

MINUTES OF THE 1135<sup>th</sup> MEETING OF THE  
BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT  
November 23, 2020  
Adopted on January 25, 2021

The 1135<sup>th</sup> meeting of the Board of Trustees of the Village of Kings Point held in accordance with Public Officers Law § 103 (c) by video conferencing was called to order by Mayor Michael C. Kalnick at 6:00 p.m. on November 23, 2020.

**PRESENT:** Michael C. Kalnick, Mayor  
David Harounian, Deputy Mayor  
Sheldon Kwiat, Trustee  
Hooshang Nematzadeh, Trustee  
Kouros Torkan, Trustee

**ALSO PRESENT:** Gomie Persaud, Village Clerk-Treasurer  
Stephen G. Limmer, Esq., McLaughlin & Stern, LLP,  
General Counsel

Mayor Michael C. Kalnick opened the public hearing on **Bill 14C of 2020**, a proposed local law to amend the code of the Village of Kings Point with regard to the definition of mean grade and building heights. No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, by resolution # **2020-109**, the Board unanimously approved the Bill as Local Law 11 of 2020. A copy of the Local Law is on file with the Village Clerk.

Upon motion by Trustee Kouros Torkan, seconded by Trustee Hooshang Nematzadeh, by resolution # **2020-110**, the Board unanimously approved the minutes as presented of the **Board of Trustees meeting** of October 22, 2020.

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Kouros Torkan, by resolution # **2020-111** the Board unanimously accepted the **Building Department report** for the period of October 2020, showing the total fees deposited of **\$59,610.00** into the General Fund and **\$5,200.00** into the Trust Fund. A copy of the report is on file with the Village Clerk.

Upon motion by Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, by resolution # **2020-112**, the Board unanimously accepted the **Village Justice Court report** for the period of October 2020, showing the total fines and surcharges collected of **\$22,812.00**. A copy of the report is on file with the Village Clerk.

Upon motion by Trustee Kouros Torkan, seconded by Trustee David Harounian, by resolution # **2020-113**, the Board unanimously approved the payment of **audited claims** as follows:

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<b>A.</b>	<b>General Fund:</b>	<b>\$ 1,838,009.91</b>
<b>B.</b>	<b>Trust Fund:</b>	<b>\$ 7,465.00</b>

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

As General Counsel Stephen G. Limmer previously apprised the Board, based upon the State law with regard to Sexual Harassment Prevention and the EPA required certification with regard to the Village's stormwater management, the previously approved standard rider for all service contracts, which prohibits sexual harassment and requires compliance with the EPA required certification and a general non-discrimination clause (the "Standard Service Contract Rider" should be appended to the contract. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2020-114**, the Board unanimously approved the proposed **Heating and Air Conditioning Preventive Maintenance Service Contract**, as modified by the Standard Service Contract Rider, for the Village Hall/Police Department from All Seasons, for one year, beginning November 1, 2021, and ending October 31, 2022, for the sum of **\$4,264.80** (same as the expiring contract). A copy of the contract is on file with the Village Clerk.

Trustee Sheldon Kwiat introduced **Bill No. 15 of 2020**, a local law amending the Code of the Village of Kings Point with regard to prohibited noise. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Kouros Torkan, by resolution # **2020-115**, the Board unanimously found that the adoption of Bill No. **15 of 2020**, as a local law was an unlisted action as defined in 6 NYCRR Part 617, and, after taking a hard look at the environmental impacts of the law, authorized the Mayor to complete Part 2 of the Short Environmental Assessment Form, answering "no, or small impact may occur" to questions 1 through 11, filling in the response to Part 3, and checking the box indicating that this Board has determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts, and authorized General Counsel to prepare, mail, and publish all of the necessary legal notices for a public hearing for Bill No. 15 of 2020, a local law with regard to prohibited noise, for the next Board of Trustees meeting, once that date is set. A copy of the Bill is on file with the Village Clerk.

Trustee Sheldon Kwiat introduced **Bill No. 16 of 2020**, a local law amending the Code of the Village of Kings Point with regard to gates for gatehouses. Upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2020-116**, the Board unanimously found that the adoption of Bill No. **16 of 2020**, as a local law was an

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unlisted action as defined in 6 NYCRR Part 617, and, after taking a hard look at the environmental impacts of the law, authorized the Mayor to complete Part 2 of the Short Environmental Assessment Form, answering “no, or small impact may occur” to questions 1 through 11, filling in the response to Part 3, and checking the box indicating that this Board has determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts, and authorized General Counsel to prepare, mail, and publish all of the necessary legal notices for a public hearing for Bill No. 16 of 2020, a local law amending the Code of the Village of Kings Point with regard to gates for gatehouses, for the next Board of Trustees meeting, once that date is set. A copy of the Bill is on file with the Village Clerk.

Trustee Sheldon Kwiat introduced **Bill No. 17 of 2020**, a local law amending the Code of the Village of Kings Point to regulate the use of drones. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Kouros Torkan, by resolution # **2020-117**, the Board unanimously found that the adoption of Bill No. **17 of 2020**, as a local law was an unlisted action as defined in 6 NYCRR Part 617, and, after taking a hard look at the environmental impacts of the law, authorized the Mayor to complete Part 2 of the Short Environmental Assessment Form, answering “no, or small impact may occur” to questions 1 through 11, filling in the response to Part 3, and checking the box indicating that this Board has determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts, and authorized General Counsel to prepare, mail, and publish all of the necessary legal notices for a public hearing for Bill No. 17 of 2020, a local law to regulate the use of drones, for the next Board of Trustees meeting, once that date is set. A copy of the Bill is on file with the Village Clerk.

Trustee Sheldon Kwiat introduced **Bill No. 18G of 2020**, a local law amending the Code of the Village of Kings Point with regard to fees to remove and the replacement of trees. Upon motion by Trustee David Harounian, seconded by Trustee Kouros Torkan, by resolution # **2020-118**, the Board unanimously found that the adoption of Bill No. **18G of 2020**, as a local law was an unlisted action as defined in 6 NYCRR Part 617, and, after taking a hard look at the environmental impacts of the law, authorized the Mayor to complete Part 2 of the Short Environmental Assessment Form, answering “no, or small impact may occur” to questions 1 through 11, filling in the response to Part 3, and checking the box indicating that this Board has determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts, and authorized General Counsel to prepare, mail, and publish all of the necessary legal notices for a public hearing for Bill No. 18G of 2020, a local law with regard to fees to remove and the replacement of trees,

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for the next Board of Trustees meeting, once that date is set. A copy of the Bill is on file with the Village Clerk.

Trustee Sheldon Kwiat introduced **Bill No. 19 of 2020**, a local law amending the Code of the Village of Kings Point to require dogs to be vaccinated to prevent the spread of rabies. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2020-119**, the Board unanimously found that the adoption of Bill No. **19 of 2020**, as a local law was an unlisted action as defined in 6 NYCRR Part 617, and, after taking a hard look at the environmental impacts of the law, authorized the Mayor to complete Part 2 of the Short Environmental Assessment Form, answering “no, or small impact may occur” to questions 1 through 11, filling in the response to Part 3, and checking the box indicating that this Board has determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts, and authorized General Counsel to prepare, mail, and publish all of the necessary legal notices for a public hearing for Bill No. 19 of 2020, a local law to require dogs to be vaccinated to prevent the spread of rabies for the next Board of Trustees meeting, once that date is set. A copy of the Bill is on file with the Village Clerk.

Upon motion of Trustee David Harounian, seconded by Trustee Kouros Torkan by resolution # **2020-120**, the Board unanimously accepted the proposal from **Total Technology Solutions** to install Wi-Fi at the Village Hall for a cost of \$4,801.83 in accordance with its quote dated Sep 3, 2020, Number AAAQ5689-0, as amended by appending the Standard Service Contract Rider. A copy of the quote is on file with the Village Clerk.

Based upon the recommendation of Police Commissioner George Banville, upon motion by Trustee Kouros Torkan, seconded by Trustee David Harounian, by resolution # **2020-121**, the Board unanimously accepted the two proposals from **Federal Eastern International**, one dated 6/9/2020, for the purchase of one Armor suit and one guardian uniform outer carrier for **\$1,162.00**, and the other, dated 6/12/2020, for the purchase of 20 helmets and 20 Batons riot gear at a cost of **\$8,172.20**. Copies of the quotes are on file with the Village Clerk.

The Mayor announced that he expected the Board to adopt revisions to the Village’s fee schedule, including the fee for extending expired building permits, at the next meeting. Accordingly, upon motion by Trustee Kouros Torkan, seconded by Trustee Hooshang Nematzadeh, by resolution # **2020-122**, the Board unanimously agreed to extend the **temporary moratorium on any increase in building permit extension fees** for the period from February 25, 2020, until February 15, 2021, such that no one who fails to pay

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building permit renewal fees during such period shall be obligated to pay any additional extension fees by waiting until the end of such period.

The Mayor announced his concern about the rising number of Covid-19 cases in the Village. In order to help limit residential social gatherings in accordance with the Governor's most recent Executive Orders, upon motion by Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, by resolution # **2020-123**, the Board unanimously agreed to **prohibit parking on all public streets** until January 31, 2021.

The Board acknowledged receipt of a proposed settlement from Thomas Donato, the Village's tax certiorari consultant, with regard to the pending **tax certiorari proceedings** regarding to **24 Pond Road** and authorized General Counsel Stephen G. Limmer to advise Mr. Donato to present his proposed settlement to petitioner's counsel and, if his proposal is accepted by petitioner, to have petitioner's counsel present a proposed stipulation to settle the matter for the Board's approval at its next meeting.

The Mayor announced that, as the Board was aware, the last contract with the **Police Benevolent Association** that represents the Village police officers (the "PBA") expired on May 31, 2018, and he has been negotiating with the PBA with the understanding that when an agreement was finally reached, it would be retroactive to June 1, 2018. Subject to the approval of the Board and the ratification by the members of the PBA, the Mayor and the PBA are recommending that a **new contract** be entered into for the period of June 1, 2018, through May 31, 2022, with the same terms and conditions as the existing contract, except for the following annual increases in the police officers' base pay on an annualized basis:

1. For the period June 1, 2018, through May 31, 2019: An increase of 3%.
2. For the period June 1, 2019, through May 31, 2020: An increase of 3%.
3. For the period June 1, 2020, through May 31, 2021: An increase of 2.9%.
4. For the period June 1, 2021, through May 31, 2022: An increase of 2.9%.

Upon motion by Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, by resolution # **2020-124**, the Board unanimously agreed to the proposed contract with the PBA as proposed by the Mayor.

By letter dated November 20, 2020, Nelson Pope & Voorhis, LLC, the Engineers for the Village's **East Shore Park Landscape Development Project**, advised the Board that the contractor had removed the number of trees, shrubs, and vines provided for in its contract with the Village, but there were additional trees, shrubs, and vines that could be removed under the Village's permit from the New York State Department of Environmental Conservation. The additional removal, based upon the unit price in the contract, would not exceed \$25,000.00. A Proposal, dated 11/16/2020, from the contractor, Sipala

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Landscape Services, Inc., was enclosed with the letter. The Board stated its satisfaction with the manner in which the water view has been enhanced for the public by the work performed under the contract to date and agreed that the **additional removal** would further enhance that water view. Upon motion by Trustee Kouros Torkan, seconded by Trustee David Harounian, by resolution # **2020-125**, the Board unanimously authorized the Gomie Persaud, as the Village Clerk, to sign the Proposal on behalf of the Village, with the understanding that the total cost for the additional removal would not exceed \$25,000.00. Copies of the letter and proposal are on file with the Village Clerk.

The Board discussed the proposal dated October 29, 2020, from Nelson & Pope for the 2021 Roadway Improvements contract for Redbrook Lane, Eagle Point Drive, and Wildwood Road. There was concern that the not to exceed price of \$131,995.00 was too high for the project and that there should be a discussion between the Board and Nelson & Pope to see if that not to exceed price could be reduced. Upon motion by Trustee David Harounian, seconded by Trustee Kouros Torkan, by resolution # **2020-126**, the Board unanimously approved the contract on the condition that the not to exceed price be reduced to an amount approved by Mayor Kalnick, or a satisfactory explanation of why the \$131,995.00 not to exceed price was reasonable. A copy of the proposal is on file with the Village Clerk.

Mayor Michael C. Kalnick stated that once the date of the next meeting of the Board of Trustees was set, it would be published on the Village's website.

There being no further business to come before the Board, the Mayor adjourned the meeting at 6:38 p.m.

Gomie Persaud  
Village Clerk/Treasurer