

Minutes of the Regular Meeting of the
Board of Trustees held in the Board Room
of the Community Building, 318 Lakeville Road,
Monday, February 8, 2016 at 6:45 P.M.

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

ALSO PRESENT: Patrick E. Farrell, Village Administrator
Margaret Deane, Deputy Treasurer
Peter Mineo, Village Attorney

ABSENT: Trustee David Milner

Mayor Cooper called the regular meeting of the Board of Trustees to order at 6:45 p.m.

On motion by Mayor Cooper seconded by Trustee Kaplan, the Board moved into Executive Session at 6:45 p.m. to discuss police matters. Mayor Cooper reconvened the meeting at 7:30 p.m. and reported that no action had been taken during executive session, therefore, there are no minutes.

Mayor Cooper asked Judge Boris to lead in the Pledge of Allegiance.

Deputy Mayor Lam seconded by Trustee Kaplan moved to approve the Minutes of January 11, 2016 as presented. The motion was approved by those present. Trustee Milner was absent for vote.

Mayor Cooper, Deputy Mayor Lam, Administrator Farrell and Attorney Mineo had no report at this time.

The Mayor led a discussion to address his November Newsletter comments (inserted below) about the state of the Golf and General Fund.

"We do have one issue of a financial nature that the Board of Trustees has begun deliberating. That is the merger of the Golf Fund with the General Fund. I have raised this issue because currently the Golf Fund is in a deficit position with little likelihood of returning to a surplus. The reason for that is we have had a declining resident membership and attracting non-resident membership has become difficult considering the fact that private clubs have become more competitive because of their declining membership issues. While the Golf Commission has done a great job in managing the golf course's expense structure, the revenue line has not grown and as a result we just struggle to break even. By the way, this is a national trend with golf rounds declining and numerous private clubs struggling to stay open. In fact, here on Long Island several private clubs have been forced to sell or even declare bankruptcy. From a Village perspective, unless we increase dues substantially, the golf course cannot remain self-sustaining. If we increase dues, we believe that we will lose members and that will just further exacerbate the problem. Merging the

Golf Fund with the General Fund, I believe, enables us to better manage all of our recreational facilities on an even footing and allows us the flexibility of putting our tax dollars where they best benefit the residents. It also will allow us to include the golf shortfall in our General Fund budget which is supported by tax dollars from the Commercial side of the Village. Currently, the Commercial side does not participate in the Golf Fund deficit because it is a separate fund. We also know that our bond rating agencies look at the Golf Fund deficit as a negative. If we do merge the Golf Fund into the General Fund, we would still set budgetary controls as we do currently, carefully monitoring expenditures and continuing to strive for higher revenues. We have always operated under the premise that the golf course must be self-sustaining. We have researched the derivation of that premise in Village records and have found that there is no written requirement that the golf course is to be self-sustaining--other than when the Village first purchased the golf course property it was required to be self-sustaining until the bond issued for the purchase was paid off. That event occurred decades ago. The golf course, like all of our recreational facilities inure to the benefit of all our residents through the value of our homes. We need to protect our investment in these facilities and better manage their impact on our taxes. The Board of Trustees will come to a conclusion on this matter in the coming months."

The Board discussed the merger of the Golf Fund and the General Fund at this meeting. The following residents addressed the Board with their concerns; Mark Gopen; Cecil Jaffe, Vincent Lentini, Sonny Shar, Paul Ross, Andy Kim, John Wankmueller, David Sitzer, Lee Korn, Steve Levine, Russel Kern, Robert Gal, Rich Richer. After a lengthy discussion, Mayor Cooper seconded by Trustee Hoffman tabled agenda item, "Merger of Golf Fund and General Fund" until the next Board of Trustee's meeting. The motion was approved by those present. Trustee Milner was absent for vote.

Trustee Hoffman seconded by Trustee Handsman moved to approve the Abstract of Claims as presented for \$216,001.49 and the pre-paid Abstract of Claims for \$578,737.53(annexed hereto). The motion was approved by those present. Trustee Milner was absent for vote.

Treasurer's report is annexed hereto.

Trustee Hoffman seconded by Trustee Mindel moved to accept the Return of the Tax roll and Warrant FYE May 31, 2016 and permission to hold the Sale of Tax Liens on Thursday, April 7, 2016. The amount of the outstanding taxes is \$57,508.93. The motion was approved by those present. Trustee Milner was absent for vote.

Trustee Hoffman seconded by Deputy Mayor Lam moved to set the date for a Public Hearing for the 2016/2017 Budget for Monday, April 11, 2016 at 7:30 pm. The motion was approved by those present. Trustee Milner was absent for vote.

The Board approved the date of the Budget Work Session for Monday, March 21, 2016 at 7:30 pm.

House Committee – Culinary Presentation – Grillroom Bar and Lobby Bathroom Renovations.

Mayor Cooper seconded by Deputy Mayor Lam moved to approve the renewal of the Environmental Engineering Contracts with F.P.M Group from January 1, 2016 to December 31, 2016 subject to an amendment to the F.P.M. Group Agreement stating that the Village is to receive quarterly reports: The first contract covers FPM Project Number: 566-16-31 to review the Monthly Operating Report of the treatment system on site (OU1) and off-site (OU2) (lump sum for this project is \$14,000); The second contract covers FPM Project Number: 566-16-32 which covers Environmental Engineering services to assist the Village in reviewing and issuing building permits and will be billed on a time and material basis; The third contract covers FPM Project Number 566-16-33 covers other Environmental Engineering services relating to the Lockheed Martin Superfund Site that the Village deems necessary and will be

billed on a time and material basis; The fourth contract covers FPM Project Number 566-16-34 which covers Engineering services associated with Lockheed Martin Natural Resource Protection Requirements required by NYS DEC, projects that the Village deems necessary and will be billed on a time and material basis. This contract is paid for by Lockheed Martin. The amount in escrow at this time is \$13,288.76 for the Environmental Engineering Contracts from Lockheed Martin. A discussion on the motion ensued.

Mayor Cooper informed the Board that we are waiting for the DEC to come up with their recommendations and this will come out of the grant money, if the Village receives it. As a result of the Lockheed Martin Superfund site, the determination by the DEC is to go forward with it and on top of the \$180 Million dollars that Lockheed Martin has already spent on this, the DEC fined them \$3.1 Million dollars for destroying natural resources. We received a request for proposal from Lockheed Martin on how we would like to spend these funds and we came up with several projects that we thought were environmentally sound projects. We will be receiving the results very shortly. Mayor Cooper called a vote of 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 absent for vote; Trustee Alan Mindel voting aye; Mayor Ronald Cooper voting aye.

The resolution was thereupon declared duly adopted.

Trustee Handsman seconded Trustee Kaplan moved to approve the proposal from Field of Greens for the 2016 Summer Annual Display/Fall Annual Display and Maintenance for Community Building in the amount of \$58,200. The motion was approved by those present. Trustee Milner were absent for vote.

Agenda item 8b; Approve payment to Leonard Kurkowski Architect for professional services to inspect locker room, water damage and prepare preliminary specifications for locker room repair has been tabled until the further notice.

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

BOND RESOLUTION DATED FEBRUARY 8, 2016.

A RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$165,000 BONDS OF THE VILLAGE OF LAKE SUCCESS, NASSAU COUNTY, NEW YORK, TO PAY THE COST OF A JUDGMENT RESULTING FROM A COURT ORDER ON PROCEEDINGS BROUGHT PURSUANT TO ARTICLE 7 OF THE REAL PROPERTY TAX LAW.

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 specific object or purpose of paying the cost of a judgment resulting from a court order on proceedings brought pursuant to Article 7 of the Real Property Tax Law in connection with 1 Hollow Lane, including incidental expenses in connection therewith, there are hereby authorized to be issued not exceeding \$165,000 bonds of said Village pursuant to the provisions of the Local Finance Law.

Section 2. The maximum estimated cost of the aforesaid object or purpose is \$165,000, and the plan for the financing thereof shall be by the issuance of not exceeding \$165,000 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 object or purpose is five 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 absent for vote; Trustee Alan Mindel voting aye; Mayor Ronald Cooper voting aye.

The resolution was thereupon declared duly adopted.

Deputy Mayor Lam seconded by Trustee Kaplan moved to amend the vote taken on January 11, 2016 to read to approve the Tax Certiorari for 1 Hollow Lane with a payment of \$165,000 in 2 installments of \$82,500 for the tax years 2010/11 – 2015/16 and reduce the assessed value going forward for the 2015-2016 year to 15,229,000. The motion was unanimously approved by those present. Trustee Milner was absent for vote.

Mayor Cooper seconded by Trustee Kaplan moved to approve the hiring of Lior Koubi as a Locker Room Attendant at a salary of \$12 per hour for Mondays pending Civil Service approval. The motion was unanimously approved by those present. Trustee Milner was absent for vote.

Trustee Handsman seconded by Mayor Cooper moved to approve the ratification of an email vote taken on January 28, 2016 to approve the purchase and installation of two sub-meters for the Banquet Hall by Ferello Electric Inc. in the amount of \$4,745. The motion was unanimously approved by those present. Trustee Milner was absent for vote.

Mayor Cooper discussed with the Board the Pilot Agreement with Northwell Health, Inc. – Condominium Unit 1, Section 8, Block B-18, Lots 300H and 300L. Northwell will make an annual PILOT to the Village in an amount equal to 85% of the Village real property taxes that Northwell would be required to pay if the leasehold condominium units located at the property were not tax exempt on an annual basis. Mayor Cooper informed the Board that the Village is

now in negotiations with Northwell a Global Pilot Agreement whereby they will affirm every time they do purchase a building in Lake Success. After further discussion, Mayor Cooper, seconded by Trustee Hoffman moved to approve the Pilot Agreement with Northwell and the Village of Lake Success. 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 absent for vote; Trustee Alan Mindel voting aye; Mayor Ronald Cooper voting aye.

The resolution was thereupon declared duly adopted.

There was no report from the Building Department and the Environmental Commission.

Trustee Handsman seconded by Trustee Handsman moved to approve a proposal from Fields of Green for the 2016 Summer Annual Display, Fall Annual Display, Maintenance and Black Estate Mulch for the Pro Shop in the amount of \$12,450. The motion was approved by those present. Trustee Milner was absent for vote.

Trustee Handsman seconded by Trustee Mindel moved to approve the 2016 Pond Management Service Agreement by Princeton Hydro, LLC for pond management services at the Golf Course for the treatment of the ponds in the amount of \$5,100 which will be billed in three equal installments of \$1,700 in May, July and September. The motion was approved by those present. Trustee Milner was absent for vote.

Trustee Hoffman seconded by Trustee Handsman moved to approve the renewal of the Concessionaire's Agreement with Consolidated Food Services Inc. for the 2016 Park/Pool Season. The motion was approved by those present. Trustee Milner was absent for vote.

Trustee Handsman seconded by Trustee Kaplan moved to approve the hiring of Donato Tile & Marble to epoxy grout quarry tile in kitchen area in the Community Building at a cost of \$2,350. The motion was approved by those present. Trustee Milner was absent for vote.

Mayor Cooper seconded by Deputy Mayor Lam moved to approve a portion of the \$10,000 NY State grant secured by Senator Martin's to purchase 6 Tasers along with insurance and the possibility of the purchase of a security camera for the upper parking lot for the Police Department. The motion was approved by those present. Trustee Milner was absent for vote.

Mayor Cooper seconded by Trustee Handsman moved to approve a Music Fest for the Village, a date to be determined and not to exceed \$15,000. The motion was approved by those present. Trustee Milner was absent for vote.

On motion by Mayor Cooper seconded by Trustee Milner, the Board moved into Executive Session at 10:35 p.m. to discuss legal issues. Mayor Cooper reconvened the meeting at 10:48 p.m. and reported that no action had been taken during executive session, therefore, there are no minutes.

On motion by Mayor Cooper seconded by Deputy Mayor Lam, the meeting was adjourned at 10:48 p.m.

Respectively Submitted,

Patrick E. Farrell, CMC, RMC
Village Administrator and Clerk