

January 31, 2019

Rockville Centre, New York

The Board of Trustees held a Briefing Session at 6:00pm on the above date in the Mayor's Office.

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

**ABSENT:** Trustee Michael Sepe

**ALSO PRESENT:** Village Administrator Kathleen Murray, Village Attorney A. Thomas Levin, Village Comptroller Dennis Morgan, Police Lieutenant Ralph DiCosmo, Superintendent of Buildings Patrick D. O'Brien, Superintendent of Electric Philip Andreas, Recreation Department Karen Polito, Superintendent of Water Kevin Reilly, Director of Public Works Administration Gwynne Feiner, Deputy Clerk Wendy Weinstock, Community Development Director Suzanne Sullivan, Director of Senior Services Chris O'Leary, Purchasing Kathy McMahon, Public Relation Counsel Julie Grilli, Secretary to the Board Lisa Butler

**ATTENDANCE:** none

The Board reviewed the proposed agenda for the February 4, 2019 meeting without taking any action.

On motion of Trustee Oppenheimer, duly seconded by Trustee Grillo and carried by a vote of four to none the Board adjourned the public session at 6:14pm.

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The Board of Trustees held a Public Session at 6:00pm on the above date in the Mayor's Office.

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

**ABSENT:** Trustee Edward J. Oppenheimer

**ALSO PRESENT:** Village Administrator Kathleen Murray, Village Attorney A. Thomas Levin and Village Comptroller Dennis Morgan.

On motion of Mayor Murray, duly seconded by Trustee Baxley and carried by a vote of four to none the Board voted to convene in executive session at 6:01pm to discuss a potential sale of real property where a public discussion would affect the price, pending litigation and to obtain legal advice from counsel.

No action was taken in executive session.

On motion of Trustee Baxley, duly seconded by Trustee Grillo and carried by a vote of four to none the Board voted at to return to public session at 6:48pm and recess the meeting until 7:00pm.

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The Regular Meeting of the Board of Trustees was held on the above date in Village Hall. Mayor Francis X. Murray opened the meeting at 7:00pm.

**PRESENT:** Mayor Francis X. Murray, Deputy Mayor Kathy Baxley, Trustees Michael Sepe and Emilio F. Grillo

**ABSENT:** Trustee Edward J. Oppenheimer

**ALSO PRESENT:** Village Administrator Kathleen Murray, Village Attorney A. Thomas Levin, Village Comptroller Dennis Morgan, Police Commissioner James Vafeades, Fire Chief Brian Cook, Superintendent of Buildings Patrick D. O'Brien, Superintendent of Water Kevin Reilly, Director of Senior Services Chris O'Leary, Director of Public Works Administration Gwynne Feiner, Director of Public Works Operations John Thorp, Deputy Clerk Wendy Weinstock, Superintendent of Recreation Ginger Creegan, Community Development Director Suzanne Sullivan, Director of MLK Center Patrick Morris, Public Relations Counsel Julie Grilli, Secretary to the Board Lisa Butler

**ATTENDANCE:** Approximately 35 people

At the request of Mayor Murray, Chief Brian Cook led the Pledge of Allegiance.

Mayor Murray introduced Deputy Mayor Kathy Baxley who spoke about a rescue call on September 23, 2018 to the Rockville Centre Fire Department that a male was in distress at Bigelow's restaurant. The Police Department arrived on scene first and started administering CPR. When the ambulance arrived Chief Brian Cook started compressions while the patient was on the stretcher, the male was then lifted onto the ambulance and Firefighter Daniel Navarino took over compressions, and 2<sup>nd</sup> assistant Chief James Avondet started rescue breathing. In transit to the hospital, Firefighter Johnny Cook took over the rescue breathing; while a NorthWell Medic did advanced life support intervention with the help of unit 4469. The patient was admitted to the hospital and survived. The Village recognized the four volunteers for their actions in saving a man's life.

Mayor Murray introduced Ms. Lisa Umansky from the Chamber of Commerce who spoke about the 2018 "Snowman Hunt" which started 3 years ago. It was for children 12 years and under to support Rockville Centre's small businesses. Forty six businesses participated, and the children had to find 10 Snowmen to be eligible to win 1 of 4 \$50 gift certificates, and the children that found all the snowmen were eligible to win a \$100 gift certificate to be used in any of the participated locations. There was 1 \$100 winner and 4 \$50 winners.

Mayor Murray introduced Deputy Mayor Kathy Baxley and the Director of the MLK Center Patrick Morris. Deputy Mayor Baxley spoke on a celebration that was held for Dr. Martin Luther King Jr. at the MLK Center on January 21, 2019. The Mayor and Deputy Mayor invited most of the performers to perform at the Board

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meeting. Chris Thomas a senior at South Side High school read an excerpt from Dr. Martin Luther King Jr's speech "I Have a Dream", singers Amanda Mclean, Arianna Mclean and Antione Mclean Sr., and dancers Kamani Carper and Kianah Calhoun under Twana Evans. Deputy Mayor Baxley read a proclamation recognizing the month of February as Black History Month.

**ACB Case #10-2018 39 Jackson Avenue.**

Superintendent of Building Patrick D. O'Brien introduced Mr. Steven Maroney the owner of Summit Homes USA Corp., and the owner of the property. Mr. Maroney was seeking approval for a new one family residence. Mr. Maroney presented the plans to the Board for their review and questions.

After hearing all persons who wished to be heard, on motion of Trustee Sepe, duly seconded by Trustee Grillo and carried by a vote of four to none, the Board closed the Public Hearing with respect to 39 Jackson Avenue.

On motion of Trustee Sepe, duly seconded by Trustee Grillo and carried by a vote of four to none, the Board approved the Exterior Design Review Case #10-2018.

For details of the comments and discussions from the Board and public please refer to the DVD.

Kathleen Murray opened a Public Hearing regarding Community Development Block Grant Program Year 45.

After hearing all interested persons in attendance, on motion of Trustee Grillo, duly seconded by Trustee Baxley and carried by a vote of four to none, the Board closed the Public Hearing regarding Community Development Block Grant Program Year 45.

For details of the comments and discussions from the Board and public please refer to the DVD.

On motion of Trustee Grillo, duly seconded by Trustee Baxley and carried by a vote of four to none the Board adopted the following resolution to authorize the Mayor or his designee to execute a grant agreement through the Department of Environmental Conservation (DEC) to perform a tree survey and prepare a community forestry management plan.

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**AUTHORIZING RESOLUTION**

**WHEREAS**

*The Village of Rockville Centre has been awarded a grant in the amount of \$47,295.00 through the Department of Environmental Conservation (DEC) to perform a tree survey and prepare a community forestry management plan.*

**NOW THEREFORE, BE IT**

**RESOLVED** that the Board of Trustees has reviewed the aforesaid project, and has determined that it is a study and analysis project which is not an "Action" as defined in the State Environmental Quality Review Act and its implementing regulations; and it is further

**RESOLVED**, that the Mayor or his designee is authorized to execute the grant agreement and any and all other documents, instruments and agreements necessary to implement, effectuate and/or accept DEC grant funding subject to approval by the Village Attorney with respect to the form of any such agreement..

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On motion of Trustee Baxley, duly seconded by Trustee Grillo and carried by a vote of four to none the Board adopted the following resolution to authorize the Mayor or his designee to execute a grant agreement with DASNY and any and all documents, instruments and agreements necessary to implement, effectuate and/or accept DASNY grant funding in the amount of \$1,000,000.00 for the purchase and installation of a synthetic field at Tighe Field.

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**AUTHORIZING RESOLUTION**

**WHEREAS**

*The Village of Rockville Centre has been awarded a State and Municipal Facilities Program grant in the amount of \$1,000,000 through the Dormitory Authority of the State of New York for the Purchase and Installation of a Synthetic Field*

**NOW THEREFORE, BE IT**

**RESOLVED:**

*That the Mayor or his designee is authorized to execute the grant agreement and any and all other related documents, instruments and agreements reasonably necessary to implement, effectuate and/or accept DASNY grant funding for such subject to approval by the Village Attorney with respect to the form of any such document, instrument or agreement.*

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On motion of Trustee Grillo, duly seconded by Trustee Sepe and carried by a vote of four to none the Board approved the following resolution for publication of a Legal Notice for a Public Hearing regarding Bill RVC 1901:

**RESOLUTION**

**Publication of legal notice for public hearing**

**Bill RVC 1901. A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c**

*WHEREAS, the Village Board of Trustees cannot presently determine whether there will be a need to override for the 2019-2020 fiscal year the tax levy limit established in the General Municipal Law; and*

*WHEREAS, if the Board does conclude that there is a need to do so, it is required prior to approval of the Village budget for that fiscal year to adopt a local law to authorize the Board of Trustees to override the tax levy limit; and*

*WHEREAS, in order to be in a position to adopt such a local law should it be determined to be necessary at the time of approval of the Village budget, the Village each year has initiated, but not necessarily concluded, the process of adopting a local law which would permit the Village to exceed the tax limit; and*

*WHEREAS, a public hearing is required for the adoption of such proposed local law, and a legal notice is required to announce the subject, time and place of the public hearing,*

**IT IS HEREBY RESOLVED** that the Village Administrator shall cause a legal notice to be published in the next available edition of the official newspaper of the Village of Rockville Centre to announce that a public hearing will commence with respect to the proposed local law RVC 1901 on March 4, 2019 at 7:00 pm., and shall give such other notice of hearing as may be required by law.

On motion of Trustee Baxley, duly seconded by Trustee Grillo and carried by a vote of four to none the Board authorized the Mayor or his designee to execute an agreement with Ethel Terry, d/b/a Long Island Growers Market, LLC in a form approved by the Village Attorney.

On motion of Trustee Grillo, duly seconded by Trustee Baxley and carried by a vote of four to none the Board authorized changes to the Village Fee Schedule for Recreation Membership fees for 2019-2020 at \$24.00 for resident (individual) and \$28.00 for non-resident (individual); \$50.00 for resident family and \$60.00 non-resident family for activities that commence after June 1, 2019.

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On motion of Trustee Baxley, duly seconded by Trustee Grillo and carried by a vote of four to none the Board adopted the following resolution designating property of the Department of Public Works as Surplus.

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**RESOLUTION DESIGNATING  
 PROPERTY AS SURPLUS**

Whereas, the Village of Rockville Centre (“Village”) heretofore acquired various equipment and property which thereafter has been used for various purposes; and

**WHEREAS, such property is no longer needed, or has reached the end of its useful life for the Village, to the extent that it is no longer reasonable or feasible for the Village to continue to own and maintain such property;**

**NOW, THEREFORE, BE IT**

**RESOLVED, that the Board of Trustees of the Village of Rockville Centre, in regular session duly convened, does hereby declare the following equipment to be surplus, and authorizes and directs the Village Purchasing Department to solicit proposals for the sale of such equipment in its present and existing condition, and location, and without any warranties, express or implied, and submit the same to the Village Administrator:**

Item/Model	Serial Number/VIN	Estimated Value
Building Department Chevrolet Cobalt	1G1AK55F767863797 2006-AV6113	\$500.00

and it is further

**RESOLVED, that the Board of Trustees hereby delegates to the Village Administrator the power and authority to designate or select the purchaser, or other disposition, of each such vehicle, equipment or property based upon a determination as to which proposal is in the best interests of the Village and consistent with applicable legal requirements, and it is further**

**RESOLVED, that the Mayor, or his designee, is authorized to execute and deliver a bill of sale or such other documentation as may reasonably be required to effectuate the transfer of each such vehicle, equipment or property to its approved purchaser upon payment in full for the purchase price for such vehicle, equipment or property.**

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 On motion of Trustee Grillo, duly seconded by Trustee Baxley and carried by a vote of four to none the Board approved a Professional Service Agreement with Susan Stohr, d/b/a SJS Associates, for the Village’s portion of government affairs representation of the New York Association of Public Power (NYAPP) for the period of March 1, 2019 to February 28, 2020 for a total expenditure not to exceed \$18,515.00-.

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On motion of Trustee Sepe, duly seconded by Trustee Grillo and carried by a vote of four to none, the Board adopted the following resolution to authorize the Mayor or his designee to execute agreements for sale of the Village's cell tower leases, and related property easements, at water tower properties.

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**RESOLUTION AUTHORIZING TRANSFER OF CELL TOWER LEASES,  
 AND GRANT OF EASEMENTS**

Whereas, over a period of years, the Village of Rockville Centre has granted leases and related easements for the use of portions of Village well tower property sites, and well towers, for communications-related purposes; and

Whereas, the Village derives substantial rent payments from such leases and easements, and anticipates that the leases and easement agreement will continue to generate rental payments; and

Whereas, changes in the telecommunications industry, and communications technology have motivated the Village to reconsider and re-evaluate such leases and easement agreements, and to take into consideration possibilities that such leases may be terminated by the lessees thereunder, and that future rental receipts from such leases and other agreements may be less than presently received or anticipated to be received; and

Whereas, the Board of Trustees wishes to provide for more certainty in the future revenues to be received by the Village for such leases and easements, and to reduce the impact on Village finances which could result from future reductions in such revenues; and

Whereas, the Village administration has engaged in discussions with interested parties, and negotiated proposed agreements for the transfer of the Village's interests in existing such leases and existing, and additional, easement agreements in exchange for fixed lump sum payment(s), and on conditions which anticipate receipt by the Village of additional such revenues over a period of time; and

Whereas, the Board of Trustees has reviewed this subject extensively over the past few years, and hereby determines that it would be in the best interests of the Village and its residents to secure definite revenues from such leases and agreements, without being subject to future changes or developments in the telecommunications industry or technology, while preserving the integrity of the Village water towers and water tower properties,

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Board of Trustees hereby finds that the proposed transfer of the Village's rights in the its existing cell tower leases and easement agreements, and the execution of similar easement agreements for portions of Village water towers

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and water tower properties, to IWG-TLA Telecom LLC for a term of twenty-five (25) years, is a Type II Action pursuant to 6 NYCRR 617.5(c) (18), (26) and (32), which requires no environmental impact review pursuant to the State Environmental Quality Review Act, and it is further

RESOLVED, that the Board of Trustees hereby authorizes the Mayor, or his designee, to execute on behalf of the Village various purchase agreements, in form substantially similar to those reviewed by the Board, and in form approved by the Village Attorney, to effectuate the transfer to IWG-TLA Telecom LLC of the following existing Village cell tower leases and easements, for the total sum of \$4,061,000:

- 140 Shepherd Street – Sprint
- 140 Shepherd Street – Verizon
- 140 Shepherd Street – T-Mobile
- 142 Maple Avenue – AT&T
- 142 Maple Avenue – T-Mobile
- 10 Sunrise Highway – T-Mobile
- 86 Reeve Road – AT&T
- 86 Reeve Road – T-Mobile

and it is further

RESOLVED, that the Board of Trustees hereby authorizes the Mayor, or his designee, to execute on behalf of the Village various purchase agreements, in form substantially similar to those reviewed by the Board, and in form approved by the Village Attorney, to effectuate the transfer to IWG-TLA Telecom LLC of the following existing Village cell tower leases and easements, for the total sum of \$955,000:

- 10 Sunrise Highway – Verizon
- 86 Reeve Road – Verizon

and it is further

**RESOLVED, that the Board of Trustees hereby authorizes the Mayor, or his designee, in further consideration of the foregoing agreements to execute on behalf of the Village easement agreements between the Village and IWG-TLA Telecom LLC for the use of portions of Village water towers and water tower properties at 10 Sunrise Highway, 142 Maple Avenue, 140 Shepherd Street and 86 Reeve Road for cellular communication-related purposes, for a term of twenty-five (25) years, in form substantially similar to those reviewed by the Board, and in form approved by the Village Attorney.**

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On motion of Trustee Sepe, duly seconded by Trustee Baxley and carried by a vote of four to none the Board adopted the following resolution to renew and extend a tax abatement for Halandia Associates L.P.  
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**HALANDIA ASSOCIATES, L.P. – RENEWAL OF TAX EXEMPTION AGREEMENT**

**WHEREAS, Halandia Associates, L.P. (“Halandia”), a limited partnership, as the owner and operator of a subsidized senior community known as “Halandia Court” located at 266 North Centre Avenue, Rockville Centre, New York, has applied to the Village for approval of a renewed property tax exemption for its property; and**

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**WHEREAS, Halandia provides Section 8 Housing at the said property for senior citizens over the age of 62; and**

**WHEREAS, Halandia is a party to a 1978 Tax Exemption Agreement between the Village of Rockville Centre and Nassau County which provides for a PILOT arrangement under Article V of the Private Housing Finance Law for a period of time ending forty (40) years from the date on which a certain federally funded mortgage described in such Agreement takes effect, which period of time has expired; and**

**WHEREAS, Halandia has applied to the Village for a forty (40) years extension of the aforesaid PILOT agreement, pursuant to Private Housing Finance Law Section 125(1)(a-3); and**

**WHEREAS, without the benefits of such an agreement the owner of the property would be subject to substantially increased operational costs, resulting in significant increases in rents to senior citizens of the community who are not in a position to afford such rent increases; and**

**WHEREAS, Halandia is in compliance with each of its obligations to the Village with respect to the 1978 Tax Exemption Agreement, and has proven over the past forty years to be a valuable member of the Rockville Centre community; and**

**WHEREAS, the Board of Trustees hereby determines that it is in the best interests of the Village, and its residents, to preserve the aforesaid senior community within the Village, at affordable rental rates, for an additional extended period of time;**

**NOW, THEREFORE, BE IT**

**RESOLVED, that pursuant to the authority granted by Private Housing Finance Law 125(1)(a-3), the Board of Trustees hereby approves an extension of the tax exemption agreement provided in the 1978 Tax Exemption Agreement for an additional term of forty (40) years, or until such time as the project is no longer operated under the restrictions and for the purposes set forth in Article V of the Private Housing Finance Law, whichever is sooner, and it is further**

**RESOLVED, that the amount of taxes paid by the owner of the said property during such additional tax exemption period shall not be less than (i) the taxes payable by such owner in accordance with the resolution for Halandia Associates, L.P., the redevelopment company that was approved previously by the Board of Trustees and that was in effect immediately prior to the expiration of the initial tax exemption period, or (ii) if there is no such resolution, the taxes payable by such company in accordance with the exemption authorized pursuant to such Article 5 immediately prior to the expiration of the initial tax exemption period; and it is further**

**RESOLVED, that the Mayor, or his designee, is authorized on behalf of the Village to execute an agreement extending the term of the 1978 Tax Exemption Agreement for an additional period of forty (40) years, in a form approved by the Village Attorney; and it is further**

**RESOLVED, that this resolution shall be effective only in the event that a similar extension agreement is authorized and executed by the County of Nassau.**

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On motion of Trustee Grillo, duly seconded by Trustee Baxley and carried by a vote of four to none the Board authorized settlement of a claim from Henry J. Leach for \$17,140.13-.

On motion of Trustee Sepe, duly seconded by Trustee Baxley and carried by a vote of four to none, the Board approved the following minutes for filing:

Briefing Session ----- January 3, 2019  
 Executive Session ----- January 3, 2019  
 Executive Session ----- January 7, 2019  
 Board Meeting ----- January 7, 2019

Village Administrator Kathleen Murray advised that Bid No. 1901E1(928) RATA & Cylinder Gas Audit for the Electric Department was properly advertised and opened on January 18, 2019 the result of the bid opening is as follows:

VENDOR	RATA Fixed Price Bid 2019-2021	Cylinder Gas Audit Fixed Price Bid 2019-2020	Total Bid Price 2019-2021
Peregrine Technical Services LLC	\$ 18,025.00	\$ 15,090.00	\$ 33,115.00
Environmental Laboratories, Inc.	\$ 21,260.00	\$ 60,300.00	\$ 81,560.00
FD PACE LLC, d/b/a PACE Environmental	\$ 29,685.00	\$ 12,600.00	\$ 42,285.00

On motion of Trustee Grillo, duly seconded by Trustee Baxley and carried by a vote of four to none, the Board awarded the contract to the lowest responsible bidder substantially meeting all required specifications namely Peregrine Technical Services LLC for a not to exceed cost of \$33,115.00 for years 2019 through 2021.

Village Administrator Kathleen Murray announced that the Fire Department had the following changes. Former Honorary Chief Joseph Milone, Jr. of Defender Hose Co. No. 1 passed away, Michael Long joined Alert Engine Co. No. 2, Timothy Marski joined Live Oak Engine Co. No. 1 and department membership remains 329 members. On motion of Trustee Baxley, duly seconded by Trustee Grillo and carried by a vote of four to none, the Board voted to approve the Fire Department Membership report.

There being no further business, on motion of Trustee Grillo, duly seconded by Trustee Baxley and carried by a vote of four to none the Board voted to adjourn the meeting at 8:30pm.

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Kathleen Murray  
 Village Administrator/  
 Clerk-Treasurer

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