

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 13, 2015 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
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 Attorney Mineo to lead in the Pledge of Allegiance.

Mayor Cooper, seconded by Trustee Kaplan called the Public Hearing to order at 7:30 p.m. in the Village of Lake Success to consider the petition of BK at Lake Success, LLC for a Site Plan approval (a verbatim transcript annexed hereto). Mayor Cooper seconded by Deputy Mayor Lam moved to close this Public Hearing subject to allowing any written comment from anyone within the next seven business days. Such comments will be reviewed by the Board and subject to any comments that are received or may arise from the Village's Planning Board which will meet this Thursday. On call of the roll: 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; Trustee Alan Mindel voting aye; Mayor Ronald Cooper voting aye.

The motion was unanimously approved by those present.

On motion by Mayor Cooper seconded by Trustee Kaplan and without objection, the Public Hearing Success to consider the petition of BK at Lake Success, LLC for a Site Plan was closed at 7:37 p.m.

Mayor Cooper, seconded by Trustee Kaplan called the Public Hearing to order at 7:38 p.m. in the Village of Lake Success to consider the Application of the Jain Center of America a Special use Permit (a verbatim transcript annexed hereto). Mayor Cooper recommendation to the Board that the Public Hearing be closed and to reserve a decision on the change in use and that the Village adopt the SEQRA findings. Mayor Cooper, seconded by Trustee Mindel, the Board of Trustees closed the public hearing on the application of the Jain Center of America, Inc., for a special permit for a house of worship pursuant to *Lake Success Code* §105-10B, reserved decision on the application and adopted the SEQRA Findings Statement dated April 13, 2015.

On call of the roll: 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; Trustee Alan Mindel voting aye; Mayor Ronald Cooper voting aye. The motion was unanimously approved by those present. On motion by Mayor Cooper seconded by Trustee Kaplan and without objection, the Public Hearing Success to consider the Application of the Jain Center of America a Special use Permit was closed at 8:45 p.m.

Mayor Cooper called the Public Hearing for the 2015/2016 Tentative Budget to order at 8:47 p.m. Mayor

Cooper thanked the Finance Committee, Administrator/Treasurer Farrell and Deputy Treasurer Deane for all their work. (a verbatim transcript annexed hereto) Trustee Hoffman seconded by Mayor Cooper moved to approve the 2015/2016 Tentative Budget as presented. Mayor Cooper called a vote on the motion. 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; Trustee Alan Mindel 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 2015/2016 tentative budget was closed at 9:20 p.m.

Mayor Cooper reconvened the meeting of the regular agenda of the Board of Trustees at 9:20 p.m.

On recommendation of the Golf Commission, Trustee Hoffman seconded by Trustee Milner moved to approve the proposal by Tour GCX to provide tee times. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Trustee Hoffman seconded by Trustee Milner moved to approve the minutes of March 9, 2015 as presented. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Trustee Hoffman seconded by Trustee Milner, moved to approve the minutes of March 24, 2015 as presented. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

REPORTS:

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 \$365,664.42 and the Pre-Paid Abstract of Claims as presented for \$309,193.34(annexed hereto). The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Treasurer's Report is annexed hereto.

Trustee Hoffman seconded by Trustee Milner 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 2015/16 assessment roll. On the call of the roll, 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; Trustee Alan Mindel voting aye; Mayor Ronald Cooper voting aye. The motion was unanimously approved by those present.

Trustee Hoffman seconded by Trustee Milner moved to approve the Budget Adjustments FYE 2015 as presented. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Deputy Mayor Lam, seconded by Trustee Mindel moved the following resolution:

RESOLVED that the General Village Election will be held on June 16, 2015 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 16, 2015, 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 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; Trustee Alan Mindel voting aye; Mayor Ronald Cooper voting aye.
The resolution was thereupon declared duly adopted.

Trustee Mindel seconded by Deputy Mayor Lam moved the following resolution:
RESOLVED that a Special Meeting of the Board of Trustees is set for June 16, 2015 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 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; Trustee Alan Mindel 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 April 2, 2015 to approve the 2015 extension Agreement with Culinart as presented. On the call of the roll: 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; Trustee Alan Mindel voting aye; Mayor Ronald Cooper voting aye.
The resolution was thereupon declared duly adopted.

Trustee Kaplan seconded by Trustee Hoffman moved to approve the purchase of one re-manufactured Precor 9571EX Treadmill with TV from The Fitness Resource in the amount of \$2,920. The motion was approved. Trustee Mindel abstained from vote and Trustee Handsman was absent for vote.

Trustee Milner seconded by Trustee Hoffman moved to approve the hiring of Sabrina Curry as a seasonal Typist Clerk for the Village office at \$10 per hour, pending Civil Service approval. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Trustee Mindel seconded by Trustee Kaplan moved to approve the proposal by Nelson, Pope & Voorhis for Environmental & SEQRA Consulting Services for 2500 Marcus Subdivision Application, Section 8, Block: G, Lot: 948 for the schedule of hourly billing rates as presented (annexed hereto). The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Trustee Mindel seconded by Trustee Kaplan moved to approve the proposal by Nelson, Pope & Voorhis for Environmental & SEQRA Consulting Services for 2000 Marcus Subdivision Application, Section 8, Block: G, Lot: 946 for the schedule of hourly billing rates as presented (annexed hereto). The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Deputy Mayor Lam seconded by Trustee Hoffman moved to approve the recommendation by Leonard Kurkowski Architect to approve the release of 25% (\$3,160) for the final payment to Mainline Electric Corp. for the Community Building Addition and Alteration. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Mayor Cooper seconded by Trustee Kaplan moved to approve the appropriation of funds for the upcoming Music Fest in the Park. \$15,000 will be taken from the money that comes in each year from 1111 Marcus Avenue with an additional \$5,000 from the General Fund. The motion was unanimously approved by those present. Trustee Handsman was absent for vote. Mayor Cooper thanked Trustee Mindel for securing Dave Mason for the music fest.

Trustee Mindel seconded by Mayor Cooper moved to Introduce and set a Public Hearing date on May 11, 2015

for Bill No.1 of 2015, A Local Law to amend Lake Success Code Chapter §105-7 entitled "Definitions" YARD REAR. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Trustee Mindel recommended to the Board that he would like Dr. Richard Ambron, a former member of the Environmental Commission to be hired as a non-paid Consultant for the Commission. Dr. Ambron is the head of a department at Columbia University which is relevant to the environment. He has the support of all the members on the Commission. After further discussion, Trustee Mindel seconded by Trustee Hoffman moved to approve Dr. Richard Ambron as a non-paid Consultant to the Environmental Commission subject to him signing a confidentiality agreement. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

On recommendation by Bob Johnston, Golf Course Superintendent, Trustee Hoffman seconded by Trustee Kaplan moved to award the lowest bidder, Santelli & Sons the 2015 Trimming of Trees on the Lake Success Golf Course for \$1,900 Part I per day and \$860 Part II per day along with an option year with the same costs. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

On recommendation by Bob Johnston, Golf Course Superintendent, Trustee Hoffman seconded by Trustee Kaplan moved to approve the hiring of Patrick Clark as a Part Time Laborer for the Golf Course at \$12 per hour, pending Civil Service approval. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

On recommendation by Bob Johnston, Golf Course Superintendent, Trustee Hoffman seconded by Trustee Kaplan moved to approve the hiring of Robert Vaglio as a Part Time Laborer for the Golf Course at \$12 per hour, pending Civil Service approval. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

On recommendation of the Golf Commission, Trustee Hoffman seconded by Trustee Mindel moved to approve the non-resident Senior Membership to non-resident golfers under 40 years of age at a rate of \$5,000. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Trustee Hoffman seconded by Trustee Kaplan moved to approve the 2015 Men's and Women's Golf Tournament Schedule as presented. The motion was approved. Trustee Milner recused himself from vote and Trustee Handsman was absent for vote.

Trustee Hoffman seconded by Trustee Kaplan moved to approve the 2015 Valet Parking Agreement with Classic Valet Parking Services from April 24, 2015 to October 25, 2015 at a cost of \$13.75 per hour, and outings at \$175 per attendant. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

On recommendation of the Park Commission, Trustee Milner seconded by Trustee Hoffman moved to approve the 2015 Agreement between the Inc. Village of Lake Success and Consolidated Food Services, Inc. as the Pool Concessionaire for the period beginning May 23, 2015 and ending September 7, 2015. Mayor Cooper called vote on the motion.

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; Trustee Alan Mindel voting aye; Mayor Ronald Cooper voting aye.

The resolution was thereupon declared duly adopted.

By recommendation of the Park Commission, Trustee Milner seconded by Trustee Hoffman moved to approve the increase of the starting salary of Lifeguards to \$10 per hour and give an equitable increase to all returning staff members .75 per hour. The motion was unanimously approved by those present. Trustee Handsman was

absent for vote.

By recommendation of the Park Commission, Trustee Milner seconded by Trustee Mindel moved to approve the request by the Men's Softball teams to use the ball field from April 27, 2015 to August 27, 2015, 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.

By recommendation of the Park Commission, Trustee Milner seconded by Trustee Hoffman moved to approve the hiring of Denise Hernandez and Christopher Rocco as Assistant Directors for the 2015 Park/Pool season at a salary of \$6,500 with \$5,000 to be paid during the season and \$1,500 paid upon successful completion of the season. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Trustee Milner informed the Board that there was major damage on the tile work in the pool that needs to be repaired.

Deputy Mayor Lam seconded by Trustee Milner moved to create an Employee Benefit Accrued Liability Reserve Fund; (General Law Article Section 6-P) for \$250,000 for Police termination. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Deputy Mayor Lam seconded by Trustee Hoffman authorized the funding for the Employee Benefit Accrued Liability Reserve Fund for \$250,000 for Police termination. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

The following resolution was offered by Deputy Mayor Stephen Lam, who moved its adoption, seconded by Trustee Adam Hoffman, to-wit:

BOND RESOLUTION DATED APRIL 13, 2015.

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$35,000 BONDS OF THE VILLAGE OF LAKE SUCCESS, NASSAU COUNTY, NEW YORK, TO PAY COSTS OF THE PURCHASE OF POLICE VEHICLES IN AND FOR SAID VILLAGE.

WHEREAS, the Board of Trustees of the Village of Lake Success, Nassau County, New York, on March 17, 2014, duly adopted a bond resolution authorizing the issuance of \$125,000 bonds of said Village to pay the cost of the purchase of police vehicles for the Police Department to replace vehicles in service for one year or more; and

WHEREAS, it has now been determined that the maximum estimated cost of such class of objects or purposes is \$160,000, an increase of \$35,000 over that previously authorized; and

WHEREAS, it is now desired to authorize the issuance of an additional \$35,000 bonds of said Village to pay costs thereof; NOW, THEREFORE,

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. For the object or purpose of paying additional costs for the purchase of police vehicles for the Police Department to replace vehicles in service for one year or more, in and for said Village, there are hereby authorized to be issued an additional \$35,000 bonds of the Village of Lake Success, Nassau County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such class of objects or purposes is now determined to be \$160,000, and that the plan for the financing thereof is as follows:

a) by the issuance of the \$125,000 bonds of said Village authorized to be issued pursuant to a bond resolution dated and duly adopted March 17, 2014; and

b) by the issuance of the additional \$35,000 bonds of said Village authorized to be issued pursuant to this bond resolution.

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, calculated from June 27, 2014, the date of issuance of the first obligations for said class of objects or purpose; accordingly, the maximum maturity of the bonds authorized herein 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 to the payment of the principal of and interest on such obligations 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 obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said Village a tax sufficient to pay the principal of and interest on such obligations 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. 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. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the Village Treasurer shall deem best for the interests of said Village; provided, however, that in the exercise of these delegated powers, the Village Treasurer shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

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. 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 9. This resolution, which takes effect immediately, shall be published in summary form in 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:

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; Trustee Alan Mindel voting aye; Mayor Ronald Cooper voting aye.

The resolution was thereupon declared duly adopted.

Deputy Mayor Lam seconded by Trustee Hoffman moved to approve the purchase two new 2015 Dodge Charger's Police Vehicles from Beyer Chrysler Dodge Jeep Ram (NYS Contract #PC66410) for the total

amount not to exceed \$80,000. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

By recommendation of Chief Gardella, Deputy Mayor Lam seconded by Trustee Milner moved to grant Economy Uniforms the 2015/2016 option year for Police Department uniforms. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Deputy Mayor Lam seconded by Trustee Milner moved to approve and authorize the Mayor's signature on the L.I.E. HOV Supplemental Agreement No. 9 Contract for PIN#0229.03 between the Village of Lake Success and the New York State Department of Transportation for the L.I.E. /H.O.V. Enforcement Program in the amount of \$111,000 from June 1, 2015 to May 31, 2016. On call of the roll: 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; Trustee Alan Mindel voting aye; Mayor Ronald Cooper voting aye. The resolution was thereupon declared duly adopted.

Agenda item 12g, the hiring of Mary Hayes as Court Clerk (part time) has been tabled.

By recommendation of Don Graham, Public Works Superintendent, Trustee Hoffman seconded by Trustee Milner moved to grant Weikel Sports Wear the 2015/2016 option year for Public Works and Golf Department uniforms. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

By recommendation of Don Graham, Public Works Superintendent, Mayor Cooper seconded by Trustee Milner moved to approve the purchase of one 2.5 yard 4 in 1 bucket with bolt on cutting edge for the payloader by Malvese Equipment in the amount of \$16,000. This bucket will be attached to the payloader that was also purchased through Malvese Equipment and they are the only Volvo vendor in the area. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

Trustee Hoffman seconded by Trustee Kaplan moved to approve the proposal by Raul Carballo Gardens to maintain the traffic islands with cleaning, weeding and watering from May to October at a cost of \$600 per month for a total of \$4,800 and plant summer flowers at the traffic islands for \$2,000. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

By recommendation of the Village's air conditioning contractor Dual Purpose, Mayor Cooper seconded by Trustee Milner moved to approve the proposal by Mike's Air Conditioning to clean the air ducts in the Police Building for \$10,800. The motion was unanimously approved by those present. Trustee Handsman was absent for vote.

On motion of Mayor Cooper and seconded by Trustee Kaplan, the Board moved into Executive Session at 10:15 p.m. for the purpose of discussing legal and personnel matters. Mayor Cooper reconvened the meeting at 11:00 p.m.

On motion of Mayor Cooper and seconded by Trustee Hoffman, the Board moved to approve the following salary increases as of June 1, 2015: Office Staff 3.5%, Golf Supt, Greenskeeper, DPW Supt., Dispatchers, Cleaners and Seasonal/Temp. 3%, Chief 3.25% (\$7,374) and Lt. 3.47% (\$7,347). The motion was unanimously approved by those present, Trustee Handsman was absent for the vote.

On motion by Mayor Cooper seconded by Trustee Hoffman, the meeting was adjourned at 11:15 p.m.

Respectfully submitted,
Patrick E. Farrell, CMC, RMC
Village Administrator/Treasurer