

**MINUTES OF THE 1049th MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
January 13, 2014
Adopted on February 10, 2014**

The 1049th 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 13, 2014, 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, Trustee
Sheldon Kwiat, Trustee
Ron Horowitz, Trustee
Hooshang Nematzadeh, Trustee

ALSO PRESENT: Gomie Persaud, Village Clerk-Treasurer
Kathleen Conroy, Deputy Village Clerk-Treasurer
Stephen G. Limmer, Esq., Ackerman, Levine, Cullen,
Brickman & Limmer, LLP, General Counsel
Michael Moorehead, Superintendent of Public Works
John F. Miller, Police Commissioner
George Banville, Police Lieutenant

Upon motion by Trustee Ron Horowitz, seconded by Trustee Hooshang Nematzadeh, by resolution # **2014-1**, the Board unanimously approved the minutes as presented of the **Board of Trustees meeting** of November 21, 2013.

Upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2014-2**, the Board unanimously accepted the **Building Department reports** for the period of November 2013, showing the total fees deposited of **\$57,705.00** into the General Fund and **\$4,400.00** into the Trust Fund, and for the period of December 2013, showing the total fees deposited of **\$36,290.00** into the General Fund and **\$8,800.00** into the Trust Fund. Copies of the reports are on file with the Village Clerk.

Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2014-3**, the Board unanimously accepted the **Village Justice Court report** for the period of November 2013, showing the total fees and surcharges deposited of **\$15,819.00** into the General Fund, and for the period of December 2013, showing the total fees and surcharges deposited of **\$15,087.00** into the General Fund. Copies of the reports are on file with the Village Clerk.

Upon motion by Trustee Ron Horowitz, seconded by Trustee Sheldon Kwiat, by resolution # **2014-4**, the Board unanimously approved the payment of **audited claims** as follows:

a. General Fund:	\$ 588,198.30
b. Trust Fund:	\$ 2,000.00
c. Capital Fund:	\$ 766,532.92

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

Trustee Hooshang Nematzadeh introduced **Bill No. 1 of 2014**, a local law permitting the continuance of certain legal nonconforming building lots. After a review of the proposed bill and the proposed Short Environmental Assessment Form, concluding, in substance, that the proposed action will not result in any significant adverse environmental impacts, upon motion by Trustee Ron Horowitz, seconded by Trustee David Harounian, by resolution # **2014-5**, the following resolution was unanimously adopted:

WHEREAS, Bill No. 1 of 2014, a local law permitting the continuance of certain legal nonconforming building lots, has been introduced for the Board's consideration; and

WHEREAS, the Board has duly reviewed the environmental aspects of the bill;

NOW, THEREFORE, the Board hereby:

1. Finds that the adoption of Bill No. 1 of 2014 as a local law is an unlisted action as defined in 6 NYCRR, Part 617, and will not have an adverse impact upon the environment, if enacted, and authorizes the Mayor to execute the Short Environmental Assessment Form as presented; and
2. Sets Bill No. 1 of 2014 down for a public hearing on February 10, 2014, at 8:15 p.m.

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

Trustee David Harounian introduced **Bill No. 2 of 2014**, a local law extending the time before variances and certain other approvals lapse. After a review of the proposed bill and the proposed Short Environmental Assessment Form, concluding, in substance, that the proposed action will not result in any significant adverse environmental impacts, upon motion by Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2014-6**, the following resolution was unanimously adopted:

WHEREAS, Bill No. 2 of 2014, a local law extending the time before variances and certain other approvals lapse, has been introduced for the Board's consideration; and

WHEREAS, the Board has duly reviewed the environmental aspects of the bill;

NOW, THEREFORE, the Board hereby:

1. Finds that the adoption of Bill No. 2 of 2014 as a local law is an unlisted action as defined in 6 NYCRR, Part 617, and will not have an adverse impact upon the environment, if enacted, and authorizes the Mayor to execute the Short Environmental Assessment Form as presented; and
2. Sets Bill No. 2 of 2014 down for a public hearing on February 10, 2014, at 8:15 p.m.

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

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Trustee Sheldon Kwiat introduced **Bill No. 3 of 2014**, a local law amending the definition of Floor Area in § 161-3, of Chapter 161, Zoning, of the Code of the Village of Kings Point. After a review of the proposed bill and the proposed Short Environmental Assessment Form, concluding, in substance, that the proposed action will not result in any significant adverse environmental impacts, upon motion by Trustee Ron Horowitz, seconded by Trustee Hooshang Nematzadeh, by resolution # **2014-7**, the following resolution was unanimously adopted:

WHEREAS, Bill No. 3 of 2014, a local law amending the definition of Floor Area in § 161-3, of Chapter 161, Zoning, of the Code of the Village of Kings Point, has been introduced for the Board’s consideration; and

WHEREAS, the Board has duly reviewed the environmental aspects of the bill;

NOW, THEREFORE, the Board hereby:

1. Finds that the adoption of Bill No. 3 of 2014 as a local law is an unlisted action as defined in 6 NYCRR, Part 617, and will not have an adverse impact upon the environment, if enacted, and authorizes the Mayor to execute the Short Environmental Assessment Form as presented; and
2. Sets Bill No. 3 of 2014 down for a public hearing on February 10, 2014, at 8:15 p.m.

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

Upon motion by Trustee Ron Horowitz, seconded by Trustee David Harounian, by resolution # **2014-8** the following resolution was unanimously adopted:

WHEREAS, the return of unpaid taxes for the fiscal year beginning June 1, 2013 , 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>
Yaghoobina, Kambiz & Azita (4 Channel Drive)	42	48	\$ 5,942.46
Grayson, Susan (28 Hemlock Drive)	42	129	\$ 7,343.60
Rahimi, Vicky (12 Hemlock Drive)	49	148	\$14,340.15
County of Nassau (450 E. Shore Road Vacant)	63	68	\$ 83.23
Toobian, Payam (10 Waterview Road)	63	82A	\$ 14,148.73

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Toobian, Payam (10 Waterview Road) (Vacant)	63	82B	\$ 952.96
Milstein Mr. & Mrs. Louis (34 Rogers Road)	73	8	\$ 5,451.42
Khalily Edna (415 E. Shore Road)	77	137	\$ 7,906.64
Hassid Babak (28 Forest Row)	81	174	\$ 4.57
Kashizadeh, Doret & Eshaghe (168 W. Shore Road)	132	419	\$ 8,064.77
Hedvat, Donna (3 Grenwolde Drive)	135	225	\$ 8,489.24
Aryeh, Hezghia (172 Kings Point Rd Vacant)	140	22	\$ 224.72
Aryeh, Hezghia (172 Kings Point Rd Vacant)	140	24	\$ 52.01
Aryeh, Hezghia (172 Kings Point Road)	140	26	\$ 162.29
RA Lighthouse Holding (33 Lighthouse Road)	144	7	\$14,981.00
County of Nassau (Wildwood Road Vacant)	148	97	\$ 4,806.41
County of Nassau (Drainage Easement–Kings Point Rd)	148	99	\$ 1,568.84
Soleymanikashi, Louise & Yosef (24 Martin Court)	150	13	\$16,021.35
Lauria, Toni (Vacant)	153	20	\$ 291.30

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County of Nassau (Vacant)	153	29	\$ 343.31
County of Nassau (Vacant)	153	30	\$ 301.70
County of Nassau (Vacant)	153	31	\$ 332.91
County of Nassau (Vacant)	153	32	\$ 4.16
County of Nassau (Vacant)	165	8	\$ 401.58
County of Nassau (Vacant) Cow Lane	165	16	\$ 27,294.56
Shamash, Selim (24 Sinclair Drive)	169	4	\$ 15,043.43
County of Nassau (Vacant Sinclair Drive)	169	16	\$ 8.33
Harvey, Tuck & Heidi (360 E Shore Road)	172	34	\$11,901.58
Brickman Estate, At The Point (275 Kings Point Road)	175	65	\$75,953.69
Downsview Corp. (10 Hampworth Drive)	176	61	\$16,737.11
Schine, Patricia (1A Foxwood Road)	177	43	\$12,296.91
Marcus/Avram, Leila/Sinetta (131 Station Road –Vacant)	179	37	\$ 282.97
County of Nassau (Vacant)	182	54	\$ 24.96
Gross, Walter & Barbra (335 East Shore Road Vacant)	184	7	\$ 12.49

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County of Nassau (Vacant Eagle Point Drive)	196	10	\$ 241.36
Herbil Holding Co. (Vacant)	200	7	\$ 52.01
Total			\$272,068.75

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 2013, 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 2013, together with a description of the lands on which said taxes are unpaid:

NOW, THEREFORE, BE IT RESOLVED that this Board has examined said 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 # **2014-9** the Board unanimously adopted the following resolution:

WHEREAS, the Village Clerk-Treasurer on the 13th day of January, 2014, did return and file an account of unpaid taxes to this Board for the year 2013, and

WHEREAS, the Board of Trustees met at the Village Hall of the Village of Kings Point on the 13th day of January, 2014, 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 2013, the following taxes still remain due and unpaid after diligent efforts have been made to collect same, to wit:

<u>ASSESSED TO</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT OF TAXES</u>
Yaghoobina, Kambiz & Azita (4 Channel Drive)	42	48	\$ 5,942.46
Grayson, Susan (28 Hemlock Drive)	42	129	\$ 7,343.60
Rahimi, Vicky (12 Hemlock Drive)	49	148	\$14,340.15

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Toobian, Payam (10 Waterview Road) (Vacant)	63	82B	\$ 952.96
Milstein Mr. & Mrs. Louis (34 Rogers Road)	73	8	\$ 5,451.42
Khalily Edna (415 E. Shore Road)	77	137	\$ 7,906.64
Hassid Babak (28 Forest Row)	81	174	\$ 4.57
Kashizadeh, Doret & Eshaghe (168 W. Shore Road)	132	419	\$ 8,064.77
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County of Nassau (Vacant)	153	30	\$ 301.70
County of Nassau (Vacant)	153	31	\$ 332.91
County of Nassau (Vacant)	153	32	\$ 4.16
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County of Nassau (Vacant Eagle Point Drive)	196	10	\$ 241.36
Herbil Holding Co. (Vacant)	200	7	\$ 52.01
Total			\$272,068.75

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 2013 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 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 Treasurer has advised that the **tax sale referred to in the aforementioned resolution will be held on March 11, 2014, at 11:00 a.m.**, at the Village Hall, 32

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Steppingstone Lane, Kings Point, New York, and that publication of the list of properties to be sold would commence on or about February 20, 2014.

Village Clerk-Treasurer Gomie Persaud reported on the **Garbage and Refuse Collection and Disposal Contract** with regard to the Village exercising its first option to extend the contract for a second year, the one-year period from 6/1/14 through 5/31/15. Upon motion by Trustee Sheldon Kwiat, seconded by Trustee David Harounian, by resolution # **2014-10**, the Board unanimously agreed to exercise its first option to extend the Garbage and Refuse Collection and Disposal Contract for a one-year period from 6/1/14 through 5/31/15, with Meadow Carting Corporation in accordance with the prices set forth under Item #2 in the form of bid in the amount of **\$649,000.00**. A copy of the bid is on file with the Village Clerk.

Superintendent Michael Moorehead reported on the **Phase II Stormwater regulations** with regard to maintaining compliance with the Federal and State Phase II Storm Water Management regulations, with particular emphasis on complying with the reporting requirements in the new General Permit GP-0-10-002, and preparing the Village for possible regulatory audits or program inspections. The Village is required to submit an annual report and municipal compliance certification on the stormwater management program by June 1, 2014. The Village is required to have a public meeting by May of 2014 and to make the annual report available for the public and receive public comments.

Upon motion by Trustee Ron Horowitz, seconded by Trustee David Harounian, by resolution # **2014-11**, the Board unanimously authorized D&B Engineers and Architects, P.C. (“D&B”), to assist Superintendent Michael Moorehead in preparing the annual report for the **Phase II Stormwater Management Plan** and to assist with the Permit Compliance to which the Village previously committed in Notice of Intent/2014 Annual Report for the Village of Kings Point, in accordance with its letter dated December 27, 2013, Task 1 and Task 2 only, at a cost not to exceed **\$4,750.00**. The Village will not need or be engaging D&B for Tasks 3 and 4 set forth in said letter. A copy of said letter is on file with the Village Clerk.

Village Clerk-Treasurer Gomie Persaud reported on the proposal that she received from the BWD Group LLC for the renewal of the Village’s “Crime” coverage insurance policy for the period of 3/1/14 through 3/1/15 for a premium of **\$8,500.00**. Upon motion by Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, based upon prior recommendations of BWD Group, LLC, by resolution # **2014-12**, the Board unanimously approved the renewal of the policy as set forth in said proposal for a premium of \$8,500.00, summarized as follows:

CRIME COVERAGE FOR THE VILLAGE OF KINGS POINT

Coverage Forms:

Limit

Deductible

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Employee Theft	\$2,500,000	\$25,000
Performance of Duties	\$1,000,000	\$25,000
Forgery or Alteration	\$1,000,000	\$25,000
Theft of Money/Securities	\$1,000,000	\$25,000
Premises – Inside	\$1,000,000	\$25,000
Premises – Outside	\$1,000,000	\$25,000
Computer Fraud	\$1,000,000	\$25,000
Funds Transfer Fraud	\$1,000,000	\$25,000
Money Order & Counterfeit Money	\$1,000,000	\$25,000

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

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Ron Horowitz, by resolution # **2014-13**, the Board unanimously approved the proposal **for legal services, from Ackerman, Levine, Cullen, Brickman & Limmer, LLP**, for the period of **June 1, 2014 through May 31, 2015**, in accordance with the letter from Stephen G. Limmer, Partner, dated December 27, 2013. A copy of said letter is on file with the Village Clerk.

Upon motion by Trustee Ron Horowitz seconded by Trustee Hooshang Nematzadeh, by resolution # **2014-14**, the Board unanimously set February 18, 2014, 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 18, 2014, a written statement, under oath, on forms specified, must set forth the bases upon which the assessment complained is alleged to be incorrect.

Mayor Michael C. Kalnick tabled the proposed contract with the Vigilant Engine and Hook and Ladder Company, Inc. for the furnishing of Ambulance service within the Village of Kings Point.

Village Clerk-Treasurer Gomie Persaud requested to put out to bid the **Tree Trimming and Related Services Contract** for the period of 9/1/14 through 8/31/15, with the Village’s option to extend the contract for two one-year periods from 9/1/15 through 8/31/16 and 9/1/16 through 8/31/17. Upon motion by Trustee Sheldon Kwiat, seconded by Trustee David Harounian, by resolution # **2014-15**, the Board unanimously authorized the Village Clerk-Treasurer to publicly bid the **Tree Trimming and Related Services Contract** for the period of 9/1/14 through 8/31/15, with two one-year options.

Upon motion of Trustee Hooshang Nematzadeh seconded by Trustee Ron Horowitz, by resolution # **2014-16**, the Board unanimously approved payment in the amount of **\$7,787.52** for the annual maintenance of the building department software by Citiview Support for the period of 01/31/2014 through 01/31/2015. A copy of the contract is on file with the Village clerk

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Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, by Resolution # **2014-17**, 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 2014 Annual Village Election in the Village of Kings Point shall be held on June 17, 2014; and be it further

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

**Mayor, two years
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 Record*. A copy of said notice is on file with the Village Clerk.

Upon motion of Trustee David Harounian, seconded by Trustee Ron Horowitz, by resolution # **2014-18**, 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 17, 2014. 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.

Mayor Michael C. Kalnick acknowledged receipt of letter from Ms. Sharon Kalin Pretto, of 6 Birchwood Lane, regarding foxes in the village. The Mayor authorized Michael

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Moorehead, Superintendent of Public Works to investigate the situation and directed Village Clerk Gomie Persaud to respond to the letter.

Village Clerk-Treasurer Gomie Persaud reported on the proposals for the **Landscaping Maintenance at Village Hall** for the year 2014. ADM Landscape Corp. provided a proposal for Landscape Maintenance and spring and fall clean up at a total cost of **\$13,192.88**. Millamar Landscape Services also provided a proposal for Landscape Maintenance and spring and fall clean up for a total cost of **\$4,800.00**. Upon motion of Trustee Ron Horowitz, seconded by Trustee David Harounian, by resolution # **2014-19**, the Board unanimously accepted the proposal from Millamar Landscape Services to provide the yearly Landscape Maintenance and spring and fall clean up at a total cost of **\$4,800.00**. A copy of said proposal is on file with the Village Clerk.

Mayor Michael C. Kalnick announced that the next meeting of the Board of Trustees would be February 10, 2014.

There being no further business to come before the Board, the Mayor adjourned the meeting at 9:05 p.m.

Gomie Persaud
Village Clerk/Treasurer