

**MINUTES OF THE 1117th MEETING OF THE
BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
July 17, 2019
Adopted on September 12, 2019**

The 1117th meeting of the Board of Trustees of the Village of Kings Point was called to order by Mayor Michael C. Kalnick at 8:35 p.m. on July 17, 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, Trustee
Sheldon Kwiat, Trustee
Hooshang Nematzadeh, Trustee

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

ABSENT: Kouros Torkan, Trustee

Mayor Michael C. Kalnick made the following appointments subject to the approval of the Board of Trustees:

David Harounian, Deputy Mayor – one-year term

Planning Board: Peter Aron, Chairman – one-year term
Kouros Torkan, Member – five-year term (2023)

Board of Appeals: Mike Nassimi, Chairman – one-year term
Ira Nesenoff – five-year term (2024)

Architectural Review Board: one-year term (2020)
Sheldon Kwiat, Chairman – one-year term
Ebi Victory
Abner Ohebshalom
Bitu Sassouni
Ted Kashinejad

Landmarks Preservation Commission: three-year term (2022)
Sheldon Kwiat, Chairman – one-year term

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Mark Stumer, Member – three-year term (2022)

Board of Police Commissioners: Michael C. Kalnick, two-year term (2021)

Village Engineer: Nelson & Pope Engineers & Surveyors, Consulting Engineers

Village Historian: Peter A. Aron – one-year term

Deputy Treasurer: Thomas Johnson – one-year term

Clerk of the Village Justice Court: Rosemarie Onorato - one-year term

Superintendent of Department of Public Works: Michael Moorehead – one-year term

Superintendent of Building Department: Chris Aiossa - one-year term

Secretary to Architectural and Preliminary Site Review Board: Rodney McCoy – one-year term

Secretary to Board of Appeals and Assistant Secretary to Architectural and Preliminary Site Review Board: Xiomara Mignott - one-year term

Secretary to Board of Trustees: Matilde Velez - one-year term

Official Village Newspaper: Great Neck News

Official Depositories: JP Morgan Chase Bank, Hanover Community Bank

Accountants and Auditors: Satty Levine & Ciacco CPA's, P.C.

Village Medical Doctor: Scott Coyne

Acting Village Justice: Michael Zimmerman

Upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat by resolution # **2019-98**, the Board unanimously approved the **Annual Appointments** as made by Mayor Michael C. Kalnick.

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Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee David Harounian, by resolution # **2019-99** the Board unanimously approved the minutes as presented of the **Board of Trustees meeting** of June 18, 2019.

Upon motion of Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2019-100**, the Board unanimously accepted the **Building Department report** for the period of June 2019, showing the total fees deposited of **\$22,600.00** into the General Fund and **\$8,800.00** 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 # **2019-101**, the Board unanimously accepted the Village **Justice Court report** for the period of June, 2019, showing the total fees and surcharges collected of **\$41,696.00**. A copy of the report is on file with the Village Clerk.

Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat by resolution # **2019-102**, the Board unanimously approved the payment of **audited claims** as follows:

A.	General Fund:	\$ 535,607.24
B.	Trust Fund:	\$ 4,800.00

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

Upon motion of Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2019-103**, the Board unanimously re-adopted the Village Investment Policy as adopted on January 14, 2010, and amended on July 17, 2019, with the following designated depositories in Appendix A to said Policy:

**Appendix A
DESIGNATED DEPOSITORIES**

The banks and trust companies authorized for the deposit of monies up to the following maximum amounts are:

<u>Depository Name</u>	<u>Maximum Amount</u>
1. JP Morgan Chase Bank	\$ 17,000,000.00
3. Hanover Community Bank	\$ 6,000,000.00

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A copy of the Investment Policy is on file with the Village Clerk.

Upon motion of Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, by resolution # **2019-104**, the Board unanimously re-adopted the Procurement Policy for the Village that had previously been adopted by resolution # **2010-8** on January 14, 2010, as modified to conform with the subsequent amendments to the General Municipal Law. A copy of the Procurement Policy is on file with the Village Clerk.

Upon motion of Trustee Hooshang Nematzadeh, seconded by Trustee David Harounian, by resolution # **2019-105**, the Board unanimously approved the attendance of appropriate Village personnel to attend the following conferences - New York State Magistrates and Court Clerks Association; New York State Conference of Mayors and Other Public Officials Fall Training School and Public Works Conferences. Employees attending the aforementioned training shall be reimbursed for their registration, meals, and travel, at a total sum not to exceed **\$1,500.00** per conference. Mileage reimbursement for private car use to officers and employees who are authorized to use their personal automobiles only when used outside of the Village on official business and approved by the Mayor, will be at a rate as authorized from time to time by the Internal Revenue Service as a business travel expense.

Upon motion of Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2019-106**, the Board unanimously approved the following resolution:

Claims Payable Prior to Audit

WHEREAS, the Village Law provides that the Board of Trustees may authorize payment in advance of audit of claims for certain recurring charges, and

WHEREAS, penalties may be incurred if these charges are not timely paid,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees, as authorized by Village Law § 5-524(5) and (6) and the Opinion of the State Comptroller in Opinion 62-63, authorize the Treasurer to pay without prior audit the following claims and the claimant and officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the Board of Trustees:

1. Fixed Salaries

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2. Debt Service
3. Amounts becoming due upon lawful contracts for periods exceeding one year
4. Compensation for services of employees or officers regularly engaged by the Village at agreed wages by the hour, day, week, month, or year
5. Public Utilities Services (electric, gas, water, sewer, and telephone)
6. Postage
7. Freight and express charges
8. Obligations to the State created by legislation, such as for the State Health Plan and the State Retirement Plan

Upon motion of Trustee Sheldon Kwiat, seconded by Trustee David Harounian, by resolution # **2019-107** the Board unanimously approved the appointment of Village Clerk-Treasurer Gomie Persaud as the Record Retention Officer, the Drug and Alcohol contact, the Harassment Complaint Officer, the Civil Service Officer, the Safety Officer, and the Treasurer of the Joint Account Fund for the Fire House Consortium; and authorized her to be a signatory for all of the Village bank accounts.

Upon motion of Trustee Hooshang Nematzadeh, seconded by Trustee David Harounian, by resolution # **2019-108**, at the recommendation of Superintendent Michael Moorehead, the Board unanimously approved the proposal from D & B Engineers & Architects, P.C. to assist with the compliance of the Stormwater Management Program Services, NYSDEC MS4 Permit Compliance Activities, and SWPPP Site compliance inspections for the Water Authority of Great Neck North East Shore Road Water Main Improvements project. A copy of the agreement is on file with the Village Clerk.

The Board discussed the application of Joseph Hakimian, as owner, pursuant to Article VIII, **Off-Shore Structures**, of Chapter 161, Zoning, of the Code of the Village of Kings Point, for a permit to construct a 95-foot long by 4-foot wide fixed timber catwalk, with a 30-foot long by 3-foot wide aluminum ramp, and a 30-foot long by 8-foot wide float at the end, with one 20,000 lb. boat lift, and 2 downlights on posts at the end of the pier, at the premises known as **36 Sunset**

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Road, Kings Point, New York, shown on the Nassau County Land and Tax Map as Section 1, Block 200, Lot 11.

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, by resolution # **2019-109**, the Board unanimously adopted the following resolution:

Whereas, Joseph Hakimian, as owner, pursuant to Article VIII, Off-Shore Structures, of Chapter 161, Zoning, of the Code of the Village of Kings Point, has applied for a permit to construct a 95-foot long by 4-foot wide fixed timber catwalk, with a 30-foot long by 3-foot wide aluminum ramp, and a 30-foot long by 8-foot wide float at the end, with one 20,000 lb. boat lift, and 2 downlights on posts at the end of the pier, at the premises known as 36 Sunset Road, Kings Point, New York, shown on the Nassau County Land and Tax Map as Section 1, Block 200, Lot 11; and

Whereas, the Board has made the following findings of fact:

1. Based upon a review of the Full Environmental Assessment Form submitted by the applicant and the other documents and testimony presented with regard to the application, the proposed action will not result in any significant adverse environmental impacts.
2. The dock will not unreasonably impede, obstruct, or interfere with navigation, the rights of adjoining property owners, the public use of or passage along the foreshore or the waterway, or significantly damage the environment.

Now, therefore, based upon the foregoing findings:

- A. The Board authorizes the Mayor to complete Part 3 of the Full Environmental Assessment Form by checking the box that states:

This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

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- B. The Board grants the application on the condition that the off-shore structures are constructed and maintained substantially in accordance with the following drawings submitted by the applicant as part of his application prepared KD Engineering, titled:

**PROPOSED DOCK
HAKIMIAN RESIDENCE
36 SUNSET ROAD
KINGS POINT, NY 11024**

dated February 2019, showing no revisions:

- 1) Drawing # 1 of 2, Dock Site Plan & Notes
- 2) Drawing # 2 of 2, Cross Sections & Details

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

Trustee David Harounian introduced **Bill No. 7 of 2019**, a local law amending the §161-25, Visual obstructions, in Chapter 161, Zoning, of the Code of the Village of Kings Point. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2019-110**, the Board unanimously found that the adoption of Bill No. **7 of 2019**, as a local law, would not be an action as defined in 6 NYCRR Part 617 and would not have an adverse impact upon the environment if enacted, and authorized General Counsel to prepare, mail, and publish all of the necessary legal notices for a public hearing for Bill No. 7 of 2019, a local law amending the § 161-25, Visual obstructions, in Chapter 161, Zoning, of the Code of the Village of Kings Point, to be held on **September 12, 2019, at 8:15 p.m.** A copy of the Bill is on file with the Village Clerk.

Trustee Sheldon Kwiat introduced **Bill No. 8 of 2019**, a local law amending the § 171-2.1, Building Construction Sites, in Chapter 117, Property Maintenance, of the Code of the Village of Kings Point. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2019-111**, the Board unanimously found that the adoption of Bill No. **8 of 2019**, as a local law, would not be an action as defined in 6 NYCRR Part 617 and would not have an adverse impact upon the environment if enacted, and authorized General Counsel to prepare, mail, and publish all of the necessary legal notices for a public hearing for Bill No. 8 of 2019, a local law amending the § 171-2.1, Building Construction Sites, in Chapter 117, Property Maintenance, of the Code of the Village of Kings

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Point, to be held on **September 12, 2019, at 8:15 p.m.** A copy of the Bill is on file with the Village Clerk.

Superintendent Chris Aiossa advised the Board by a memorandum dated July 17, 2019, in substance, that the properties at **23 Martin Court, Tax Map Section 1, Block 151, Lot 4, and 39 Remsen Road, Tax Map Section 1, Block 66, Lot 14**, are in violation of Village Code §117-2(F), in that they have heavy undergrowth and accumulations of plant growth, which are unsightly, noxious, and detrimental to health, and grass in excess of 6-inches in height. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee David Harounian, by resolution # **2019-112**, the Board unanimously adopted a resolution pursuant to **Village Code §117-11**, authorizing the Building Inspector to give notice to the property owners **23 Martin Court and 39 Remsen Road** that upon their failure, neglect, or refusal to properly comply with said Village Code §117-2(F) within 10 days after the service of such notice, the Building Inspector is authorized and empowered to cause the aforesaid violations to be corrected, and the Village Clerk shall 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. A copy of the memorandum is on file with the Village Clerk.

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, by resolution # **2019-113**, 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 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 July 11, 2019.

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

21 Dock Lane
Address: 21 Dock Lane, Kings Point
Section 1, Block 154, Lot 31

Tax	Present	Proposed	Total Tax
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Year	Assessment	Assessment	Reduction Rate/Refund
\$101,000			Lump Sum Payment
\$101,300			of \$4,000; final AV
\$112,800			of \$197,400 and 3-
\$148,000			year moratorium.
\$205,500			
\$205,500			
\$205,500			

General Counsel has notified the Board that the lowest bidder for the East Shore Park Landscaping project, **HTC Landscaping Inc.**, has defaulted on its bid since it was unwilling to provide the required contractual liability insurance to include third parties. Upon motion of Trustee Sheldon Kwiat, seconded by Trustee David Harounian, by resolution # **2019-114**, the Board unanimously found HTC Landscaping Inc., in default of its bid for the East Shore Park Landscaping project, directed the Village Clerk to deposit its bid security of \$3,000.00 into the Park Fund account, to have a new bid document prepared, and to publish a new notice to bidders for the East Shore Park Landscaping Project.

The Board discussed the adverse aesthetic impact of road openings being resurfaced only within the immediate area of the opening. The Board found that resurfacing from one curb to the other curb where the opening occurred would significantly reduce the adverse aesthetic impact of the road opening. The Board further found that based upon the size and location of the opening, or if the opening was by a governmental body or public authority, it might be in the best interests of the Village not to require a resurfacing from curb to curb. Accordingly, upon motion of Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, by resolution # **2019-115**, the Board unanimously resolved that whenever an individual, firm, or other entity opens a Village Road, that individual, firm, or other entity shall be required to resurface the road from curb to curb, as directed by the Superintendent of Public Works, unless a waiver of such requirement is granted by this Board, or if there is not sufficient time to make application to this Board, the Mayor, based upon a finding that because of the size and location of the opening, or the governmental body or public authority opening the road, it is in the best interests of the Village not to require a resurfacing from curb to curb.

Mayor Michael C. Kalnick announced the next Board of Trustees meeting would be held on September 12, 2019, at 8:15 p.m. at the Village Hall.

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There being no further business to come before the Board, the Mayor adjourned the meeting at 9:45 p.m.

Gomie Persaud
Village Clerk/Treasurer