

MINUTES OF THE 1122nd MEETING OF THE
BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT

November 7, 2019

Adopted on December 10, 2019

The 1122nd meeting of the Board of Trustees of the Village of Kings Point was called to order by Mayor Michael C. Kalnick at 8:45 p.m. on November 7, 2019, 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
Michael Moorehead, Superintendent of Department of
Public Works
Chris Aiossa, Superintendent of Building Department
George Banville, Police Commissioner

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, by resolution # **2019-146**, the Board unanimously approved the minutes as presented of the **Board of Trustees meeting** of October 10, 2019.

Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Kouros Torkan, by resolution # **2019-147** the Board unanimously accepted the **Building Department reports** for the period of October 2019, showing the total fees deposited of **\$18,475.00** into the General Fund and **\$7,200.00** into the Trust Fund. Copies of the reports are on file with the Village Clerk.

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee David Harounian, by resolution # **2019-148**, the Board unanimously accepted the **Village Justice Court report** for the period of October 2019, showing the total fines and surcharges collected of **\$32,253.00**. A copy of the report is on file with the Village Clerk.

Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee David Harounian, by resolution # **2019-149**, the Board unanimously approved the payment of **audited claims** as follows:

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A.	General Fund:	\$ 216,894.23
B.	Trust Fund:	\$ 5,400.00
C.	Capital Fund:	\$ 30,267.75

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

Trustee Sheldon Kwiat introduced **Bill No. 14 of 2019**, a local law amending § 147-3, Prohibitions, of Chapter 147, of the Code of the Village of Kings Point with regard to Trees. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee David Harounian, by resolution # **2019-150**, the Board unanimously found that the adoption of Bill No. **14 of 2019**, 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. 14 of 2019, a local law amending Chapter 147, of the Code of the Village of Kings Point with regard to Trees, on **December 10, 2019, at 8:15 p.m.** A copy of the Bill is on file with the Village Clerk.

General Counsel Stephen G. Limmer said that he approved the contract as to form; however, based upon the new State law with regard to Sexual Harassment Prevention and the recent EPA required certification with regard to the Village’s stormwater management, he suggested adding a rider to the proposed contract, which could then be appended to all future service contracts, which would include prohibitions against sexual harassment, compliance with the EPA required certification, and a general non-discrimination clause. Upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2019-151**, the Board unanimously approved the proposed **Heating and Air Conditioning Preventive Maintenance Service Contract**, as modified by Counsel’s proposed rider, for the Village Hall/Police Department from All Seasons, for one year, beginning November 1, 2019, and ending October 31, 2020, for the sum of **\$4,264.80**. A copy of the contract is on file with the Village Clerk.

Upon motion by Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, by resolution # **2019-152**, the Board unanimously authorized the Village Clerk to append the aforesaid proposed rider requiring compliance with the Village’s sexual harassment prevention policy, requiring compliance with the EPA required certification, and a

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general non-discrimination clause to all future Village service contracts, without the requirement to obtain specific authorization for such from the Board.

The Board reviewed the proposal, by letter dated June 11, 2019, from **Haberman Associates, Inc., Real Estate Appraisers & Consultants, for Village Assessment Services** for the June 1, 2019 to May 31, 2020 fiscal year. Upon motion by Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, by resolution # **2019-153**, the Board unanimously approved Haberman Associates, Inc., Real Estate Appraisers & Consultants, for Village Assessment Services for the June 1, 2019 to May 31, 2020, fiscal year in accordance with its proposal by letter dated June 11, 2019, in the amount of **\$14,400.00 and the fee schedule set forth for small claims and commercial certiorari proceeds**. A copy of the letter is on file with the Village Clerk.

The Board reviewed the proposal, by letter dated October 24, 2019, from **Nelson & Pope for Drainage Mitigation, Sampling & Testing for Split Rock Road & Grassfield Road**, in two phases, phase I not to exceed \$11,500 and phase II not to exceed \$15,000. After discussions with Superintendent Michael Moorehead, who opined that the not-to-exceed fees were reasonable, upon motion by Trustee Kouros Torkan, seconded by Trustee Sheldon Kwiat, by resolution # **2019-154**, the Board unanimously approved Nelson & Pope's proposal for Drainage Mitigation, Sampling & Testing for Split Rock Road & Grassfield Road, in two phases, in accordance with its proposal by letter dated October 24, 2019, phase I not to exceed \$11,500 and phase II not to exceed \$15,000. A copy of the letter is on file with the Village Clerk.

The Board discussed the expected re-application for the installation of small cell facilities within the Village. General Counsel Stephen G. Limmer noted that once the application was filed, as required by Federal regulations, the Village was required to review the application and notify the applicant within 10 days of the submission of the application if the application was incomplete. Since the application may come in prior to the next Board meeting, the Board considered the most expeditious manner of reviewing the application to assure that the determination of completeness could be made within that extremely short period of time. General Counsel Stephen G. Limmer informed the Board that he had discussed the previous application with **CityScape Consultants, Inc.**, a firm in Florida that specialized in such review. Upon motion by Trustee Kouros Torkan, seconded by Trustee Sheldon Kwiat, by resolution # **2019-155**, the Board unanimously authorized the Mayor to execute an agreement with CityScape Consultants, Inc. to review any application for the installation of small cell facilities that may be filed with the Village, subject to the Mayor approving the agreement as to price and terms and General Counsel approving the agreement as to form.

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The Board discussed the proposal to accept the **dedication of Breeze Court** as a Village street. The Board was concerned that the acceptance of Breeze Court at this time, without the final coat, would impose upon the Village the cost of adding that final coat; however, if the final coat was installed at this time, it would probably be damaged during the construction of new dwellings on the four building lots that were approved by the Village Planning Board. Based upon discussions with Michael Moorehead, Superintendent of Department of Public Works, and Chris Aiossa, Superintendent of Building Department, it was found that if the owner brought Breeze Court up to acceptable standards, as approved by Michael Moorhead and Chris Aiossa, and paid the Village \$65,000 to repair any future damages and install the final coat, the Village would be adequately protected for its future costs, whereupon, upon motion by Trustee Kouros Torkan, seconded by Trustee Hooshang Nematzadeh, by resolution # **2019-156**, the Board unanimously resolved to accept the dedication of Breeze Court upon the owner bringing Breeze Court up to acceptable standards, as approved by Michael Moorhead and Chris Aiossa, and paying to the Village the sum of \$65,000, and General Counsel confirming that the owner has complied with all of the conditions of the Planning Board and Architectural and Preliminary Site Review Board, as to the recording of the requisite declarations of covenants and restrictions, with the understanding that any sum remaining after the Village made any required repairs and installed the finalcoat will be returned to the entity or individual that paid the \$65,000.

Mayor Michael C. Kalnick stated that the next meeting of the Board of Trustees would be **December 10, 2019**, starting at 8:15 p.m.

There being no further business to come before the Board, the Mayor adjourned the meeting at 9:25 p.m.

Gomie Persaud
Village Clerk/Treasurer