

**MINUTES OF THE 1052nd MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
March 27, 2014
Adopted on April 17, 2014**

The 1052nd 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 March 27, 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, Deputy Mayor
Sheldon Kwiat, Trustee
Hooshang Nematzadeh, Trustee

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

ABSENT: Ron Horowitz, Trustee
John Miller Police Commissioner

Upon motion by Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, by resolution # **2014-29**, the Board unanimously approved the minutes as presented of the **Board of Trustees meeting** of February 10, 2014, and February 18, 2014.

Chabad of Great Neck presented its application to amend the conditions to its previously approved special use permit for its new facilities currently under construction at 400 East Shore Road. The amended conditions would permit it to revise the conditions that the Board had previously imposed in accordance with the approvals it has subsequently received from the Village's Committee of Architectural Review, Planning Board, and Board of Appeals. The Board found that the requested modifications were not substantial in nature and, to a large extent, would lessen the impact of the facility on adjacent residential homeowners and better accommodate emergency access. Building Inspector Richie Schilt requested that the Board of Trustees approve the request since the plans are in good order. Upon motion by Trustee Sheldon Kwiat, seconded by Trustee David Harounian, by resolution # **2014-30**, the Board unanimously approved the application. Mayor Michael C. Kalnick told the representatives of the Chabad that he is looking forward to the conclusion of the work. A copy of the application is on file with the Village Clerk.

Mayor Michael C. Kalnick opened the public hearing on the application of **Darius Zar**, as owner, pursuant to Article VIII, **Off-Shore Structures**, of Chapter 161, Zoning, of the Code of the Village of Kings Point, for a permit to alter an existing 66-foot by 4-foot wooden dock, by extending it an additional 20 feet, installing a boat lift and a jet ski lift, and, after a 30-foot by 3-foot aluminum ramp, enlarging the 20-foot by 6-foot floating wooden dock (the "float") to a 30-

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foot by 8-foot float, and turning the float so that it makes a “T” at the end of the ramp, at the premises known as **4 Harbor Way**, Kings Point, New York, shown on the Nassau County Land

and Tax Map as Section 1, Block 63, Lots 36A and 36B. Dan Hall appeared for the owner and presented application. The proposed dock will not have any storage lockers, solid canopies, or lighting. The Town Board of the Town of North Hempstead acted as Lead Agency for environmental review with regard to the application and, by its Resolution No. 54 – 2014, determined the project to be an “unlisted action” that will not result in any significant adverse impacts on the environment. After everyone present was given an opportunity to be heard, the Mayor closed the public hearing on the application. Upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2014-31**, the Board unanimously adopted the following resolution:

Whereas, **Darius Zar**, as owner, has made application to this Board, pursuant to Article VIII, **Off-Shore Structures**, of Chapter 161, Zoning, of the Code of the Village of Kings Point, for a permit to alter an existing 66-foot by 4-foot wooden dock, by extending it an additional 20 feet, installing a boat lift and a jet ski lift, and, after a 30-foot by 3-foot aluminum ramp, enlarging the 20-foot by 6-foot floating wooden dock (the “float”) to a 30-foot by 8-foot float, and turning the float so that it makes a “T” at the end of the ramp, at the premises known as **4 Harbor Way**, Kings Point, New York, shown on the Nassau County Land and Tax Map as Section 1, Block 63, Lots 36A and 36B; and

Whereas, the Board has made the following findings of fact:

1. The Board agrees with and accepts as its own the findings and determination of the Town Board of the Town of North Hempstead that the project is an “unlisted action” that will not result in any significant adverse impacts on the environment.
2. The proposed 20-foot extension to the existing 66-foot dock, boat lift, jet ski lift, and 30-foot by 8-foot float, which will be turned so that the float makes a “T” at the end of the ramp, conform to the requirements of the Village Code.
3. The applicant is not seeking any storage lockers, solid canopies, or lighting.
4. The Board affirmatively finds that the dock will not unreasonably impede, obstruct, or interfere with navigation, the rights of adjoining property owners, the public use of or passage along the foreshore or the waterway, or significantly damage the environment.

Now, therefore, based upon the foregoing findings, the application is granted on the condition that the dock, boat lift, jet ski lift, ramp, and float are constructed and maintained substantially in accordance with the following four drawings submitted by the owner, prepared by Landuse Ecological Services, Inc., prepared for Darius Zar 4 Harbor Way Kings Point, NY 11024”; dated June 9, 2007, last revised 03-14-13; Drawings 1 of 4, 2 of 4, 3 of 4 and 4 of 4.

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

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Mayor Michael C. Kalnick opened the public hearing on the **proposed contract with the Vigilant Engine & Hook & Ladder Company Inc. for the furnishing of emergency ambulance service** within the Village of Kings Point for the one-year period commencing January 1, 2014, and ending December 31, 2014, for the total sum of **\$201,748.00**. No one

asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, by resolution # **2014-32**, the Board unanimously approved the proposed contract. A copy of the contract is on file with the Village Clerk.

Upon motion of Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, by resolution # **2014-33**, the Board unanimously authorized the Village Clerk to prepare, mail, and publish all of the necessary legal notices for the public hearing for the Off-Shore Structure application at 6Turtle Cove Lane, Kings Point, NY, shown on the Nassau County Land and Tax Map as Section 1, Block 178, Lot 9, for April 16, 2014 at 8:15 p.m. at the Village Hall. A copy of the application is on file with the Village Clerk.

Mayor Michael C. Kalnick announced that the February 18, 2014, meeting to hear complaints pursuant to Real Property Tax Law § 1408 had been adjourned for lack of a quorum to be reconvened at tonight's meeting. He asked if there was anyone who wished to present a complaint pursuant to said law and no one sought to be heard. Upon motion of Trustee Hooshang Nematzadeh, seconded by Trustee David Harounian, by resolution # **2014-34**, the Board unanimously approved applications for renewal of **ten (10) wholly exempt properties, and removal of two (2) clergy exemptions**. A copy of the report is on file in with the village clerk.

Trustee Hooshang Nematzadeh introduced **Bill No. 5 of 2014**, 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 Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by Resolution # **2014-35** the Board authorized General Counsel to prepare, mail, and publish all of the necessary legal notices for a public hearing for Bill No. 5 of 2014, 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 April 16, 2014, at 8:15 p.m. A copy of the Bill is on file with the Village Clerk.

Mayor Michael C. Kalnick acknowledged receipt of the Draft Tentative Budget as presented by the Village Clerk/Treasurer and authorized her to prepare, and publish all of the necessary legal notices for a public hearing on April 16, 2014, at 8:15 p.m. A copy of the Tentative Budget is on file with the Village Clerk.

Village Clerk-Treasurer Gomie Persaud presented the results of the **Tax Lien Sale held on March 10, 2014**. Upon motion of Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, by resolution # **2014-36**, the Board unanimously accepted the report. A copy of the report is annexed to these minutes.

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Upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2014-37**, the Board unanimously approved the list of **Budgetary Transfers for the fiscal budget from June 1, 2012 – May 31, 2013**. The list is on file in the Village Clerk's office.

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee David Harounian, by resolution # **2014-38**, the Board unanimously accepted the **Building Department report** for the period of

February 2014, showing the total fees deposited of **\$29,965.00** into the General Fund and **\$5,200.00** 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 # **2014-39**, the Board unanimously accepted the **Village Justice Court report** for the period of February 2014, showing the total fees and surcharges deposited of **\$10,433.00** into the General Fund. A copy of the report is on file with the Village Clerk.

Upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2014-40**, the Board unanimously approved the payment of **audited claims** as follows:

a. General Fund:	\$ 650,552.56
b. Trust Fund:	\$ 10,400.00
c. Capital Fund:	\$ 186,455.65

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

Upon motion of Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2014-41**, 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, 2014, through February 28, 2015, at a total premium of **\$199,115.00**, as more fully set forth in the proposal from BWD Group, LLC. A copy of said proposal is on file with the Village Clerk.

Mayor Michael C. Kalnick acknowledged receipt of letter from Department of Public Works and informed the Board of Trustees that he is negotiating with the Highway Department and Administrative staff about salary increases. In order to provide sufficient time for the negotiations, without penalizing the employees if the negotiations are not concluded by June 1, 2014, he proposed that any such increases if not approved prior to June 1, 2014, would be retroactive to and effective as of June 1, 2014. Upon motion of Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, by resolution # **2013-42**, the Board unanimously agreed that in the event that the salary increases to the employees in the Highway Department and Administrative staff are not implemented by June 1, 2014, such increases, when approved by the Board, would be retroactive to and effective as of June 1, 2014.

Mayor Michael C. Kalnick explained to the Board of Trustees that there is an imminent need to upgrade our computers and servers because Microsoft will no longer support Windows XP, the operating system currently used by the Village. Upon motion of Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, by resolution # **2014-43**, the Board unanimously

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approved the request to upgrade the Village's computer hardware and software. The equipment will be purchased off State Bid, for a cost of not exceeding \$75,000.00, to be funded by Bond Anticipation Notes for a period of 5 years.

Superintendent of Public Works Michael Moorehead requested the rental of a vacuum truck to clean the storm drains because of the debris in them from the severe weather we experienced in 2013/2014, and the heavy mixture of sand and salt that was used on the streets. Upon motion of

Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, by resolution # **2014-44**, the Board unanimously approved the Superintendents' request to rent a vacuum truck for two weeks for a cost of not exceeding **\$7,500.00**.

Counsel Stephen G. Limmer advised the Board that Village Justice Gary Granoff had requested that he review the contract documents that would have to be executed in order for the Village Court to provide defendants with the ability to pay their fines on-line through nCourt. Counsel Limmer stated that **nCourt** had made the revisions that he had requested of its proposed documents, which he now approved as to form. Based upon Counsel Limmer's last communications with Village Justice Gary Granoff, he was not sure if the Village Justice had finally determined whether or not to proceed with nCourt's proposal. Counsel Limmer suggested that the Board authorize Justice Granoff to proceed with the contract with nCourt if he thought it in the best interests of the Village Court. Based upon the foregoing, upon motion of Trustee David Harounian, seconded by Trustee Hooshang Nematzadeh, by resolution # **2014-45**, the Board unanimously authorized Village Justice Gary Granoff to enter into an agreement with nCourt to provide defendants with the ability to pay their Village of Kings Point fines on-line through nCourt in accordance with the documents that had been approved by Counsel Stephen G. Limmer, if he determined such to be in the best interests of the Court. Copies of the nCourt revised proposed documents are on file with the Village Clerk.

Mayor Michael C. Kalnick announced that the next meeting of the Board of Trustees and the public hearing on the Tentative Budget for the 2014/2015 fiscal year would be on April 16, 2014, 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 9:00 p.m.

Gomie Persaud
Village Clerk-Treasurer