

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

PRESENT: Mayor Ronald Cooper  
Deputy Mayor Stephen Lam  
Trustee Paul Glantz  
Trustee Adam Hoffman  
Trustee Gene Kaplan  
Trustee David Milner

ALSO PRESENT: Patrick E. Farrell, Village Administrator  
Patricia Pilla, Deputy Clerk  
Akua Bediako, Treasurer  
Margaret Deane, Deputy Treasurer  
Peter Mineo, Village Attorney  
Court Stenographer

ABSENT: Trustee Fred Handsman

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

Mayor Cooper, seconded by Trustee Kaplan called the Public Hearing to order at 7:35 p.m. in the Village of Lake Success to consider the petition of BK at Lake Success, LLC for a special permit for an Assisted Living Facility (a verbatim transcript annexed hereto). Mayor Cooper seconded by Deputy Mayor Lam moved to continue the Public Hearing to the April 28, 2014 Special Board of Trustees meeting at 7:30 p.m.

Mayor Cooper called the Public Hearing for Bill No. 1 of 2014, A LOCAL LAW to override tax levy limit established in General Municipal Law 3-c District to order at 7:45 p.m. (a verbatim transcript annexed hereto). Mayor Cooper, seconded by Deputy Mayor Lam moved to approve Bill No. 1 of 2014. **A LOCAL LAW** to override the tax levy limit established in General Municipal Law §3-c

BE IT ENACTED by the Lake Success Board of Trustees as follows:

Section One: It is the intent of this local law to allow the Village of Lake Success to adopt a budget for the fiscal year commencing June 1, 2014 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

The local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

The Board of Trustees of the Village of Lake Success, is hereby authorized to adopt a budget for the fiscal year commencing July 1, 2014 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section Two: If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the courts order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be

confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section Three. This local law shall take effect immediately upon filing with the Secretary of State.

Attorney Mineo suggested to the Board that Local Law No. 1 of 2014 be filed with the Secretary of State, and placed in the minutes of tonight's meeting, but not to have it published in the Village Code book, otherwise every year it will have to be repealed and add a new one. It is still valid even though its not part of the code.

Mayor Cooper called a vote on the motion. Trustee Paul Glantz voting aye; Trustee Fred Handsman absent for vote; Trustee Adam Hoffman voting aye; Trustee Gene Kaplan voting aye; Deputy Mayor Stephen Lam voting aye; Trustee David Milner voting aye; Mayor Ronald Cooper voting aye.  
The resolution was thereupon declared duly adopted.

Mayor Cooper called the Public Hearing for the 2014/2015 Tentative Budget to order at 7:50 p.m. Mayor Cooper thanked Treasurer Bediako and the Finance Committee for all their work. (a verbatim transcript annexed hereto) Trustee Hoffman, seconded by Mayor Cooper moved to approve the 2014/2015 Tentative Budget as presented. Mayor Cooper called a vote on the motion. Trustee Paul Glantz voting aye; Trustee Fred Handsman absent for vote; Trustee Adam Hoffman voting aye; Trustee Gene Kaplan voting aye; Deputy Mayor Stephen Lam voting aye; Trustee David Milner voting aye; Mayor Ronald Cooper voting aye.  
The resolution was thereupon declared duly adopted.

On motion by Trustee Hoffman seconded by Trustee Milner and without objection, the Public Hearing for the 2013/2014 tentative budget was closed at 8:05 p.m.

Mayor Cooper, seconded by Trustee Kaplan and without objection, the Public Hearing for Bill No. 1 of 2014 was closed at 8:05 pm (a verbatim transcript annexed hereto).

Mayor Cooper reconvened the meeting of the regular agenda of the Board of Trustees at 8:10 p.m.

Trustee Hoffman seconded by Trustee Kaplan, moved to approve the minutes of March 17, 2014 as amended. The motion was approved by those present. Trustee Glantz did not vote since he was absent for meeting. Trustee Handsman was absent for vote.

Trustee Milner seconded by Trustee Kaplan, moved to approve the minutes of March 24, 2014 as presented. The motion was approved by those present. Trustee Glantz did not vote since he was absent for meeting. Trustee Handsman was absent for vote.

#### REPORTS:

Deputy Mayor Lam reported to the Board that the construction on the Community Building in some areas has come to a dead stop because of the rain and we have to wait until the rain subsides to continue on the terrace. The inside work continues. At this time a date on substantial completion can not be determined except that every one here is working and doing the best they can.

Administrator Farrell, Village Attorney Mineo and Mayor Cooper had no reports at this time.

Trustee Hoffman seconded by Trustee Milner moved to approve the Abstract of Claims as presented for \$288,355.37 and the Pre-Paid Abstract of Claims as presented for \$216,030.24 (annexed hereto). The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Treasurer's Report is annexed hereto.

Treasurer Bediako noted to the Board the results of the Tax Lien sale which was held on April 4, 2014. There were three parcels for sale. One was for \$4,633.69 from Hollender, Joseph and bought by Alan Durcorsky; second lien was for \$7,545.26 from Ghias, Nahida and bought by Ramon Lyons and the third lien was for \$9,16.58 from Gilady, Yehoudith and bought by David Graber. (annexed hereto). Mayor Cooper moved to approve the tax lien sale as presented, seconded by Trustee Hoffman and unanimously approved by those present. Trustee Handsman was absent for vote.

Trustee Hoffman seconded by Mayor Cooper moved to accept the New York State's Certificate of Base Percentages, Current Percentages and Current Base Proportions pursuant to Article 19, RPTL, for the levy of taxes on the 2014/15 assessment roll. On the call of the roll, Trustee Paul Glantz voting aye; Trustee Fred Handsman absent for vote; Trustee Adam Hoffman voting aye; Trustee Gene Kaplan voting aye; Deputy Mayor Stephen Lam voting aye; Trustee David Milner voting aye; Mayor Ronald Cooper voting aye. The motion was unanimously approved by those present.

Mayor Cooper informed the Board that we initially were going to take out a B.A.N. sometime in May for the Capital Projects Fund for the Community Building Construction Project. It came to a conclusion that it didn't make sense to take it out in May and would be far better to take it out in the next fiscal year. Another B.A.N. is coming through in October, so we will do it then. Mayor Cooper also informed the Board that the intent down the road was to push until the next fiscal year, taking down the indebtedness we need to complete the funding of the project. The funding will be taken out in the Capital Projects Fund and the funding will come from 1111 Marcus Avenue and BK monies and whatever developer projects come forth.

Mayor Cooper seconded by Trustee Hoffman moved that the Board of Trustees authorizes the use of the General Fund to make expenditures on behalf of the Capital Projects Fund for the Community Building Construction Project in an amount not to exceed the amount of borrowing authority for such project, previously authorized by the Board of Trustees; such amounts so expended to be returned to the General Fund from the proceeds of such borrowings. A discussion on the motion ensued. Mayor Cooper advised the Board that he and Treasurer Bediako had a conversation with the Village's accountants who approved the fact that we can do this and it would not effect either fund. The 2014 financial statements will show a lesser amount of surplus and there will be a footnote, because those things will not be issued until after we take down the borrowings and that footnote will indicate that the General Fund funds will have been restored. It's sort of a financial way to extend and by the time we take out the borrowing by next October we will have an additional \$200,000 from 1111 Marcus Ave. and the probability we will have another \$400,000 from BK or shortly thereafter. On the call of the roll, Trustee Paul Glantz voting aye; Trustee Fred Handsman absent for vote; Trustee Adam Hoffman voting aye; Trustee Gene Kaplan voting aye; Deputy Mayor Stephen Lam voting aye; Trustee David Milner voting aye; Mayor Ronald Cooper voting aye.

The motion was unanimously approved by those present.

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

RESOLVED that the General Village Election will be held on June 17, 2014 between the hours of 12:00 noon and 9:00 p.m. at the Village Hall/Community Building, 318 Lakeville Road, Lake Success, New York.

BE IT FURTHER RESOLVED that Dennis Cannon and Manizhe Soleymani be appointed as Election Inspectors and John Lundin as an Alternate Inspector for the Village's General Election on June 17, 2014, and that they will be paid a fee of \$90.00 for this service. Be it further resolved that the Village Administrator has the authority to appoint alternate inspectors should the need arise.

On the call of the roll: Trustee Paul Glantz voting aye; Trustee Fred Handsman absent for vote; Trustee Adam Hoffman voting aye; Trustee Gene Kaplan voting aye; Deputy Mayor Stephen Lam voting aye; Trustee David

Milner voting aye; Mayor Ronald Cooper voting aye.  
The resolution was thereupon declared duly adopted.

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

RESOLVED that a Special Meeting of the Board of Trustees is set for June 17, 2014 at 9:00 p.m. for the purpose of canvassing the General Village Election results and any other business that may come before the Board.

On the call of the roll: Trustee Paul Glantz voting aye; Trustee Fred Handsman absent for vote; Trustee Adam Hoffman voting aye; Trustee Gene Kaplan voting aye; Deputy Mayor Stephen Lam voting aye; Trustee David Milner voting aye; Mayor Ronald Cooper voting aye.

The resolution was thereupon declared duly adopted.

Mayor Cooper seconded by Trustee Kaplan moved to approve the ratification of an email vote taken on March 20, 2014 to approve a 50% deposit which is \$20,717.50 to Fitness Resource for gym equipment. The motion was approved. Trustee's Glantz and Hoffman did not vote and Trustee Handsman was absent for vote.

Trustee Milner discussed with the Board the expansion of the lower parking lot at the Police/Courthouse Building and a sink hole by the DPW building. After further discussion, Mayor Cooper informed Trustee Milner to obtain more information from Trustee Handsman, Chief Gardella along with Administrator Farrell and come back to the Board for review.

Mayor Cooper discussed with the Board that the Village was receiving some emails from residents on Windsor Gate with regard to their private roads and the fact that the Village does not maintain their roads. The residents of Windsor Gate would entertain the concept of re-designating the road to the Village so that it would become a Village road. In discussing this situation with Trustee Handsman, Trustee Handsman did a study with John McGowan & Sons and was informed that it would cost around \$75,000 to rehabilitate the roads. With further talks with Administrator Farrell and Attorney Mineo they came up with the thought process that we need more funds and if an engineering study is needed to look at whether or not the roads apply with Village standards. Which means the roads may have to be widened, etc., etc. Ownership of the roads can be done in many different ways. It could be its own separate parcel, like an HOA where the property owner has certain rights and obligations to the easement. It could also be that lots on either side of it owned to the center line of this right of way (private road) so if this is the case, and these lots are covered by mortgages, then each of those lots that are encumbered by this road would have to get a release from their bank for that portion, a title report and possibly a new survey. Mayor Cooper advised the Board that David Periez, who is a resident of Windsor Gate, advised him that the center mall is commonly owned and they all participate in the upkeep. A further discussion ensued. Mayor Cooper informed the Board that he will speak to Mr. Periez.

Trustee Kaplan and Sam Balooch discussed with the Board the Fitness Center Fitness Professional Position proposal. Deputy Mayor Lam asked if there was a rate for use of the trainers that is set by the Village. Trustee Kaplan said no and Sam will explain how the rates are set. Deputy Mayor Lam also asked if the resident pays the trainers direct because the proposal was not clear. Trustee Kaplan informed the Board that the residents pay the trainer directly. Administrator Farrell asked Sam to clarify in his proposal section G where it states "AJ's current clientele will continue to pay AJ directly for training sessions. Any new business will be managed by the Contractor", needed clarification. Administrator Farrell noticed that the last contract was signed by Sam and AJ and didn't know why the split or if they are together or not. Trustee Kaplan informed the Board that the intention of this proposal is to move forward with the new gym facility and the old gym would be turned into an aerobic center and try to make it more attractive. Trustee Milner informed the Board that they are in no way near ready to consider any agreement with any individual. The first thing they need to do is decide what they want to offer. Trustee Milner asked Sam that in his proposal it says that "managed by the Contractor", and he is interpreting that Sam will get a piece of the action. Sam advised the Board that if they were looking for one individual to manage the facility and also be in charge of running the group classes, manage the times, what

trainers are here, what class instructors are coming in, etc., his intention was that he would handle everything in a sense and hire the trainers, and group instructors. If they are looking to have one person, it's good to have everything in a system under one roof. Trustee Milner asked Sam if he would be making additional revenues. Sam answered yes. Deputy Mayor Lam asked Sam how that would work. Sam informed the Board that he would put out the group classes and what they would offer and they would have a contract with Sam and he would set up various classes. He would set up the trainer and get people to come in and set up the schedule and rates for them and he would pay the trainer directly underneath a contract with himself. Trustee Kaplan informed the Board that they had a thought of setting up something on the Village's web site where the people can sign up and schedule themselves in a class.

Trustee Milner asked Sam if he had any prior experience at other facilities doing what he is proposing. Sam advised the Board that, yes; he has done consulting in building up 2 or 3 different gyms where he's gone in for 6 months at a time and hired the entire staff, trained them and implemented his own system of training. He teaches a two week course to all the trainers and teaches them exactly what to do and how to do it. He also teaches them about personal relations and services with the understanding that this is a service business and what they have to provide for the clientele because it's not just about training. He has done that for a few facilities so he does have experience. Trustee Milner asked Sam to provide the Board with those referrals. Trustee Milner asked Sam if his model is where the trainers are paid a fixed dollar amount and hopefully there are enough people in the Village attending so it's profitable? Sam answered yes. Deputy Mayor Lam asked Sam if it is customary in a facility for the trainers to have a fee set by the owner of the facility or does each trainer try to get as much or compete with other trainers by undercutting the price. Sam advised the Board that if it is a facility of this sort, where you are looking to have a managing system, then you are going to need one person that is going to be able to understand how to do everything. At the end of the day all members are paying a fee to the same person who is overseeing everything and that systems are running smooth. Every one pays a fee and he would be looking to do this the same way. Sam advised the Board If you have a system and he is the contractor, then he would run the facility, hire the trainers, train them so we have a very good system going and we are all on the same page. Deputy Mayor Lam asked Sam how many trainers work in the gym now. Sam said there are approximately 4 or 5. Under this agreement will AJ be the only one who retains his clientele or will the others also. Sam advised the Board that Jen is a trainer that already works with him and she is already under his system. He provides her with her clients and she will be his right hand person. As far as the other trainers go, he would have no problem with them personally having the clientele they have at the moment to be able to do exactly what it is that they are doing and grandfather them in. However, moving forward to make it fair to his staff and to the people that he would be hiring, if we going to be running under a system and someone has to be in charge, that can not go on because then it would be a "free for all". If you are going to have one person, running the facility, you shouldn't have other outside trainers in the facility. The reason why I answer you as, "I am your guy", is because I have been here for 14 years, built a good reputation. Sam also advised the Board that in the fitness facility itself there shouldn't be group class's that is why we need the other facility so that we can provide open space for group classes. There was a discussion on opening the gym on Mondays which will be further discussed at another time. Mayor Cooper and the Board thanked Sam for his input.

Deputy Mayor Lam seconded by Trustee Hoffman moved to approve payment to Mainline Electric Corp. for the Community Building Addition and Alteration, application No. 3 in the amount of \$46,797.00. Mayor Cooper called a vote on the motion. Trustee Paul Glantz voting aye; Trustee Fred Handsman absent for vote; Trustee Adam Hoffman voting aye; Trustee Gene Kaplan voting aye; Deputy Mayor Stephen Lam voting aye; Trustee David Milner voting aye; Mayor Ronald Cooper voting aye.

The resolution was thereupon declared duly adopted.

Deputy Mayor Lam seconded by Trustee Kaplan moved to approve payment to Rocon Plumbing & Heating Corp. for the Community Building Addition and Alteration, application No. 3 in the amount of \$21,441.51.

Mayor Cooper called vote on the motion. Trustee Paul Glantz voting aye; Trustee Fred Handsman absent for vote; Trustee Adam Hoffman voting aye; Trustee Gene Kaplan voting aye; Deputy Mayor Stephen Lam voting aye; Trustee David Milner voting aye; Mayor Ronald Cooper voting aye.

The resolution was thereupon declared duly adopted.

Administrator Farrell discussed with the Board a letter the Village received from Colonial Management LLC with regard to asphalt replacement for 560 Northern Blvd/200 Lakeville Road. Since this is a medical professional building and for the safety of their patients, re-paving of the parking lot has to be done immediately. They requested if the Village could allow them to work on the weekend. The Board unanimously agreed to allow permission for them to asphalt according to code.

Agenda item 9b, Access Control Fitness Center Quotes has been tabled until next Board of Trustee meeting.

There was no Environmental Commission update at this time.

On recommendation by Bob Johnston, Golf Course Superintendent, Trustee Hoffman, seconded by Trustee Miner moved to grant Santelli & Sons, Inc. the option year for the 2014/15 Tree Trimming for the Golf Course in the amount as follows: Part I per Day - \$1,940; Part II per Day - \$850. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Trustee Hoffman seconded by Trustee Kaplan moved to approve the 2014 Valet Parking Agreement with Classic Valet Parking Services from April 25, 2014 to October 28, 2014 at a cost of \$13.00 per hour, same fee as 2013 and number of hours. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Mayor Cooper asked Administrator Farrell to conduct an email poll to the Board with regard to the Men's 2014 Tournament Schedule.

Trustee Milner seconded by Trustee Kaplan moved to approve the 2014 Agreement between the Inc. Village of Lake Success and Consolidated Food Services, Inc. as the Pool Concessionaire for the period beginning May 24, 2014 and ending September 1, 2014. Mayor Cooper called vote on the motion. Trustee Paul Glantz voting aye; Trustee Fred Handsman absent for vote; Trustee Adam Hoffman voting aye; Trustee Gene Kaplan voting aye; Deputy Mayor Stephen Lam voting aye; Trustee David Milner voting aye; Mayor Ronald Cooper voting aye.

The resolution was thereupon declared duly adopted.

Trustee Milner seconded by Trustee Kaplan moved to approve Autochem, the lowest responsible quote to replace two pumps at the pool in the about of \$14,900. A discussion on the motion ensued. Deputy Mayor Lam asked Trustee Milner if he knew what the cost was for the two additional items, if needed. Trustee Milner will have to look into that. The motion was amended to read, subject until that cost is verified. The motion was unanimously approved. Trustee Handsman was absent for vote.

Trustee Milner seconded by Trustee Hoffman moved to approve the purchase of 32 lounge chairs for the Pool from American Hotel Register Company, the lowest quote received, not to exceed \$5,945.60. A discussion on the motion ensued. Alan Mindel informed the Board that he may be able to obtain a discount code from American Hotel. The motion was amended to read, subject to Mr. Mindel obtaining a discount. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Trustee Milner seconded by Trustee Hoffman moved to approve the request by the Men's Softball teams to use

the ball field from 4/28/2014 to August 28, 2014, Monday - Thursday from 5:30 p.m.- 8:30 p.m. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Trustee Milner seconded by Trustee Hoffman moved to approve Aquajak, Inc. in the amount of \$1,075 to deep clean the bath house floors and to teach Public Works the proper way to clean the floors. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Trustee Milner seconded by Trustee Hoffman moved to approve the appointment of Suzanne Browar as an interim member of the Parking Commission with a term to expire October, 2014. Ms. Browar will be replacing Margery Binder who resigned. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Trustee Milner seconded by Trustee Hoffman moved to allow the non-resident camper family membership to include weekend access pool/park facilities with no guest privileges. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Trustee Milner seconded by Trustee Hoffman moved to allow the resident grandparents of campers to pay the single Park membership rate of \$125 or \$100 over 75 years old instead of the family rate of \$350. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

On recommendation by Chief Gardella, Trustee Glantz, seconded by Trustee Milner moved to approve and authorize the Mayor's signature on the 2014 STOP-DWI Program Holiday Enforcement Grant from January 1, 2014 to December 31, 2014 for \$3,000. Mayor Cooper called a vote on the motion. On the call of the roll: Trustee Paul Glantz voting aye; Trustee Fred Handsman absent for vote; Trustee Adam Hoffman voting aye; Trustee Gene Kaplan voting aye; Deputy Mayor Stephen Lam voting aye; Trustee David Milner voting aye; Mayor Ronald Cooper voting aye. The motion was approved.

On recommendation by Chief Gardella, Trustee Glantz, seconded by Trustee Milner moved to approve and authorize the Mayor's signature on the 2014 STOP-DWI Program from January 1, 2014 to December 31, 2014 for \$3,000. Mayor Cooper called a vote on the motion. On the call of the roll: Trustee Paul Glantz voting aye; Trustee Fred Handsman absent for vote; Trustee Adam Hoffman voting aye; Trustee Gene Kaplan voting aye; Deputy Mayor Stephen Lam voting aye; Trustee David Milner voting aye; Mayor Ronald Cooper voting aye. The motion was approved.

On recommendation by Chief Gardella, Trustee Glantz, seconded by Trustee Milner moved to approve and authorize the Mayor's signature on the Police Traffic Service Grant from October 1, 2013 to September 30, 2014 for \$5,400. Mayor Cooper called a vote on the motion. On the call of the roll: Trustee Paul Glantz voting aye; Trustee Fred Handsman absent for vote; Trustee Adam Hoffman voting aye; Trustee Gene Kaplan voting aye; Deputy Mayor Stephen Lam voting aye; Trustee David Milner voting aye; Mayor Ronald Cooper voting aye. The motion was approved.

Trustee Glantz seconded by Trustee Milner moved to approve the invoice from Tavella Plumbing & Heating for the removal and installation of two water heaters in the Community Building in the amount of \$45,000. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Mayor Cooper noted to the Board the Public Hearing Notice's from the Village of North Hills

On motion of Mayor Cooper and seconded by Trustee Kaplan, the Board moved into Executive Session at 9:20 p.m. for the purpose of discussing legal matters. Mayor Cooper reconvened the meeting at 10:30 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 Trustee Hoffman, the meeting was adjourned at 10:30 p.m.

Respectfully submitted,

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