

Minutes of the Regular Meeting of the  
Board of Trustees held in the Board Room  
of the Community Building, 318 Lakeville Road,  
Monday, December 1, 2014 at 7:30 P.M.

PRESENT: Mayor Ronald Cooper  
Deputy Mayor Stephen Lam  
Trustee Fred Handsman  
Trustee Adam Hoffman  
Trustee Gene Kaplan  
Trustee David Milner  
Trustee Alan Mindel

ALSO PRESENT: Patrick E. Farrell, Village Administrator/Treasurer  
Patricia Pilla, Deputy Clerk  
Margaret Deane, Deputy Treasurer

ABSENT: Peter Mineo, Village Attorney

Mayor Cooper called the regular meeting of the Board of Trustees to order at 7:30 p.m. and asked Mr. Spellman to lead in the Pledge of Allegiance.

Mayor Cooper, seconded by Trustee Kaplan called the Public Hearing for BK at Lake Success – Site Plan approval to order at 7:30 p.m. (a verbatim transcript attached hereto).

Mayor Cooper seconded by Trustee Kaplan moved to continue the Public Hearing for BK of Lake Success – Site Plan approval to the January 12, 2015 Board of Trustees meeting at 7:30 p.m. so that the Board can take time to review all the documents that were prepared. Mayor Cooper called a vote on the motion. Trustee Fred Handsman voting aye; Trustee Adam Hoffman voting aye; Trustee Gene Kaplan voting aye; Deputy Mayor Stephen Lam voting aye; Trustee David Milner voting aye; Trustee Alan Mindel voting aye; Mayor Ronald Cooper voting aye. The resolution was thereupon declared duly adopted.

On motion by Mayor Cooper, seconded by Trustee Kaplan and without objection, the Public Hearing for BK of Lake Success was closed at 7: 58 p.m.

Mayor Cooper reconvened the meeting of the regular agenda of the Board of Trustees at 7:58 p.m.

Sam Balooch, Fitness Director addressed the Board with regard to his proposal on various lessons, i.e. yoga, spinning, palates, boot camp, dance classes, etc. Sam obtained an estimate from Fitness Resource, which was sent to the Board, on what it would cost to get that room set up for the proper classes. Sam wanted some clarity on who is allowed to join the classes. The Board clarified that it would be paid fitness center members. Sam advised the Board that he was been interviewing some instructors for yoga, palates, cardio kick boxing etc. Lyn Lebowitz, the pool aerobics instructor is very interested in teaching some of the aerobic classes and Sam has been in touch with her. Sam informed the Board that the best way to schedule the classes is to have 5 to 6 classes per week to start and see what kind of response it generates, and based on that and along with suggestions, we can always add more time and

classes. Mayor Cooper asked Sam what type of equipment he would need to run these classes. The biggest cost would be if they decided to run spinning classes. A discussion ensued.

Trustee Mindel advised the Board that it's a good idea to start with classes, but for the Village to make an investment of close to \$8,000 under the theory that the spin classes may take off here when we have just much of a chance for the yoga, the aerobics or the boot camp to me makes little to no sense. Trustee Mindel also advised Sam that he had an issue with the village, respectfully, making the investment frankly for your business and thinks that we need to create a certain level of satisfaction to the residents and show the success of the classes before we make a final decision, at least this is my personal view on it. After further discussion, Trustee Handsman seconded by Trustee Milner moved to approve the purchase of 10 Startrac NXT Spinner Bikes at \$799 each for a total of \$7,990 and additional equipment such as body bars, dumbbells, and floor mats for an additional \$2,275. A discussion on the motion ensued. The Board discussed the fee structure that Sam was proposing. Sam will pay the instructors and take a percentage of their earnings. Deputy Mayor Lam asked Sam if he would be interested in a revenue share. Sam said yes. Trustee Hoffman asked if there could be a percentage on a buyout on the bikes if it didn't work out. Trustee Handsman will obtain more information on a buyout. Trustee Handsman, seconded by Trustee Milner amended his motion to read that the Village purchase 10 Startrac NXT Spinner Bikes at \$799 each for a total of \$7,990, subject to a negotiated buyout and purchase additional equipment such as body bars, dumbbells, and floor mats for an additional \$2,275. Mayor Cooper called a vote on the motion. Trustee Fred Handsman voting aye; Trustee Adam Hoffman voting no; Trustee Gene Kaplan voting no; Deputy Mayor Stephen Lam voting aye; Trustee David Milner voting aye; Trustee Alan Mindel voting no; Mayor Ronald Cooper voting aye. The resolution was thereupon declared duly adopted.

Mayor Cooper asked Trustee Handsman to work out with Sam a revenue share program and come back to the Board for approval.

Trustee Mindel advised Sam that there has been a lot of new members down at the gym, and feels that Sam should spend more time to show them how to use the equipment because there has been some complaints with regard to that. Mayor Cooper informed Sam that he needs to be pro-active on his part and give some kind of instructions to residents even though they do not hire him as a personal trainer, as an example an hour or so, just to give a presence in the gym. A discussion ensued.

Jeffrey Braverman, 9 Horseshoe Lane addressed the Board and asked a question on the evaluation of our taxes and the fact that they don't match Nassau County evaluations. Mayor Cooper informed Mr. Braverman that our tax structure is different. Mr. Braverman will speak to the Village Assessor. Mr. Braverman asked the Board that if a resident submits plans to build a home on his existing property, and has the plans approved by the Planning Board and then decides to sell the property before the building takes place, does the new owner have to submit new plans to the Planning Board? Administrator/Treasurer Farrell advised Mr. Braverman that Bob Bonnie, Building Inspector answered that question this afternoon via email and said they can build the submitted plans that were approved without any changes. A further discussion ensued.

Trustee Milner seconded by Trustee Mindel moved to approve the Minutes of November 10, 2014 as amended. The motion was unanimously approved.

Trustee Hoffman, seconded by Trustee Milner moved to approve the pre-paid abstract of claims for \$223,009.66 (annexed hereto). The motion was unanimously approved.

Treasurer's report is annexed hereto.

Deputy Mayor Lam reported to the Board that there still has been no progress in getting the closeout documents on the Community Building renovation. The switch on the gate between the bar and the lobby, should be changed in a

day or two. Culinart has requested a solid door be put in place of the gate. The large storage area in the basement has been leaking in the far northwest corner. In order to fix the problem about 20 to 25 holes were drilled into the wall and injected with an expandable waterproofing foam which should stop the leaks.

Administrator/Treasurer Farrell, and Mayor Cooper had no reports at this time.

The following resolution was offered by Mayor Cooper, who moved its adoption, seconded by Trustee Hoffman, to-wit:

BOND RESOLUTION DATED DECEMBER 1, 2014.

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$140,000 BONDS OF THE VILLAGE OF LAKE SUCCESS, NASSAU COUNTY, NEW YORK, TO PAY THE COST OF CERTAIN JUDGMENTS, COMPROMISED CLAIMS OR SETTLED CLAIMS RESULTING FROM COURT ORDERS ON PROCEEDINGS BROUGHT PURSUANT TO ARTICLE 7 OF THE REAL PROPERTY TAX LAW DUE AND PAYABLE IN THE CURRENT FISCAL YEAR OF SAID VILLAGE.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of Village of Lake Success, Nassau County, New York, as follows:

Section 1. For the class of objects or purposes of paying the cost of certain judgments, compromised claims or settled claims resulting from court orders on proceedings brought pursuant to Article 7 of the Real Property Tax Law due and payable in the current fiscal year of the Village of Lake Success, Nassau County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued not exceeding \$140,000 bonds of said Village pursuant to the provisions of the Local Finance Law.

Section 2. The maximum estimated cost of the aforesaid class of objects or purposes is \$140,000, and the plan for the financing thereof shall be by the issuance of not exceeding \$140,000 bonds of said Village herein. Such bonds are to be payable from amounts which shall annually be levied on all the taxable real property in said Village, and the faith and credit of said Village of Lake Success, Nassau County, New York, are hereby pledged for the payment of said bonds and the interest thereon.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision 33-a of paragraph a of Section 11.00 of the Local Finance Law.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 5. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in

Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 6. The validity of such bonds and bond anticipation notes may be contested only if: Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or

The provisions of law which should be complied with as of the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

Such obligations are authorized in violation of the provisions of the Constitution.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. This resolution, which takes effect immediately, shall be published in summary form in the Great Neck Record, which is hereby designated as the official newspaper of said Village for such purpose, together with a notice of the Village Clerk substantially in the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows: Trustee Fred Handsman voting aye; Trustee Adam Hoffman voting aye; Trustee Gene Kaplan voting aye; Deputy Mayor Stephen Lam voting aye; Trustee David Milner voting aye; Trustee Alan Mindel voting aye; Mayor Ronald Cooper voting aye.

The resolution was thereupon declared duly adopted.

Mayor Cooper seconded by Trustee Handsman moved to approve a tax certiorari settlement to Fresh Meadow Country Club, Section 2, Block 358, Lot(s) 11A, 11B, 12, 13 and 30. Tax Years 2008/09 – 2014/15 in the amount of \$140,000 to be paid in two equal installments of \$70,000 and 220 Lakeville Road Associates, Section 2, block 106, Lot 233 for tax years 2008-09 – 2012/13 in the amount of \$7,500. The motion was unanimously approved.

Trustee Hoffman seconded by Mayor Cooper moved to approve the Accounting Consultation Proposal by Cullen & Danowski, LLP for fiscal year ending May 31, 2015 to provide the Village with various accounting services throughout the year for a daily fee of \$1,050 and a yearly fee of \$15,000, with an option to renew for 2016 and 2017. A discussion on the motion ensued. Mayor Cooper informed the Board that initially Cullen & Danowski made a proposal with a total fee and we went back to them because we didn't really know how much time it was going to take, so that is why there is also a daily rate. Mayor Cooper feels that this is very good as an added layer of protection so that at the end of the year there won't be a lot of year end journal entries to be made and to enable the preparation of the Village's financial statements and it just gives us another layer of protection. This seems to be a trend amongst a number of villages and school districts. After further discussion, Mayor Cooper called a vote on the motion. Trustee Fred Handsman voting aye; Trustee Adam Hoffman voting aye; Trustee Gene Kaplan voting aye; Deputy Mayor Stephen Lam voting aye; Trustee David Milner voting aye; Trustee Alan Mindel voting aye; Mayor Ronald Cooper voting aye.

The resolution was thereupon declared duly adopted.

Trustee Handsman seconded by Mayor Cooper moved to approve and authorize Mayor Cooper to sign the Street Lighting Maintenance Agreement with Welsbach Electric of Long Island from January 1, 2015 to December 31, 2015 at a cost of \$417 per month, a 5% increase. The motion was unanimously approved.

Administrator/Treasurer Farrell advised the Board that Creativemploy is an organization that helps place individuals living with autism and intellectual disabilities who seek to find their niche in the work world. This is a volunteer service and applicant Sean Cunningham, can be used for filing and scanning for 2 or 3 days per week. Sean also comes with an assistant. After further discussion, Mayor Cooper seconded by Trustee Hoffman moved to authorize Sean Cunningham through Creativemploy to volunteer his services to the Village and work in the Village office subject to him getting paid and work on a project to project on a limited basis. The motion was unanimously approved.

Administrator/Treasurer Farrell advised the Board that Auctions International can help us get rid of extra items. The Town of North Hempstead has an inter-municipal agreement with Auctions International which we can jump onto where they charge a percentage. They don't take ads out in the New York Times. After a further discussion, Mayor Cooper seconded by Trustee Mindel moved to enter into an inter-municipal agreement with Auctions International. The motion was unanimously approved.

Mayor Cooper discussed with the Board any Inter-municipal Agreement with Swift Reach. The Village uses Swift Reach for the reverse 911 and pays \$1,400 per year for unlimited access. The deal with the Town of North Hempstead is roughly \$50 per voice call. Last year the Village made approximately 5 voice message calls. The only concern Mayor Cooper had was that he didn't want the Town of North Hempstead to have access to phone numbers and emails of Village residents. In the Inter-Municipal Agreement with the Town of North Hempstead it indicates that the Town cannot utilize any of our information unless they are expressly authorized by the Village. Mayor Cooper seconded by Trustee Mindel moved to approve the Inter-Municipal Agreement between the Town of North Hempstead and the Village for Swift Reach. The motion was unanimously approved.

Trustee Handsman advised the Board that he clarified the Agreement with Fitness Resource with regard to the repair and service of the fitness equipment. We are in agreement with Fitness Resource responsibilities are the same as what we had with Club Care with the old equipment. With regard to the old Treadmill, it would cost too much to repair it and it's not worth it. After a further discussion, Trustee Handsman seconded by Mayor Cooper moved to approve the purchase of one remanufactured Precor 9561EX Experience Treadmill with TV by Fitness Resource at \$2,495 with 1 year parts and labor warranty. Mayor Cooper called a vote on the motion. Trustee Fred Handsman voting aye; Trustee Adam Hoffman voting aye; Trustee Gene Kaplan voting aye; Deputy Mayor Stephen Lam voting aye; Trustee David Milner voting aye; Trustee Alan Mindel voting aye; Mayor Ronald Cooper voting aye. The resolution was thereupon declared duly adopted.

Trustee Hoffman discussed with the Board the Golf Fund and the General Fund. Mayor Cooper seconded by Trustee Handsman moved to approve that all costs related to the Fitness Center not be charged to the Golf Fund but as a General Fund expenditure. The motion was unanimously approved.

Trustee Handsman seconded by Mayor Cooper moved to approve the 2015 Fitness Center Fee Schedule as \$50 per person, with a \$150 cap on a family of 3 or more, which is the same rate as 2014. The motion was unanimously approved.

There were no Building Department and Environmental Commission reports at this time.

Trustee Hoffman seconded by Mayor Cooper moved to approve the Master Equipment Lease Agreement for 75 Golf Carts with Wells Fargo for a 4 year lease term at a monthly fleet rate of \$5,750 for the period from January 2015 to December 2018. The motion was unanimously approved.

Trustee Hoffman seconded by Mayor Cooper moved to approve the service contract with Fairway Golf Cart to service the 75, 2015 Club Cars with In-Season Service and Winter Service at a cost of \$87.50 per cart for a total of \$6,562.50 annually from January 1, 2015 to December 31, 2018. A discussion on the motion ensued. Trustee Hoffman discussed with the Board that the carts won't be guaranteed if you don't charge them for a minimum of 12 hours. Bob Johnston is looking to see if we can obtain cheaper electric rates if we shut down our pump house for 3 months in the winter so that we may be able to get a rebate. The motion was unanimously approved.

Trustee Hoffman, seconded by Trustee Handsman moved to approve the following resolution:

WHEREAS, the Board of Trustees passed a resolution on December 10, 2007 deeming it to be in the best interest of the Village that Golf Pro Robby Mistretta devote a portion of his golf lesson time to the various golf activities of Lake Success including the administration and supervision of the Golf Activities Building; and

WHEREAS, Mr. Mistretta must reduce the number of golf lessons he gives; and

WHEREAS, in 2014 Mr. Mistretta's compensation, subject to Trustee Hoffman approving the calculations, will be \$18,000. The Village Board of Trustees has previously determined a reasonable and fair representation of the number of lessons given each year; the Village compensates Mr. Mistretta for the difference between the number of golf lessons he gives each year and the number of lessons he gave in 2005. A discussion on the motion ensued. On call of the roll: Trustee Fred Handsman voting aye; Trustee Adam Hoffman voting aye; Trustee Gene Kaplan voting aye; Deputy Mayor Stephen Lam voting aye; Trustee David Milner voting no; Trustee Alan Mindel voting aye; Mayor Ronald Cooper voting aye.

Trustee Milner advised the Board that the Assistant Pool Director, Aileen McGonigle told him that she has some scheduling issues over the summer and Trustee Milner spoke to Amanda, Pool Director and they will work it out where it will not be a problem. There are one or two Captains that will help out and Aileen's compensation will be adjusted downwards once they discuss it and he will keep the Board informed as progress is made.

Administrator/Treasurer Farrell informed the Board that the village has been receiving letters from a resident of North Shore Towers with regard to install more street lights. Letters are now coming from the North Shore Tower's Board with the same concern and request. Administrator/Treasurer Farrell advised the Board that there is CHIPS money in the amount of \$7,500 that has to be used by the first quarter of this year otherwise it's gone. Welsbach which is our street lighting company can install LED lights for \$720 each. The electric will be paid by the Village. After a further discussion, Trustee Handsman seconded by Trustee Milner moved to approve the purchase of no more than 8 street lights along Marcus. The motion was unanimously approved.

On motion by Mayor Cooper seconded by Trustee Hoffman, the Board moved into Executive Session at 9:25 p.m. to discuss personnel. Mayor Cooper reconvened the regular meeting at 10:25 p.m. and reported that no action had been taken during executive session, therefore, there are no minutes.

Trustee Kaplan seconded by Mayor Cooper moved to recommend extending the Culinary Agreement by 2 years from January 1, 2016 to December 31, 2017, subject to finalizing a negotiated Agreement. Mayor Cooper called a vote on the motion. Trustee Fred Handsman voting aye; Trustee Adam Hoffman voting aye; Trustee Gene Kaplan voting aye; Deputy Mayor Stephen Lam voting aye; Trustee David Milner voting aye; Trustee Alan Mindel voting aye; Mayor Ronald Cooper voting aye.

Trustee Kaplan seconded by Mayor Cooper moved to approve elected officials, at their cost, to participate in the Village's health care plan. Mayor Cooper called a vote on the motion. Trustee Fred Handsman voting aye; Trustee Adam Hoffman voting aye; Trustee Gene Kaplan voting aye; Deputy Mayor Stephen Lam voting aye; Trustee David Milner voting aye; Trustee Alan Mindel voting aye; Mayor Ronald Cooper voting aye.

On motion by Mayor Cooper, seconded by Trustee Hoffman, the meeting was adjourned at 10:45 p.m.

Respectfully submitted,

Patrick E. Farrell, CMC, RMC  
Village Administrator