

Minutes of the Regular Meeting of the
Board of Trustees held in the Board Room
of the Community Building, 318 Lakeville Road,
Monday, January 12, 2015 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
Peter Mineo, Village Attorney

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 for the Village of Lake Success to consider the petition of BK at Lake Success, LLC for a Site Plan approval for an Assisted Living Facility.

Mayor Cooper seconded by Trustee Mindel moved to continue the Public Hearing to the February 9, 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 Deputy Mayor Lam and without objection, the Public Hearing to consider the petition of BK at Lake Success, LLC for Site Plan approval was closed at 7:32 p.m.

Mayor Cooper reconvened the meeting of the regular agenda of the Board of Trustees at 7:32 p.m.

Mayor Cooper seconded by Trustee Kaplan moved to approve the Minutes of December 1, 2014 as presented. The motion was unanimously approved.

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

On motion by Mayor Cooper seconded by Trustee Mindel, the Board moved into Executive Session at 7:32 p.m. to discuss legal matters. Mayor Cooper reconvened the regular meeting at 7:49 p.m. and reported that no action had been taken during executive session, therefore, there are no minutes.

Mayor Cooper, seconded by Trustee Mindel moved to approve the recommendation from Doug Atkins, to offer \$300,000 tax certiorari for Astoria Federal and to reassess the property at \$14.5 million to \$15 million, under the condition of

obtaining a three year moratorium. 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 seconded by Trustee Kaplan moved to approve the abstract of claims for \$305,143.82, \$202,399.33 and the pre-paid abstract of claims for \$2,309,294.14 as presented (annexed hereto). The motion was unanimously approved.

Treasurer's report is annexed hereto.

The Board unanimously agreed to have the Budget Work Session on Thursday, March 19, 2015 at 7:30 pm.

On recommendation by Douglas Atkins, Trustee Hoffman seconded by Mayor Cooper moved to approve a Tax Certiorari payment of \$14,500 to Boundary Realty Associates, 444 Lakeville Road, Section 8, block J, Lot (s) 417, Tax Year 2008/09 – 2014/15 and the assessment carryforward 2015-2016 is \$3,200,000. The motion was unanimously approved.

Mayor Cooper discussed with the Board another MUSICFEST for Saturday, July 25, 2015. After a lengthy discussion, Mayor Cooper seconded by Trustee Hoffman moved to approve a Musicfest for Saturday, July 25, 2015, not to exceed \$20,000; \$15,000 to be paid from 1111 Marcus Avenue fund and \$5,000 to be paid from the General Fund and subject that the Board approved the final plans. 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.

Mayor Cooper informed the Board that Tax Grievance Day is being held on Tuesday, February 17, 2015 from 3:00 p.m. to 7:00 p.m., and requested the presence of a number of Trustees to sit on the Grievance Committee.

Mayor Cooper, seconded by Trustee Milner moved to approve the renewal of three Environmental Engineering Contracts with F.P.M Group from January 1, 2015 to December 31, 2015: one lump sum contract for \$14,000 FPM Project Number: 566-15-29 to review the Monthly Operating Report of the treatment system on site (OU1) and off-site (OU2); FPM Project Number: 566-15-29 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 and FPM Project Number 566-15-30 covers Environmental Engineering services relating to the Lockheed Martin Superfund Site that the Village deems necessary. The contract is paid for by Lockheed Martin. The amount in escrow is \$27,288.76 for the Environmental Engineering Contracts from Lockheed Martin. The motion was unanimously approved.

Mayor Cooper seconded by Trustee Milner moved to approve the ratification of an email vote taken on December 11, 2014 to approve the retainage of Michael Blaymore, not to exceed \$5,000 for revisions to caterer's contract. The motion was unanimously approved.

Mayor Cooper seconded by Trustee Milner moved to approve the request by the Gold Coast Arts Center for the Village to continue support for \$1,500 and to authorize the Mayor to sign the Agreement with the Gold Coast Arts Center to provide the Village with a concert of music. 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 recused himself from vote since he is on the Arts Center Board; Mayor Ronald Cooper voting aye.
The resolution was thereupon declared duly adopted.

Trustee Handsman seconded by Trustee Kaplan moved to authorize and set a Public Hearing date on February 9, 2015 at 7:30 p.m. for the Jain Center request for permission to erect a place of worship. The motion was unanimously approved.

Trustee Hoffman seconded by Trustee Handsman moved to approve that 100% of the expenses to run the entire fitness center and locker room be charged to the General Fund. 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 Trustee Kaplan Lam moved to approve the proposal from Field of Greens for the 2015 Summer Annual Display/Fall Annual Display and Maintenance for Community Building in the amount of \$58,200. 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.

Agenda item 6i, "Approve and authorize proposal by Michael Haberman Associates for 2015/2016 Update Assessments and Inventory" has been tabled.

Trustee Handsman seconded by Trustee Mindel moved to accept the application for change of building address from Yaron and Michele Rosenthal of 114 Windsor Gate to change to 115 Windsor Gate. The motion was unanimously approved.

Trustee Mindel informed the Board that he spoke to Michele Schimmel about Tanners Road, the Department of Transportation and the drainage situation. She requested that the Village sends her any and all correspondence regarding this matter and she will have an engineer assigned by Friday to check out the drainage for the State and to schedule the dredging.

On behalf of the Environmental Commission, Trustee Mindel thanked the Golf Commission who approved their letter this week with regard to good habits and working with the chemical lists. The New York State DEC issued the Record of Decision (ROD) for OU2.

Agenda item 8a, "Retain former resident, Dr. Richard Ambron as a non-paid consultant for the Environmental Commission on behalf of the Village" has been tabled until the next B.O.T. meeting.

Mayor Cooper seconded by Trustee Hoffman moved to approve the ratification of an email poll taken on December 2, 2014 to approve the purchase of one remanufactured Precore 561EX Experience Treadmill with TV from The Fitness Resource for \$2,690. The motion was unanimously approved.

Trustee Handsman, seconded by Trustee Kaplan moved to amend a motion taken on December 1, 2014 which read. 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, to now read; "approve the purchase of 10 spin bikes from Gym Source at \$1,084 each for a total of \$10,840 which will be paid from surplus". The motion was approved by a vote of 6 to 1 with Trustee Mindel voting no.

Agenda item 9c, "Discussion on opening gym on Mondays" has been tabled until further review.

Trustee Handsman discussed with the Board preliminary hours and class schedules from Sam Balooch for the Fitness classes in the old fitness center.

The following resolution was offered by Trustee Adam Hoffman, who moved its adoption, seconded by Trustee Fred Handsman, to-wit:

BOND RESOLUTION DATED JANUARY 12, 2015.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$175,000 BONDS OF THE VILLAGE OF LAKE SUCCESS, NASSAU COUNTY, NEW YORK, TO PAY THE COST OF THE PURCHASE OF GOLF COURSE EQUIPMENT 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:

The purchase of golf course equipment in and for the Village of Lake Success, Nassau County, New York, is hereby authorized at a maximum estimated cost of \$175,000.

The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$175,000 bonds of said Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is five years, pursuant to subdivision 32 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.

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.

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.

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.

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.
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.

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 seconded by Trustee Mindel moved to approve the purchase of one Toro Workman Utility Vehicle from Storr Tractor (NYS Contract #PC65423SB) in the amount of \$18,937.50. 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 seconded by Trustee Handsman moved to approve a proposal from Field of Green for the 2015 Display/Fall Annual Display & Maintenance for the Pro Shop in the amount of \$12,450. The motion was unanimously approved.

On recommendation of the Park Commission, Trustee Milner seconded by Trustee Hoffman moved to approve charging the non-resident camp family double the resident family park membership fee which will include "full" unrestricted park privileges and will include park membership for the resident grandparents. 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 no; Mayor Ronald Cooper voting aye.

The resolution was thereupon declared duly adopted

On recommendation of the Park Commission, Trustee Milner seconded by Trustee Handsman moved to approve the Lifeguard/Gate Guard Contracts as presented. The motion was unanimously approved.

On recommendation of the Park Commission, Trustee Milner seconded by Trustee Mindel approve the renewal of the Tennis Pro Agreement with Xavier Cedeno as presented for 3 years, 2015-2017. Trustee Milner informed the Board that he reserves the right to speak with Mr. Cedeno with regard to some expectations that he wants to clarify on what the Park Commission expects of him. The motion was unanimously approved.

Deputy Mayor Lam discussed with the Board the close-outs on the Community Building construction project. Deputy Mayor Lam informed the Board that there are a few items left on the punch list. The longer that we don't close out the longer the punch list is going to grow. Substantial competition is when the Village can take over the use of the building even though the building is not complete with punch list items. There is a date that triggers the end of the contract for the contractors and begins the warranty period. Lenny Kurkowski has established substantial completion dates for all four contracts. From the substantial completion date, the Village has a 3 year warranty with each of the contractors on the work they performed. In addition to that there is a one year maintenance bond, which is an insurance policy.

Deputy Mayor Lam asked the contractors what it would cost to obtain a two year maintenance bond. It looks like the additional cost could be about 1% of the cost of the job. We haven't received prices from all of the contractors. It should come in at around an additional \$30,000. A further discussion ensued.

On motion by Mayor Cooper seconded by Trustee Mindel, the Board moved into Executive Session at 9:12 p.m. to discuss various matters. Mayor Cooper reconvened the regular meeting at 9:34 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 9:34 p.m.

Respectively Submitted,

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