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VILLAGE OF KINGS POINT

_____X
1129th MEETING OF THE BOARD OF TRUSTEES
_____X

Held Telephonically
May 19, 2020
4:00 P.M.

TRANSCRIPT OF PROCEEDINGS

A P P E A R A N C E S :

MICHAEL C. KALNICK, Mayor
DAVID HAROUNIAN, Trustee
SHELDON KWIAT, Trustee
HOOSHANG NEMATZADEH, Trustee
KOUROS TORKAN, Trustee
GOMIE PERSAUD, Village Clerk/Treasurer
STEPHEN G. LIMMER, ESQ., General Counsel

ASHLEY MILLAN
Official Court Reporter

The regular monthly meeting of the Board of Trustees of the Village of Kings Point was held on May 19, 2020 at 4:00 p.m. in accordance with Governor Cuomo's March 13, 2020 Executive Order No. 202.1, which permitted public meetings to be held remotely by conference call. The agenda for the meeting was posted on the Village's website. In accordance with said order, the public was given the ability to listen to such proceedings at the Village Hall, and this transcript is made of the public portion of the meeting.

1 MAYOR KALNICK: Welcome to the 1129th meeting
2 of the Board of Trustees of the Village of Kings
3 Point.

4 I will entertain a resolution for approval of
5 the minutes of the Board of Trustees meeting of
6 April 14th.

7 TRUSTEE KWIAT: So moved.

8 TRUSTEE HAROUNIAN: Second.

9 MAYOR KALNICK: All in favor?
10 Aye.

11 TRUSTEE KWIAT: Aye.

12 TRUSTEE HAROUNIAN: Aye.

13 TRUSTEE NEMATZADEH: Aye.

14 TRUSTEE TORKAN: Aye.

15 MAYOR KALNICK: Any abstentions or opposed?
16 (No response.)

17 MAYOR KALNICK: No.

18 We've all reviewed the report set forth on
19 our agenda --

20 TRUSTEE TORKAN: Mayor, do you want to do a
21 roll call?

22 Steve? I thought you want it for the court
23 reporter.

24 MR. LIMMER: You can just say all in favor
25 and indicate that everyone says "aye" is

1 sufficient. The Mayor indicated everyone said
2 aye. Any way you want to do it, but that would
3 be sufficient. If you want to have everybody's
4 name, you could have everybody say Kouros
5 Torkan, aye; Hooshang, aye.

6 TRUSTEE TORKAN: But you just mentioned to
7 the court reporter you're going to get
8 everybody's name.

9 MR. LIMMER: Okay. So you can say, you know,
10 Kouros Torkan, aye; Hooshang -- go ahead.

11 MAYOR KALNICK: I would like to entrain a
12 resolution for approval of the payment of
13 audited claims as set forth on our agenda.

14 So moved by?

15 TRUSTEE NEMATZADEH: Aye.

16 TRUSTEE HAROUNIAN: Second.

17 MAYOR KALNICK: All in favor?
18 Aye.

19 TRUSTEE KWIAT: Aye.

20 TRUSTEE HAROUNIAN: Aye.

21 TRUSTEE NEMATZADEH: Aye.

22 TRUSTEE TORKAN: Aye.

23 MAYOR KALNICK: I will entertain a resolution
24 for adoption of the proposed contract with the
25 Alert Engine, Hook and Ladder and Hose Company

1 No. 1, Inc. for the furnishing of fire
2 protection within the Village of Kings Point for
3 the period of one year commencing on June 1,
4 2020 to May 31, 2021.

5 TRUSTEE KWIAT: So moved.

6 TRUSTEE HAROUNIAN: Second.

7 MAYOR KALNICK: All in favor?

8 Aye.

9 TRUSTEE KWIAT: Aye.

10 TRUSTEE HAROUNIAN: Aye.

11 TRUSTEE NEMATZADEH: Aye.

12 TRUSTEE TORKAN: Aye.

13 MAYOR KALNICK: Any opposed?

14 (No response.)

15 MAYOR KALNICK: I will entertain a resolution

16 for the introduction of Bill No. 2B of 2020 --

17 MR. LIMMER: I'm sorry, Mayor, did you

18 schedule the public hearing for June 15th at

19 3:30?

20 MAYOR KALNICK: Yes, it is scheduled for June

21 15, 2020 at 3:30.

22 MR. LIMMER: Okay. I'm sorry.

23 MAYOR KALNICK: Okay. I'll entertain a

24 resolution for the introduction of Bill No. 2B

25 of 2020 amending Section 161-59, Prohibited Acts

1 of Article IX Architectural and Preliminary Site
2 Review Board of Chapter 161 Zoning Code of the
3 Village of Kings Point.

4 So moved?

5 TRUSTEE KWIAT: So moved.

6 TRUSTEE TORKAN: Second.

7 MAYOR KALNICK: All in favor?

8 Aye.

9 TRUSTEE KWIAT: Aye.

10 TRUSTEE HAROUNIAN: Aye.

11 TRUSTEE NEMATZADEH: Aye.

12 TRUSTEE TORKAN: Aye.

13 MAYOR KALNICK: All right. Everybody said
14 aye, no abstentions.

15 I will entertain a resolution for the
16 introduction of Bill No. 3 of 2020 amending the
17 Code of the Village of Kings Point to prohibit
18 aboveground swimming pools.

19 TRUSTEE NEMATZADEH: So moved.

20 TRUSTEE HAROUNIAN: Second.

21 MAYOR KALNICK: All in favor?

22 Aye.

23 TRUSTEE KWIAT: Aye.

24 TRUSTEE HAROUNIAN: Aye.

25 TRUSTEE NEMATZADEH: Aye.

1 TRUSTEE TORKAN: Aye.

2 MAYOR KALNICK: No abstentions.

3 MR. LIMMER: Mayor, do you want to add the
4 public hearing on those two bills for June 15th
5 at 3:30?

6 MAYOR KALNICK: Correct. The hearings for
7 both bills will be on June 15, 2020 at 3:30.

8 Steve?

9 MR. LIMMER: Yes, there are two motions.
10 One, I circulated the draft resolutions with
11 regard to 920 Middle Neck Road and 5 Catalina
12 Drive.

13 Basically, pursuant to Section 63-2 of the
14 Village Code requiring the owners to remove or
15 repair the buildings, and if they don't, to have
16 a survey done and then to go to Supreme Court
17 for authorization to take the buildings down or
18 make such repairs as may be necessary.

19 If somebody wants to make a motion to approve
20 both of those resolutions, then I can send the
21 resolutions to the court reporter to append them
22 at the end of the minutes.

23 TRUSTEE HAROUNIAN: So moved.

24 TRUSTEE TORKAN: Second.

25 MAYOR KALNICK: All in favor?

1 Aye.

2 TRUSTEE KWIAT: Aye.

3 TRUSTEE HAROUNIAN: Aye.

4 TRUSTEE NEMATZADEH: Aye.

5 TRUSTEE TORKAN: Aye.

6 MAYOR KALNICK: All approved.

7 MR. LIMMER: Then with regard to the
8 Superintendent Aiossa's memo of May 18th with
9 regard to the cutting of grass, although four
10 properties were listed, as to three of those
11 properties, there's already resolutions with
12 continuing authority.

13 But I circulated a draft resolution for 20
14 Split Rock Drive, and if somebody wants to move
15 that resolution and second and approve it, I
16 will also send a copy of that resolution to the
17 court reporter who can add that as well as an
18 appendix to the minutes.

19 TRUSTEE TORKAN: Steve, this is not limited
20 to just cutting grass, it's property
21 maintenance, right?

22 MR. LIMMER: The issue with 20 Split Rock is
23 just with regard to cutting of grass under
24 117-2(G).

25 TRUSTEE TORKAN: That building is also in

1 severe disrepair.

2 MR. LIMMER: There's a different issue we are
3 going to cover on that.

4 TRUSTEE TORKAN: Okay. A separate
5 resolution?

6 MR. LIMMER: Yes.

7 TRUSTEE TORKAN: Okay.

8 MAYOR KALNICK: So moved?

9 TRUSTEE NEMATZADEH: So moved.

10 TRUSTEE HAROUNIAN: I second.

11 MR. LIMMER: Kouros, the other items that you
12 are concerned about, property maintenance --

13 MAYOR KALNICK: Everybody in favor?
14 Aye.

15 TRUSTEE KWIAT: Aye.

16 TRUSTEE HAROUNIAN: Aye.

17 TRUSTEE NEMATZADEH: Aye.

18 TRUSTEE TORKAN: Aye.

19 MAYOR KALNICK: Go ahead, Steve.

20 MR. LIMMER: The other issues of property
21 maintenance, I thought, based upon advice of
22 counsel we had a little earlier, that notices of
23 appearance were going to be issued for those
24 property owners. We don't need a resolution for
25 the building inspector to send out notices of

1 appearance.

2 TRUSTEE TORKAN: Got it. Thank you.

3 MAYOR KALNICK: Steve, do you want to do the
4 other resolutions, the survey?

5 MR. LIMMER: I thought I was going to send
6 those in.

7 MAYOR KALNICK: Oh, okay. Thank you. Those
8 are the ones you referred to earlier?

9 MR. LIMMER: Yes, the cutting of the grass,
10 yes.

11 MAYOR KALNICK: The property maintenance
12 issues.

13 MR. LIMMER: Yes.

14 MAYOR KALNICK: Motion to adjourn?

15 TRUSTEE HAROUNIAN: I make the motion.

16 TRUSTEE NEMATZADEH: I second it.

17 MAYOR KALNICK: All in favor?
18 Aye.

19 TRUSTEE KWIAT: Aye.

20 TRUSTEE HAROUNIAN: Aye.

21 TRUSTEE NEMATZADEH: Aye.

22 TRUSTEE TORKAN: Aye.

23 (Time noted: 4:14 P.M.)

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Appendix 1

Superintendent Chris Aiossa informed the Board that he had determined that there are unsafe and dangerous buildings at 5 Catalina Drive, Section 1, Block 148, Lot 11, owned by Sharona Hassid; and at 920 Middle Neck Road, Section 1, Block 148, Lot 59, owned by Jeffrey Huang.

Both owners have neglected or refused to comply with his notices to have their respective buildings made safe and secure or removed. Superintendent Aiossa has asked, pursuant to Chapter 63 of the Village Code, that the Board direct a survey of each of the two premises be made by Michael Moorehead, the Superintendent of the Department of Public Works of the Village, Gary Becker, an engineer with Nelson & Pope Engineers & Surveyors, or such other engineer with the firm of Nelson & Pope Engineers & Surveyors as may be approved by Superintendent Aiossa, and a practical builder, engineer, or architect appointed by the respective owner or, in the event the owner refuses or neglects to appoint such a surveyor, the two surveyors named to make the survey and report to the Board.

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Appendix 1 (continued)

Based upon the request of Superintendent Chris Aiossa, upon motion by Trustee David Harounian, seconded by Trustee Kouros Torkan, the Board unanimously directed Superintendent Chris Aiossa to serve Sharona Hassid, as owner of 5 Catalina Drive, Section 1, Block 148, Lot 11; and Jeffrey Huang, as owner of 920 Middle Neck Road, with notices to have the buildings on their respective properties made safe and secure or removed, in conformity with §63-2 of the Code of the Village of Kings Point, to repair or remove the unsafe building, and, in the event either of such owners fails to comply with such notice, a survey of such owner's premises be made by Michael Moorehead, Gary Becker or such other engineer with the firm of Nelson & Pope Engineers & Surveyors as may be approved by Superintendent Aiossa, and a practical builder, engineer, or architect appointed by such owner, or, in the event the such owner refuses or neglects to appoint such a surveyor, the two surveyors named, to make a survey of such owner's premises and report to the Board.

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Appendix 2

The Board reviewed the Memorandum dated May 18, 2020 from the Village Building Department with regard to the premises at 20 Split Rock Drive.

The Memorandum sets forth the conditions of those premises and opines that the property owner has failed to maintain its property as required by § 117-2(G) of Chapter 117 of the Village Code, Property Maintenance, by not cutting grass which is in excess of 6 inches in height. The Building Department asked the Board to adopt a resolution, pursuant to Chapter 117, which, in substance, would provide that if the owner of the property does not bring its premises into compliance with the Village Code provision within 10 days after the required notice, the Building Inspector could cause the violation to be corrected, and if the owner does not reimburse the Village for the cost of correcting the violation on its property, such cost could be collected by the Village in the same manner fixed by law for the collection of Village taxes assessed against its property.

1 Appendix 2 (continued)

2 Upon motion by Trustee Hooshang Nematzadeh,
 3 seconded by Trustee David Harounian, the Board
 4 unanimously adopted a resolution pursuant to
 5 Village Code Chapter 117, authorizing the
 6 Building Inspector to serve a notice of
 7 violation to the owner of 20 Split Rock Drive in
 8 accordance with Village Code §117-9(B), and if
 9 the owner of such premises does not correct the
 10 violation on its premises within 10 days after
 11 the required notice of violation, and the
 12 Building Inspector does thereafter cause the
 13 aforesaid violation to be corrected, the Village
 14 Clerk shall take all necessary and appropriate
 15 actions to recoup the Village's costs and
 16 expenses in correcting the violations in
 17 accordance with Village Code §117-11.

18 A copy of the memorandum is on file with the
 19 Village Clerk. The Board noted Village Code
 20 §117-9(E), which provides, in substance, that it
 21 shall not be necessary for the Building
 22 Inspector to issue a notice of violation or to
 23 order, in writing, the correction of a condition
 24 in the instance of a second or any subsequent
 25 offense within a 12-month period.

1 Appendix 2 (continued)

2 Upon motion by Trustee Hooshang Nematzadeh,
 3 seconded by Trustee David Harounian, the Board
 4 unanimously authorized and empowered the
 5 Building Inspector to cause any such second or
 6 subsequent violations within a 12-month period,
 7 that have occurred or may occur in the future
 8 with regard to the property at 20 Split Rock
 9 Drive to be corrected without coming back to
 10 this Board for additional authorization, and the
 11 Village Clerk to take all necessary and
 12 appropriate actions to recoup the Village's
 13 costs and expenses in correcting those second or
 14 subsequent violations in accordance with Village
 15 Code §117-11.

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