

Minutes of the Regular Meeting of the
Board of Trustees held in the Board Room
of the Community Building, 318 Lakeville Road,
Monday, October 21, 2019 at 7:30 P.M.

PRESENT: Mayor Adam Hoffman
Deputy Mayor Stephen Lam
Trustee Larry Farkas
Trustee Gene Kaplan
Trustee Robert Gal
Trustee David Milner
Trustee Sugnam Peter Chang

ALSO PRESENT: Patrick E. Farrell, Village Administrator
Margaret Deane, Deputy Treasurer
Angelique Melnyk – Deputy Clerk
Andrea Curto, Village Attorney
Deborah A. Cirabisi, Court Stenographer, Veritext

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

Mayor Hoffman called to order the Public Hearing to discuss Agenda Item 2A, Adoption of Bill No. 9, Local Law #5 of 2019 to amend Lake Success Code by the addition of a new Chapter 83, entitled “Registry of Leases for Rental Dwellings” and Agenda Item 2B, “Introduction of Bill No. 10, Local Law #6 of 2019, “ASIE LAW” at 7:35 p.m. (a verbatim transcript annexed hereto).

On motion by Mayor Hoffman seconded by Trustee Kaplan and without objection, the Public Hearing was closed at 7:59 p.m.

On behalf of the Public Works Department, Pat McDermott reported all the drainage in the Police parking lot have been installed and the process of adding blacktop has begun. The work should be completed with one day. In regards to the softball field, Mr. McDermott suggested replacing the current 30 ft. backstop with one 6ft smaller, making it 24ft. The next step would be to move the first and third base foul lines inward. To protect players from running onto the track, Mr. McDermott proposed using a pop up fence which would only be used for the duration of the game and removed immediately afterward. A lengthy discussion on placement, movement and positioning of the softball field, backstop and bleachers ensued.

Mr. McDermott reported that he is scheduled to meet with Century Tennis so that they can review and submit a quote to install a new basketball court. He has two other companies, one being Stasi Bros., who will also be submitting proposals.

In regards to the playground equipment, Mr. McDermott provided proposals to replace the existing equipment. Trustee Farkas noted many parents find the slide to be dangerous and are concerned with safety. Currently, the Camp does not use the playground area or slide. Mayor Hoffman suggested reaching out to the manufacturer to inquire whether

or not the slide itself can be replaced rather than replacing the entire structure.

Trustee Milner seconded by Mayor Hoffman moved to approve the hiring of Argendy Minaya as a Full Time Laborer, Step 6, at an annual salary of \$55,323.00. The motion was unanimously approved by those present.

Trustee Milner and Pat McDermott emphasized that Mr. Minaya has a strong background in mechanics. This skill set would be of great benefit to the Village when it comes to minor maintenance and evaluation of outside repairs. Due to his pre-existing knowledge of mechanics and the status of other Laborers with the Department of Public Works, it was agreed upon that Mr. Minaya would enter into the Union as Step 6 rather than Step 1. Mr. McDermott informed the board that the DPW crew were all in agreement of that decision.

The Board tabled Agenda Item #14A, Approval of lift proposals.

Mayor Hoffman seconded by Trustee Milner moved to approve the scrapping of 2005 Chevy Tahoe and the sale of the 2003 Dodge Ram 1500 (RED) to the highest bidder responding to the published advertisement. The motion was unanimously approved by those present.

A discussion on replacing the removable barrier posts at the front end of the main driveway vs. installing an electronic gate ensued. The board opted to have DPW clean up and repair the posts we currently have for the time being.

In regards to the Police Building, Mr. McDermott reported that DPW has completed painting the back of the building. The bases of the columns were fixed using fiber glass and the shutters and dog houses were given a fresh coat of paint. Public Works is now focusing on the front entrance and upstairs balcony. Several bushes were planted and the grass is growing nicely.

Deputy Mayor Lam reported that he authorized payment for work done by Stasi Brothers on Tanners Road. The original proposal was in the amount of \$68,000. A few changes were made to the proposal and in the end the finished price amounted to approximately \$9,000 less. Administrator Farrell added he believes we will also come in under budget with the police parking lot project.

Administrator Farrell reminded the board that at the September 9, 2019 BOT meeting the Board approved the purchase of a handicap lift not to exceed \$17,000. In following up on warranty pricing Administrator Farrell reported that Access Elevator's proposal was submitted in the amount of \$13,950 plus an additional \$1,600 for custom coloring. Access Elevator offered a 4 year parts and 1 year labor warranty for \$950.00. The total cost would equal \$16,500.00. Total Access submitted their quote which came in at \$19,187.00. No estimate was received from Warrior Service Company, LLC.

Mayor Hoffman seconded by Trustee Kaplan moved to enter into Executive Session at 8:45 p.m.

Mayor Hoffman reconvened the regular meeting at 9:07 pm.

Mayor Hoffman seconded by Trustee Milner moved to approve the minutes of September 9th, 2019. The motion was unanimously approved by those present.

Mayor Hoffman seconded by Trustee Milner moved to approve the minutes of July 24th, 2019. The motion was unanimously approved by those present.

Mayor Hoffman, Deputy Mayor Lam, Administrator Farrell and Attorney Curto had no reports at this time.

Deputy Mayor Lam requested that the Minutes of July 24th, 2019 be edited to state the "Board of Trustees entered

into Executive Session to discuss Personnel Matters”.

Mayor Hoffman seconded by Trustee Milner moved to approve the Abstract of Claims as presented for \$469,440.58 and the Pre-Paid Abstract of Claims as presented for \$386,545.40 (annexed hereto). The motion was unanimously approved by those present.

Treasurers Report is annexed hereto.

The Board tabled approval of Northpoint Horvath’s proposal to convert storage area to a yoga studio.

Mayor Hoffman seconded by Deputy Mayor Lam moved to approve the revised Plus Package cyber security proposal submitted by CMIT Solutions in the amount of \$10,800.00 requiring 60 day notification prior to cancellation.

On the call of the roll: Mayor Hoffman voting aye; Deputy Mayor Lam voting aye; Trustee Milner recusing himself from the vote; Trustee Chang voting aye; Trustee Gal voting aye; Trustee Farkas voting aye; Trustee Kaplan voting aye:

The resolution was thereupon declared duly adopted.

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

BOND RESOLUTION DATED OCTOBER 21, 2019.

A RESOLUTION AUTHORIZING THE PURCHASE OF HEAVY EQUIPMENT IN AND FOR THE VILLAGE OF LAKE SUCCESS, NASSAU COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$150,000 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$150,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

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

Section 1. The purchase of heavy equipment in and for the Village of Lake Success, Nassau County, New York, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$150,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$150,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

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 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Lake Success, Nassau County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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 6. 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 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at 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

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. 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 9. Upon this resolution taking effect, the same 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 in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **This resolution is adopted subject to permissive referendum.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

MAYOR HOFFMAN _____ VOTING ___ AYE _____

DEPUTY MAYOR LAM _____ VOTING ___ AYE _____

TRUSTEE KAPLAN _____ VOTING ___ AYE _____

TRUSTEE MILNER _____ VOTING ___ AYE _____

TRUSTEE CHANG _____ VOTING ___ AYE _____

TRUSTEE FARKAS _____ VOTING _____ AYE _____

TRUSTEE GAL _____ VOTING _____ AYE _____

The resolution was thereupon declared duly adopted

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

BOND RESOLUTION DATED OCTOBER 21, 2019.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$135,000 BONDS OF THE VILLAGE OF LAKE SUCCESS, NASSAU COUNTY, NEW YORK, TO PAY THE COST OF THE PURCHASE OF POLICE VEHICLES FOR THE POLICE DEPARTMENT IN AND FOR 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 the Village of Lake Success, Nassau County, New York, as follows:

Section 1. The purchase of police vehicles for the Police Department to replace vehicles in service for one year or more, in and for the Village of Lake Success, Nassau County, New York, is hereby authorized at a maximum estimated cost of \$135,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$135,000 bonds of said Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is three years, pursuant to subdivision 77 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

Section 4. The faith and credit of said Village of Lake Success, Nassau County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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 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 6. All other matters except as provided herein relating to the 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 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 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at 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

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. 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.

This resolution, which takes effect immediately pursuant to Section 36.00(a) (1) of the Local Finance Law, 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 in substantially 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:

MAYOR HOFFMAN _____ VOTING ___AYE___

DEPUTY MAYOR LAM _____ VOTING ___AYE___

TRUSTEE MILNER _____ VOTING ___AYE___

TRUSTEE KAPLAN _____ VOTING ___AYE___

TRUSTEE FARKAS _____ VOTING ___AYE___

TRUSTEE CHANG _____ VOTING ___AYE___

TRUSTEE GAL _____ VOTING ___AYE___

The resolution was thereupon declared duly adopted.

Mayor Hoffman seconded by Trustee Kaplan, moved the following resolution:

VILLAGE OF LAKE SUCCESS WIRE TRANSFER AND ONLINE BANKING POLICY

NOW, THEREFORE BE IT RESOLVED, that the Village of Lake Success does hereby adopt the following Wireless Transfer and Online Banking Policy:

- A wire transfer of funds in payment of an obligation of the Village of Lake Success will only be used for domestic payments. All wire transfer activity shall be the responsibility of the Village Treasurer or Deputy Treasurer.
- The Village Treasurer shall be responsible for the review of wire requests in order to assure compliance, completeness, and proper general ledger recording.
- Dual custody and preparation of all wire transfer obligations shall be between the Village Treasurer and Deputy Treasurer.
- Full access to any of the Village's online bank accounts will be managed by the Treasurer and Deputy Treasurer.
- The Research Secretary to the Board of Trustees will hold restricted access as necessary for banking functions of retrieving monthly bank statements for reconciliation purposes.
- The Treasurer, Deputy Treasurer and Research Secretary to the Board of Trustees will be responsible for the safe keeping of their individual Token/Keyfob devices for accessing the Village's authorized on-line banking systems .Village token/Keyfob devices will be kept on the responsible individual's person. All banking transactions for the Village's Finance Department shall be on a secure computer used only for online banking purposes.
- The Treasurer is responsible for implementing adequate internal controls for each of the electronic banking methods utilized. An effective internal control system includes, but is not limited to, segregation of duties, proper authorization, and adequate documentation for all electronic transactions.

On call of the roll:

Mayor Hoffman voted Aye - Trustee Gal voted; Aye - Trustee Kaplan voted Aye; - Trustee Farkas voted; Aye; Deputy Mayor Lam voted; Aye- Trustee Milner voted; Aye - Trustee Chang; voted Aye

The resolution was thereupon declared duly adopted.

Mayor Hoffman seconded by Trustee Milner moved to accept the SCAR assessment changes in the amount of \$69,123.80. The motion was unanimously approved by those present.

A discussion on usage of the Camp Room by employees, former employees and non- residents ensued.

Mayor Hoffman seconded by Trustee Farkas moved to approve the request submitted by Jilian Weihs to use the Camp Room on December 14, 2019. On the call of the roll: Mayor Hoffman voting aye; Deputy Mayor Lam voting aye; Trustee Milner voting nay; Trustee Kaplan voting aye; Trustee Gal voting aye; Trustee Chang voting aye. Trustee Farkas voting aye.

The resolution was thereupon declared duly adopted subject to a \$500 refundable deposit fee.

A discussion on Culinart's vision to renovate the front entrance of the Community Building ensued.

Trustee Milner informed the Board that Culinart's contract requires them to expend \$500,000 by March 2020 for Capital Improvements. Trustee Milner had a discussion with Lou Vogt regarding Culinart's intent to renovate as to ensure Culinart is not in default of their contract. Mr. Vogt informed Trustee Milner that Culinart was interested in re-facing the main entrance of the community building or potentially creating a separate entrance way allowing for Bridal Party's to enter through what is currently the board room.

Mayor Hoffman appointed a committee consisting of Trustees Chang, Kaplan and Milner to review and discuss plans submitted by Culinart for potential renovations to the front entrance of the Community Building in the spring.

In regards to 35 Old Farm Road, Administrator Farrell reported to the Board that extensions on the work permits for this property are about to expire. If the work is not completed by the expiration date set by the the Building Department, the home owner will have to reapply for all new permits and pay the associated fees as calculated by Bob Bonnie.

Mayor Hoffman seconded by Trustee Farkas moved to approve the Task Order Two Agreement between the Village of Lake Success and Michael Musso, Esq. The motion was unanimously approved by those present subject to the agreement not exceeding \$13,000.

Administrator Farrell reported a temporary and short lived failure with the phone system at the Police Station. The cause is stemming from the Avia Phone system unit which is approximately 20 years old. Administrator Farrell and Chief Gardella are currently looking into replacing this system with newer updated equipment. Wifi and VOIP options at the Police Station were also discussed.

In regards to Agenda Item 7J, Mayor Hoffman appointed Deputy Mayor Lam, Trustee Gal and Trustee Farkas to serve as members of the CSEA Contract Committee, with Trustee Chang serving as an Alternate.

Administrator Farrell reported to the Board that Employee Recognition Day will be held on December 13th, 2019 between 2:30pm and 4:30pm.

Trustee Kaplan seconded by Mayor Hoffman moved to ratify an e-mail vote taken approving the increase of non-resident golf dues for 2020 including the addition of a new category – Non-Resident Under 40 Couple (Full and Associate Privileges) for \$7,500.00, and an increase to \$600 for resident daily members. The motion was unanimously approved by those present.

Trustee Kaplan seconded by Mayor Hoffman moved to ratify an e-mail vote taken approving the purchase of verti cutting units in the amount of \$9,115.00. The motion was unanimously approved by those present.

Mayor Hoffman seconded by Trustee Kaplan moved to authorize Robert Bailey to attend the Greens Start Academy in North Carolina at no cost to the Village October 23 – 25 to honor the Top 50 Golf Assistant Superintendents in the country. The motion was unanimously approved by those present.

Trustee Kaplan requested that the Board consider decreasing the NR Golfer rate for Park/Pool membership to \$500.00. The current rate is \$1500.00. A decrease would help the Village stay competitive with other clubs fees, in enticing more families to join our golf course. A lengthy discussion followed with reference to introductory rate programs, options, etc.

In regards to Resident Park/Pool members, Trustee Farkas reported that the member rate was high this year at 1,000, but that the actual attendance is low. Trustee Farkas stated that he did not feel that lowering the rate to entice NR Golf families to the Park/Pool would have an impact at the facility.

In regards to NR Campers joining the Park/Pool, he suggested it would strengthen the membership enrollment at the Camp.

Trustee Farkas seconded by Mayor Hoffman moved to approve the 2020 Fitness Center Application Rules and Regulations. The motion was unanimously approved by those present.

In regards to the Fitness Center, Trustee Farkas reported for 2019 that 902 members joined the gym. Of the 902 members, 855 were residents. Resident membership fees are \$50 per person (annually) and maximum \$150 per family. Non-resident membership fees are \$150 for a golfer and \$150 non-resident golfer spouse, no children are allowed. Revenue for the Fitness Center is approximately \$38,500 per year, and the expenses associated with the gym are roughly \$23,000. The expense amount includes the contract fees associated with Sam Balooch but does not include the labor costs associated with the locker room attendants. A discussion on raising the annual membership fees ensued.

The Board tabled Agenda Item 11B, Approve 2020 Resident Fitness Center Membership Application Fees.

The Board tabled Agenda Item 11C, Approve 2020 NR Fitness Center Membership Application. Trustee Farkas and Trustee Kaplan will meet to discuss rates.

The Board tabled Agenda Item 11D, Approve 2020 Former Resident dining room application.

The Board tabled Agenda Item 11E, Approve Non-Resident application for use of Grill Room and Social Activities Center.

On behalf of the Police Department, Deputy Mayor Lam reviewed the memo submitted by Chief Gardella summarizing the positive results associated with the Village Enforcement Detail. Further court dates to assist with the processing of tickets have yet to be determined.

Mayor Hoffman motioned to move into Executive Session at 10:42 p.m.

Mayor Hoffman reconvened the regular meeting at 11:30 p.m. and reported the following action had taken place.

Mayor Hoffman seconded by Trustee Kaplan motioned to authorize a payout of \$5,000 to Sal Macaluso. The motion was unanimously approved by those present.

Mayor Hoffman closed the meeting at Meeting at 11:35 PM

Respectfully Submitted,

Patrick. E. Farrell
Administrator/Treasurer

