

MINUTES OF THE 1142nd MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
JUNE 15TH, 2021
Adopted on July 6th, 2021.

The 1142nd meeting of the Board of Trustees of the Village of Kings Point was called to order by Mayor Michael C. Kalnick at 9:05 p.m. on June 15, 2021, at the Village Hall of the Village of Kings Point, 32 Steppingstone Lane, Kings Point, New York 11024.

PRESENT: Michael C. Kalnick, Mayor
David Harounian, Deputy Mayor
Hooshang Nematzadeh, Trustee
Kouros Torkan, Trustee
Ira S. Nesenoff, Trustee

ALSO PRESENT: Gomie Persaud, Village Clerk-Treasurer
Stephen G. Limmer, Esq., McLaughlin & Stern, LLP,
General Counsel
Chris Aiossa, Superintendent of the Building Department
George Banville, Police Commissioner

In response to a direction by Superintendent Chris Aiossa to immediately demolish the single-family dwelling at **35 Pheasant Run**, the rear portion of which had recently collapsed, Ezra Dabah, the owner of 35 Pheasant Run, appeared before the Board, stated that the portion of the dwelling that had collapsed was an addition that was not properly constructed and that the remainder of the dwelling was safe and there was no need to take it down. Mr. Dabah stated that the dwelling was vacant and no one was residing in it since the portion of the dwelling had collapsed. The Village was concerned about the safety of the owners, their family, and others who might be guests or trespassing from the debris and possible further collapse. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Ira Nesenoff, by resolution # **2021-98**, the Board unanimously agreed to extend the time for Mr. Dabah to demolish the dwelling on the following conditions:

1. Mr. Dabah was directed to secure the dwelling with a 6-foot fence around the entire dwelling, or as otherwise directed by Superintendent Aiossa within one week.
2. Mr. Dabah was directed to obtain a certified written opinion from a professional engineer as to how the dwelling could be made safe for habitation, with the removal of the collapsed portion, of the building within 30 days.
3. Mr. Dabah was directed to apply for a demolition permit for the entire dwelling or a building permit, that would include the removal of the collapsed portion of the dwelling and make it safe for habitation, in accordance with the professional engineer's opinion, within that same 30-day period.

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4. No one was to enter the building prior to receiving the consent of Superintendent Aiossa other than temporarily to remove personal items and for professionals to assess the damage and determine how to proceed with demolition and new construction, and otherwise to the extent and subject to the limitations of the New York State Uniform Fire Prevention and Building Construction Code.

Village Clerk Gomie Persaud informed the Board that the Inspectors of Election had completed their canvass of the votes cast at the **annual Village election** and had filed with her their certificates setting forth the holding of the election, the total number of votes cast for each office, and the number of votes cast for each person for such office, as follows:

<u>Office</u>	<u>Candidate</u>	<u>Machine Ballots</u>	<u>Absentee Ballots</u>	<u>Total Ballots</u>
Trustee	Hooshang Nematzadeh	114	36	150
Trustee	Kouros Torkan	90	27	117
Trustee	Ira. S. Nesenoff	87	22	109
Village Justice	Randa Maher	91	24	115

Upon motion by Trustee David Harounian, seconded by Trustee Kouros Torkan, by resolution # **2021-99** the Board unanimously accepted and, to the extent, if any, required, certified the results of the 2021 Village Election as set forth by the Inspectors of Election. The Inspectors of Election Statements of Canvass for Voting Machine Summary of Results and Statement of Canvass for Voting Machines for the 2021 Village Election are on file with the Village Clerk.

Mayor Michael C. Kalnick opened the public hearing on the **proposed contract with the Alert Engine, Hook & Ladder & Hose Company No. 1, Inc. for the furnishing of fire protection service** within the Village of Kings Point for the one-year period commencing June 1, 2021, and ending May 31, 2021, for the total sum of **\$1,284,870.12**. No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee Hooshang Nematzadeh seconded by Trustee Kouros Torkan, by resolution # **2021-100**, the Board unanimously approved the proposed contract. A copy of the contract is on file with the Village Clerk.

Mayor Michael C. Kalnick opened the public hearing on the **proposed Bill 7 of 2021**, a local law to amend Chapter 30, Police Commissioners, Board of, of the Code of the Village of Kings Point. No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee Kouros Torkan, seconded by Trustee David Harounian,

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by resolution # **2021-101**, the Board unanimously approved the proposed Bill as Local Law 13 of 2021. A copy of the Local Law is on file with the Village Clerk.

Mayor Michael C. Kalnick opened the public hearing on the **proposed Bill 8 of 2021**, a local law to amend Chapter 134, Streets and Sidewalks, of the Code of the Village of Kings Point. No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee Ira S. Nesenoff, seconded by Trustee David Harounian, by resolution # **2021-102**, the Board unanimously approved the proposed Bill as Local Law 14 of 2021. A copy of the Local Law is on file with the Village Clerk.

Mayor Michael C. Kalnick opened the public hearing on the **proposed Bill 9A of 2021**, a local law to amend the Code of the Village of Kings Point with regard to assessment of costs for property maintenance performed by the Village of Kings Point. No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee Kouros Torkan, seconded by Trustee Hooshang Nematzadeh, by resolution # **2021-103**, the Board unanimously approved the proposed Bill as Local Law 15 of 2021. A copy of the Local Law is on file with the Village Clerk.

Mayor Michael C. Kalnick opened the public hearing on the **proposed Bill 10 of 2021**, a local law to amend the general provisions of Chapter 88, Flood Damage Prevention, of the Code of the Village of Kings Point. No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Ira S. Nesenoff, by resolution # **2021-104**, the Board unanimously approved the proposed Bill as Local Law 16 of 2021. A copy of the Local Law is on file with the Village Clerk.

Upon motion by Trustee Ira S. Nesenoff, seconded by Trustee Hooshang Nematzadeh, by resolution # **2021-105**, the Board unanimously approved the minutes as presented of the **Board of Trustees meetings** of May 13, 2021, and May 24, 2021.

Upon motion by Trustee David Harounian, seconded by Trustee Kouros Torkan, by resolution # **2021-106**, the Board unanimously approved the payment of **audited claims** as follows:

- | | |
|------------------|-----------------|
| a. General Fund: | \$ 1,314,908.16 |
| b. Trust Fund: | \$ 12,000.00 |

Copies of the abstract of claims are on file with the Village Clerk.

Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee David Harounian, by resolution # **2021-107**, the Board unanimously accepted the **Building Department report** for the period of May 2021, showing the total fees deposited of **\$28,043.75** into

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the General Fund and **\$10,600** into the Trust Fund. A copy of the report is on file with the Village Clerk.

Upon motion by Trustee Kouros Torkan, seconded by Trustee Ira S. Nesenoff, by resolution # **2021-108**, the Board unanimously accepted the **Village Justice Court report** for the period of May 2021, showing the total fees and surcharges deposited of **\$45,247.00** into the General Fund. A copy of the report is on file with the Village Clerk.

Because of the scheduled court dates prior to the next Board of Trustees meeting/organization night, upon motion by Trustee Ira S. Nesenoff, seconded by Trustee Hooshang Nematzadeh, by resolution # **2021-108**, the Board unanimously approved Mayor Michael C. Kalnick's appointment of Michael Zimmerman as the **Acting Village Justice** from June 15, 2021, until the annual meeting, when an appointment for a one-year term for the official year beginning Monday, July 1, 2021, will be made.

Superintendent of Building Department Chris Aiossa advised the Board that the owner of the property at **275 Kings Point Road** is in violation of Village Code 117-2(F) in that the owners have failed to perform seasonal property maintenance by not cutting the grass and weeds which are now in excess of 6 inches in height. At the request of Superintendent Aiossa, upon motion by Trustee Kouros Torkan, seconded by Trustee David Harounian, by resolution # **2021-110**, the Board unanimously adopted a resolution pursuant to **Village Code §117-11**, authorizing Superintendent Aiossa to give the owners of the property at 275 Kings Point Road, 5-days' notice to cure the violation and, if they fail to do so, to cause the aforesaid violation to be corrected by hiring Papiro Landscaping Inc. to perform the necessary corrective work; and directed the Village Clerk to take all necessary and appropriate actions to recoup the Village's costs and expenses in correcting the violations in accordance with Village Code §117-11; and, in the event within the next twelve-month period there is a second or any subsequent offense of chapter 117 of the Village Code on any of such properties, pursuant to §117-11(D) of the Village Code, it shall not be necessary for the Building Inspector to obtain the permission of the Board of Trustees or the Mayor to effectuate compliance with Chapter 117, and the Clerk shall again, in such event, take all necessary and appropriate actions to recoup the Village's costs and expenses in correcting those violations in accordance with Village Code §117-11.

Upon motion by Trustee Kouros Torkan, seconded by Trustee Ira S. Nesenoff, by resolution # **2021-111**, the Board unanimously adopted the following resolution:

WHEREAS there is now pending in the Supreme Court, Nassau County, a proceeding by the owner of certain property within the Village of

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Kings Point to reduce the assessed valuation placed on its property for Village tax purposes; and

WHEREAS the General Counsel to the Village recommends that said proceeding be settled in accordance with a written memorandum to this Board dated June 8, 2021.

NOW, THEREFORE, the General Counsel is hereby authorized to settle the following tax certiorari proceeding on the basis indicated.

Downsview Corporation
 Address: 10 Hamptworth Drive
 Section 1, Block 176, Lot 61

Tax Year	Present Assessment	Proposed Assessment	Reduction	Total Tax Refund
2015/16	\$40,222	\$21,275	\$18,947	Lump Sum
2016/17	\$40,222	\$22,015	\$18,207	Settlement of
2017/18	\$40,222	\$22,200	\$18,022	\$35,000 payable in
2018/19	\$40,222	\$19,795	\$20,427	two equal
2020/21	\$40,222	\$22,028	\$18,194	installments of
2021/22	\$40,222	\$23,760	\$19,020	\$17,500, first
				payment on or before
				July 1, 2021, the
				second payment on
				or before July 1,
				2022, with no
				moratorium.

The Board reviewed the letter from Paul Bloom, dated June 2, 2021, requesting a waiver, pursuant to Village Code § 5-4(D)(2), to permit the Planning Board to process an application by the owner of **2 Breeze Court** to change the grade of the property for a proposed new single-family dwelling. Based upon a finding that the owner was acting in good faith and due diligence to cure the violation, upon motion by Trustee Kouros Torkan, seconded by Trustee Hooshang Nematzadeh, by resolution # **2021-112**, the Board unanimously granted a waiver allowing the Planning Board to process the application.

Upon motion by Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, , by resolution # **2021-113**, the Board unanimously set a public hearing for **Extenet Systems, Inc.**'s application to install approximately 31 small cell facilities within the

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Village for July 22, 2021, at 5:00 p.m., at the Village Hall, and authorized Village Counsel to publish notice of the hearing.

In response to a direction by Superintendent Chris Aiossa to immediately demolish the single-family dwelling at **2 Dock Lane**, which had suffered significant fire damage and subsequent deterioration, rendering it unsafe and not habitable, Alex Noghreh, the owner of 2 Dock Lane, by letter dated June 14, 2021, requested his time to demolish the dwelling be extended until September 30, 2021. Superintendent Chris Aiossa advised the Board that Mr. Noghreh had applied for a demolition permit and appeared to be diligently pursuing the demolition and, on that basis, recommended that Mr. Noghreh's request be granted. Upon motion by Trustee Ira Nesenoff, seconded by Trustee David Harounian, , by resolution # **2021-114**, the Board unanimously granted Mr. Noghreh's request to extend his time to demolish the dwelling at 2 Dock Lane until September 30, 2021, so long as he continues to use due diligence in pursuing such demolition.

Mayor Michael C. Kalnick announced that the next regular meeting of the Board of Trustees would be on July 6th, commencing at 8:00 a.m. at the Village Hall

There being no further business to come before the Board, the Mayor adjourned the meeting at 10:15 p.m.

Gomie Persaud
Village Clerk/Treasurer