under the same terms and conditions as those of Hilton Hall residents. Village Counsel will submit the wording for the new proposed local law.

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

The resolution was declared adopted.

Parking Field 7N - Expand Eligibility. Board authorization is requested for Village Counsel to draft a proposed new local law with regards to expanding eligibility of parking in Parking Field 7N.

On motion of Trustee Kelly the following resolution was offered:

### RESOLUTION NO. 100-2023

RESOLVED, that the Board of Trustees hold a public hearing on a proposal to enact a Local Law entitled, A Local Law to Amend the Code of the Village of Garden City, in relation to expanding eligibility for parking in Parking Field 7N.

FURTHER RESOLVED, that the Clerk be and she hereby is authorized and directed to publish and post a notice of a public hearing with regard to the adoption of such local law to be held in person and via Zoom Webinar at 351 Stewart Avenue, Garden City, New York on the 17<sup>th</sup> day of August 2023 at 7:30 p.m.

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.

## FINANCE

1. Appropriation of Termination Reserves. Board authorization is requested to appropriate \$728,425.34 from Account 0A.8670.0000, Reserve for Compensated Absences, to Account 0A.9000.1220 Termination Payout, for employees who have left Village service as follows: Steven Braun (Police Department) - \$229,438.70, Richard Conti, (Police Department) - \$270,598.98, Michael Hickey, (Police Department) - \$218,292.83 and Darcia Palmer, (Finance Department) - \$10,094.83.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

2. Appropriation of Revenue - Police. 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 2022/2023 fiscal year, the Village had \$38,205.61 held in Reserve. These funds are restricted under this statute and Board authorization is requested to appropriate this amount to Account 0A.3120.4640 Police - CPLR Programs in the 2023/2024 fiscal year.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

3. Appropriation of Revenue - Police. Funds in the amount of \$14,141.44 were received from forfeited property of crime proceeds from past cases. As set forth in Article 13-A Section 1349 of the NYS Practice Laws and Rules, these funds will be used for non-budgeted expenses. Board approval is requested to appropriate these funds from Forfeiture of Crime Proceeds Account 0A.2625.1000 to Account 0A.3120.4640 Police - CPLR Programs.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

4. Re-appointment of Village Counsel - Cullen and Dykman, LLP - General Municipal Legal Services. Board authorization is requested to re-appoint Cullen and Dykman, LLP, 333 Earle Ovington Boulevard, Uniondale, New York in connection with General Municipal Legal Services.

On motion of Mayor Flanagan the following resolution was offered:

RESOLUTION NO. 101-2023

RESOLVED, that the firm of Cullen and Dykman, LLP, 333 Earle Ovington Boulevard, Uniondale, New York be re-appointed in connection with General Municipal Legal Services for a retainer, not salary, compensable at \$310,000 for the year (\$25,834 per month) for up to 1,000 hours of attorney billable time, for fiscal year 2023/2024 and to serve at the pleasure of the Board of Trustees. For any compensable time incurred above 1,000 hours, attorney time will be charged at \$265 per hour for all attorneys and the invoice for legal services shall be submitted in the format and frequency as directed by the Board. The attorney services are covered under the general retainer and is on file with the Village Clerk. The Board of Trustees may retain the firm for such other matters as the Board of Trustees deems appropriate on the terms and conditions to which are mutually agreed. Their renewal agreement is on file with the Village Clerk.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

Carried.

5. Re-appointment of Village Counsel - Cullen and Dykman, LLP - General Litigation. Board authorization is requested to re-appoint Cullen and Dykman, LLP, 333 Earle Ovington Boulevard, Uniondale, New York in connection with General Litigation not covered by any Village insurance policy and other special projects as directed by the Board of Trustees.

On motion of Mayor Flanagan the following resolution was offered:

RESOLUTION NO. 102-2023

RESOLVED, that the firm of Cullen and Dykman, LLP, 333 Earle Ovington Boulevard, Uniondale, New York be re-appointed in connection with General Litigation not covered by any Village insurance policy and other special projects as directed by the Board, the regular billable rates discounted by 20% for partners and 10% for associates will be charged, for fiscal year 2023/2024 and to serve at the pleasure of the Board. For tax certiorari matters, the billable rate is \$325 for all attorneys and \$165 for paralegals. The invoices for services performed shall be submitted in the format and frequency as directed by the Board. The Board of Trustees may retain the firm for such other matters as the Board of Trustees deems appropriate on the terms and conditions to which are mutually agreed on the terms and condition to which are mutually agreed. Their renewal agreement is on file with the Village Clerk.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

Carried.

6. Re-appointment of Village Counsel - Bond Schoeneck & King, PLLC - General Labor Matters. Board authorization is requested to re-appoint Bond Schoeneck & King, PLLC, 1010 Franklin Avenue, Garden City, New York in connection with General Labor Matters.

On motion of Mayor Flanagan the following resolution was offered:

RESOLUTION NO. 103-2023

RESOLVED, that the firm of Bond Schoeneck & King, PLLC, 1010 Franklin Avenue, Garden City, New York, be re-appointed in connection with General Labor Matters for a retainer covering general advice and all Collective Bargaining Associations, Police Benevolent Association and two Civil Service Employee Association Units, of \$60,000 for the year (\$5,000) per month for fiscal year 2023/2024 and to serve at the pleasure of the Board of Trustees. The invoices for services performed shall be submitted in the format and frequency as directed by the Board. The Board of Trustees may retain the firm for such other matters as the Board of Trustees deems appropriate on the terms and conditions to which are mutually agreed. Their renewal agreement is on file with the Village Clerk.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

Carried.

7. Re-appointment of Village Counsel - Bond Schoeneck & King, PLLC, - Litigated Labor Matters. Board authorization is requested to re-appoint Bond Schoeneck & King, PLLC, 1010 Franklin Avenue, Garden City, New York, in connection with Litigated Labor Matters.

On motion of Mayor Flanagan the following resolution was offered:

RESOLUTION NO. 104-2023

RESOLVED, that the firm of Bond Schoeneck & King, PLLC, 1010 Franklin Avenue, Garden City, New York, be re-appointed in connection with Litigated Labor Matters, for hourly rates not to exceed the following hourly rates, \$325 for partners, \$255 for associates and \$190 for paralegals for fiscal year 2023/2024 and to serve at the pleasure of the Board of Trustees. The invoices for services performed shall be submitted in the format and frequency as directed by the Board. Such litigated labor matters must be specifically authorized in writing by the Board of Trustees on the terms and conditions to which are mutually agreed. Their renewal agreement is on file with the Village Clerk.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

Carried.

8. Reappointment of Counsel - Bee Ready Fishbein Hatter & Donovan, LLP - Legal Work. Board authorization is requested to re-appoint Bee Ready Fishbein Hatter & Donovan, LLP, for Legal Work and to be compensated in accordance with an hourly rate.

On motion of Mayor Flanagan the following resolution was offered:

RESOLUTION NO. 105-2023

RESOLVED, that the firm of Bee Ready Fishbein Hatter & Donovan, LLP, 170 Old Country Road, Mineola, New York be re-appointed for Legal Work to be compensated in accordance with the hourly rate of \$275 per hour for fiscal year 2023/2024, to the extent required and as directed by the Board. Invoices for legal services shall be submitted in the format and frequency and as directed by the Board. This action is taken to continue the firm's services to effectuate the orderly transition of work previously being handled by this firm as Village Counsel to new Village Counsel. Their renewal agreement is on file with the Village Clerk.

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

Carried.

9. Reappointment of Counsel - Sive, Paget & Riesel, P.C. - Special Environmental Legal Matters. Board authorization is requested to re-appoint Sive, Paget & Riesel, P.C., 560 Lexington Avenue, New York, New York, for Special Environmental Legal Matters and to be compensated in accordance with an hourly rate.

On motion of Mayor Flanagan the following resolution was offered:

RESOLUTION NO. 106-2023

RESOLVED, that the firm of Sive, Paget & Riesel, P.C., 560 Lexington Avenue, New York, New York, be re-appointed in connection with Special Environmental Legal Matters for fiscal year 2023/2024. This is for hourly rates not to exceed the following hourly rates: \$900 for the principal attorney, \$435 to \$680 per hour for associates, \$295 per hour for paralegals, and to serve at the pleasure of the Board of Trustees. The invoices submitted for legal services shall be in the format and frequency as directed by the Board. The Board of Trustees may retain the firm for such other matters on the terms and condition to which are mutually agreed. Their renewal agreement is on file with the Village Clerk.

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

Carried.

10. Reappointment of Counsel - Ruskin Moscou Faltischek, P.C. - Special Real Estate and Land Use Matters. Board authorization is requested to re-appoint Ruskin Moscou Faltischek, P.C., 1425 RXR Plaza, Uniondale, New York, in connection with Special Real Estate and Land Use Matters and to be compensated in accordance with an hourly rate.

On motion of Mayor Flanagan the following resolution was offered:

RESOLUTION NO. 107-2023

RESOLVED, that the firm of Ruskin Moscou Faltischek, P.C., 1425 RXR Plaza, Uniondale, New York, in connection with Special Real Estate and Land Use Matters, for fiscal year 2023/2024 and to serve at the pleasure of the Board of Trustees. This is for hourly rates; \$275 per hour for partners, \$225 per hour for associates and \$100 per hour for paralegals. The invoices submitted for legal services shall be in the format and frequency as directed by the Board. The Board of Trustees may retain the firm for such other matters on the terms and condition to which are mutually agreed. Their renewal agreement is on file with the Village Clerk.



The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

Carried.

11. Reappointment of Audit Services - Cerini & Associates, LLP - Claims and Audit Payroll Services. Board authorization is requested to re-appoint Cerini & Associates, LLP, 3340 Veterans Memorial Highway, Bohemia, New York, for Claims and Audit Payroll Services and to be compensated at the rate of \$2,097.50 per month for Claims Audit Services and an estimated amount of \$15,000 to \$20,000 for Payroll Audit Services.

On motion of Mayor Flanagan the following resolution was offered:

RESOLUTION NO. 108-2023

RESOLVED, that the firm of Cerini & Associates, LLP, 3340 Veterans Memorial Highway, Bohemia, New York, be re-appointed in connection with Professional Claims and Payroll Audit Services for fiscal year 2023/2024 and to be compensated at the rate of \$2,097.50 per month for Claims Audit Services and an estimated amount of \$15,000 to \$20,000 for Payroll Audit Services and to serve at the pleasure of the Board of Trustees. Their renewal agreement is on file with the Village Clerk.

The vote on the foregoing resolution was as follows:

AYES: 8  
NOES: 0

Carried.

12. American Rescue Plan Act (ARPA) Funds - Reversal of Appropriation of Revenue. Board authorization is requested to partially reverse the appropriation of ARPA funds that was made to the Senior Center HVAC Replacement Project Account 0H.7140.2371. This Project has been completed and the remaining funding of \$274,457.86 is to be transferred to the ARPA Account for future use.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

13. Correction of Errors - Assessor. Board authorization is requested to correct the Tax Roll presented by the Village Assessor and refund a total of \$1,009.55 of taxes paid on the properties located on 2 Maria Lane (\$109.95) and 44 Hilton Avenue (\$899.60). These properties were granted reductions by the Board of Assessment Review however, the 2023 Assessment Roll did not reflect the reductions. Therefore, the Assessor recommends refunding the tax payments to the property owners and correcting the Tax Roll.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

14. Tax Certiorari Settlements. Board authorization is requested to settle the following tax certioraris as outlined by Counsel:

(a) BAP Holding. Board authorization is requested for the proposed settlement with BAP Holding, with regard to a mixed use two-story office/retail building at 66 New Hyde Park Road containing 7,325 square feet, Account No. 07704-0-001, which will result in a refund of \$8,500 for tax years 2019/2020 through 2023/2024 and a new assessment of \$20,500 effective 2024/2025.

Mayor Flanagan offered the following resolution and moved its adoption:

RESOLUTION NO. 109-2023

WHEREAS, BAP Holding, has commenced proceedings pursuant to the Real Property Tax Law to review the assessment on a property located at 66 New Hyde Park Road located in the Village of Garden City for the tax years 2019/2020 through 2023/2024 and a new assessment of \$20,500 effective 2024/2025; 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 \$8,500 for tax years 2019/2020 through 2023/2024 and a new assessment of \$20,500 effective 2024/2025, for the property described on the Village Assessment Roll as 66 New Hyde Park Road, Account No. 07704-0-001.

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) Steel K, LLC. Board authorization is requested for the proposed settlement with Steel K, LLC, with regard to an office building located at 1100 Franklin Avenue, containing 25,881 square feet, Account No. 03037-0-001, which will result in a refund of \$30,000 for tax years 2017/2018 through 2023/2024 and a new assessment of \$80,620 effective 2024/2025.

Mayor Flanagan offered the following resolution and moved its adoption:

RESOLUTION NO. 110-2023

WHEREAS, Retail Property Trust, has commenced proceedings pursuant to the Real Property Tax Law to review the assessment on a property with regard to an office building located at 1100 Franklin Avenue located in the Village of Garden City for the tax years 2017/2018 through 2023/2024 and a new assessment of \$80,620 effective 2024/2025; 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 \$30,000, for tax years 2017/2018 through 2023/2024 and a new assessment of \$80,620 effective 2024/2025, for the property described on the Village Assessment Roll with regard to an office building located at 1100 Franklin Avenue, Account No. 03037-0-001.

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.

(c) Gordon Lane Corp. Board authorization is requested for the proposed settlement with Gordon Lane Corp., with regard to an industrial building located at 133 Railroad Avenue, containing 15,041 square feet, Account No. 06441-0-001, which will result in a refund of \$7,000 for tax years 2019/2020 through 2023/2024 and a new assessment of \$18,000 effective 2024/2025.

Mayor Flanagan offered the following resolution and moved its adoption:

RESOLUTION NO. 111-2023

WHEREAS, Retail Property Trust, has commenced proceedings pursuant to the Real Property Tax Law to review the assessment on a property with regard to an industrial building located at 133 Railroad Avenue located in the Village of Garden City for the tax years 2019/2020 through 2023/2024 and a new assessment of \$18,000 effective 2024/2025; 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, for tax years 2019/2020 through 2023/2024 and a new assessment of \$18,000 effective 2024/2025, for the property described on the Village Assessment Roll with regard to an industrial building located at 133 Railroad Avenue, Account No. 06441-0-001.

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.

(d) 1581 Franklin Holdings. Board authorization is requested for the proposed settlement with 1581 Franklin Holdings, with regard to an office building containing 12,473 square feet, located at 1581 Franklin Avenue, Account No. 04200-0-001, which will result in a refund of \$20,000 for tax years 2017/2018 through 2023/2024 and a new assessment of \$35,000 effective 2024/2025.

Mayor Flanagan offered the following resolution and moved its adoption:

RESOLUTION NO. 112-2023

WHEREAS, Retail Property Trust, has commenced proceedings pursuant to the Real Property Tax Law to review the assessment on a property with regard to an office building located at 1581 Franklin Avenue located in the Village of Garden City for the tax years 2017/2018 through 2023/2024 and a new assessment of \$35,000 effective 2024/2025; 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 Council is hereby authorized to settle such proceedings by stipulation and consenting to an order directing a refund of \$20,000, for tax years 2017/2018 through 2023/2024 and a new assessment of \$35,000 effective 2024/2025, for the property described on the Village Assessment Roll with regard to an office building located at 1581 Franklin Avenue, Account No. 04200-0-001.

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.

(e) OLP New Hyde Park, Inc. Board authorization is requested for the proposed settlement with OLP New Hyde Park, Inc., with regard to a warehouse building, containing 36,892 square feet, located at 1403 Fourth Avenue, Account No. 02394-0-001, which will result in a refund of \$24,000 for tax years 2019/2020 through 2023/2024 and a new assessment of \$50,000 effective 2024/2025.

Mayor Flanagan offered the following resolution and moved its adoption:

RESOLUTION NO. 113-2023

WHEREAS, Retail Property Trust, has commenced proceedings pursuant to the Real Property Tax Law to review the assessment on a property with regard to a warehouse building located at 1403 Fourth Avenue located in the Village of Garden City for the tax years 2019/2020 through 2023/2024 and a new assessment of \$50,000 effective 2024/2025; 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 Council have recommended that these matters be settled upon the terms and conditions set forth below;

NOW, THEREFORE, BE IT RESOLVED, that Village Council is hereby authorized to settle such proceedings by stipulation and consenting to an order directing a refund of \$24,000, for tax years 2019/2020 through 2023/2024 and a new assessment of \$50,000 effective 2024/2025, for the property described on the Village Assessment Roll with regard to a warehouse building located at 1403 Fourth Avenue, Account No. 02394-0-001.

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.

(f) TDK USA Corp. Board authorization is requested for the proposed settlement with TDK USA Corp., with regard to an office building containing 30,710 square feet, located at 901 Franklin Avenue, Account No. 04285-0-001, which will result in a refund of \$26,000 for tax years 2019/2020 through 2023/2024 and a new assessment of \$83,400 effective 2024/2025.

Mayor Flanagan offered the following resolution and moved its adoption:

RESOLUTION NO. 114-2023

WHEREAS, Retail Property Trust, has commenced proceedings pursuant to the Real Property Tax Law to review the assessment on a property with regard to an office building located at 901 Franklin Avenue located in the Village of Garden City for the tax years 2019/2020 through 2023/2024 and a new assessment of \$83,400 effective 2024/2025; 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 \$26,000, for tax years 2019/2020 through 2023/2024 and a new assessment of \$83,400 effective 2024/2025, for the property described on the Village Assessment Roll with regard to an office building located at 901 Franklin Avenue, Account No. 04285-0-001.

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.

(g) 520 Franklin Avenue Owner, LLC. Board authorization is requested to correct a clerical error for the prior Tax Certiorari Settlement dated July 16, 2020, with regard to a medical office building located at 520 Franklin Avenue, Garden City, Account 02856-0 (various accounts/parcels, not all grieved). This settlement was for tax years 2013/14 through fiscal year 2019/2020, effective 2020/2021. An additional refund of \$15,255.71 for the tax years 2020/2021 through 2022/2023 is required.

Mayor Flanagan offered the following resolution and moved its adoption:

RESOLUTION NO. 115-2023

WHEREAS, 520 Franklin Avenue Owner, LLC, a medical office building, had commenced proceedings pursuant to the Real Property Tax Law to review the assessment on property located at 520 Franklin Avenue in the Village of Garden City for the tax years 2013/2014 through 2019/2020, effective 2020/21; and

WHEREAS, a clerical error was made and an additional refund of \$15,255.71 for tax years 2020/2021 through 2022/2023 is required;

NOW, THEREFORE, BE IT RESOLVED, that the Village is hereby authorized to process a refund of \$15,255.71 due to a clerical error on the property known as 520 Franklin Avenue, LLC, on the property described on the Village Assessment Roll as 520 Franklin Avenue, Account No. 02856-0 (various accounts/parcels, not all grieved).

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.

(h) 601 Franklin Avenue Owner, LLC, f/k/a 601 Franklin Avenue Association, LLC. Board authorization is requested to correct a clerical error for the prior settlement dated July 16, 2020, with regard to property located at 601 Franklin Avenue, Garden City, Account 02248-1 (various accounts/parcels, not all grieved). This settlement was for tax years 2013/14 through fiscal year 2019/2020, effective 2020/2021. An additional refund of \$769.38 for the tax years 2020/2021 through 2022/2023 is required.

Mayor Flanagan offered the following resolution and moved its adoption:

RESOLUTION NO. 116-2023

WHEREAS, 601 Franklin Avenue Owner, LLC, f/k/a 601 Franklin Avenue Association, LLC, had commenced proceedings pursuant to the Real Property Tax Law to review the assessment on property located at 601 Franklin Avenue in the Village of Garden City for the tax years 2013/2014 through 2019/2020, effective 2020/2021; and

WHEREAS, a clerical error was made and an additional refund of \$769.38 for tax years 2020/2021 through 2022/2023 is required;

NOW, THEREFORE, BE IT RESOLVED, that the Village is hereby authorized to process a refund of \$769.38 due to a clerical error on the property known as 601 Franklin Avenue Owner, LLC f/k/a 601 Franklin Avenue Association, on the property described on the Village Assessment Roll as 601 Franklin Avenue, Account No. 02248-1 (various accounts/parcels, not all grieved).

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.

15. Write-Off - Uncollectible Accounts Receivable - Damage Property - Village Sign. Board authorization is requested to write off a claim for damages to Village property in the amount of \$140.03 (File #411) for a Village sign that has been deemed uncollectible. This claim has been reviewed by the Village's Legal Committee.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

16. Write-Off - Uncollectible Accounts Receivable - Damage Property - Village Sign. Board authorization is requested to write off a claim for damages to Village property in the amount of \$381.25 (File #407) for a Village sign that has been deemed uncollectible. This claim has been reviewed by the Village's Legal Committee.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

17. Transfer of Funds (2022/2023 Fiscal Year). Board authorization is requested to transfer funds as follows:

(a) 30,000 to Account 0F.8340.4010 Transmission and Distribution - Materials and Supplies from Accounts 0F.8320.4020 Source of Supply, Power and Pumping - Maintenance of Equipment (\$3,834), 0F.8320.4030 Source of Supply, Power and Pumping - Maintenance of Plant (\$15,994), and 0F.8330.4460 Purification - Contractual Services (\$10,172) to cover inventory used throughout the 2022/2023 fiscal year.

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

(b) \$10,851.07 to Account 0A.5182.4460 Street Lighting - Contractual Services from Account 0A.1990.4000 Contingent to cover final electric invoices for the 2022/2023 fiscal year.

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

(c) \$178,975 to various Payroll Accounts from Account 0A.1990.4000 Contingent to fund increases due to Collective Bargaining Agreements as follows:

<u>To Account</u>	<u>Amount</u>
0A.5110.1010 Regular Salary - Street Maintenance	\$ 4,780
0A.8140.1010 Regular Salary - Sanitary Sewer	200
0A.8140.1020 Overtime - Sanitary Sewer	115
0A.8140.1030 Stability - Sanitary Sewer	300
0A.8140.1170 Other Payouts - Sanitary Sewer	150
0A.8160.1010 Regular Salary - Sanitation	19,935
0A.8160.1020 Overtime - Sanitation	3,440
0A.8160.1120 Part-Time Help - Sanitation	7,645
0A.8160.1170 Other Payouts - Sanitation	3,340
0A.7110.1170 Other Payouts - Parks	1,165
0A.3120.1010 Regular Salary - Police	87,640
0A.3120.1020 Overtime - Police	<u>50,245</u>
Total	\$178,975

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

18. Transfer of Funds (2023/2024 Fiscal Year). Board authorization is requested to transfer funds as follows:

(a) \$50,000 to Account 0F.8320.1020 Source of Supply, Power and Pumping - Overtime from Account 0F.8330.1020 Purification - Overtime to correct the home department for an employee.

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

#### SICK LEAVE

#### POLICE

1. Sick Leave - Two Employees. Board authorization is requested to pay Police Sergeant Keith Wehr and Police Officer Thomas Schade, through August 17, 2023, 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, 2020.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

#### PUBLIC WORKS

2. Sick Leave - Three Employees. Board authorization is requested to pay Kevin Martin, Jr., Senior Automotive Mechanic, Village Shop, Salvatore Cardinale, Laborer, Street Department and Sean Gillece, Motor Equipment Operator, Sanitation Worker, Sanitation Department, through August 17, 2023, 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, 2021.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

### RECREATION

3. Sick Leave - Two Employees. Board authorization is requested to pay Robert Vaughn, Laborer, Recreation and Parks Department and Robert O’Kane, Tree Pruner, Recreation and Parks Department, through August 17, 2023, 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, 2021.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

### BOARD OF TRUSTEES

1. Ice Cream Trucks in the Village Pilot Program. Board authorization is requested to begin a Pilot Program to allow Ice Cream Trucks in the Village of Garden City for a four (4) week period beginning Monday, July 31<sup>st</sup> and concluding Friday, August 25<sup>th</sup>. Pending the investigation and approval of the Police Commissioner, there will be one vintage Good Humor Ice Cream Truck and one Mister Softee Truck. They will be only allowed to sell ice cream products at the five (5) Village Playgrounds, Edgemere, Grove, Hemlock, Nassau Haven and Tullamore Parks based upon a schedule determined by the Village. The sales will be limited to Monday through Friday from 1:00 p.m. to 8:00 p.m. The license fee will be waived for the Pilot Program. The ringing of bells or playing of music will be subject to the determination of the Chairman, Board of Cultural and Recreational Affairs. This Pilot Program can be discontinued by the Village at any time.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

### JUSTICE COURT

1. Village Court Prosecutors - Compensation Increase. Board authorization is requested to increase the compensation for the Village Court Prosecutors which were reappointed at the April 20, 2023 Board of Trustees Meeting. The terms and conditions of their agreement will remain the same with the only change being an increase of their per Court Session from \$300 to \$350 per Court Session. This increase is for the following individuals: Christopher Gomoka, Robert McLaughlin, Marybeth Malloy Talt and Joseph M. Terino as independent contractors. Funds are available in Account 0A-1420-4370.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

### RECREATION

1. Attendance at National Recreation and Parks Association Annual Conference. Board authorization is requested for Sam Simone, Parks General Supervisor to attend the National Recreation and Parks Association Annual Conference, scheduled for October 10 through October 13, 2023, in Dallas, Texas, at an approximate cost of \$2,200. Funds are available in Account 0A.7140.7120.

On motion of Mayor Flanagan and unanimously carried, Sam Simone, Parks General Supervisor, was authorized to attend the aforesaid conference and to be reimbursed for such expenses as he may incur in connection therewith.

### PUBLIC WORKS

1. Lead and Copper Rule Compliance Sampling and Nassau County Department of Health Lead Monitoring - Ratify Additional Fundings for Engineering Services - H2M Architects and Engineers. Board authorization is requested to ratify additional funding for



Engineering Services provided by H2M Architects and Engineers, 538 Broad Hollow Road, Melville, New York, related to the Lead and Copper Rule Compliance Sampling and Nassau County Department of Health Lead Monitoring for the remainder of the fiscal year 2022/2023, in the amount of \$3,350.90 Funds are available in Account 0F.8330.4460 (2022/2023).

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

2. Lead Investigation - Transfer of Funds - H2M Architects and Engineers. Board authorization is requested to transfer \$30,787.38 to Account 0F.8310.4460 Water Administration - Contractual Services from Account 0F.8330.4010 Water Purification - Materials and Supplies (2022/2023) to cover invoices submitted by H2M Architects and Engineers.

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

3. Lead Investigation - Ratify Additional Funding Engineering Services - H2M Architects and Engineers. Board authorization is requested to ratify additional funding for Engineering Services provided by H2M Architects and Engineers, 538 Broad Hollow Road, Melville, New York, related to Lead Investigation for the remainder of the 2022/2023 fiscal year in the amount of \$30,787.38.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

4. Brick Wall Rehabilitation Nassau Boulevard Train Station Parking Lot 2022 - Transfer of Funds. Board authorization is requested to transfer \$912.04 to Account 0H.5110.2052 Brick Work Capital Account from Account 0H.7110.2034 Brick Work - Capital Account for the Brick Wall Rehabilitation at Nassau Boulevard Train Station Parking Lot - 2022.

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

5. Brick Wall Rehabilitation Nassau Boulevard Train Station Parking Lot 2022 - Change Order - Cornerstone Restoration Group, Corp. Board authorization is requested to approve a Change Order submitted by Cornerstone Restoration Group Corp., 73 Market Street, Yonkers, New York, to install new 2" bluestone coping at all walls, at a cost of \$34,616.40. Funds are available in Account 0H.5110.2052.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

6. Water Main Improvements on Meadow Street, Grove Street, Commander Avenue and Lindberg Street - Ratify Change Order - A.I.I. Allen Industries. Board authorization is requested to ratify payment for a Change Order for work completed by A.I.I. Allen Industries, Inc., 53 Hill Road, Farmingdale, New York, at a cost of \$20,069.55. Funds are available from Surplus.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

7. DPW Yard Garage Door Replacements - Change Order - Tierney & Courtney Overhead Door Sales, Co., Inc. Board authorization is requested to approve a Change Order submitted by Tierney & Courtney Overhead Door Sales Co., Inc., 355 Willis Avenue, Mineola, New York, to supply and install a vinyl roll-up door on the salt shed, at a cost of \$13,975. Funds are available in Account 0H.1640.2090.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

8. Orthophosphate Corrosion Control Treatment - Change Order - Philip Ross Industries, Inc. Board authorization is requested to approve a Change Order submitted by Philip Ross Industries, Inc., 88 Duryea Avenue, Melville, New York, for Well Nos. 15 and 16 to be included in the Orthophosphate Corrosion Control Treatment in the Water Distribution System, for a lump sum of \$58,969.20. Orthophosphate Corrosion Control Treatment in the Water Distribution System was approved under an Emergency Declaration at the September 15, 2022, Board of Trustees Meeting at a cost of \$339,500. Funds are available from Surplus in the Water Fund.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

9. New Roofing Systems at the Garden City Municipal Yard Central Garage and Parks Garage - Transfer of Funds. Board authorization is requested to transfer \$14,543.48 to Account 0H.1640.2080 DPW - Yard Roof Replacement from Account 0H.1640.2090 DPW - Garage Doors Replacement to cover Change Orders submitted by M.D.B. Construction Corp.

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

10. New Roofing Systems at the Garden City Municipal Yard Central Garage and Parks Garage - Ratify - Change Orders - M.D.B. Construction Corp. Board authorization is requested to ratify the following Change Orders submitted by M.D.B. Construction Corp., 5 Split Rail Place, Commack, New York:

- Change Order No. 2 to install 30LF of aluminum drip edge to the barrel roof on the northeast side near the adjoining flat roof, at a cost of \$1,069.76.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

- Change Order No. 3 to install 30LF of copper flashing to the barrel roof northeast side, at a cost of \$3,076.62.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

- Change Order No. 4 to install 20LF copper flashing to the chimney at the Parks Garage and south wall coping wall east and west sides, at a cost of \$1,710.08.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

- Change Order No. 5 to demo and then remove 30LF of a masonry wall to the Parks Garage at the southwest side of the roof to combine one main roof area, at a cost of \$2,692.62.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

- Change Order No. 6 to install 420LF of pressure-treated blocking to the parapet walls at the Parks Garage Roof to increase the height of the flashing and for installation of the metal coping, at a cost of \$12,600.84.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

11. Water Main Replacement on Clinton Road and Stewart Avenue - Engagement of Professional Services - H2M Architects and Engineers. Board authorization is requested to engage H2M Architects and Engineers, 538 Broad Hollow Road, Melville, New York, for the Construction, Administration and Inspection Services for the Water Main Replacement at Clinton Road and Stewart Avenue, at a cost of \$71,000. The Village received (4) four proposals and recommends engaging H2M Architects and Engineers as they have submitted the lowest responsible quote for the proposed work. Funds are available in Account 0F.1052.0000.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

12. Water Works Building HVAC Renovations - Engagement of Professional Services - Thornton Tomasetti. Board authorization is requested to engage Thornton Tomasetti, 120 Broadway, New York, New York, for the design and engineering of the new HVAC System for the Water Works Building, at a cost of \$18,000. Funds are available in Account 0F.8310.4460.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

13. Fire Station Renovations - Amend Capital Project. Board authorization is requested to amend the Capital Project to include the Replacement of Fire Station No. 3 Firehouse Door for the apparatus bay "garage door".

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

14. Fire Station Renovations - Engage American Industrial Door. Board authorization is requested to engage American Industrial Door, 9 Lucon Drive, Deer Park, New York, to replace the Fire Station No. 3 door, at a cost of \$14,800. Funds are available in Account 0H.3410.2090.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

15. Long Island Water Conference Purchasing Cooperative. Board authorization is requested for the Village to join the Long Island Water Conference Purchasing Cooperative (LIWCPC). The LIWCPC was established in 1951 for the purpose of reducing costs for members who maintain their own Water Distribution Systems. The Water Department believes that they will save time and money in purchasing through this Cooperative. There is no cost to the Village to join this Cooperative.

Mayor Flanagan offered the following resolution and moved its adoption:

RESOLUTION NO. 117-2023

WHEREAS, §119-m of Article 5-G of the General Municipal Law provides authorization for "performance by municipal corporations or districts of their functions, powers or duties on a cooperative, joint or contract basis" ("Intermunicipal Agreement" or "IMA"); and

WHEREAS, General Municipal Law §119-o (d) authorizes municipal corporations to enter into intermunicipal agreements regarding the "purchasing" of supplied "subject to general laws applicable to municipal corporations and districts;" and

WHEREAS, Public Authorities Law §1078 (12) authorizes the Suffolk County Water Authority "enter into cooperative agreements with other water authorities, municipalities or utilities companies" for the purchase of "commodities;" and

WHEREAS, the Long Island Water Conference ("LIWC") is a Not-for-Profit Corporation dedicated to promoting and facilitating cooperation between all municipal water purveyors on Long Island; and

WHEREAS, the LIWC is willing and able to offer its organizational skills toward the goal of implementing a purchasing cooperative for municipal corporations and the SCWA; and

WHEREAS, it is the desire of the Village of Garden City to realize fully the rights and benefits conferred by state law upon municipalities, as has been enumerated above, by entering into the intermunicipal agreement with the Long Island Water Conference Purchasing Cooperative.

NOW, THEREFORE, upon the above-referenced preambles, be it unanimously RESOLVED, that the Mayor is hereby authorized, empowered, and directed to enter into the intermunicipal agreement annexed hereto for the Long Island Water Conference Purchasing Cooperative pursuant to the provisions of General Municipal Law §119; and

BE IT FURTHER RESOLVED that the execution and delivery on behalf of, and in the name of, the Village of Garden City, of the intermunicipal agreement for the Long Island Water conference Purchasing Cooperative shall be conclusive evidence of approval by this governing body to join the Long Island Water Conference Purchasing Cooperative and to abide by the terms and conditions of the Long Island Water Conference Purchasing Cooperative intermunicipal agreement; and

BE IT FURTHER RESOLVED, that the Village of Garden City being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this Resolution constitutes a Type II action pursuant to §617.5(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 N.Y.C.R.R.) and within the meaning of §8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection.

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

The resolution was adopted.

16. Garden City Senior Center HVAC and Structural Repairs - Maintenance Bond - Energy Mechanical, Inc. Board authorization is requested to accept Maintenance Bond No. 10874N and Bond Endorsement for Energy Mechanical, Inc., 99 Milbar Avenue, Farmingdale, New York, who was the Garden City Senior Center HVAC and Structural Repairs contractor. This guarantees for eighteen (18) months the completed work from the date of acceptance of the Bond. The Bond is in the amount of \$150,108.80. Village Counsel has reviewed the Maintenance Bond and approved it as to form.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

17. Orthophosphate Corrosion Control Treatment - Maintenance Bond - Philip Ross Industries, Inc. Board authorization is requested to accept Maintenance Bond No. 015218848M for Philip Ross Industries, Inc., 88 Duryea Road, Melville, New York, who was the Orthophosphate Corrosion Control Treatment Contractor. This guarantees for eighteen (18) months the completed work from the date of acceptance of the Bond. The Bond is in the amount of \$328,490.04. Village Counsel has reviewed the Maintenance Bond and approved it as to form.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

18. Ford Explorer XLT - Ratify Purchase of Equipment - Hempstead Ford Lincoln Mercury. Board authorization is requested to ratify the purchase of a 2023 Ford Explorer XLT from Hempstead Ford Lincoln Mercury, 301 North Franklin Street, Hempstead, New York as per New York State Contract PC68939, in the amount of \$45,067.20. This amount exceeds the budget of \$40,000, however, the Village realized a cost savings of \$52,192.99 on the purchase of a vacuum truck. Funds are available in Account 0F.1040.0000.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

19. Speed Humps - Transfer of Funds. Board authorization is requested to transfer \$29,768 to Account 0A.5182.4010 Traffic Control - Materials and Supplies from Account 0A.1990.4000 Contingent to fund additional Speed Humps.

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

20. Speed Humps - Purchase - Traffic Logix. Board authorization is requested to purchase an additional set of Speed Humps from Traffic Logix Corporation, 3 Harriett Lane, Spring Valley, New York, per Sourcewell Contract No. 070821, at a cost of \$29,768.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

21. Rehabilitation of Monuments (9/11 Memorial) - Transfer of Funds. Board authorization is requested to transfer \$13,750 to Account 0H.1230.2011 Rehabilitation of Monuments from Account 0H.7110.2033 Parks - Security Infrastructure for the Rehabilitation of the 9/11 Memorial.

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

22. Rehabilitation of Monuments (9/11 Memorial) - Engage Handa Industries. Board authorization is requested to engage Handa Industries 138 West Cherry Avenue, Hicksville, New York to reconstruct the existing 9/11 Memorial at Village Hall at a cost of \$13,750.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

23. Limited Sewer Study - Franklin Avenue and Eleventh Street - D & B Engineers and Architects, DPC. Board authorization is requested to engage D & B Engineers and Architects, DPC, 330 Crossways Park Drive, Woodbury, New York, to provide a limited sewer study in the surrounding area of Franklin Avenue and Eleventh Street, for a total cost of \$9,000. Funds are available in Account 0A.1440.4460.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

24. New York State Consolidated Funding Application for Grants - 2023/2024 Capital Projects. Board authorization is requested to allow the Village Administrator to apply for funding through New York State Consolidated Funding Application for any applicable grants related to the 2023/2024 Village Capital Projects. Further to allow the Village Administrator to apply to any other Grant Opportunities available.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

25. New York State Consolidated Funding Application - New York State Climate Smart Communities Grant Program - Meadow Street Drainage Improvements. Board authorization is requested for the Village Administrator to apply for funding through the New York State Consolidated Funding Application for the Meadow Street Drainage Improvements.

Mayor Flanagan offered the following resolution and moved its adoption:

RESOLUTION NO. 118-2023

WHEREAS, the Incorporated Village of Garden City hereby requests financial assistance from the New York State Climate Smart Communities Grant Program pursuant to Environmental Conservation Law Article 54, Title 15.

WHEREAS, the Incorporated Village of Garden City certifies that it has identified \$756,250 of matching funds from the General Fund pursuant to the requirements of Environmental Conservation Law Article 54 Title 15.

THEREFORE, BE IT RESOLVED, that the Incorporated Village of Garden City hereby authorizes Ralph V. Suozzi, Village Administrator, an official or employee, to act on its behalf in submittal of an application through the Consolidated Funding Application for \$756,250, to be used for Meadow Street Drainage Improvements.

The vote on the foregoing resolution was as follows:

AYES: 8

NOES: 0

The resolution was adopted.

LIBRARY

1. Garden City Public Library Children's Room Renovation - Change Order - Preferred Construction, Inc. Board authorization is requested to approve Change Order No. 21 submitted by Preferred Construction Inc., 47 Werman Court, Plainview, New York, to remove existing floor box, patch concrete and replace carpet tile; core drill in preparation for installing new flush-mounted floor box; furnish and install floor box including relocation of wiring at a cost of \$5,197.85. Funds are available in Account 0H.7410.2011.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

AWARD OF BIDS

Requisition No. 23-1, Dated July 20, 2023, Purchase of Materials for the Recreation and Public Works Departments.

1. Assorted Clothing - Recreation and Public Works Department - MV Sport, Inc.

(a) Board authorization is requested to award the bid to MV Sport, Inc., 88 Spence Street, Bay Shore, New York, low bidder, for Item Nos. 1, 2, 5 and 6, as specified, or Village approved equal, to be ordered on an "as needed basis", based upon unit costs on file with the Village Clerk.

On motion of Mayor Flanagan and unanimously carried, the aforesaid recommendation was approved.

(b) Board authorization is requested to award the bid to Top & Bottom Wear, 3824 Jasper Street, Philadelphia, Pennsylvania, low bidder, for Item No. 3, as specified, or Village approved equal, to be ordered on an "as needed basis", based upon unit costs on file with the Village Clerk.

On motion of Mayor Flanagan and unanimously carried, the aforesaid recommendation was approved.

(c) Board authorization is requested to award the bid to Empire Printing, 1860 East St. Louis Street, Springfield, Missouri, low bidder, for Item No. 4, as specified, or Village approved equal, to be ordered on an “as needed basis”, based upon unit costs on file with the Village Clerk.

On motion of Mayor Flanagan and unanimously carried, the aforesaid recommendation was approved.

Estimated cost for Assorted Clothing for Recreation and Public Works Departments is \$13,250. This amount could be more or less depending upon what items are needed throughout the year. A total of six invitations to bid were sent and five bids were received. Bid Specifications were advertised on New York State Contract Reporter. Funds are available in various accounts.

2. Work Uniforms - Public Works Department - Award Bid. (a) Board authorization is requested to award the bid to S & H Uniform Group, Inc., 1125 Central Park Avenue, Scarsdale, New York, low bidder for Item Nos. 1 and 4, as specified, or Village approved equal, to be ordered on an “as needed basis”, based upon unit costs on file with the Village Clerk.

On motion of Mayor Flanagan and unanimously carried, the aforesaid recommendation was approved.

(b) Board authorization is requested to award the bid to UniPro Uniforms, 390 Nye Avenue, Irvington, New Jersey, low bidder for “brand specific” Item Nos. 2, 3, 5 and 6, as specified, or Village approved equal, to be ordered on an “as needed basis”, based upon unit costs on file with the Village Clerk.

On motion of Mayor Flanagan and unanimously carried, the aforesaid recommendation was approved.

(c) Board authorization is requested to award the bid to Jonah’s Enterprises, Inc., 652 Lefferts Avenue, Brooklyn, New York, low bidder, for Item No. 7, as specified, or Village approved equal, to be ordered on an “as needed basis”, based upon unit costs on file with the Village Clerk.

On motion of Mayor Flanagan and unanimously carried, the aforesaid recommendation was approved.

Estimated cost for Work Uniforms for Public Works Department is \$40,400. This amount could be more or less depending upon what items are needed throughout the year. A total of seven invitations to bid were sent and seven bids were received. Bid Specifications were advertised on New York State Contract Reporter. Funds are available in various accounts.

3. 2023 Streetlight Poles, Luminaires and Accessories - Rescind Bid. Board authorization is requested to accept the request from Veteran Electrical Supply to rescind their quote for Item No. 28.

On motion of Mayor Flanagan and unanimously carried, the aforesaid recommendation was approved.

(b) Board authorization is requested to award the bid to Veteran Electrical Supply, 864 Willis Avenue, Albertson, New York, for Item Nos. 1, 2, 29-32, 38, 39 and 44, as specified, or Village approved equal, to be ordered on an “as needed basis”, based upon unit costs on file with the Village Clerk.

On motion of Mayor Flanagan and unanimously carried, the aforesaid recommendation was approved.

(c) Board authorization is requested to award the bid to Sentry Electric, LLC, 185 Buffalo Avenue, Freeport, New York, for Item No. 2A, as specified, or Village approved equal, to be ordered on an “as needed basis”, based upon unit costs on file with the Village Clerk.

On motion of Mayor Flanagan and unanimously carried, the aforesaid recommendation was approved.

(d) Board authorization is requested to award the bid to Kelly and Hayes Electrical Supply, 66 Southern Boulevard, Nesconset, New York, for Item Nos. 10-25, 36, 37 and 45, as specified, or Village approved equal, to be ordered on an “as needed basis”, based upon unit costs on file with the Village Clerk.

On motion of Mayor Flanagan and unanimously carried, the aforesaid recommendation was approved.

(e) Board authorization is requested to award the bid to Ryther-Purdy Lumber, Co., Inc., 174 Elm Street, Old Saybrook, Connecticut, for Item No. 28, as specified, or Village approved equal, to be ordered on an “as needed basis”, based upon unit costs on file with the Village Clerk.

On motion of Mayor Flanagan and unanimously carried, the aforesaid recommendation was approved.

(f) Board authorization is requested to award the bid to Formed Plastics, Inc., 207 Stonehinge Lane, Carle Place, New York, for Item Nos. 46 and 47, as specified, or Village approved equal, to be ordered on an “as needed basis”, based upon unit costs on file with the Village Clerk.

On motion of Mayor Flanagan and unanimously carried, the aforesaid recommendation was approved.

All items are to be ordered on an “as-needed basis” based on unit costs. The budgeted amount for 2023 Streetlight Poles, Luminaries and Accessories is approximately \$100,000. Funds are available in Account 0A.5182.4010.

On motion of Mayor Flanagan the following resolution was offered:

RESOLUTION NO. 119-2023

RESOLVED, that Requisition No. 23-1, dated July 20, 2023, filed under separate cover, be made a part of these minutes and that materials and equipment be purchased for the Recreation and Public Works Departments 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.



4. Community Park Replacement of Outer Vinyl Covering - Tennis Courts - Reject Bid. Board authorization is requested to reject the only bid from AM Restoration Inc., 11009 101<sup>st</sup> Avenue, South Richmond Hill, New York, as they do not have the necessary experience to complete this Project.

On motion of Mayor Flanagan and unanimously carried, the aforesaid recommendation was approved.

5. Community Park Replacement of Outer Vinyl Covering - Tennis Courts - Rebid. Board authorization is requested to re-bid this Project.

On motion of Mayor Flanagan and unanimously carried, the aforesaid recommendation was approved.

6. Curb, Sidewalk and Road Improvements Contract - Extension. Board authorization is requested to award an extension of the Curb, Sidewalk and Road Improvements Contract for 2023/2024 to Pratt Brothers, Inc., 333 Marcus Boulevard, Hauppauge, New York. This first year of this contract was executed on July 7, 2022, and the Notice to Proceed was issued on July 13, 2022. Specifications for this bid contain a clause which states “The Contractor is required to provide the option to the Village to extend the Contract “Curb, Sidewalk and Road Improvements Contract for Various Civil/Site Reconstruction, Highways, Drainage, Parking Lots and Parks 2022/2023” for an additional two hundred and sixty (260) workdays for the original unit price bid amounts. Quantities will be increased accordingly.” Funds are available in Account Nos. 0H.5110.2020, 0H.1440.2010 and 0H.5110.2010.

On motion of Mayor Flanagan and unanimously carried, the aforesaid recommendation was approved.

7. Seventh Street Crosswalk Improvements - Create a New Capital Project. Board authorization is requested to create a new Capital Project for the Seventh Street Crosswalk Improvements.

On motion of Mayor Flanagan and unanimously carried, the aforesaid recommendation was approved.

8. Seventh Street Crosswalk Improvements - Transfer of Funds. Board authorization is requested to transfer \$276,945.50 to new Capital Project - Seventh Street Crosswalk Improvements from Account 0H.5110.2053 Account from Business District Paving to fund the Seventh Street Crosswalk Improvements.

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

9. Seventh Street Crosswalk Improvements - Award Bid. Reported that a tabulation of bids had been circulated to each Member of the Board for the Seventh Street Crosswalk Improvements bid and it was recommended that the bid be awarded to J. Anthony Enterprises, Inc., 175 Engineers Road, Hauppauge, New York, low bidder, at a cost of \$276,945.50. Specification pickups reached six companies and six bids were received. Bid specifications were advertised on New York State Contract Reporter. Funds are available as per the above transfer.

On motion of Mayor Flanagan the following resolution was offered:

RESOLUTION NO. 120-2023

RESOLVED, that the proposal of J. Anthony Enterprises, Inc., 175 Engineers Road, Hauppauge, New York, at a cost of \$276,945.50 be and the same hereby is accepted, this being the lowest and best bid received.

FURTHER RESOLVED, that the Village Administrator and Clerk be and they hereby are authorized on behalf of the Village to execute a contract with J. Anthony Enterprises, Inc., for this work, pursuant to the terms and conditions set forth in the request for bids and in the proposal submitted by said Company, the form of contract to be approved by Village Counsel; and

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.

10. Water Supply Electrical Services - Reject Bid. Board authorization is requested to reject the low bid of Hinck Electrical Contractor, Inc., as they did not meet the specifications.

On motion of Mayor Flanagan and unanimously carried, the aforesaid recommendation was approved.

11. Water Supply Electrical Services - Award Bid. Reported that a tabulation of bids had been circulated to each Member of the Board for the Water Supply Electrical Services and it was recommended that the bid be awarded to Wire to Water, Inc., 136 Gazza Boulevard, Farmingdale, New York, the lowest responsible bidder, at an estimated cost of \$40,000. All work is to be performed on an "as-needed" basis. Specification pickups reached four companies and two bids were received. Bid specifications were advertised on New York State Contract Reporter. Funds are available in Account Nos. 0F.8320.4020 and 0F.8330.4020.

On motion of Mayor Flanagan the following resolution was offered:

RESOLUTION NO. 121-2023

RESOLVED, that the proposal of Wire to Water, Inc., 136 Gazza Boulevard, Farmingdale, New York, at a cost of \$40,000 be and the same hereby is accepted, this being the lowest and best bid received.

FURTHER RESOLVED, that the Village Administrator and Clerk be and they hereby are authorized on behalf of the Village to execute a contract with Wire to Water, Inc., for this work, pursuant to the terms and conditions set forth in the request for bids and in the proposal submitted by said Company, the form of contract to be approved by Village Counsel; and

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.

EXTERNAL COMMUNICATIONS

PERMITS:

1. Garden City Country Club, Inc., 206 Stewart Avenue, requested to hold its annual Fireworks Display on Sunday, September 3, 2023 with a rain date of Monday, September 4, 2023.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved, subject to receipt of an original Certificate of Insurance, the permit fee of \$500 and approval from Nassau County as well as coordination with the Garden City Fire and Police Departments.

2. Garden City Bird Sanctuary, Inc., requesting to host the “Great Sleep-Out”, event to raise awareness regarding the homeless and to raise funds for the Interfaith Nutrition Network (INN) to feed the homeless/poverty stricken. Seventy-five percent of all monies raised will go to the INN and twenty-five percent will go to the Garden City Bird Sanctuary, Inc., both are non-for-profit eleemosynary organizations. They are requesting to hold this event on Saturday, August 12, 2023 from 7:00 p.m. to 7:00 a.m., with a rain date of August 13, 2023. Nassau County has given them authorization to hold this event, the Garden City Police, Fire and Recreation Departments and Village Counsel have all reviewed this event and see no issues. The Village has been provided an insurance certificate which has been reviewed by the Village’s insurance carrier and there is adequate coverage for the Village.

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

On-Street Parking

3. Mruga Patel, 13 Meadow Street (1)

On motion of Mayor Flanagan and unanimously carried, the aforesaid authorization was approved.

Mayor Flanagan recognized the following:

Jackie Reinhardt, 42 Linden Street

Steve Ilardi, 139 Meadow Street

John Wilton, President, Garden City Chamber of Commerce

There being no further business, on motion duly made, the meeting adjourned at 9:18 p.m.