

**MINUTES OF THE 1126th MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
February 25, 2020
Adopted on March 25, 2020**

The 1126th meeting of the Board of Trustees of the Village of Kings Point was called to order by Mayor Michael C. Kalnick at 7:25 p.m. on February 25, 2020, 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
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
George Banville, Police Lieutenant
Chris Aiossa, Superintendent of the Building
Department
Michael Moorehead, Superintendent of Public Works

Doctors Shah, the residents and owners of 12 Split Rock Drive, addressed the Board with regard to the water issues at their home.

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, by resolution # **2020-18** the Board unanimously approved the minutes as presented of the **Board of Trustees meetings** of January 8, 2020, and February 18, 2020.

Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee David Harounian, by resolution # **2020-19**, the Board unanimously accepted the **Building Department reports** for the period of January 2020, showing the total fees deposited of **\$27,205.00** into the General Fund and **\$8,200.00** into the Trust Fund. Copies of the reports are on file with the Village Clerk.

Upon motion by Trustee Kouros Torkan, seconded by Trustee Hooshang Nematzadeh, by resolution # **2020-20**, the Board unanimously accepted the **Village Justice Court report** for the period of January 2020, showing the total fees and surcharges deposited of **\$23,117.00** into the General Fund. A copy of the report is on file with the Village Clerk.

**MINUTES OF THE 1126th MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
February 25, 2020
Adopted on March 25, 2020**

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Kouros Torkan, by resolution # **2020-21**, the Board unanimously approved the payment of **audited claims** as follows:

a. General Fund:	\$ 2,048,099.89
b. Trust Fund:	\$ 15,600.00

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

Village Clerk-Treasurer Gomie Persaud reported on the proposal that she received from the NFP Property & Casualty Services, Inc., for the renewal of the Village's "**Crime Coverage**" insurance policy with Hiscox Insurance Company Inc. for the period of March 1, 2020, through March 1, 2021, for a premium of \$4,344.00. Upon motion by Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, based upon the prior recommendations of NFP Property & Casualty Services, Inc., by resolution # **2020-22**, the Board unanimously approved the renewal of the policy with Hiscox Insurance Company Inc. as set forth in said proposal for a premium of **\$4,344.00.00**, summarized as follows:

CRIME COVERAGE FOR THE VILLAGE OF KINGS POINT

<u>Coverage Forms:</u>	<u>Limit</u>	<u>Deductible</u>
Employee Theft	\$2,500,000	\$10,000
Forgery or Alteration - Checks	\$1,000,000	\$10,000
Forgery or Alteration –Payment Cards	\$1,000,000	\$10,000
Forgery – Counterfeit	\$1,000,000	\$10,000
Premises – Inside	\$1,000,000	\$10,000
Premises – Outside	\$1,000,000	\$10,000
Computer Fraud	\$1,000,000	\$10,000
Funds Transfer Fraud	\$1,000,000	\$10,000
Cyber Deception	\$ 100,000	\$10,000
Expense	\$ 10,000	\$ 0

A copy of the proposal is on file with the Village Clerk.

Mayor Michael C. Kalnick announced that the February 18, 2020, meeting to hear complaints pursuant to Real Property Tax Law § 1408 had been adjourned for lack of a quorum to be reconvened at tonight's meeting. He asked if there was anyone who wished to present a complaint pursuant to said law and no one sought to be

**MINUTES OF THE 1126th MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
February 25, 2020
Adopted on March 25, 2020**

heard. Upon motion of Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, by resolution # **2020-23**, the Board unanimously approved applications for renewal of **eleven wholly exempt properties**. A copy of the report is on file with the village clerk.

Village Clerk-Treasurer Gomie Persaud reported on the proposal that she received from the NFP Property & Casualty Services, Inc., for the Village's "**Municipal Package**" insurance policy, as more fully set forth in the proposal, with National Union Fire Insurance Company for the period of March 1, 2020, through March 1, 2021, for a premium of **\$198,286.00** (\$10,732.00 less than last year). Upon motion by Trustee Kouros Torkan seconded by Trustee Sheldon Kwiat, based upon the recommendations of NFP Property & Casualty Services, Inc., by resolution # **2020-24**, the Board unanimously approved the purchase of the policy. A copy of said proposal is on file with the Village Clerk.

Village Clerk-Treasurer Gomie Persaud reported on the proposal for the **Landscaping Maintenance at Village Hall** for the year 2020. Upon motion by Trustee David Harounian, seconded by Trustee Kouros Torkan, by resolution # **2020-25**, the Board unanimously accepted the **proposal from ADM Landscaping to perform Landscaping Maintenance at the Village Hall** for the period of April (Spring) through November (Fall) 2020, for a sum of **\$11,993.52** payable in eight equal monthly installments of \$1,499.19. A copy of the proposal is on file with the Village Clerk.

Based upon the recommendation of Superintendent Michael Moorehead, upon motion by Trustee Kouros Torkan, seconded by Trustee David Harounian, by resolution # **2020-26**, the Board unanimously authorized D&B Engineers and Architects P.C. ("D&B"), to assist Superintendent Michael Moorehead in preparing the annual report for the **Phase II Stormwater Management Plan** and to assist with the Permit Compliance Annual Report for the Village of Kings Point, in accordance with its letter dated February 12, 2020, for Task 1, Task2, Task 3 and Task 4 at a cost not to exceed **\$7,900.00**. A copy of said letter is on file with the Village Clerk.

Mayor Michael C. Kalnick asked the Board to table whether the Village should exercise its option to extend the present Garbage and Refuse Collection and Disposal Contract with Meadow Carting for a second year pending some unresolved issues between Meadow Carting and some of the residents. A copy of the contract is on file with the Village Clerk.

**MINUTES OF THE 1126th MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
February 25, 2020
Adopted on March 25, 2020**

Village Clerk-Treasurer Gomie Persaud advised the Board of the bid opening that had been held on February 7th, 2020, with regard to the bids for the **East Shore Park Landscaping Development Project** as follows:

SUMMARY OF BIDS

Sipala Landscape Services Inc.	\$ 147,596.00
Merrick Utility Assoc. Inc.	\$ 298,542.50
Hohwald Landscaping dba Roland Mennella	\$ 298,951.70
The Quintal Group	\$ 335,282.92
Coastal Contracting Corp.	\$ 679,840.00
Dom's Lawn Making Inc.	\$ 884,301.00
Harder Tree and Landscape Service	\$1,389,041.00

Upon motion of Trustee David Harounian seconded by Trustee Kouros Torkan, by resolution # **2020-27**, based upon the recommendation of Nelson, Pope & Voorhis, LLC, the Board unanimously awarded the **East Shore Park Landscaping Development Project** to **Sipala Landscape Services Inc.**, as the lowest responsible bidder. Copies of the Bids are on file with the Village Clerk.

Upon motion by Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, by resolution # **2020-28**, the Board unanimously approved the appointment of Michael R. Doherty as a **Mechanical Equipment Operator Trainee for the Department of Public Works** at the rate of **\$45,000.00** per year, with a one-year probation period.

Village Clerk-Treasurer Gomie Persaud advised the Board of the bid opening that had been held on February 14th, 2020, with regard to the bids for the **East Shore Road Roadway Rehabilitation** as follows:

SUMMARY OF BIDS

CONTRACTOR	BASE BID AMOUNT	ADD -ALT 1 AMOUNT	BASE BID AND ADD ALT. TOTAL
Metro Paving LLC	\$1,848,507.00	\$129,350.00	\$1,977,857.00
American Paving	\$1,928,687.50	\$117,762.50	\$2,046,450.00
United Paving	\$1,933,610.00	\$93,675.00	\$2,027,285.00
Stasi Industries	\$1,991,025.00	\$271,925.00	\$2,262,950.00
John McGowan & Sons	\$2,159,865.00	\$69,937.50	\$2,229,802.50

**MINUTES OF THE 1126th MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
February 25, 2020
Adopted on March 25, 2020**

Graci Paving	\$2,220,805.00	\$100,780.00	\$2,321,585.00
Coastal Contracting	\$2,582,842.50	\$173,700.00	\$2,756,542.50
Pioneer Landscaping & Asphalt Paving	\$2,879,882.00	\$165,125.00	\$3,045,007.00

Upon motion of Trustee Sheldon Kwiat seconded by Trustee Kouros Torkan, based upon the recommendation of Nelson, Pope & Voorhis, LLC, by resolution # **2020-29**, the Board unanimously awarded the **East Shore Road Roadway Rehabilitation contract**, to **Metro Paving LLC**, as the lowest responsible bidder. Copies of the Bids are on file with the Village Clerk.

The Board reviewed the petition it received from the residents of Cherry Lane. Based upon the favorable bid that was received from and awarded to Metro Paving LLC on the East Shore Road Roadway Rehabilitation contract, upon the recommendation of Michael Moorehead, Superintendent of Public Works, upon motion by Trustee Kouros Torkan, seconded by Trustee David Harounian, by resolution # **2020-30**, the Board unanimously authorized a **change order to the East Shore Road Roadway Rehabilitation contract** to add milling and paving to **Cherry Lane**, from Kings Point Road to Redbrook Road, **Tideway Street**, from Kings Point Road to Cherry Land, and all of **Locust Cove Lane**. A copy of the petition is on file with the Village Clerk.

Village Clerk-Treasurer Gomie Persaud requested to put out to bid the **Tree Trimming and Related Services Contract** for the period of 9/1/20 through 8/31/2023 with the Village's option to extend the contract for two one-year periods from 9/1/21 through 8/31/22 and 9/1/22 through 8/31/2023. Upon motion by Trustee Sheldon Kwiat, seconded by Trustee David Harounian, by resolution # **2020-31**, the Board unanimously authorized the Village Clerk-Treasurer to bid publicly the **Tree Trimming and Related Services Contract** for the period of 9/1/20 through 8/31/2023, with the Village's option to extend the contract for two one-year periods.

Village Clerk-Treasurer Gomie Persaud requested to put out a **Request for Proposals for an External Audit** for the Village's fiscal year ending May 31, 2020, with the Village's option to extend the engagement for the Village's fiscal years ending May 31, 2021, and May 31, 2022. Upon motion by Trustee Kouros Torkan, seconded by Trustee Hooshang Nematzadeh, by resolution # **2020-32**, the Board unanimously authorized the Village Clerk-Treasurer to bid publicly a Request for Proposals for an External Audit for the Village's fiscal year ending

**MINUTES OF THE 1126th MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
February 25, 2020
Adopted on March 25, 2020**

May 31, 2020, with the Village's option to extend the engagement for the Village's fiscal years ending May 31, 2021, and May 31, 2022.

The Board reviewed and discussed with Chris Aiossa, Superintendent of Building Department, his memorandum dated February 25, 2020, with regard to an illegal unsafe condition as a result of an accumulation of dead leaves in violation of Village Code 17-2(G) at **3 Kings Terrace**, creating an emergency situation requiring immediate attention to protect the public health and safety. The Superintendent sought an authorization to cause the violation to be corrected pursuant to Village Code §117-11. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2020-33**, the Board unanimously adopted a resolution pursuant to **Village Code §117-11**, authorizing and empowering the Building Inspector to cause the aforesaid violation at 3 Kings Terrace, to wit: remove the dead leaves on the property as required by the Village Property Maintenance Code 117-2(G), to be corrected if the owner of such premises does not correct the violation on its premises within 10 days after the required notice of violation. And, if the owner does not correct the violation within said 10 days and the Building Inspector does thereafter cause the violation to be corrected, the Village Clerk shall take all necessary and appropriate actions to recoup the Village's costs and expenses in correcting the violation in accordance with Village Code §117-11. A copy of the memorandum is on file with the Village Clerk.

Upon motion by Trustee David Harounian, seconded by Trustee Kouros Torkan, by resolution # **2020-34**, the Board unanimously reconfirmed the Village policy that when, in the discretion of the Mayor or the Superintendent of the Department of Public Works, it is reasonable or necessary in order to protect life and property within the Village by providing **access to premises within the Village** for police, ambulance, and/or fire fighting vehicles, the Superintendent is authorized to take such action as the Superintendent believes to be reasonable or necessary to provide such access. Such action shall not be deemed to be an opening of a private road so that it may be used by the public and shall not be a basis for deeming a private road to have been taken by prescription by the Village pursuant to Village Law § 6-626.

Upon motion of Trustee Sheldon Kwiat, seconded by Hooshang Nematzadeh, by resolution # **2020-35**, the Superintendent of Public Works, Michael Moorehead, was directed to install **one stop sign on the northwest corner of the intersection of Breeze Court and Kings Road** for eastbound traffic.

**MINUTES OF THE 1126th MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
February 25, 2020
Adopted on March 25, 2020**

Upon motion of Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2020-36**, the Board unanimously authorized the Superintendent of the Building Department to issue **temporary certificates of occupancy** in the following cases and upon the following conditions, without the applicant having to appear before the Village's Architectural and Preliminary Site Review Board, so long as the Superintendent first confirms that all life/safety construction has been completed to the Superintendent's satisfaction, or temporary construction has been completed to the Superintendent's satisfaction, pending the final completion of such work, so that the occupancy prior to the issuance of the final certificate of occupancy will be as safe as if the work required to obtain the final certificate of occupancy had been completed:

1. An architect or engineer has certified that the cost of the remaining work to be completed to obtain a final certificate of occupancy is \$50,000.00 or less and the Superintendent finds such certification to be reasonable, and the owner posts a cash bond of \$60,000.
2. An architect or engineer has certified that the cost of the remaining work to be completed to obtain a final certificate of occupancy is in excess of \$50,000.00, but not more than \$100,000, and the Superintendent finds such certification to be reasonable, and the owner posts a cash bond of \$120,000.

In the event that the certified cost of the remaining work to be completed to obtain a final certificate of occupancy is greater than \$100,000, no temporary certificate of occupancy may be issued without the prior approval of the Village's Architectural and Preliminary Site Review Board.

After public comment with regard to the fee for the renewal of a building permit, more particularly when the renewal involves an extension for multiple 12-month periods, the Board advised the public that it is still considering if and how the Board might change that fee provision. In order not to penalize any residents who would like to wait until the Board further considers how that fee provision may be changed, upon motion of Trustee Kouros Torkan, seconded by Trustee Sheldon Kwiat, by resolution # **2020-37**, the Board unanimously agreed to implement a **temporary moratorium on any increase in building permit extension fees** for the period from February 25, 2020, until 14 days after the next regular meeting of this Board in July 2020, such that no one who fails to pay building permit renewal fees during such period shall be obligated to pay any additional extension fees by waiting until the end of such period.

Upon motion of Trustee Hooshang Nematzadeh, seconded by Trustee Kouros Torkan, by resolution # **2020-38**, the Board unanimously agreed to adjourn for

**MINUTES OF THE 1126th MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
February 25, 2020
Adopted on March 25, 2020**

advice of counsel with regard to an offer of settlement recommendation by Special Counsel Harvey Besunder in the Village's condemnation action with regard to its **acquisition of the property to create East Shore Park.**

The Board returned from its advice of counsel and reported that no action had been taken and no minutes would be produced; however, General Counsel Stephen Limmer was directed to relate to Special Counsel Harvey Besunder the substance of the Board's discussion during the advice of counsel session.

Mayor Michael C. Kalnick stated that the next meeting of the Board of Trustees would be **March 23, 2020** commencing at 7:00 p.m.

There being no further business to come before the Board, the Mayor adjourned the meeting at 8:50 p.m.

Gomie Persaud
Village Clerk-Treasurer