

MINUTES OF THE 1113th MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
April 18, 2019
Adopted on May 21, 2019

The 1113th 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 April 18, 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 Limmer, Esq., McLaughlin & Stern, LLP,
General Counsel
Michael Moorehead, Superintendent of Public Works
George Banville, Police Commissioner

Mayor Michael C. Kalnick opened the public hearing on the tentative budget for the Village's **2019/2020** fiscal year. The Mayor stated that the Board of Trustees, as it always does, has worked very hard to keep taxes down for the coming year. Among the difficulties faced by the Board, as usual, are the State mandates and other cost increases over which the Village has no control, including, but not limited to the results of the mandatory arbitration of the police officers' salaries and benefits. Although it was with great difficulty, the Board developed a budget this year that is less than the Tax Cap, while retaining all of the high quality services that the residents of the Village expect and deserve.

The tentative budget for the Village's 2019/2020 fiscal year is \$17,483,023.21. Of that budget, the Police Department represents 49%, Debt Service 13%, Fire/Ambulance 10%, Professional Services 6%, Administrative 6%, Garbage/Tree Removal 5%, the Public Works Department 4%, Maintenance 4%, the Building Department represents 2%, and the Court 1%.

No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat by resolution # **2019-48**, the Board unanimously adopted the **tentative budget as the final budget** and set the Village tax rate at **\$39.18** per hundred dollars of assessed

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valuation. The Mayor congratulated the Board on its hard work in bringing the budget in under the extremely low State mandated Tax Cap for the third consecutive year. A copy of the final budget is on file with the Village Clerk.

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee David Harounian, by resolution # **2019-49**, the Board unanimously approved the minutes as presented of the **Board of Trustees meetings** of March 7, 2019.

Upon motion by Trustee Kouros Torkan, seconded by Trustee Sheldon Kwiat, by resolution # **2019-50**, the Board unanimously approved the payment of **audited claims** as follows:

- | | |
|------------------|---------------|
| a. General Fund: | \$ 685,439.58 |
| b. Trust Fund: | \$ 2,400.00 |

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 # **2019-51**, the Board unanimously accepted the **Building Department report** for the period of March 2019, showing the total fees deposited of **\$48,035.00** into the General Fund and **\$5,700.00** 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 David Harounian, by resolution # **2019-52**, the Board unanimously accepted the **Village Justice Court report** for the period of March 2019, showing the total fees and surcharges deposited of **\$31,963.00** into the General Fund. A copy of the report is on file with the Village Clerk.

Upon motion of Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2019-53**, the Board unanimously **adopted the 2019/2020 Tentative Assessment Roll as the Final Assessment Roll**, and directed the roll be filed with the Village Clerk, and a notice of such filing be published in the Great Neck Record.

The Village Clerk advised the Board that there was difficulty in obtaining Inspectors of Election for the Village's annual election because of the requirement that there be two Democrats and two Republicans residing within

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the Village and, upon the suggestion of the New York Conference of Mayors, requested that the Board adopt a resolution expanding the residency requirements for the Inspectors of Election from just the Village to all of Nassau County. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by Resolution # **2019-54**, the Board unanimously changed the residency requirements of Inspectors of Election for the annual Village of Kings Point Village Election to be held on **June 18, 2019**, from just the Village of Kings Point, to all of the County of Nassau.

Upon motion by Trustee Ron Horowitz, seconded by Trustee David Harounian, by resolution # **2019-55**, the Board unanimously adopted the following resolution:

RESOLVED that, pursuant to the provisions of the Election Law of the State of New York, and based upon the requirement that one-half of the inspectors be members of the Democratic Party and the other half be members of the Republican Party, **Sally Ponce (Republican), James A. Rochford (Republican), Anne M. Marie (Republican), and Steven Feinstein (Democrat), Elva McCabe (Democrat), and Rosemary S. Marggraf (Democrat)** are hereby appointed as Inspectors of Election, and alternate Inspectors of Election will be appointed if needed from the list based on their availability, for the annual Village Election to be held on **June 18, 2019**, and that **Sally Ponce and Stephen Feinstein** (one Republican and one Democrat) are hereby appointed as Chairpersons of said Inspectors, and;

BE IT FURTHER RESOLVED that, the Chairperson and each of the other Inspectors shall be compensated at the rate of **\$200.00** for the day.

The Board reviewed the proposal, by letter dated March 12, 2019, from Haberman Associates, Inc., Real Estate Appraisers & Consultants as the Village Assessors for Real Property Valuation and Consultation Services associated with the analysis of the Village of Kings Point 2019 Assessment Roll. Upon motion by Trustee Kouros Torkan, seconded by Trustee Hooshang Nematzadeh, by resolution # **2019-56**, the Board unanimously approved **Haberman Associates, Inc., Real Estate Appraisers & Consultants** as the Village Assessors for Real

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Property Valuation and Consultation Services associated with the **analysis of the Villages' 2019 Assessment Roll** in the amount of \$5,000.00. A copy of the letter is on file with the Village Clerk.

Upon motion by Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, by resolution # **2019-57**, the Board unanimously approved the agreement with Comply, Inc. to administer the **Alcohol and Drug Abuse Prevention Program** from April 8, 2019, to April 8, 2020, reflecting no price increase and the same terms and conditions as the expiring agreement. A copy of the agreement is on file with the Village Clerk.

The Board discussed the application of **Albert Sabet**, 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: (i) construct a 220-foot long by 4-foot wide fixed timber pier, 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, and (ii) a waiver of the 200-foot limitation on the length of docks in order to reach the required navigable water depth, at the premises known as **17 Blue Sea Lane**, Kings Point, New York, shown on the Nassau County Land and Tax Map as Section 1, Block 636, Lot 94.

Upon motion by Trustee Ron Horowitz, seconded by Trustee Sheldon Kwiat, by resolution # **2019-58**, the Board unanimously adopted the following resolution:

Whereas, **Albert Sabet**, 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: (i) construct a 220-foot long by 4-foot wide fixed timber pier, 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, and (ii) a waiver of the 200-foot limitation on the length of docks in order to reach the required navigable water depth, at the premises known as **17 Blue Sea Lane**, Kings Point, New York, shown on the Nassau County Land and Tax Map as Section 1, Block 636, Lot 94; and

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

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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 proposed 220-foot long pier is necessary to reach the required navigable water depth.
3. 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 issued.

- 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
SABET RESIDENCE
17 BLUE SEA LANE
KINGS POINT, NY 11024

dated October 2016, last revised 2/11/19:

- 1) Drawing # 1 of 2, Dock Site Plan

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2) Drawing # 2 of 2, Cross Sections & Details

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

The Mayor acknowledged receipt of a letter dated April 2, 2019, from Thomas A. Moore, the President of Grace Harbor Association, Inc., with regard to a request for the Village to work with the Association for a joint sale of the Association's property at the base of Rogers Road, Shady Brook Road, and Spring Lane, known as Raitt's Field, and the Village's paper road extension of Shady Brook Road, as a building lot for a new single-family dwelling. The proposal would require working with the owner of 17 Shady Brook Road, who President Moore said has "some kind of an easement" over the paper street. The Board will consider the request. A copy of the letter is on file with the Village Clerk.

The Board discussed the two bids it had received at the March 4, 2019, bid opening for the **East Shore Park Landscaping Development Project**, the award of the contract having been tabled at the last Board meeting so that a new Trustee could review the contract and the bids. The two bids were **as follows:**

SUMMARY OF BIDS

HTC Landscaping, Inc.	\$200,699.99
ADM Landscape Corp.	\$272,648.85

Upon motion of Trustee Sheldon Kwiat, seconded by Kouros Torkan, by resolution # **2019-59**, the Board unanimously awarded the **East Shore Park Landscaping Development Project** bid to HTC Landscaping, Inc., as recommended by the Village Engineers Nelson & Pope, as the lowest responsible bidder. Copies of the bids are on file with the Village Clerk.

Trustee David Harounian introduced **Bill No. 4 of 2019**, a local law amending Chapter 116, Penalties and Liability through accessorial conduct, of the Code of the Village of Kings Point, to clarify that the failure to comply with a condition of a Village Board is a violation of the Village Code. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Kouros Torkan, by resolution # **2019-60**, the Board unanimously found that the adoption of Bill No. **4 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

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General Counsel to prepare, mail, and publish all of the necessary legal notices for a public hearing for Bill No. 4 of 2019, a local law amending Chapter 116, Penalties and Liability through accessorial conduct, of the Code of the Village of Kings Point at a Special Meeting of the Board to be held on **May 7, 2019, at 8:30 a.m.** A copy of the Bill is on file with the Village Clerk.

Trustee Kwiat introduced **Bill No. 5 of 2019**, a local law to amend Chapter 117, Property Maintenance, of the Code of the Village of Kings Point, to provide that a violation of any federal or state regulation shall be a violation of the Village Code. Upon motion by Trustee Kouros Torkan, seconded by Trustee Sheldon Kwiat, by resolution # **2019-61**, the Board unanimously found that the adoption of Bill No. **5 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. 5 of 2019, a local law amending Chapter 116, Penalties and Liability through accessorial conduct, of the Code of the Village of Kings Point, on **May 21, 2019, at 8:15 p.m.** A copy of the Bill is on file with the Village Clerk.

Village Clerk-Treasurer Gomie Persaud informed the Board that she had received the proposed fire protection contract from **Alert Engine, Hook and Ladder and Hose Company No.1, Inc.** for the period June 1, 2019, through May 31, 2020. Upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2019-62**, the Board unanimously set a public hearing for the approval of the proposed contract for May 21, 2019, at 8:15 p.m. at the Village Hall, and directed Village Clerk-Treasurer Gomie Persaud to have a legal notice of the proposed public hearing published in the Village's official newspaper. Clerk. A copy of the proposed contract is on file with the Village Clerk.

Superintendent of Building Department Chris Aiossa advised the Board that the Village has been recently notified that the Environmental Protection Agency will be conducting an audit of the Village MS4 Permit and Stormwater Management Programs on 04/23/19 and 04/24/19. Part of the compliance is the tracking, review, and issuance of documents to applicants applying for State Pollution Discharge Elimination System (SPDES) permits for construction sites over one acre in size, as provided in Chapter 133 of the Village Code. Superintendent Aiossa recommended that the Village create a Village permit for applications

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pursuant to § 133-5, so that the Village can better control compliance and the required compliance procedures with the assistance of the Village's consulting engineers, and be reimbursed for those engineering costs. Superintendent Aiossa recommended a permit fee of \$200 and a deposit of \$5,000. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2019-63**, the Board unanimously adopted the following resolution, to amend , §A162-1, Permit; certificate and other fees, of Chapter A162, Fees, which is appended to the Village Code, by adding a new subdivision J.1, to read as follows:

J.1 Chapter 133, Stormwater Management and Erosion and Sediment Control.

- (1) The fee for an application pursuant to § 133-5 shall be \$200.
- (2) The deposit for an application pursuant to § 133-5 shall be \$5,000 to reimburse the Village for the cost of its engineering expenses with regard to the Village engineers' review of applications and plans, observations, and other activities required pursuant to all relevant federal, State, and Village laws, rules, regulations, orders, and other directives. In the event that the balance of such deposit is reduced to \$1,000 or less and, in the opinion of the Village, the future reimbursement costs to the Village will exceed the remaining balance, the owner shall deposit an additional \$1,000 before any further work is performed by the Village or its engineers on the Project and, if the Superintendent deems it reasonable to protect the Village, to issue a stop work order or such other order as may be appropriate to safeguard the property and adjacent properties by appropriate stormwater management and erosion and sediment controls pending the payment of the additional deposit.

Superintendent of Building Department Chris Aiossa advised the Board that the owner of 102 Kings Point Road requested that the road created by the approved subdivision be named **Breeze Court**. The owner also requested that the Village issue house numbers for each of the four new lots as follows:

Section: 1, Block: 144, Lot: 77

2 Breeze Court (Lot fronting on
Kings Point Road)

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Section: 1, Block: 144, Lot: 76 4 Breeze Court

Section: 1, Block: 144, Lot: 75 6 Breeze Court

Section: 1, Block: 144, Lot: 74 8 Breeze Court (Waterfront Lot)

Section: 1, Block: 144, Lot: 78 (future Village Roadway's lot, no
address number required)

Upon motion by Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, by resolution # **2019-64**, the Board, unanimously adopted the request of the owner to name the street **Breeze Court** and to assign the requested addresses as set forth above for the respective Section, Block and Lot numbers.

Village Clerk-Treasurer Gomie Persaud advised the Board of the bid opening that had been held on March 29, 2019, with regard to the bids for the **Street Tree Planting - Spring 2019 Contract** and that there were two bids, **as follows:**

SUMMARY OF BIDS
Street Tree Planting - Spring 2019 Contract

Bid Date: March 29, 2019

Vendor	Bid Amount
Dragonetti Brothers Landscaping Nursery & Florist, Inc.	\$169,820.00
Sipala Landscaping Services, Inc.	\$ 79,540.00

Copies of the bids are on file with the Village Clerk.

Upon motion of Trustee Kouros Torkan seconded by Trustee Hooshang Nematzadeh, by resolution # **2019-65**, the Board unanimously awarded the **Street Tree Planting for Spring 2019 Contract**, to **Sipala Landscaping Services, Inc.**, as the lowest responsible bidder, in accordance with its bid.

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The Board reviewed the alternatives set forth by Total Technology Solutions with regard to two options for upgrading and replacing computer hardware and software because the Village servers and other equipment have reached the end of their life cycle and must be replaced and the Windows 7 software currently being used will not be supported by Microsoft as of January 14, 2020. One option is replacing the Village servers and the other option is using servers in the cloud. Although the monthly cost is higher, the initial cost is approximately \$30,000 lower to utilize servers in the cloud, and utilizing the cloud offers additional benefits as well. Upon motion of Trustee Sheldon Kwiat, seconded by Trustee Kouros Torkan, by resolution # **2019-66**, the Board unanimously authorized Total Technology Solutions to proceed with Option 2 set forth in its "Technology Roadmap Summary" dated March 2019, with the understanding that the hardware would be purchased off the State contract so that competitive bidding would not be required. A copy of the "Technology Roadmap Summary" is on file with the Village Clerk.

The Board reviewed the Memorandum dated April 8, 2019, it received from the Village Building Department with regard to **13 Catalina Drive**. The Memorandum states, in substance, that the owner of the property at 13 Catalina Drive is in violation of § 117-2(l) of Chapter 117, Property Maintenance, of the Village Code, in that the owner has failed and refused to perform the tree maintenance required by that section by not removing a large dead tree on the property, which has already dropped a large tree limb onto a fence and is partially leaning on overhead telephone and cable lines. The Building Department has requested that the Board adopt a resolution, pursuant to § 117-11 of the Village Code, which, in substance, would provide that if the owner of the property does not correct the violation within 10 days after the required notice, the Building Inspector may cause the violation to be corrected and, if the owner does not reimburse the Village for the cost of correcting the violation, such may be collected by the Village in the same manner fixed by law for the collection of Village taxes assessed the property. Upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2019-67**, the Board unanimously adopted a resolution pursuant to § 117-11 of the Village Code, authorizing the Building Inspector to provide the notice of violation required by § 117-9, and, in the event that the owner fails to perform the maintenance required by said section within 10 days after the required notice of violation, the

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Building Inspector is authorized to thereafter cause the aforesaid 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 violations in accordance with § 117-11 of the Village Code. A copy of the memorandum is on file with the Village Clerk.

Mayor Michael C. Kalnick announced that he is currently negotiating salary increases with the administrative staff and the Department of Public Works staff to be effective June 1, 2019. Once those negotiations have been concluded and the increases approved by the Board, it was agreed that the increases will be retroactive to June 1, 2019, and the staff will then receive the difference between the amount they had received and the amount that was thereafter approved.

Mayor Michal C. Kalnick announced that a Special Meeting of the Board of Trustees will be held on **May 7th at 8:30 a.m.** and that the next regular meeting of the Board of Trustees would be on **May 21, 2019, commencing at 8:15 p.m.** at the Village Hall.

There being no further business to come before the Board, the Mayor adjourned the meeting at 9:15 p.m.

Gomie Persaud
Village Clerk-Treasurer