

**MINUTES OF THE 1110th MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
February 7, 2019
Adopted on March 7, 2019**

The 1110th meeting of the Board of Trustees of the Village of Kings Point was called to order by Mayor Michael C. Kalnick at 8:15 p.m. on February 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
Sheldon Kwiat, Trustee
David Harounian, Trustee
Hooshang Nematzadeh, Trustee

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

ABSENT: None

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, by resolution # **2019-20**, the Board unanimously approved the minutes as presented of the **Board of Trustees meeting** of January 3, 2019.

Upon motion by Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, by resolution # **2019-21**, the Board unanimously accepted the **Building Department report** for the period of January 2019, showing the total fees deposited of **\$67,545.00** into the General Fund and **\$11,800.00** into the Trust Fund. 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 # **2019-22**, the Board unanimously accepted the **Village Justice Court report** for the period of December 2018, showing the total fees and surcharges deposited of **\$21,667.00** into the General Fund and for the period of January 2019, showing the total fees and surcharges deposited of **\$23,189.00** into the General 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 # **2019-23**, the Board unanimously approved the payment of **audited claims** as follows:

a. General Fund: \$ 409,587.29

**MINUTES OF THE 1110th MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
February 7, 2019
Adopted on March 7, 2019**

b. Trust Fund: \$ 4,650.00

Copies of the abstracts 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, 2019, through March 1, 2020, for a premium of **\$4,344.00**. Upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat, based upon the prior recommendations of NFP Property & Casualty Services, Inc., by resolution # **2019-24**, the Board unanimously approved the renewal of the policy as set forth in said proposal from Hiscox Insurance Company Inc. 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 –Debit/Credit/Charge	\$1,000,000	\$10,000
Forgery – Counterfeit	\$1,000,000	\$10,000
Inside the Premises	\$1,000,000	\$10,000
Outside the Premises	\$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.

Upon motion of Trustee Sheldon Kwiat seconded by Trustee Hooshang Nematzadeh, by resolution # **2019-25**, the Board unanimously approved the purchase of the **Village's Annual Liability Insurance Policies** from American Alternative Insurance Corporation for the period of March 1, 2019, through March 1, 2020, at a total premium of **\$198,795.00** (\$3,306.00 less than last year), as more fully set forth in the proposal from NFP Property & Casualty Services, Inc. A copy of the proposal is on file with the Village Clerk.

Trustee Sheldon Kwiat introduced **Bill No. 1B of 2019**, a local law amending Subsection D, of § 161-23, Projections into required yards, of Chapter 161, Zoning, of the Code of

**MINUTES OF THE 1110th MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
February 7, 2019
Adopted on March 7, 2019**

the Village of Kings Point with regard to solar panel systems. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee David Harounian, by resolution # **2019-26**, the Board unanimously found that the adoption of Bill No. **1B 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. 1B of 2019, a local law amending Subsection D, of § 116-23, Projections into required yards, of Chapter 161, Zoning, of the Code of the Village of Kings Point with regard to solar panel systems, on **March 7, 2019, at 8:15 p.m.** A copy of the Bill is on file with the Village Clerk.

Trustee Hooshang Nematzadeh introduced **Bill No. 2A of 2019**, a local law amending Article XII, Telecommunications Towers, of Chapter 161, Zoning, of the Code of the Village of Kings Point. Upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2019-27**, the Board unanimously found that the adoption of Bill No. **2A 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. 2A of 2019, a local law amending Article XII, Telecommunication Towers, of Chapter 161, Zoning, of the Code of the Village of Kings Point with regard to small wireless facilities, on **March 7, 2019, at 8:15 p.m.** A copy of the Bill is on file with the Village Clerk.

Although the Mayor is not proposing a budget to exceed the tax levy limit, upon the recommendation of counsel in the event that the budget inadvertently exceeds the limit, Trustee Sheldon Kwiat introduced **Bill No. 3 of 2019**, a local law authorizing the Village of Kings Point to levy a property tax in excess of the limit established in General Municipal Law §3-c. Upon motion by Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, by **resolution # 2019-28** the Board authorized General Counsel to prepare, mail, and publish all of the necessary legal notices for a **public hearing** for

**MINUTES OF THE 1110th MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
February 7, 2019
Adopted on March 7, 2019**

Bill No. 3 of 2019, a local law authorizing the Village of Kings Point to levy a property tax in excess of the limit established in General Municipal Law §3-c., on **March 7, 2019 at 8:15 p.m.** A copy of the Bill is on file with the Village Clerk.

The Board reviewed the Memorandum dated February 5, 2019, it received from the Village Building Department. In substance, the memorandum states that there are violations of § 117-2 of the Village Code at **2 Dock Lane** and at the premises owned by **Grace Harbor Associates** in that there are hazardous trees at those properties that must be removed, and requested that the Board authorize the issuance of a 20-day notice, pursuant to §117-9 of the Village Code to the property owners to have the trees removed and, if the trees are not removed in accordance with that notice, that the Village have the trees removed by Harder Tree Services, Inc., in accordance with its proposal dated January 9, 2019, and the costs incurred by the Village be recouped from the respective property owners in accordance with § 117-11 of the Village Code. Upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2019-29**, the Board authorized the Building Department to send the requested notices to the owners of 2 Dock lane and to Grace Harbor Associates, in accordance with § 117-9 of the Village Code and, if the owners do not comply with said notice, to have Harder Tree Services, Inc. remove the subject trees in accordance with its January 9, 2019, proposal, and authorized the Village Clerk to 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. Copies of the memorandum and proposal are on file with the Village Clerk.

The Board reviewed the Memorandum dated February 7, 2019, it received from the Village Building Department. In substance, it stated that the Building Department, pursuant to an authorization of the Board on January 3, 2019, had sent a notice pursuant to §117-9 of the Village Code, to have certain hazardous trees removed at **20 Split Rock Drive, 5 Catalina Drive, and 13 Catalina Drive**. The property owners failed to comply with said notice and the Building Department would like the Board to adopt a resolution, pursuant to §117-11, to authorize ADM Landscape Corp. to remove the subject trees in accordance with its February 7, 2019, proposal, and the costs incurred by the Village be recouped from the respective property owners in accordance with § 117-11 of the Village Code. Upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2019-30**, the Board authorized ADM Landscape Corp. to remove the subject trees in accordance with its February 7, 2019, proposal, and authorized the Village Clerk to 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. Copies of the memorandum and proposal are on file with the Village Clerk.

**MINUTES OF THE 1110th MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
February 7, 2019
Adopted on March 7, 2019**

The Mayor, with deep regret, informed the Board that Trustee Ron Horowitz has moved out of the Village and, therefore, resigned from his position as Trustee and as a member of the Architectural and Preliminary Site Review Board. Ron had lived in Kings Point for some 30 years and served as a valued Trustee since 2011 and a valued member of the Architectural and Preliminary Site Review Board (previously the Architectural Review Committee) since 2008. He was an asset to this Village and his experience, insight, camaraderie, and pleasant manner will be greatly missed. The Mayor discussed his proposal to appoint **Kouros Torkan**, who also serves on the Planning Board, as Trustee for the balance of **Ron Horowitz's** term. After receiving unanimous support for the appointment, the Mayor appointed **Kouros Torkan** to fill the Trustee vacancy created by the resignation of Ron Horowitz's for the balance of his term as Trustee, ending at noon on the last day of the Village's 2019/2020 Official Year.

The Mayor discussed his proposal to appoint **Tedi Kashi** to the **Architectural and Preliminary Site Review Board** to fill the vacancy created by the resignation of Trustee **Ron Horowitz** for the balance of his term. After receiving unanimous support for the appointment, the Mayor appointed Tedi Kashi to fill the member vacancy on the Architectural and Preliminary Site Review Board created by the resignation of Ron Horowitz for the balance of Mr. Horowitz's one-year term ending at noon on the last day of the Village's 2019/2020 Official Year.

At the suggestion of Superintendent Aiossa, to clarify the existing Village Fee Schedule, upon motion by Trustee Sheldon Kwiat, seconded by Trustee David Harounian, by resolution # **2019-31**, the Board, unanimously adopted a resolution to amend subsection E, of § A162-1, Permit; certificate and other fees, in the Village's Fee schedule, set forth as an Appendix to the Village Code in Chapter A 162, Fees, to read as follows:

- E. Chapter 100, Land Development. The fee for a land development application shall be \$600 plus \$0.10 per cubic yard of soil, sand, gravel, or other fill or similar material to be removed from or placed upon any land within the Village.

Village Clerk-Treasurer Gomie Persaud reported that the Village would like to apply for **grant money from the County of Nassau to plant news trees** to replace those that had been destroyed by Super-storm Sandy (never replaced). Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee David Harounian, by resolution # **2019-32**, the Board unanimously approved the following resolution authorizing the Village to enter into an inter-municipal agreement with the County of Nassau to receive funding for the

**MINUTES OF THE 1110th MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
February 7, 2019
Adopted on March 7, 2019**

purchase of trees to be planted along Village streets that were destroyed by Super-storm Sandy:

WHEREAS, the Village of Kings Point desires to enter into an inter-municipal agreement with the County of Nassau as authorized by Article 5-G of the General Municipal Law of the State of New York, to purchase and plant trees along Village streets that were destroyed by Super-storm Sandy; and

WHEREAS, pursuant to said agreement, the County will provide funding to reimburse the Village of Kings Point in the amount of \$40,000.00 for the purchase of trees for said project;

NOW, THEREFORE, be it

RESOLVED, by the Board of Trustees of the Village of Kings Point, that the Village Clerk be and hereby is authorized to enter into an inter-municipal cooperation agreement with the County of Nassau for the above said project; and be it further

RESOLVED, that the Board of Trustees adopts this resolution making a SEQRA environmental determination that the proposed Inter-Municipal Agreement and project will not have a significant effect on the environment and issues a negative declaration.

Based upon the advice of counsel, in order to comply with 83 FR 51867, the Federal Rule adopted by the Federal Communications Commission on October 15, 2018, with regard to Small Wireless Facilities, upon motion by Trustee Sheldon Kwiat, seconded by Trustee David Harounian, by resolution # **2019-33**, the Board, unanimously adopted a resolution to amend subsection O, of § A162-1, Permit; certificate and other fees, of the Fees schedule of the Village of Kings Point, appended to the Code of the Village of Kings Point as Chapter A162, by amending subdivision 4 and adding a new subdivision 5 to read, respectively, as follows:

- “(4) Each owner and operator of a telecommunications tower and/or antenna, other than with regard to Small Wireless Facilities, shall pay the following fees:

**MINUTES OF THE 1110th MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
February 7, 2019
Adopted on March 7, 2019**

- (a) Each owner and operator of a tower shall pay to the Village an annual fee of \$2,000 for such tower and an annual fee of \$500 for each antenna on such tower.
- (b) Each owner and operator of an antenna not located on a tower shall pay to the Village an annual fee of \$750 for such antenna.”
- “(5) The application and annual fees for Small Wireless Facilities shall be as fees:
 - (a) The application fee shall be \$500 for a Small Wireless Facility on an existing structure. If the application includes more than one Small Wireless Facility on an existing structure, there shall be no charge for the first five Small Wireless Facilities on existing structures and an additional \$100 fee for each Small Wireless Facility on an existing structure included in the application in excess of five.
 - (b) The application fee shall be \$1,000 for each Small Wireless Facility that will not be attached to an existing structure.
 - (c) There shall be an annual fee annual fee of \$270 for each Small Wireless Facility.”

Mayor Michael C. Kalnick announced that the next meeting of the Board of Trustees and would be on March 7, 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 8:50 p.m.

Gomie Persaud
Village Clerk-Treasurer