

**GREAT NECK LIBRARY  
MINUTES OF THE  
SPECIAL BOARD OF TRUSTEES MEETING  
WEDNESDAY, JANUARY 13, 2010, AT 7:30 P.M.**

A special meeting of the Great Neck Library Board of Trustees was held on Wednesday, January 13, 2010, in the Community Room of the Great Library, 159 Bayview Avenue, Great Neck, NY 11023.

The following Trustees were present constituting a quorum:

Martin Sokol – President  
Andrew Greene – Vice President  
Janet Eshaghoff – Secretary  
Marietta DiCamillo – Treasurer  
Anna Kaplan – Assistant Treasurer  
Varda Solomon – Assistant Treasurer  
Josie Pizer

Also present: Jane B. Marino – Director  
Laura Weir – Assistant Director  
Neil Zitofsky – Business Manager

Also in attendance were: Kevin Seaman, Library's Legal Counsel; Dan Heuberger and Ernesto Vela – Architects; Frank Messano – Construction Manager; Paul Bloom – Zoning Counsel; and Noah Nadelson – Bond Counsel.

## **CALL TO ORDER**

President Sokol called the meeting to order at 7:40 p.m. for the purpose of providing an update on the Station Branch Library and for the Board to vote on a plan recommended by the Building Committee for the Main Building Renovation/Expansion project.

President Sokol called for a minute of silence in recognition of the casualties from the earthquake in Haiti.

## **STATION BRANCH LEASE**

Branch Chair, Trustee Eshaghoff, reported that the Library Director, the Business Manager and the Library's Attorney have been negotiating with the landlord, Kabro Associates, for a lease that would be acceptable to the Library. It is anticipated that the Board would have a document to vote on by January 19, 2010, with all other pertinent information available as well. The Director visited the site with an electrician and Frank Messano from Park East Construction in order to

estimate what the renovation and build out costs might be. The estimates should be ready for the January 19 Board meeting. The Director has also solicited proposal from DattnerArchitects for design costs for the space. Trustee Eshaghoff thanked the Village of Great Neck Plaza for being so helpful in providing site plans from their Planning Department for the Library to use.

The Business Manager was then asked to review the proposed operating costs for the new space.

Attorney Kevin Seaman, who represented the Library in the negotiations, also reported that he, along with the Library Director and the Business Manager, met with the landlord's attorney in Garden City. Negotiations were very close to a final agreement on a 10-year lease. Some of the essentials of this lease were fairly negotiated on behalf of the Library, for example: eight months of 'free rent' at the beginning of the lease to enable the Library to have enough time to create a plan for the development of this space; capping of pipes; removal of the kitchen equipment; and, access to two elevators – freight and regular. He is currently negotiating the annual rent and other smaller details. The landlord's attorney will be emailing the proposed lease for the Board to consider at next week's Board meeting.

Trustee Greene, along with other Trustees, expressed apprehension about the wide gap between the railings on the stairs and whether or not they were safe for kids. Discussion ensued on whether the stairs were code compliant and whether it was the landlord's responsibility to address this. Counsel pointed out that the landlord had not agreed to take down any walls or to spend any money to create a "vanilla box" but the Library could do such subject to the landlord's approval. Trustee Greene also pointed to the pronounced differences in height in the front and whether the landlord will take that wall down. Mr Heuberger said there is nothing that the restaurant had put there that cannot be taken down.

Another concern was the HVAC system comprised of six units on the roof and who is responsible for fixing or replacing if broken. Although it is standard in a lease that the utilities are in working condition when the premises are delivered, the Director will ask the company that services the Station Branch HVAC system to do an inspection. As suggested by a member of the public, Mr. David Werber, Chair of the Building Department of the Village of Saddle Rock, if the HVAC system should break in the ninth year of the lease and the Library replaces it and the landlord does not renew the lease after the 10<sup>th</sup> year, there should be a pro-rata sharing of the cost built in the lease.

Counsel asked for a quick inspection to be done by next week as the landlord is becoming impatient since he has not received an answer from the Library Board in view of ongoing negotiations for several months. The landlord informed him that another tenant is waiting to rent the space so he needs an answer by next week.

Trustee Greene inquired whether the other option to stay in the space that the Branch now occupies is still alive. He was told that that option was not discussed further since the consensus was to pursue the larger space upstairs.

Mr. Heuberger stated that his understanding is that the landlord is responsible for the things in the common area, and the Library is responsible for the space within the four walls that it is

leasing. Therefore, the corridors, stairs, parking lot, elevator, etc., on the landlord's property are his responsibility and the Library would be taking an unnecessary risk by repairing some of these things. From what he has seen, the railings were code compliant at the time of construction but if they were built today, they would not be. There is no legal requirement for the landlord to bring them up to today's code unless he was doing some kind of modification. If the Trustees are concerned about the stairs, they should include this in the lease negotiations.

Trustee Pizer referred to an email she had sent to the Trustees inquiring about appropriate language that should be in the lease and certain terms of conditions, for example, who is responsible for the alarm and the special lighting, and fire code. Mr. Seaman said the lighting is the Library's responsibility and any alarm that goes through the entire premises is the landlord's. The Library Director, in response to an inquiry about the live load for the space, stated that she had received a statement from the engineer confirming that the load bearing for the space is 150 pounds per sq. ft. which meets code requirements.

Mayor Celender, who was present at tonight's meeting, was asked if the Village of Great Neck Plaza Building Department could take a look at the space to see if it is code compliant. She did not provide a specific answer but suggested that the Library should use its own consultants and that records are available in the Building Department for checking. She also indicated that Mr. Sweeney from the Building Department is available to the Library to answer any questions, and that the Village is anxious for the Branch to stay in the Plaza. Jerry Schneiderman, Trustee of the Village of Great Neck Plaza, also added that the Village's inspectors are always on the job while the work is going on, inspecting to make sure it is up to code. Therefore, a certificate of occupancy is generally issued between three to five days.

Mr. Seaman was instructed to negotiate the contract with a cap on the maximum the Library would spend in order to get the conditional lease permit; and also, to have built in the agreement a lease renewal to which Mr. Seaman replied that the landlord was unwilling to do so at this time because of the economic climate.

These are the issues that must be resolved before the Board can make a decision as to the relocation of the Branch:

1. Railing risers
2. Build out costs
3. Inspection of the HVAC and other systems
4. Pro-rating cost of capital improvements

The Board did not have sufficient information to vote on the future of the Station Branch at tonight's meeting. Therefore, Mr. Seaman was instructed to inform the landlord's attorney that an answer will be forthcoming as soon as possible.

*Public Comment: Mayor Leonard Samansky, Ralene Adler, Unidentified Gentleman, David Werber, Norman Rutta, Jerry Schneiderman, Daniel Nachmanoff, Michael Currie*

## **SCHEMATIC DESIGN FOR MAIN BUILDING RENOVATION/EXPANSION PROJECT**

Trustee Greene, who is chair of the Building Committee, reported that the Building Committee met [January 7, 2010] and at that meeting there was a vote taken to recommend that the Board adopt and proceed with Plan D as presented by the architects and for the Board to proceed with all approvals and submissions necessary to obtain Town variances. He then asked the architect, Mr. Heuberger, to give an overview of the differences between Plan D and Plan C.

Mr Heuberger began by providing the cost of Plan D as \$22.5 million which includes soft and hard costs, along with the HVAC system. Plan D, which is 55,800 sq. ft., reduces the size by 1,200 sq. ft. mainly along the east side of the building. Most of the program reductions were taken out of the administrative areas and some from the collection equivalent to about 10,000 volumes. Some of the cost saving measures come from modifying the sky light design, re-evaluation of the allowance given for FF&E (furniture, fixture & equipment) based on current market conditions and the purchasing of furniture through the NYS contract arrangement. Dattner, along with Park East, re-evaluated some of the assumptions they had made concerning contractor mark-ups, overhead profits, and construction escalation for the next three years which were made six months ago. Due to the depression in the construction market, they are justified in reducing some of the costs.

Not included in the \$22.5 million is the cost of repairing or replacing the retaining wall estimated to be \$300,000 - \$400,000 depending on the nature of repairs. The Board of Trustees had authorized a physical inspection of the retaining wall which involves drilling holes into the wall and taking some stones off in order to refine the repair costs. Mr. Heuberger stated that the reason for doing the inspection of the retaining wall is to see whether it needs to be repaired or replaced. Work had begun and will be completed in the next two to three weeks. Mention was made of the damage done to the retaining wall that day by a patron who accidentally drove her vehicle into it. The modifications from Plan C to Plan D have little impact on the rest of the site plan.

Requirements for parking load are still the same so the parking schemes previously developed still hold. He then reviewed the three parking options: Option A leaves the parking lot pretty much the same except for eking out a few more spaces without modifying the rest of the lot. Another option added a few more spaces, cutting down some trees, restriping the current lot and bringing it up to current code. The third option would require redrawing the entire parking lot, bringing the spaces up to current code and this will take down most of the trees in the lot. In all three options, the trash dumpster will be relocated in a room inside the building on the upper level of the parking lot which would avoid a dangerous practice that is now in place. Another handicapped parking spot is added on the lower level along with the required pathways to get to the building in all three parking lot designs.

In answer to a question from a member of the public on whether or not Plan D would allow for flexibility to build a third floor in the future, the architect said that Plan D will not be built with any reinforcement for a third floor.

Trustee Greene then summarized the consensus of the Building Committee's opinion. The vote for Plan D was unanimous and the general consensus was that Plan D preserves the functionality of the building and improves the use of the building in a more efficient way and allows for a lower budget, decreased operating cost, and the cost of financing the building. The Committee felt that this is responsive to the overwhelming sentiments expressed by members of the public to be frugal with the taxpayers' money and only spend what was absolutely necessary in order to achieve the smallest possible addition. The Committee was extremely diligent going through this with the architect and they went over every square foot of space to see if it could be decreased and a 12.2% sq. ft. decrease from Plan C was achieved. Plan D does not raise the mezzanine thus preserving the existing height on the side facing the Village of Saddle Rock which was one of the key issues raised by the Village of Saddle Rock. This plan will satisfy the needs of the Library and the community in a very cost effective way.

Trustee DiCamillo requested the operating cost for Plan D. She also wanted to know which parking plan will be submitted to the Town of North Hempstead with the Board approved Plan D. Since the Building Committee had not yet discussed the parking options, Chair Andrew Greene then scheduled a meeting of the Building Committee for January 19, 2010 at 7:00 p.m. at which time the Zoning Counsel will be in a better position to give a recommendation. He will also seek input from the environmental consultant. The Committee will then have a recommended parking option for the Board to vote on at the January 19<sup>th</sup> Board meeting.

Noah Nadelson, Bond Counsel, when asked what the difference in cost would be between Plan A (gutting and renovating the building) and Plan D, stated that it would be \$26.31 per year on a 20-year bond at 5% interest rate for a home assessed at \$1,000,000.

Mayor Leonard Samansky stated that the Board is about to approve a plan for the building and he had offered a series of proposals to which he has only received an answer regarding the mezzanine. He is concerned about the aesthetics and parking and he would have liked to be involved in making this building project happen. Four months ago, he offered the Library on-street parking and the Board never got back to him. He warned that if the Board should approve a plan tonight, which is a partial plan, then he would be pursuing litigation when the Library's Zoning Counsel goes before the Town Board of Zoning and Appeals. Trustee Greene promised to meet with Mayor Samansky to discuss these unresolved issues and the Board moved forward on voting on Plan D.

**Upon motion by Andrew Greene, seconded by Anna Kaplan and after discussion, it was,**

**RESOLVED**, that the Great Neck Library Board of Trustees approve Plan D as the design for the renovation/expansion of the Main Building; and further that DattnerArchitects and the other professionals under contract with the Library be directed to complete the necessary work to prepare for site plan approval and referendum.

On recommendation from Paul Bloom, the Library's Zoning Counsel, Trustee Greene amended the motion to include approval for variances. The modified motion is:

**RESOLVED**, that the Great Neck Library Board of Trustees approve Plan D as the design for the renovation/expansion of the Main Building; and further that DattnerArchitects and the other professionals under contract with the Library be directed to complete the necessary work to prepare for variances and site plan approval and referendum.

*Public Comment: Pam Marksheid, Karen Rubin, Joan Wheeler, David Werber, Norman Rutta, Barbara Zeller, Ralene Adler, Mayor Leonard Samansky, Michael Currie*

**VOTE:** Yes – 6 (Eshaghoff, Greene, Kaplan, Pizer, Sokol, Solomon)  
No – 1(DiCamillo). *MOTION CARRIED*

## **OPEN TIME**

President Sokol read a statement that he prepared.

## **ADJOURNMENT**

The meeting was adjourned at 10:38 p.m. on motion by Trustee DiCamillo and seconded by Trustee Pizer.

Respectfully submitted,

Janet Eshaghoff  
Secretary of the Board of Trustees