

**MINUTES OF THE 1053rd MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
April 17, 2014
Adopted on May 15, 2014**

The 1053rd 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 April 17, 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
Ron Horowitz, Trustee
Hooshang Nematzadeh, Trustee

ALSO PRESENT: Gomie Persaud, Village Clerk Treasurer
Christopher Prior, Esq., Ackerman, Levine, Cullen,
Brickman & Limmer, LLP, General Counsel
Richard Schilt, Building Inspector
Michael Moorehead, Superintendent of Public Works
John Miller, Police Commissioner
George Banville, Police Lieutenant

ABSENT: Kathleen Conroy, Village Deputy Clerk Treasurer
Stephen Limmer, Esq., Ackerman, Levine, Cullen,
Brickman & Limmer, LLP, General Counsel

Mr. and Mrs. Ebi Victory addressed the Board with regard to the application of **Shariar Victory**, as owner, for a permit to install a four-pile aluminum topless boatlift; a 9-foot by 12-foot wave runner float; and two vertical safety ladders onto an existing pier that will be equipped with all utilities and have navigational warning lights, at the premises known as **6 Turtle Cove**, Kings Point, New York, shown on the Nassau County Land and Tax Map as Section 1, Block 178, Lot 9. The proposed dock will not have any storage lockers or solid canopies. Everyone present was given an opportunity to be heard on the application. Upon motion by Trustee Ron Horowitz, seconded by Trustee David Harounian, by resolution # **2014-46**, the Board unanimously adopted the following resolution:

Whereas, **Shariar Victory**, as owner, has applied to the Board for a permit to install a four-pile aluminum topless boatlift; a 9-foot by 12-foot wave runner float; and two vertical safety ladders onto an existing pier that will be equipped with all utilities and have navigational warning lights, at the premises known as **6 Turtle Cove**, Kings Point, New York, shown on the Nassau County Land and Tax Map as Section 1, Block 178, Lot 9; and

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

1. Based upon a review of Part 1 of the SEAF submitted by the applicant and the other documents and testimony presented with

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regard to the application, including, but not limited to the written comments of the Village's consulting engineers, the proposed action will not result in any significant adverse environmental impacts.

2. The proposed four-pile aluminum topless boatlift, 9-foot by 12-foot wave runner float, vertical safety ladders, utilities, and navigational warning lights, conform to the requirements of the Village Code.
3. The applicant is not seeking any storage lockers or solid canopies.
4. 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:

1. The Mayor is authorized to complete Part 2 of the SEAF, answering "no, or small impact may occur" to questions 1 through 11, and checking the box indicating that the Board has determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts; and
2. The application is granted on the following conditions:
 - A. The boatlift shall be as shown on the documents submitted by the applicant for a Hi-Tide T2 Topless X2, for a maximum boat weight of 20,000 pounds, or as the Building Inspector may approve as comparable; and
 - B. The four-pile aluminum topless boatlift, 9-foot by 12-foot wave runner float, vertical safety ladders, utilities, and navigational warning lights are constructed and maintained substantially in accordance with the following three drawings submitted by the owner, prepared by ACE, Inc.; for the Job Site: 6 Turtle Cove Lane, Great Neck, NY 11024; Applicant: Shariar Victory, 6 Turtle Cove Lane, Great Neck, NY 11024; Prepared 08/10/12, showing no revisions:
 - i. Sheet 1 of 3, Site Plan;
 - ii. Sheet 2 of 3, Project Plan; and

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- iii. Sheet 3 of 3, Project Plan.

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

Bitia Sassouni, one of the owners of the premises at 226 Dock Lane, addressed the Board with regard to her concerns with a proposed agreement upon which her conditional approval from the Village Planning Board is required.

Mayor Michael C. Kalnick opened the public hearing on **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. Mayor Michael C. Kalnick asked if anyone wished to be heard with regard to **Bill No. 5 of 2014**. 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 # **2014-47**, the Board unanimously adopted **Bill No. 5 of 2014**, a local law authorizing the Village of Kings Point to levy tax in excess of the limit established in General Municipal Law §3-c, as **Local Law 4 of 2014**. A copy of the Law is on file with the Village Clerk.

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Ron Horowitz, by resolution # **2014-48**, the Board unanimously approved the minutes as presented of the **Board of Trustees meeting** of March 27, 2014.

Upon motion by Trustee Ron Horowitz, seconded by Trustee David Harounian, by resolution # **2014-49**, the Board unanimously approved the payment of **audited claims** as follows:

a. General Fund:	\$451,784.74
b. Trust Fund:	\$ 1,200.00

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

Upon motion by Trustee Ron Horowitz, seconded by Trustee David Harounian, by resolution # **2014-50**, the Board unanimously accepted the **Building Department report** for the period of March 2014, showing the total fees deposited of **\$18,770.00** into the General Fund and **\$4,800.00** 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 # **2014-51**, the Board unanimously accepted the **Village Justice Court report** for the period of March 2014, showing the total fees and surcharges deposited of **\$18,672.00** into the General Fund. A copy of the report is on file with the Village Clerk.

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Mayor Michael C. Kalnick opened the public hearing on the tentative budget for the Village's 2014/2015 fiscal year, which has been posted on the Village website for the residents to review. The Board of Trustees again has worked very hard to keep taxes down for the coming year. Among the difficulties faced by the Board, as usual, are the State mandates over which the Village has no control. Increases in two of those mandates alone have required a budget increase over last year totaling \$198,185.15 (State retirement costs: \$142,270.00 [9.45%] and State health insurance: \$55,915.15 [5.07%]). Additionally, funds have to be set aside for a State mandated arbitration of police salaries, retroactive for the past 2 years, totaling \$420,000. There are other costs as well over which the Village has no control, such as workers compensation insurance, which was increased \$55,000 [26.19%]. And, the Village must pay the same increases in cost for gasoline, utilities, and supplies as experienced by its residents.

Although the Board tried to avoid any tax increase, an increase was inevitable and, for the foregoing reasons, the Board, by virtue of the State's own mandates, was forced to adopt a local law to override the State imposed 1.48% cap.

The tentative budget for the Village's 2014/2015 fiscal year is \$16,194,743.32. Of that budget, the police department represents 46%; Building Department represents 2%, Professional Services 6%, Court 1%, Debt Service 16%, Administrative 5%, Garbage/Tree Removal 5%, Public Works 2%, Fire/Ambulance 11%, and Maintenance 6%.

No one asked to be heard and the Mayor adjourned the public hearing until later in the meeting in the event anyone subsequently appeared who wished to be heard.

The Village Clerk advised the Board that there was difficulty in obtaining Inspectors of Election for the Village's annual election because of the requirement that there be two Democrats and two Republicans residing within the Village and, upon the suggestion of the New York Conference of Mayors, requested that the Board adopt a resolution expanding the residency requirements for the Inspectors of Election from just the Village to all of Nassau County. Upon motion by Trustee Sheldon Kwiat, seconded by Trustee David Harounian, by Resolution # **2014-52**, the Board unanimously changed the residency requirements of Inspectors of Election for the annual Village of Kings Point election to be held on **June 17, 2014**, from just the Village of Kings Point, to all of the County of Nassau.

Upon motion by Trustee Ron Horowitz, seconded by Trustee Hooshang Nematzadeh by resolution # **2014-53**, the board unanimously adopted the following resolution:

RESOLVED that, pursuant to the provisions of the Election Law of the State of New York, and based upon the requirement that one-half of the inspectors be members of the Democratic Party and the other half be members of the Republican Party, **John Weitzel, Elizabeth Weitzel, Agnes Griffin, and Stephen Feinstein**, are hereby

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appointed as Inspectors of Election, and **Robert Steinberg and Donna DeMatteo** are hereby appointed as alternate Inspectors of Election, for the annual Village of Kings Point election to be held on **June 17, 2014**, and that **John Weitzel and Agnes Griffin** (one Republican and one Democrat) are hereby appointed as Chairpersons of said Inspectors, and;

BE IT FURTHER RESOLVED that, the Chairperson and each of the other Inspectors shall be compensated at the rate of **\$200.00** for the day.

Upon motion of Trustee Ron Horowitz, seconded by Trustee David Harounian, by resolution # **2014-54**, the Board unanimously **adopted the Tentative Assessment Roll as the Final Assessment Roll**, and directed the roll be filed with the Village Clerk, and a notice of such filing be published in the Great Neck Record.

Village Clerk-Treasurer Gomie Persaud reported on the **Garbage and Refuse Collection and Disposal Contract with Meadow Carting** 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 Hooshang Nematzadeh, by resolution # **2014-55**, the Board unanimously agreed to exercise its second-year 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 its form of bid, in the amount of **\$649,000.00**. A copy of the bid is on file with the Village Clerk.

Mayor Michael C. Kalnick acknowledged receipt of a letter received on April 8, 2014 from Lauren Diamond, president of the Kennilwood Owners' Association and directed the Village Clerk Gomie Persaud send a response. A copy of the letter is on file with the Village Clerk.

Superintendent of Public Works Michael Moorehead requested a change order for the rental of a vacuum truck which was approved at the last Board of Trustees meeting for two weeks, at a cost of not exceeding \$7,500.00, to rental of four weeks for an amount of **\$10,500.00**, since it is more cost effective and will give the department more time to clean the storm drains. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Ron Horowitz, by resolution # **2014-56**, the Board unanimously approved the rental of a vacuum truck for four weeks in the amount of not exceeding **\$10,500.00**.

Mayor Michael C. Kalnick acknowledged receipt of application for an Off Shore Structure from Mike Nassimi, 102 Kings Point Road, Kings Point, NY 11024. The application will be reviewed by Building Inspector Richard Schilt and the Village Engineer Chris Clement and was adjourned to the next Board of Trustees meeting. A copy of the application is on file with the Village Clerk.

Village Engineer Clement notified the Board that a public hearing is no longer required on the State Mandated **Draft Phase II Storm Water Management Program Annual**

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Report if the Village has a website. The report once prepared must be posted on the Village website for public comments, for at least 30 days.

Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee David Harounian, by Resolution # **2014-57**, the Board unanimously approved the agreement with Comply, Inc. to administer the **Alcohol and Drug Abuse Prevention Program** as of April 8, 2014, through April 8, 2015, reflecting no price increase and the same terms and conditions as the expiring agreement. A copy of the agreement is on file with the Village Clerk.

Upon motion of Trustee Ron Horowitz, seconded by Trustee Hooshang Nematzadeh, by resolution # **2014-58**, the Board unanimously set a Public Hearing on May 15, 2014, at 8:15 p.m. at the Village Hall for the proposed contract with the Alert Engine, Hook and Ladder and Hose Company No. 1, Inc. for the **furnishing of fire protection** within the Village of Kings Point for the period of June 1, 2014, to May 31, 2015. A copy of the contract is on file with the Village Clerk.

Trustee Ron Horowitz offered the following resolution and moved its adoption by resolution # **2014-59**:

BOND RESOLUTION OF THE VILLAGE OF KINGS POINT, NEW YORK,
ADOPTED APRIL 17, 2014, AUTHORIZING THE ACQUISITION AND
INSTALLATION OF COMPUTER HARDWARE AND SOFTWARE, STATING THE
ESTIMATED MAXIMUM COST THEREOF IS \$75,000, APPROPRIATING SAID
AMOUNT FOR SUCH PURPOSE AND AUTHORIZING THE ISSUANCE OF NOT
TO EXCEED \$75,000 BONDS OF SAID VILLAGE TO FINANCE SAID
APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT,
IN THE COUNTY OF NASSAU, NEW YORK, HEREBY RESOLVES (by the
favorable vote of not less than two-thirds of all the members of said Board of Trustees)
AS FOLLOWS:

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Section 1. The Village of Kings Point, in the County of Nassau, New York (herein called the “Village”), is hereby authorized to acquire and install computer hardware and software. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$75,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of not to exceed \$75,000 bonds of the Village to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Bonds of the Village in the principal amount of not to exceed \$75,000 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said serial bonds are authorized to be issued, within the limitations of Section 11.00 a. 32 of the Law, is five (5) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to

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reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will not exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution, and any bond anticipation notes issued in anticipation of the sale of said bonds, shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 of the Law relative to the authorization of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any

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bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Village Clerk is hereby authorized and directed to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "*The Great Neck Record*," a newspaper having a general circulation within said Village and hereby designated the official newspaper of said Village for such publication.

The adoption of the foregoing resolution was seconded by Trustee Sheldon Kwiat and duly put to a vote on roll call, which resulted as follows:

AYES: Michael C. Kalnick, Mayor
David Harounian

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Sheldon Kwiat
Ron Horowitz
Hooshang Nematzadeh

NOES: None

The Mayor Michael C. Kalnick reopened the public hearing on the tentative budget for the Village's 2014/2015 fiscal year. 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 # **2014-60**, the Board unanimously adopted the **tentative budget, as the final budget** and set the Village tax rate at **\$39.72** per hundred dollars of assessed valuation. The Mayor noted that the levy was 1.70% above the limit established in General Municipal Law §3-c. A copy of the final budget is on file with the Village Clerk.

Mayor Michael C. Kalnick announced that the next meeting of the Board of Trustees would be on May 15, 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 9:10 p.m.

Gomie Persaud
Village Clerk-Treasurer