

July 19, 2018

Rockville Centre, New York

The Board of Trustees held a Briefing meeting at 8:30am on the above date in the Mayor's Office.

PRESENT: Mayor Francis X. Murray, Trustees Kathy Baxley, Edward J. Oppenheimer, Michael Sepe and Emilio F. Grillo.

ALSO PRESENT: Village Administrator Kathleen Murray, Village Attorney A. Thomas Levin, Village Comptroller Dennis Morgan and Director of Administrative Services Mary Schmeling.

ATTENDANCE: none

On motion of Trustee Oppenheimer, duly seconded by Trustee Sepe, and unanimously carried, the Board voted to convene in Executive Session at 8:30 am to discuss pending litigation.

On motion of Trustee Grillo, duly seconded by Trustee Oppenheimer and unanimously carried the Board authorized Claims Service Bureau to settle the James Hunt claim as proposed by Claims Service Bureau.

On motion of Trustee Grillo, duly seconded by Trustee Oppenheimer and unanimously carried the Board authorized Claims service Bureau to settle the McManus claim as proposed by Claims Service Bureau.

On motion of Trustee Sepe, duly seconded by Trustee Oppenheimer and unanimously carried the Board returned to public session at 8:32 am.

July 19, 2018

Rockville Centre, New York

The Board of Trustees held a Briefing meeting at 9:00 am. on the above date in the Mayor's Office.

PRESENT: Mayor Francis X. Murray, Trustees Kathy Baxley, Edward J. Oppenheimer, Michael Sepe and Emilio F. Grillo.

ALSO PRESENT: Village Administrator Kathleen Murray, Village Attorney A. Thomas Levin, Village Comptroller Dennis Morgan, Director of Administrative Services Mary Schmeling and Secretary to the Board Lisa Butler

ATTENDANCE: none

On motion of Trustee Oppenheimer, duly seconded by Trustee Grillo and unanimously carried the Board adopted the following resolution making SEQRA Determination and Authorizing Amendment to Lease, for Generator at Tank 2 as a Type II action under SEQRA and authorization for the Mayor or his designee to execute the Second Amendment to N.Y. Structure Lease Agreement between Village of Rockville Centre and New Cingular Wireless PCS, LLC..

**RESOLUTION MAKING SEQRA DETERMINATION,
 AND AUTHORIZING AMENDMENT TO LEASE,
 FOR GENERATOR AT TANK 2**

Whereas, the Village of Rockville Centre heretofore has entered into a lease agreement, and amendment, ("Lease Agreement") with a predecessor of New Cingula Wireless PCS, LLC ("AT&T") for the location of cellular communications antennae and equipment at the Village's water tower Tank 2 ("Site") located at Maple Avenue, Rockville Centre; and

Whereas, AT&T and the Village wish to enter into a further amendment to the said Lease Agreement to permit AT&T to install and maintain generator equipment at the Site during the term of the existing Lease Agreement; and

Whereas, the Village Board of Trustees has reviewed the proposed transaction, and has received advice from the Village Attorney in relation thereto;

Now, therefore, be it

Resolved, that the Board of Trustees hereby declares itself to be the Lead Agency for review of the environmental impacts of the proposed generator facility pursuant to the State Environmental Quality Review Act ("SEQRA"), and it is further

July 19, 2018

Rockville Centre, New York

Resolved, that the Board of Trustees hereby finds and determines that the proposed action, consisting of approval of an amendment to the Lease Agreement to permit the installation and maintenance of generator equipment, is a Type II Action as classified in 6 NYCRR §617.5(c) (7), which requires no environmental impact review; and it is further

Resolved, that the Mayor or his designee is authorized to execute on behalf of the Village an amendment to the aforesaid Lease Agreement, in a form approved by the Village Attorney, to permit AT&T to install and maintain a generator facility at Tank 2 located at Maple Avenue, Rockville Centre, in accordance with plans reviewed and approved by the Water Department and the Building Department, for a period of time concomitant with the term of the existing Lease Agreement.

On motion of Trustee Grillo, duly seconded by Trustee Baxley and unanimously carried the Board adopted the following resolution consenting to assignment of Bid #1802FD1(898) to PNC Equipment Finance, LLC.

**RESOLUTION CONSENTING TO ASSIGNMENT OF BID #1802FD1 (898)
TO PNC EQUIPMENT FINANCE, LLC**

Whereas, the Village of Rockville Centre heretofore advertised for competitive bids (Bid #1802FD1 [898]) for a lease for Bunker Gear for use by the Rockville Centre Fire Department, and

Whereas, after review of the responses to such advertisement, and on the recommendation of the Village Purchasing Department and Fire Department, the Board of Trustees heretofore awarded the contract for the aforesaid equipment lease to Firematic Supply, Inc. ("Firematic"), and

Whereas, the specification of the aforesaid Bid and award permit assignment of the Bid, with the consent of the Board of Trustees, and

Whereas, the Board of Trustees is in receipt of a letter from Firematic, dated July 18, 2018, which requests that the Board consent to the assignment of the aforesaid Bid to PNC Equipment Finance, LLC ("PNC"), and

Whereas, PNC has manifested its consent to the said assignment, and its willingness to perform the obligations of the said Bid, in the event the Board of Trustees consents to such assignment,

July 19, 2018

Rockville Centre, New York

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Trustees hereby finds and determines that PNC is qualified and capable of performing the requirements of the said Bid, and it is further

RESOLVED, that the Board of Trustees further finds and concludes that it is in the best interests of the Village to consent to the requested assignment of the Bid, so that the equipment which is the subject of the Bid may be made available to the Fire Department at the earliest reasonable opportunity, and it is further

RESOLVED, that the Board of Trustees hereby consents to the assignment of Bid #1802FD1 [898] from Firematic Supply, Inc. to PNC Equipment Finance, LLC, and it is further

RESOLVED, that the Board of Trustees authorizes the Mayor, or his designee(s), subject to the approval of the Village Attorney as to form, to execute any and all documents which may be necessary or appropriate to effectuate the aforesaid assignment of Bid, and to implement the award of the said Bid pursuant to the terms thereof.

On motion of Trustee Grillo, duly seconded by Trustee Baxley and unanimously carried the Board adopted the following resolution relating to authorizing a lease-purchase agreement with PNC Equipment Finance, LLC.

RESOLUTION

Municipality/Lessee: Incorporated Village of Rockville Centre

Principal Amount Expected To Be Financed: **\$179,231.90**

WHEREAS, the Municipality is a political subdivision of the State in which Municipality is located (the "State") and is duly organized and existing pursuant to the Constitution and laws of the State.

WHEREAS, pursuant to applicable law, the governing body of the Municipality ("Governing Body") is authorized to acquire, dispose of and encumber real and personal property, including, without limitation, rights and interest in property, leases and easements necessary to the functions or operations of the Municipality.

WHEREAS, the Governing Body hereby finds and determines that the execution of one or more Master Lease-Purchase Agreements ("Leases") in the principal amount not exceeding the amount stated above for the purpose of acquiring the property ("Equipment") to be described in the Leases is appropriate and necessary to the functions and operations of the Municipality.

WHEREAS, PNC Equipment Finance, LLC ("Lessor") shall act as Lessor under said Leases. NOW, THEREFORE, Be It Ordained by the Governing Body of the Municipality:

Section 1. Either one of the Mayor OR a person duly authorized by the Mayor (each an "Authorized Representative") acting on behalf of the Municipality, is hereby authorized to negotiate, enter into, execute, and deliver one or more Leases in substantially the form set forth in the document presently before the Governing Body, which document is available for public inspection at the office of the Municipality. Each Authorized Representative acting on behalf of

July 19, 2018

Rockville Centre, New York

the Municipality is hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Lease as the Authorized Representative deems necessary and appropriate. All other related contracts and agreements necessary and incidental to the Leases are hereby authorized.

Section 2. By a written instrument signed by any Authorized Representative, said Authorized Representative may designate specifically identified officers or employees of the Municipality to execute and deliver agreements and documents relating to the Leases on behalf of the Municipality.

Section 3. The aggregate original principal amount of the Leases shall not exceed the amount stated above and shall bear interest as set forth in the Leases and the Leases shall contain such options to purchase by the Municipality as set forth therein.

Section 4. The Municipality's obligations under the Leases shall be subject to annual appropriation or renewal by the Governing Body as set forth in each Lease and the Municipality's obligations under the Leases shall not constitute general obligations of the Municipality or indebtedness under the Constitution or laws of the State.

Section 5. As to each Lease, the Municipality reasonably anticipates to issue not more than \$10,000,000 of tax-exempt obligations (other than "private activity bonds" which are not "qualified 501(c)(3) bonds") during the current calendar year in which each such Lease is issued and hereby designates each Lease as a qualified tax-exempt obligation for purposes of Section 265(b) of the Internal Revenue Code of 1986, as amended.

Section 6. This resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED on this 19th day of July, 2018.

On motion of Trustee Grillo, duly seconded by Trustee Oppenheimer and unanimously carried the Board authorized the Mayor to execute a letter for the Village of Rockville Centre to join in the Village of Freeport's claims and litigation against the Town of Hempstead, the County of Nassau, and the State of New York to collect the village's fair share of sales tax revenue, on condition that the Village will incur no cost or expense for such claims and litigation, and that the Village will be held harmless and indemnified against any such cost and /or expenses. The Village Attorney was requested to prepare the form of letter for signature by the Mayor.

On motion of Trustee Grillo, duly seconded by Trustee Baxley, and unanimously carried the Board authorized the Mayor or his designee to execute a Intermunicipal agreement between the Incorporated Village of Rockville Centre and the Incorporated Village of Lynbrook for use of Village of Lynbrook recreation facilities.

On motion of Trustee Oppenheimer, duly seconded by Trustee Baxley and unanimously carried the Board approved, and authorized the Mayor or his designee to sign, the telephone service agreement with DJJ Technologies Sales Associates Inc., d/b/a DJJ Technologies for 110 Maple Ave, Village Hall and the Police Department for a one year agreement for a not to exceed cost of \$13,482.00-.

On motion of Trustee Grillo, duly seconded by Trustee Baxley and unanimously carried the Board amended the Village Fee Schedule for road/parking lot closure for events from \$50.00 to \$25.00 per set of barricades. Each intersection requires a set of barricades. A copy of the revised Village Fee Schedule is filed with these minutes.

July 19, 2018

Rockville Centre, New York

On motion of Trustee Oppenheimer, duly seconded by Trustee Grillo and unanimously carried the Board authorized Claims Service Bureau to settle the Diane Hadley claim as proposed by Claims Service Bureau.

Village Administrator Kathleen Murray announced that Bid No. 1906CP1(909) 2018 Road Program Phase I was properly advertised and opened on July 10, 2018.

| VENDOR | BASE BID | ALTERNATIVE | TOTAL COST |
|-------------------------------|----------------|--------------|----------------|
| Richard W. Grim, Inc. | \$1,927,042.00 | \$56,960.00 | \$1,984,002.00 |
| A.I.I. Allen Industries, Inc. | \$2,057,413.00 | \$107,275.00 | \$2,164,688.00 |
| Stasi General Contracting LLC | \$2,080,200.00 | \$116,750.00 | \$2,196,950.00 |
| Stasi Industries, Inc. | \$2,094,427.50 | \$88,445.00 | \$2,182,872.50 |
| Valente Contracting Corp. | \$2,397,115.00 | \$121,180.00 | \$2,518,295.00 |

The following companies did not respond: Rosemar Contracting, Inc. and American Paving & Masonry Corp.

On motion of Trustee Grillo, duly seconded by Trustee Oppenheimer and unanimously carried, the Board awarded the contract to the lowest responsible bidder substantially meeting all required specifications, namely Richard W. Grim Inc., for a total expenditure not to exceed \$1,984,002.00, on condition that Richard W. Grim Inc. make best efforts, to comply with the MWBE requirements for this bid.

There being no further business, on motion of Trustee Oppenheimer, duly seconded by Trustee Grillo and unanimously carried, the Board voted to adjourn the meeting at 9:26 am.

Kathleen Murray
Village Administrator/
Clerk-Treasurer

KM/lb