

**MINUTES OF THE 1109th MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
January 3, 2019
Adopted on February 7, 2019**

The 1109th 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 January 3, 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
Ron Horowitz, 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, Building Inspector
George Banville, Police Commissioner

ABSENT: David Harounian, Trustee

Upon motion by Trustee Ron Horowitz, seconded by Trustee Sheldon Kwiat, by resolution # **2019-1**, the Board unanimously approved the minutes as presented of the **Board of Trustees meeting** of November 28, 2018.

Mayor Michael C. Kalnick opened the public hearing on Bill 12 of 2018, amending Chapter 117, Property Maintenance, of the Code of the Village of Kings Point with regard to property maintenance. No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Ron Horowitz, by resolution # **2019-2**, the Board unanimously adopted Bill No. **12 of 2018, as Local Law 1 of 2019**, a local law amending Chapter 117, Property Maintenance, of the Code of the Village of Kings Point. A copy of the local law is appended to these minutes.

Mayor Michael C. Kalnick opened the public hearing on Bill 13 of 2018, amending the definition of “Building Area” in Chapter 161, Zoning, of the Code of the Village of Kings Point. No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2019-3**, the Board unanimously adopted Bill No. **13 of 2019, as Local Law 2 of 2019**, a local law amending Chapter 116, definition of “Building Area”, of the Code of the Village of Kings Point. A copy of the local law is appended to these minutes.

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Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Ron Horowitz, by resolution # **2019-4**, the Board unanimously accepted the **Building Department reports** for the period of November 2018, showing the total fees deposited of **\$12,520.00** into the General Fund and **\$6,400.00** into the Trust Fund, and for the period of December 2018, showing the total fees deposited of **\$35,239.00**, into the General Fund and **\$6,000.00** into the Trust Fund. Copies of the reports are on file with the Village Clerk.

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Ron Horowitz, by resolution # **2019-5**, the Board unanimously accepted the **Village Justice Court report** for the period of November 2018, showing the total fees and surcharges deposited of **\$49,370.00** into the General Fund. A copy of the report is on file with the Village Clerk.

Upon motion by Trustee Ron Horowitz, seconded by Trustee Hooshang Nematzadeh, by resolution # **2019-6**, the Board unanimously approved the payment of **audited claims** as follows:

- a. General Fund: \$ 385,505.97**
- b. Capital Fund \$ 385,217.65**

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

Upon motion by Trustee Ron Horowitz, seconded by Trustee Hooshang Nematzadeh, by resolution # **2019-7** the following resolution was unanimously adopted:

WHEREAS, the return of unpaid taxes for the fiscal year beginning June 1, 2018 , as certified by the Village Clerk-Treasurer was submitted to the Board as follows:

<u>ASSESSED TO</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT OF TAXES</u>
Nassimiha, Elly (34 Grenwolde Drive.)	30	12	\$ 7,531.96
Hu, Ruiming (547 East Shore Road.)	39	48	\$ 7,055.14
Hughes, John & Amy (12 Channel Drive)	42	45	\$10,094.21

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Grayson Susan (28 Hemlock Drive)	42	129	\$ 7,262.64
Broadlawn Harbour Assoc. (5 Beech Drive)	46	72	\$ 38.91
County of Nassau (450 E. Shore Road Vacant)	63	68	\$ 86.46
Banilivi, Rahmatollah 14 Blue Sea Lane Vacant)	63	111	\$ 259.38
Shor, Doris (429 East Shore Road)	65	12	\$10,872.35
Bregman, Dmirtij (39 Remsen Road)	66	14	\$13,660.68
LLC, 26 Source Realty (17 Shadybrook Road. Vacant)	74	18	\$ 7,608.48
LLC, 26 Source Realty 17 Shadybrook Road. Vacant)	74	18	\$ 110.24
Khalily, Edna (415 East Shore Road)	77	137	\$ 8,213.70
Koshkii Hamid (14 Spring Lane)	81	172	\$ 4,712.07
Hassid, Babak (28 Forest Row)	81	174	\$ 332.87
Klein, Meir & Nelly (6 Spring Lane)	81	320	\$ 1,902.12
Aryeh, Hezghia	140	22	\$ 233.44

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(172 Kings Point Road Vacant)

Aryeh, Hezghia (172 Kings Point Vacant)	140	24	\$ 54.04
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Aryeh, Hezghia (172 Kings Point Road)	140	26	\$ 168.60
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19 Gilbert LLC, (19 Gilbert Road)	142	10	\$ 5,427.53
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Kassapidis, Anastassios & Bessie (31 Lighthouse Road)	144	8	\$ 9,480.34
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Van Halem, Channah (3 Catalina Drive)	148	34	\$ 6,787.11
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County of Nassau (Wildwood Road Vacant)	148	97	\$ 4,993.07
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County of Nassau (Drainage Easement–Kings Point Rd)	148	99	\$ 1,629.77
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Lauria, Toni (Vacant)	153	20	\$ 302.61
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County of Nassau (Vacant)	153	29	\$ 356.65
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County of Nassau (Vacant)	153	30	\$ 313.42
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County of Nassau (Vacant)	153	31	\$ 345.84
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County of Nassau (Vacant)	153	32	\$ 4.32
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Samimi, Ghangir & Helen (20 Split Rock Drive)	156	4	\$ 12,856.60
37 Broadlawn LLC (37 Broadlawn Avenue)	164	14	\$ 9,467.37
County of Nassau (Vacant)	165	8	\$ 417.18
County of Nassau (Vacant) Cow Lane	165	16	\$28,354.56
County of Nassau (Vacant Sinclair Drive)	169	16	\$ 8.65
Ghassomians Siuni, Maggie (6 Steven Lane)	174	5	\$18,776.96
Malik, Hosneara (26 Cricket Lane)	175	56	\$26,802.60
Broadlawn Harbour Assoc. (Vacant)	177	58	\$ 708.97
Investments LLC (23 Harbour Road)	177	62	\$ 9,164.76
Moinian Shirin (486 E Shore Road Vacant)	178	15	\$ 194.54
Moinian Shirin (486 E Shore Road)	178	40	\$ 842.99
Moinian Shirin (486 E Shore Road)	178	40	\$25,657.01
Holdings LLC HQY (3 White Pine Lane)	179	10	\$ 1,170.24

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Wong, Sai-Kee (355 E Shore Road)	179	15	\$ 7,738.17
Zeng, Zheng (331 E Shore Road Vacant)	179	36	\$ 21.62
County of Nassau (Vacant)	182	54	\$ 25.94
Hakimian, Omid (36 Carriage Road)	194	19-B	\$ 7,327.49
Neman, Dan (24 Westbrook Road)	195	7	\$ 7,204.29
County of Nassau (Eagle Point Drive Vacant)	196	10	\$ 250.73
Herbil Holding Co. (Vacant)	200	7	\$ 54.04
Babarestani, Michael (93 Beach Road)	202	23	\$ 4,495.92
Total			\$271,378.58

WHEREAS, it is the intention of the Board of Trustees of the Village of Kings Point to conduct a tax sale for the unpaid taxes for the year 2018, pursuant to authority granted by Article 14 of the Real Property Tax Law of the State of New York; and,

WHEREAS, the Village Clerk-Treasurer of the Village of Kings Point delivered to this Board the account of all taxes that remain unpaid that she has been unable to collect for the year 2018, together with a description of the lands on which said taxes are unpaid:

NOW, THEREFORE, BE IT RESOLVED **that this Board has examined said**

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account, and compared it with the original tax roll, and hereby certifies it to be correct.

Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2019-8**, the Board unanimously approved the proposal **for legal services, from McLaughlin & Stern, LLP**, for the period of **June 1, 2019 through May 31, 2020**, in accordance with the letter from Stephen G. Limmer, Partner, dated December 28, 2018. A copy of the letter is on file with the Village Clerk.

Upon motion by Trustee Ron Horowitz, seconded by Trustee Sheldon Kwiat, by resolution # **2019-9** the Board unanimously adopted the following resolution:

WHEREAS, the Village Clerk-Treasurer on the 3rd day of January, 2019, did return and file an account of unpaid taxes to this Board for the year 2018, and

WHEREAS, the Board of Trustees met at the Village Hall of the Village of Kings Point on the 3rd day of January 2019, and did examine such account and did compare it with the original tax roll and did, therefore, certify that they found it to be correct,

AND WHEREAS, from the account of unpaid taxes returned by the Clerk-Treasurer of the Village of Kings Point, New York, to this Board for the year 2018, the above taxes still remain due and unpaid after diligent efforts have been made to collect same, to wit:

NOW, THEREFORE, this Board, pursuant to Article 14 of the Real Property Tax Law of the State of New York, determines to collect the amount of such unpaid taxes levied or assessed for the year 2018 by a tax sale in the manner, form, and requirements as provided and prescribed by said Article 14 of the Real Property Tax Law, that a copy of this resolution, certified by the Clerk, shall be transmitted forthwith to the Treasurer of the Village with the account, affidavit, and certificate of such unpaid taxes, and that the Clerk is authorized and directed to cause to be published in the official paper of the Village, once each week for three consecutive weeks, a list as shown in the tax roll, with the amount of the tax, fees, interest, and charges thereon, excepting therefrom such parcels of property on which the Village holds and owns one or more unredeemed certificates of tax sale; and also a notice that the said real estate will, on a day subsequent to the expiration of said three weeks to be determined by said Village

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Treasurer and specified in said notice, be sold at public auction at a place in said Village to be designated by said Village Treasurer, to discharge the tax, fees, interest, and charges aforesaid, which may be due thereon at the time of such sale, and that the said Village Treasurer, at the time and place specified in said notice, proceed with the sale of said real estate upon which such taxes are unpaid, as set forth above, and continue the same from day to day until the sale is completed. That such real estate shall be sold subject to any unpaid assessments thereon levied by the Village of Kings Point and also subject to all claims the Village, county, or state may have thereon for taxes, liens, or encumbrances;

AND BE IT FURTHER RESOLVED, that in all cases where no bid shall be made on a lot or parcel of land so offered for sale for an amount sufficient to pay the said tax, fees, interest, and charges, the said premises shall be deemed to have been sold to and purchased by the Village of Kings Point, New York.

The Village Clerk-Treasurer, Gomie Persaud, has advised that the **tax sale referred to in the aforementioned resolution will be held on March 4, 2019, at 11:00 a.m.**, at the Village Hall, 32 Steppingstone Lane, Kings Point, New York, and that publication of the list of properties to be sold would commence on or about February 15, 2019.

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Ron Horowitz, by resolution # **2019-10**, the Board unanimously adopted the following resolution:

Resolved that, in accordance with the provisions of the Election Law of the State of New York, the **2019** Annual Village Election in the Village of Kings Point shall be held on **June 18, 2019**; and be it further:

Resolved that the offices to be filled at said election and the terms thereof are as follows:

Trustee, two years
Trustee, two years;

And; be it further

Resolved that the legal notice proposed by the Village Clerk for the Annual election be published in the ***Great Neck News***. A copy of said notice is on

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file with the Village Clerk.

Upon motion of Trustee Sheldon Kwiat, seconded by Trustee Ron Horowitz, by resolution # **2019-11**, the Board unanimously adopted the following resolution:

RESOLVED that pursuant to the provisions of the Election Law of the State of New York, the Village Clerk is hereby, directed to publish notice concerning the election district for the village election, to be held in the Village of Kings Point on June 18, 2019. Notice shall be published after the last day for filing nominating petitions for said election, but not less than ten days prior to the date of said election. Said notice shall contain the following information:

1. The street address of the polling place for the Village Election, to wit: 32 Steppingstone Lane, Kings Point, New York.
2. The date and hours, during which the polling place will be open, which hours shall be 12:00 noon until 9:00 p.m.
3. The names and addresses of all those who have been duly nominated for Village office, and the terms of the office for which they have been nominated.

The Board reviewed the request of Joseph Mastour, on behalf of Master Partner Management Corp., the owner, with regard to the premises at 5 Steppingstone Lane, Kings Point (1-13-1 through 5), for an **Underground Electrical Easement** to install and maintain electric service within the Village road in front of those premises. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2019-12**, the Board unanimously granted Joseph Mastour's request, upon the condition that the owner execute and convey the customary declaration and easement for such easements, as prepared by the Village General Counsel, provide the Village General Counsel with a copy of its deed, survey, and a metes and bounds description of the easement area, and reimburse the Village for all of its attorney's fees and costs in having the declaration prepared and recorded. A copy of the application is on file with the Village Clerk.

The Board reviewed the request of Darius Schwartz, with regard to the premises at 157A West Shore Road, Kings Point (1-202-32), for an **Underground Electrical Easement** to install and maintain electric service within the Village road in front of those premises. Upon motion by Trustee Ron Horowitz, seconded by Trustee Sheldon Kwiat, by resolution #

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2019-13, the Board unanimously granted Darius Schwartz's request, upon the condition that the owner execute and convey the customary declaration and easement for such easements, as prepared by the Village General Counsel, provide the Village General Counsel with a copy of its deed, survey, and a metes and bounds description of the easement area, and reimburse the Village for all of its attorney's fees and costs in having the declaration prepared and recorded. A copy of the application is on file with the Village Clerk.

Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Ron Horowitz, by resolution # **2019-14** the Board unanimously approved the list of **Budgetary Transfers for the fiscal budget from June 1, 2016– May 31, 2017**. The list is on file in the Village Clerk's office.

Upon motion by Trustee Sheldon Kwiatt, seconded by Trustee Hooshang Nematzadeh, by resolution # **2019-15**, the Board unanimously approved the proposal **from Michael Haberman Associates, Inc.**, for appraisal services with regard to the acquisition of East Shore Park, which, working with Village counsel, will include, in substance, providing advice concerning tactics and strategy in negotiations, preparing self-contained reports and trial appraisals on the retrospective market value of parcels that will be going towards trial, conferences, and court appearances. A copy of the letter is on file with the Village Clerk.

Village Clerk-Treasurer Gomie Persaud reported that the **Garbage and Refuse Collection and Disposal Contract** will expire 05/31/2019. Upon motion by Trustee Sheldon Kwiatt, seconded by Trustee Ron Horowitz, by resolution # **2019-16**, the Board unanimously authorized the Village Clerk-Treasurer, Gomie Persaud, to put the contract out for public bid prior to the expiration date.

Upon motion by Trustee Hooshang Nematzadeh seconded by Trustee Ron Horowitz, by resolution # **2019-17**, the Board unanimously set February 19, 2019, as **Grievance Day**, when, between the hours of 12:00 noon and 4:00 p.m., it will sit as the Board of Review for the purpose of hearing complaints in relation to the tentative assessment roll of all real property within the Village. Complaints must be filed with the Village Clerk-Treasurer at the Village Hall, on or before February 19, 2019, on the form specified by the New York State Department of Taxation & Finance Office of Real Property Tax Services, setting forth the bases upon which the assessment complained is alleged to be incorrect.

Mayor Michael C. Kalnick reported on the Village Justice Court Audit for the period of June 1, 2017, through May 31, 2018. Upon motion by Trustee Ron Horowitz, seconded by Trustee Sheldon Kwiatt, by resolution # **2019-18** the Board unanimously acknowledged that

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the required **audit of the Village Justice Court for the period of June 1, 2017, through May 31, 2018**, was conducted and authorized the Village Clerk to send a copy of the Village Justice Court Audit along with this resolution to Joan Casazza, Internal Control Liaison, NYS office of Court Administration, 2500 Pond View, Suite LL01, Castleton-on-Hudson, NY 12033. A copy of the audit is on file with the Village Clerk.

Chic Voorhis and Rusty Schmidt, of Nelson, Pope & Voorhis, LLC (“NPV”), gave an update to the Board of the **East Shore Park project**. In substance, the New York State Department of Environmental Conservation has approved NPV’s proposed clearing, trimming, and planting project and NPV is working with General Counsel Stephen Limmer to prepare a bid packet, which should be ready for bidding within two weeks. It is expected that the project will be finished by November 2019, and the proposed contract will include three years of maintenance. NPV will also design proposed signage for the Board’s approval, both as the rules relating to the hours and use of the park and information as to the flora and fauna that may be viewed at and from the park.

Jacob Epstein, from Black & Veatch, as contractor for **ExteNet Systems, Inc.**, made an informal presentation to the Board with regard to its proposal to install a Distributive Antenna System comprising **31 small cell facilities** on poles within the Village, most of which would be on existing poles. The location of proposed new poles was discussed and the Board made recommendations as to where the new poles would have the least aesthetic impact upon nearby residences. New FCC regulations to take effect on January 14, 2019, were also discussed, which will limit the discretion of the Board of Trustees in determining whether or not to grant the application; the amount that could be charged by the Village for applications and annual renewals; and the time periods in which the Village may be required to grant or deny the applications.

The Board reviewed the Memorandum dated December 27, 2018, it received from the Village Building Department with regard to the premises at **20 Split Rock Drive, 5 Catalina Drive and 13 Catalina Drive**. The Memorandum sets forth the conditions of those premises and opines that the property owners have failed to maintain their properties as required by the Village’s Property Maintenance requirements in §117-2(I), of Chapter 117 of the Village Code, and, in substance, asked the Board to adopt a resolution, pursuant to Chapter 117, which, in substance, would provide that if the respective owners of the aforesaid properties do not bring their premises into compliance with the Village Code provision within 10 days after the required notice, the Building Inspector could cause the violations to be corrected and, if the owners do not reimburse the Village for the cost of correcting the violations on their respective properties, such cost could be collected by the

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Village in the same manner fixed by law for the collection of Village taxes assessed against their premises. Upon motion by Trustee Ron Horowitz, seconded by Trustee Sheldon Kwiat, by resolution # **2019-19**, the Board unanimously adopted a resolution pursuant to Village Code Chapter 117, authorizing the Building Inspector to cause the aforesaid violations at **20 Split Rock Drive, 5 Catalina Drive and 13 Catalina Drive**, to wit: the failure to perform regular tree maintenance as required by the Village Property Maintenance Code, to be corrected, and, if the owners of such premises do not correct the violations on their premises within 10 days after the required notice of violation and the Building Inspector does thereafter cause any of the aforesaid violations 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 Village Code §117-11. A copy of the memorandum is on file with the Village Clerk.

As a follow up to the letter from **Melissa Pashcow**, 2 Channel Drive, dated June 28, 2018, with regard to her concerns about the traffic at the southwest **intersection of Westbrook Road and Channel Drive**, General Counsel Stephen Limmer was directed to respond to the letter on behalf of the Board and to advise Ms. Pashcow that the Village has investigated her concerns and has found that an additional stop sign at the southwest corner of the intersection of Westbrook Road and Channel Drive is not warranted. A copy of the letter is on file with the Village Clerk.

The Board reviewed the application of **Chabad of Great Neck** for a special exception for its premises at **400 East Shore Road** and was informed that its architect, Charles G. Lobell, has contacted General Counsel Stephen Limmer to find out the status of the application. Mr. Limmer was directed to respond to Mr. Lobell and to inform him that he may not be aware, however, when the Board of Trustees granted a special exception to Chabad of Great Neck for its premises at 400 East Shore Road, it was concerned about the environmental impacts of the project and the Nassau County Planning Commission made various recommendations to minimize the environmental impacts of the project. Since the project initially sought was of a much greater magnitude, the Board was concerned that when Chabad agreed to reduce the magnitude of the project, that agreement would be for a limited time and as soon as that application was granted, Chabad would soon come back with a proposal to expand the project. Chabad represented that that was not the case, that the reduced project would serve its needs for at least five years, and agreed not to apply to increase the size of the building, or the usable floor area, or to increase the program prior to the end of a five-year period commencing with the issuance of a certificate of occupancy. The Board then performed its required environmental review on that basis. Had Chabad not made that representation and agreement, the Board would not have been able to limit its

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environmental review because of the Department of Environmental Conservation's prohibition of segmentation. The certificate of occupancy for the premises was issued on July 21, 2016. In the event that Chabad still seeks the expansion of its facilities and program at the end of the five-year period, the Board will be happy to entertain that application at that time.

Mayor Michael C. Kalnick announced that the next meeting of the Board of Trustees would be February 7, 2019.

There being no further business to come before the Board, the Mayor adjourned the meeting at 9:13 p.m.

Gomie Persaud
Village Clerk/Treasurer