

## 1 VILLAGE OF KINGS POINT

2 -----X  
3 SPECIAL MEETING OF THE BOARD OF TRUSTEES  
4 -----X5  
6 Held Telephonically via Zoom

7 December 15, 2021

8 11:17 P.M.  
910 **TRANSCRIPT OF PROCEEDINGS**11 **A P P E A R A N C E S:**12 **MAYOR:**

MICHAEL C. KALNICK

13 **TRUSTEES:**DAVID HAROUNIAN  
IRA NESSENOFF  
HOOSHANG NEMATZADEH  
KOUROS TORKAN  
GOMIE PERSAUD15 **VILLAGE CLERK/TREASURER:**16 **GENERAL COUNSEL:**

STEPHEN G. LIMMER, ESQ.

17 **POLICE COMMISSIONER:**

GEORGE BANVILLE

18 **SUPERINTENDENT OF  
BUILDING DEPARTMENT:**CHRIS AIOSSA  
1920 **SUPERINTENDENT OF  
PUBLIC WORKS:**MICHAEL MOOREHEAD  
21  
22  
2324 The meeting was held pursuant to NY State legislation adopted on September 1, 2021, which,  
25 until January 15, 2022, in substance, permits public corporations to hold meetings and take  
actions without in-person access to the meeting provided that the public has the ability to  
view or listen to such meeting and the meeting is transcribed.

1                   MAYOR KALNICK:     Good Day. Welcome to  
2                   the 1149th meeting of the Board of Trustees of  
3                   the Village of Kings Point.

4                   I will entertain a resolution for Approval of  
5                   the Minutes of the Trustees Meeting of  
6                   October 25th.

7                   Moved by?

8                   TRUSTEE HAROUNIAN:     David Harounian.

9                   MAYOR KALNICK:     Seconded by?

10                  TRUSTEE NEMATZADEH:     Hooshang.

11                  MAYOR KALNICK:     All in favor?

12                  (Whereupon all members responded in the  
13                  affirmative.)

14                  MAYOR KALNICK:     Any abstentions?

15                  (No response.)

16                  MAYOR KALNICK:     Item two on the  
17                  agenda: We will enter into the record the  
18                  various reports.

19                  I'll open the Public Hearing on Bill Number  
20                  17A of 2021.

21                  Does anybody wish to be heard?

22                  (No response.)

23                  MAYOR KALNICK:     Let the record show  
24                  nobody wishes to be heard.

25                  I will entertain a motion for approval of

1 Bill Number 17A of 2021.

2 Moved by?

3 TRUSTEE HAROUNIAN: I make the motion,  
4 Mr. Mayor.

5 MAYOR KALNICK: David Harounian.

6 Seconded by?

7 TRUSTEE NEMEZADEH: Hooshang.

8 TRUSTEE HAROUNIAN: Please talk a little bit  
9 louder so the court reporter with can hear you.

10 TRUSTEE NEMATZADEH: By Hooshang Nematzadeh.

11 MAYOR KALNICK: Thank you. All in favor?

12 (Whereupon all members responded in the  
13 affirmative.)

14 MAYOR KALNICK: Any abstentions?

15 (No response.)

16 MAYOR KALNICK: Bill 17A of 2021 is adopted  
17 as Local Law 23 of 2021, a local law amending  
18 the Code of the Village of Kings POint with  
19 regard to required notices to property owner. A  
20 copy of the local law is on file with the  
21 Village Clerk.

22 I'll open the public hearing on Bill Number  
23 18 of 2021.

24 Does anybody wish to be heard?

25 (No response.)

1 MAYOR KALNICK: Let the record show  
2 nobody wishes to be heard.

3 I will entertain a resolution for approval of  
4 Bill Number 18 of 2021.

5 Moved by?

6 TRUSTEE TORKAN: Move.

7 TRUSTEE NESSENOFF: I second it, Mayor.

8 MAYOR KALNICK: Moved by Kris Torkan,  
9 seconded by?

10 TRUSTEE NESSENOFF: Ira Nessenoff.

11 MAYOR KALNICK: Ira Nessenoff.

12 All in favor?

13 (Whereupon all members responded in the  
14 affirmative.)

15 MAYOR KALNICK: Any abstentions?

16 (No response.)

17 MAYOR KALNICK: Bill 18 of 2021 is adopted as  
18 Local Law 355 of 2021, a local law amending the  
19 Code of the Village of Kings POint with regard  
20 to referrals and the powers of the Architectural  
21 and Preliminary Site Review Board. A copy of  
22 the local law will be attached to these minutes

23 MR. LIMMER: Just go back to the approving  
24 Payment of Order of Claims, item three on the  
25 agenda? You went from two to four.

1 MAYOR KALNICK: I'm looking at the revised  
2 agenda.

3 MR. LIMMER: Oh, it didn't have -- maybe I'm  
4 looking at the tentative one.

5 Okay. Just so we approve the Order of Claims  
6 at some point. Sorry.

7 MAYOR KALNICK: That's okay. Chime in as  
8 you will.

9 A motion to approve the Proposal to Renew the  
10 Preventative Maintenance Project for Heating and  
11 Air Conditioning with All Seasons. A copy of  
12 the Proposal dated 11/04/2021 is on file with  
13 the Village Clerk.

14 So moved by?

15 TRUSTEE TORKAN: Kris Torkan.

16 MAYOR KALNICK: Seconded?

17 TRUSTEE NESSENOFF: Ira Nessenoff.

18 TRUSTEE HAROUNIAN: Aye.

19 MAYOR KALNICK: A motion to approve?  
20 (Whereupon all members responded in the  
21 affirmative.)

22 MAYOR KALNICK: Any abstentions?  
23 (No response.)

24 MAYOR KALNICK: A motion to approve the  
25 abstract of claims. A copy of the abstract is

1 on file with the Village Clerk.

2 TRUSTEE TORKAN: Move.

3 TRUSTEE NEMATZADEH: I second.

4 MAYOR KALNICK: All in favor?

5 (Whereupon all members responded in the  
6 affirmative.)

7 MAYOR KALNICK: Any Abstentions?

8 (No response.)

9 MAYOR KALNICK: A motion to approve a  
10 Bond Resolution for Financing of Serial Bonds in  
11 the amount of \$3,900,000 for the construction of  
12 improvements to various roads including related  
13 drainage improvements and engineering costs as  
14 proposed by the Village's bond counsel, a copy  
15 of which will be attached to these minutes of  
16 this meeting.

17 So moved by?

18 TRUSTEE NESSENOFF: Ira Nessenoff.

19 MAYOR KALNICK: Seconded by?

20 TRUSTEE HAROUNIAN: David Harounian.

21 MAYOR KALNICK: All in favor?

22 (Whereupon all members responded in the  
23 affirmative.)

24 MAYOR KALNICK: Any abstentions?

25 (No response.)

1 MAYOR KALNICK: Motion to Approve the  
2 Proposed Amendment to Section 162-1(B)(3).

3 TRUSTEE HAROUNIAN: Permit for the  
4 installation of any fuel-burning appliances.

5 MAYOR KALNICK: Correct. Item seven on the  
6 agenda, to add at the end of that section the  
7 words "For an amendment to such a permit, the  
8 fee shall be \$250 for the first appliance, plus  
9 \$25 for each additional appliance.

10 TRUSTEE HAROUNIAN: Right.

11 MAYOR KALNICK: So moved by?

12 TRUSTEE NEMATZADEH: Hooshang.

13 MAYOR KALNICK: Hooshang.

14 Seconded?

15 TRUSTEE TORKAN: Kris Torkan.

16 MAYOR KALNICK: Kris Torkan.

17 All in favor?

18 (Whereupon all members responded in the  
19 affirmative.)

20 MAYOR KALNICK: Any abstentions?

21 (No response.)

22 MAYOR KALNICK: Resolution to Approve  
23 Protective Fencing. The proposed contract --  
24 contract for installation of protective fencing  
25 around the police department parking lot at

1       32 Steppingstone Lane with Continental Fence  
2       Corp. in accordance with its proposal dated  
3       November 4, 2021, with the deposit being made  
4       not until delivery of the material and the  
5       balance due upon completion of the work. A  
6       copy of the proposal is on file with the Village  
7       Clerk.

8               TRUSTEE HAROUNIAN:       I make the motion,  
9       Mr. Mayor, for approval.

10              MAYOR KALNICK:       So moved by Trustee  
11       Harounian.

12              Seconded by?

13              TRUSTEE HAROUNIAN:       Ira.

14              TRUSTEE NESSENOFF:       Ira Nessenoff.

15              MAYOR KALNICK:       All in favor?

16              (Whereupon all members responded in the  
17       affirmative.)

18              MAYOR KALNICK:       Any abstentions?

19              (No response.)

20              MAYOR KALNICK:       Mr. Limmer.

21              MR. LIMMER:       Is the approval of the Abstract  
22       of Claims not on there now?

23              TRUSTEE HAROUNIAN:       Say it again?

24              MR. LIMMER:       Approval of the -- payment of  
25       the Abstract of Claims.



1 MAYOR KALNICK: That was approved, right.

2 MR. LIMMER: I just didn't hear that.

3 MAYOR KALNICK: Sorry.

4 TRUSTEE HAROUNIAN: You have the wrong  
5 agenda in your hand, young man.

6 MR. LIMMER: Sorry. I still have the  
7 tentative one. I didn't know there was a new  
8 one. I apologize.

9 MAYOR KALNICK: Mr. Limmer.

10 MR. LIMMER: There was some additional  
11 things.

12 MAYOR KALNICK: Yes, please.

13 MR. LIMMER: The request to change the  
14 address of 196 West Shore Road to one Martin  
15 Court?

16 MAYOR KALNICK: Correct.

17 TRUSTEE HAROUNIAN: That was decided on.

18 MAYOR KALNICK: Right. Motion to approve.  
19 We need an approval. Motion?

20 Moved by Mr. Harounian?

21 TRUSTEE HAROUNIAN: Right.

22 MAYOR KALNICK: Seconded by?

23 TRUSTEE TORKAN: Kris Torkan.

24 MAYOR KALNICK: All in favor?

25 (Whereupon all members responded in the

1 affirmative.)

2 MAYOR KALNICK: Any abstentions?

3 (No response.)

4 MR. LIMMER: Consideration to Replace the

5 Motorola Repeater for the Public Works

6 Department by the purchase of a new Motorola

7 Repeater from Mayday Communications, Inc. in

8 accordance with its proposal dated 11/10/2021.

9 A copy of the proposal is on file with the

10 Village Clerk.

11 MAYOR KALNICK: Yes, which is necessary.

12 It's had its useful life and it's critical for

13 the primary, for the Highway Department and

14 backup for our Police Department.

15 So moved by?

16 TRUSTEE TORKAN: Kris Torkan.

17 MAYOR KALNICK: Trustee Torkan.

18 Seconded by?

19 TRUSTEE NEMATZADEH: Hooshang Nematzadeh.

20 MAYOR KALNICK: All in favor?

21 (Whereupon all members responded in the

22 affirmative.)

23 MAYOR KALNICK: Any abstentions?

24 (No response.)

25 MR. LIMMER: You want to talk about engaging

1 Ralph Byers. You want a resolution on that?

2 MAYOR KALNICK: Yes, please.

3 MR. LIMMER: I don't know what the -- so  
4 you're going to engage Ralph Byers, basically,  
5 to --

6 MAYOR KALNICK: February 1st.

7 TRUSTEE HAROUNIAN: Of 2022 to replace  
8 Mr. Michael Moorehead.

9 MR. LIMMER: Eventually.

10 TRUSTEE HAROUNIAN: Eventually.

11 (Whereupon there was a discussion held off  
12 the record for advice of counsel.)

13 MAYOR KALNICK: A motion to approve the  
14 hiring of Ralph Byers as Highway General  
15 Supervisor to commence February 1, 2022, at a  
16 salary at the annual rate of \$135,000.00.

17 TRUSTEE TORKAN: Move.

18 TRUSTEE NEMATZADEH: I second.

19 MAYOR KALNICK: All in favor?

20 (Whereupon all members responded in the  
21 affirmative.)

22 MAYOR KALNICK: Any abstentions?

23 (No response.)

24 MR. LIMMER: With regard to, Mayor, based  
25 upon our discussions, does the Board want to

1 resolve to authorize me to send a letter to the  
2 resident who wanted us to change the leaf blower  
3 provisions to advise him that the Board does not  
4 wish to make the change he requested?

5 MAYOR KALNICK: Correct.

6 MR. LIMMER: Okay. You don't need a  
7 resolution on that, just wanted it on the  
8 record.

9 Then there should be a resolution, we  
10 discussed amending the Village Fee Provisions in  
11 A-161-1A3E to provide a new provision that says  
12 all other applications to the Board of Trustees  
13 shall not to exceed \$5,000, some language -- the  
14 motion would be to amend Section A162-1(A)(3),  
15 have a new provision subdivision e that says all  
16 other applications to the Board of Trustees; a  
17 sum determined by the Board of Trustees and  
18 shall not exceed \$5,000.

19 MAYOR KALNICK: So moved by?

20 TRUSTEE NESSENOFF: Moved.

21 MAYOR KALNICK: By Ira.

22 Seconded by?

23 TRUSTEE NEMATZADEH: Hooshang.

24 MAYOR KALNICK: Hooshang.

25 All in favor?

1 (Whereupon all members responded in the  
2 affirmative.)

3 MAYOR KALNICK: Any abstentions?  
4 (No response.)

5 MR. LIMMER: There is one other thing  
6 that we discussed in advice of counsel which has  
7 to do with the FOIL request from Charles Lang  
8 wherein he was seeking a conversion of the  
9 license plate reader data he previously received  
10 into a form that would allow him to manipulate  
11 the data to do data analysis.

12 If I understand from the advice of counsel  
13 session, that the Board's response is to deny  
14 his appeal which had previously been denied by  
15 the Police Department which was initially denied  
16 based upon the decision in the Supreme Court  
17 case of matter of Charles Lang's Freedom of  
18 Information Law Request against the Port  
19 Washington Police Department and others, index  
20 number 604619 of 2021, decision by Bruce Cozzens  
21 which denied a similar application based upon  
22 the judge's finding that revealing the location  
23 and quantity of the LPRs operated by the Police  
24 Department would aid crimes in evading detection  
25 and circumventing the law.

1                   This Board felt in addition to that reason,  
2                   it had concern that the camera footage with the  
3                   ability to analyze the data would allow someone  
4                   the ability to track the routine of individual  
5                   vehicles permitting individuals with criminal  
6                   intent to determine residents may not be home or  
7                   they may be on vacation or when someone, adults  
8                   may not be home to protect children or elderly  
9                   residents, increasing the potential of criminal  
10                  activities such as burglaries, home invasions  
11                  and kidnappings and therefore denying the  
12                  appeal.

13                  MAYOR KALNICK:       Need a resolution, Steve?

14                  MR. LIMMER:        Just a resolution authorizing  
15                  denying the appeal based upon what I just said.

16                  MAYOR KALNICK:       So moved by?

17                  TRUSTEE NESSENOFF:       Ira Nessenoff.

18                  MAYOR KALNICK:       Seconded?

19                  TRUSTEE TORKAN:       Kris Torkan.

20                  (Whereupon there was a discussion held off  
21                  the record.)

22                  TRUSTEE NESSENOFF:       Steve, with respect to  
23                  FOIL requests.

24                  Is there a limitation on who may make those  
25                  requests of the Village; and compound question,

1 the second part is: What can they use the  
2 information for, I suppose is a concern of ours.

3 MR. LIMMER: As long as -- if the  
4 information sought is subject to disclosure  
5 based upon state law then it doesn't matter what  
6 the purpose will be as long as it's not a  
7 commercial purpose. The person could be a  
8 Jihadist, could be calling from Sing-Sing to  
9 give to his friends, or any other nefarious  
10 activity. As long as the person says it's not  
11 for commercial purposes, the Municipality, the  
12 Village in this case, cannot go beyond that.

13 So even if somebody who has been  
14 convicted of various burglaries or home  
15 invasions asks for the information in data form,  
16 that that person can then utilize to see when  
17 people aren't home to burglarize their house or  
18 kidnap a wealthy resident's child. Doesn't  
19 matter if they have been convicted of kidnapping  
20 three times. They would be able to get this  
21 data and analyze it and see when the parents  
22 aren't going to be home.

23 TRUSTEE NESSENOFF: Terrible. Terrible.

24 MR. LIMMER: That's our concern.

25 TRUSTEE NESSENOFF: Guys, I apologize.

1 I am a little late for a call, I hope that -- I  
2 know that you guys have a quorum to continue. I  
3 apologize, I have to drop-off.

4 MAYOR KALNICK: I think we are pretty  
5 much finished.

6 TRUSTEE TORKAN: Just have to set the date.

7 MAYOR KALNICK: Right. I am looking, since  
8 it's in the middle of the winter, we can do  
9 another Zoom in the morning; is that convenient  
10 for everybody?

11 MR. LIMMER: It's fine for me.

12 MAYOR KALNICK: How about the week of --

13 TRUSTEE HAROUNIAN: January when, Mayor?

14 MAYOR KALNICK: I am just looking at the  
15 calendar.

16 TRUSTEE HAROUNIAN: Mayor, can you put it at  
17 4 o'clock at any date instead of morning?

18 MAYOR KALNICK: I was just trying to make  
19 sure everyone was near a computer, that's all.

20 TRUSTEE HAROUNIAN: I think Kris Torkan is  
21 off.

22 TRUSTEE TORKAN: No, I'm here, running out of  
23 battery.

24 I am available any time in January after the  
25 23rd.



1 MR. LIMMER: I think if I recall correctly --  
2 and Gail, I sent it to you, I don't have it in  
3 front of me, is the Governor's order until  
4 January 22nd?

5 THE COURT REPORTER: Yes.

6 MR. LIMMER: So if you want to do Zoom at  
7 this point, we have to do it before January 22nd  
8 unless that gets extended.

9 TRUSTEE HAROUNIAN: January, I will be away  
10 from 20th to the 25th.

11 MAYOR KALNICK: Okay. So why don't we do  
12 this: Let's wait to see what the Governor, he  
13 is probably going to -- she is probably going to  
14 extend it so we will then query the Board; is  
15 that okay?

16 MR. LIMMER: Yes, sure.

17 TRUSTEE HAROUNIAN: Sure.

18 MAYOR KALNICK: We will comply with  
19 everyone's obligations.

20 MR. LIMMER: Thank you, all.

21 MAYOR KALNICK: Motion to adjourn?

22 TRUSTEE NESSENOFF: Motion to adjourn, Ira  
23 Nessenoff.

24 MAYOR KALNICK: I assume everybody seconded?

25 MR. LIMMER: Happy New Year.

1 TRUSTEE HAROUNIAN: Seconded by David  
2 Harounian.

3 TRUSTEE NESSENOFF: Happy new year,  
4 everybody.

5 (Time noted: 11:36 A.M.)  
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**GAIL J. NEUFELD, RPR**  
Official Court Reporter  
5 Second Road  
Great Neck, New York 11021

## **INVOICE**

December 16, 2021

TO: VILLAGE OF KINGS POINT  
32 Steppingstone Lane  
Kings Point, New York 11024

RE: VILLAGE OF KINGS POINT  
BOARD of TRUSTEES

DATE: December 15, 2021

For transcript of testimony  
in the above-entitled case

18 pages @ \$6.00 = 108.00 + \$50 appearance fee

AMOUNT DUE: \$ **175.00** (minimum)