

Minutes of the Regular Meeting of the  
Board of Trustees held via ZOOM  
Meeting ID: 889 9242 2799  
Password: 2020420  
Monday, June 8, 2020 at 7:30 P.M.

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

ABSENT: Trustee Peter Chang

ALSO PRESENT: Patrick E. Farrell, Village Administrator  
Angelique Melnyk, Deputy Clerk  
Margaret Deane, Deputy Treasurer  
Andrea Curto, Village Attorney  
Nicole Salerno Morton, Salerno Brokerage  
Edward Ross, Esq., Rosenberg Calica & Birney LLP  
Michael Musso, Esq.

Mayor Hoffman called the regular meeting of the Board of Trustees to order at 7:30 p.m.

In regards to Old Business, Mayor Hoffman reminded those in attendance that approval of Local Laws 2 and 3 of 2020 have been tabled until in person meetings resume.

Mayor Hoffman seconded by Deputy Mayor Lam moved to approve the minutes of May 12, 2020 as presented. The motion was unanimously approved by those present. Trustee Chang was absent for the vote.

Mayor Hoffman seconded by Trustee Milner moved to approve the Abstract of Claims as presented for \$99,431.47 and the pre-paid Abstract of Claims for \$334,131.56 (annexed hereto). The motion was unanimously approved by those present. Trustee Chang was absent for the vote.

Treasurer's Report is annexed hereto.

Mayor Hoffman seconded by Trustee Milner moved to approve the Budget Adjustments as presented. The motion was unanimously approved by those present. Trustee Chang was absent for the vote.

Trustee Milner seconded by Trustee Gal moved to approve the following RESOLUTION;

A RESOLUTION to approve the Consent Judgment and Settlement Agreement with ExteNet, and an accompanying Memorandum of Understanding with Fresh Meadows.

WHEREAS, ExteNet Systems, Inc. ("Plaintiff" or "ExteNet") instituted a legal action entitled ExteNet Systems, Inc. v. Village of Lake Success, U.S. Dist. Ct., E.D.N.Y., Index No. 19-cv-3471 (LDH)(JO), asserting claims

for relief under the Telecommunications Act of 1996 (“TCA”) and other federal and state claims for relief in response to the denial by the Village Board of Trustees (“Village Board”) of all authorizations, consents and permits for nine of thirteen small cell wireless facilities as more specifically alleged and set forth in ExteNet’s Complaint dated June 12, 2019 (“Complaint”);

WHEREAS, the Village Board and the Village of Lake Success (collectively, the “Village”) filed an Answer dated July 12, 2019, opposing ExteNet’s claims and the relief sought and asserting various defenses;

WHEREAS, the parties engaged in extensive settlement and mediation discussions, including with the assistance of a court-appointed Mediator;

WHEREAS, the settlement and mediation discussions resulted in an original proposed Consent Judgment;

WHEREAS, at a public meeting held on January 13, 2020, the Village Board voted in the majority, 4-3, to deny the original proposed Consent Judgment, and voted in the majority, 6-1, and in the alternative, to authorize a proposed settlement which omitted Node 12;

WHEREAS, subsequent to the Village Board’s denial of the original proposed Consent Judgment, the parties engaged in additional settlement discussions;

WHEREAS, as the result of those additional settlement discussions, the parties reached a new proposed Consent Judgment, subject to Village Board authorization and resolution, and which eliminates Node 12; and

WHEREAS, at a public meeting held on June 8, 2020, the Village Board voted 6-0 with 1 Board member absent, to authorize and approve the new proposed Consent Judgment.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Village Board approves and authorizes the new proposed Consent Judgment substantially in the form annexed as Exhibit 1 hereto; and be it further

**RESOLVED**, that the Village Board ratifies the negative declaration under SEQRA which the Board previously adopted with respect to ExteNet’s application as applicable to the proposed settlement which constitutes an unlisted action; and be it further

**RESOLVED**, that the Village Board authorizes the Village Attorney and the Village’s outside legal counsel, Edward M. Ross, Esq. of Rosenberg Calica & Birney LLP, to take all necessary steps to finalize and consummate the settlement.

On the call of the roll: Mayor Hoffman voting aye; Deputy Mayor Lam voting aye; Trustee Gal voting aye; Trustee Kaplan voting aye; Trustee Milner voting aye; Trustee Farkas voting aye; Trustee Chang was absent for the vote.

The resolution was thereupon declared duly adopted

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

In regards to the Village Block Party, the Board discussed the pros and cons of electing to move forward with the 2020 Village Block Party. The Board and COVID Committee members discussed the importance of implementing rules, guidelines and safety procedures to ensure compliance with social distancing directives. Mayor Hoffman requested Deputy Clerk Melnyk reach out to the food vendors and musical entertainers to ensure their availability. The Board will make their final decision at the July meeting.

Administrator Farrell confirmed the Tax Liens Sale will be held on June 25<sup>th</sup>, 2020 at 10:00 A.M. It is yet to be determined if the sale will be held in the Board Room, on the terrace or via Zoom. Administrator Farrell will make a decision closer to the date of the sale and inform the public.

Nicole Morton Salerno of Salerno Brokerage submitted to the Board the Municipal Property and Casualty Insurance effective 06/1/2020-2021 along with a revised Worker's Compensation Proposal submitted by PERMA with the option for a third year extension. Mrs. Salerno noted that should the Village opt to accept the third extension, PERMA will reduce the cost of year 2 by approximately \$9,200, to a new total of \$194,185 when paid in full.

Mayor Hoffman seconded by Trustee Kaplan moved to approve renewal of our Municipal Property and Casualty Insurance with Travelers in the amount of \$321,558 effective 06/01/2020-2021 and the extension year with PERMA with intent to pay in full to reduce our 2<sup>nd</sup> year cost. The motion was unanimously approved by those present. Trustee Chang was absent for the vote.

Mayor Hoffman seconded by Trustee Milner moved to approve the site refunds for the Kuzniewski, Goldberg and Greenberg in the amount of \$1,000 each for event cancellations related to COVID-19. The motion was unanimously approved by those present. Trustee Chang was absent for the vote.

Trustee Milner seconded by Mayor Hoffman moved to approve the proposal submitted by SAS Electronics in the amount of \$1,624.00 for buzzer in Village Hall foyer. The motion was unanimously approved by those present. Trustee Chang was absent for the vote.

Trustee Milner seconded by Mayor Hoffman moved to approve the proposal submitted by SAS Electronics in the amount of \$1,684.00 for the card room access door. The motion was unanimously approved by those present. Trustee Chang was absent for the vote.

Trustee Milner seconded by Mayor Hoffman moved to approve the proposal submitted by SAS Electronics in the amount of \$1,891.00 to secure the outside double doors. The motion was unanimously approved by those present. Trustee Chang was absent for the vote.

Deputy Mayor Lam seconded by Mayor Hoffman moved to approve the following RESOLUTION:

BE IT RESOLVED, the Board of Trustees authorizes final payment in the amount of \$119,991.50 to Stasi Bros. for the paving of the Police Parking lot.

On the call of the roll: Mayor Hoffman voting aye; Deputy Mayor Lam voting aye; Trustee Gal voting aye; Trustee Kaplan voting aye; Trustee Milner voting aye; Trustee Farkas voting aye; Trustee Chang was absent for the vote.

The resolution was thereupon declared duly adopted.

Mayor Hoffman seconded by Deputy Mayor Lam moved to approve the 2020 Small Claims Proceedings submitted by Michael Haberman Associates, Inc. not to exceed \$12,500. The motion was unanimously approved by those present. Trustee Chang was not present for the vote.

There were no reports from the Building Department or Environmental Commission.

Trustee Kaplan seconded by Mayor Hoffman moved to ratify an email vote approving the 2020 Men's Club Tournament schedule as presented.

On the call of the roll: Mayor Hoffman voting aye; Deputy Mayor Lam voting aye; Trustee Gal voting aye; Trustee Farkas voting aye; Trustee Gal voting aye; Trustee Milner voting aye; Trustee Chang was not present for the vote.

The resolution was thereupon declared duly adopted.

On behalf of the House Committee, Trustee Milner reported he is working with Culinart to provide prepacked take away lunch for golfers. Lunches will be paid by credit card only. Preordered lunches will consist of a sandwich, a bottle of water, chips and pretzels or fruit for approximately \$12.95. The target date for outdoor dining would be the following weekend. A discussion on the pros and cons of offering water services (bottles, carts, machines) ensued.

On behalf of the Park Commission, Trustee Farkas reported the success with the reopening of the tennis courts. A discussion on the pros and cons of allowing guests and doubles play ensued. Mayor Hoffman and the Board agreed double play for tennis would be allowed subject to Trustee Farkas collaborating with Xavier and Imrod to draw up a set of rules and regulations all double players will be require to abide by. Trustee Farkas also noted favorable reviews from residents who attended Sam Balooch's Saturday morning fitness in the park exercise class.

In regards to the opening of the pool a lengthy discussion on the pros, cons and legalities of opening the pool ensued. (See attached transcript). Administrator Farrell requested any attendees interested in discussing the reopening of the pool join the Park Commission's ZOOM meeting set for this Wednesday at 7:30PM.

On behalf of the Nursery Camp Maria Rudman expressed her hope that the Nursery Camp will be able to open from July 20<sup>th</sup> to August 14<sup>th</sup>, 2020. In order to comply with the DOH and NYS Safety Guidelines the max number of campers will be set at 30, with ten in a group. Individually wrapped food and pizza will be brought in. Water will be bottled. Campers will engage in parallel play rather than interactive play on the field. To avoid physical contact the camp may utilize sprinklers or water guns in lieu of use of the pool. Dismissal times may move up to 2:30 p.m. in the event of inclement weather. Further discussion on the viability and use of the court room once court resumes ensued.

Trustee Farkas seconded by Trustee Milner moved to approve the purchase of a new pool chlorination machine in the amount of \$10,801.41. The motion was unanimously approved by those present. Trustee Chang was absent for the vote.

Trustee Farkas discussed with the Board collaborating with Al Reckler of the We'Re Group to host a movie night for Village residents in the Quadrangle on Sunday, July 12, 2020. Mayor Hoffman instructed Trustee Farkas to iron out the details with Mr. Reckler and proceed if feasible. Lake Success Police will be available if assistance with traffic control is needed.

Further discussion regarding the cost along with logistics of opening the pool, including NC lifeguard certifications, Civil Service approvals and updated CPR protocols ensued. Mayor Hoffman requested the COVID Committee meet to begin drawing up guidelines to follow or when the pool does reopen.

In regards to a question submitted by a resident, Mayor Hoffman confirmed that the approved settlement with ExteNet ensures there are no interior nodes within the village

Mayor Hoffman moved to enter into Executive Session at 9:45 P.M.

Mayor Hoffman reconvened the regular meeting at 10:15 and reported the following motion.

Mayor Hoffman seconded by Deputy Mayor Lam moved to approve the promotion of Argendy Minaya from Laborer 3 to Utility Worker 5. The motion was unanimously approved by those present. Trustee Chang was absent for the vote.

Mayor Hoffman adjourned the meeting at 10:15 p.m.

Respectfully submitted,

Patrick E. Farrell  
Administrator/Treasurer