

**MINUTES OF THE 1056th MEETING OF THE
BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
July 17, 2014
Adopted September 22, 2014**

The 1056th meeting of the Board of Trustees of the Village of Kings Point was called to order by Mayor Michael C. Kalnick at 8:45 p.m. on July 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

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
Richard Schilt, Building Inspector
John F. Miller, Police Commissioner
George Banville, Police Lieutenant

ABSENT: Trustee Hooshang Nematzadeh

Mayor Michael C. Kalnick opened the public hearing on **Bill No. 6D of 2014**, a local law requiring the licensing of plumbers. Mayor Michael C. Kalnick asked if anyone wished to be heard with regard to Bill No. 6D 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 # **2014-81**, the Board unanimously adopted Bill No. 6D of 2014, a local law requiring the licensing of plumbers, as Local Law 5 of 2014. A copy of the Law is on file with the Village Clerk.

Mayor Michael C. Kalnick made the following appointments subject to the approval of the Board of Trustees:

David Harounian, Deputy Mayor – one-year term

Planning Board: Peter A. Aron, Chairman – one-year term
Mehran Hakimian, Member – five year term (2019)

Board of Appeals: Mike Nassimi, Chairman – one year term

**MINUTES OF THE 1056th MEETING OF THE
BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
July 17, 2014
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Ira Nesenoff, Member – five year term (2019)

Architectural Review Committee: one-year term (2015)

Sheldon Kwiat, Chairman – one-year term
David Harounian
Ron Horowitz
Abner Ohebshalom
Bitu Sassouni

Landmarks Preservation Commission: three-year term (2017)

Sheldon Kwiat, Chairman – one-year term
Sheldon Kwiat – Member – three-year term (2017)
Marilyn Gessin – Member - three year term (2017)

**Board of Police Commissioners: Sheldon Kwiat, - two-year term (2016)
John F. Miller, - two-year term (2016)**

Village Engineer: Dvirka & Bartilucci Consulting Engineers

Village Historian: Peter A. Aron – one-year term

Village Clerk-Treasurer: Gomie Persaud - two –year term

Deputy Clerk-Treasurer: Kathleen Conroy – one-year term

Deputy Supt. of Public Works/Building Inspector: Richard A. Schilt – one-year term

Clerk of the Village Justice: Rosemarie Onorato - one-year term

Superintendent of Public Works: Michael Moorehead – one-year term

Superintendent of Building Department: Chris Aiossa - one-year term

**Secretary to Board of Appeals
and Architectural Review Committee: Xiomara Mignott - one-year term**

**MINUTES OF THE 1056th MEETING OF THE
BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
July 17, 2014
Adopted September 22, 2014**

Secretary to Board of Trustees: Matilde Velez - one-year term

Official Village Newspaper: Great Neck Record with the Great Neck News as an alternate when deemed necessary

Official Depositories: JP Morgan Chase Bank, HSBC Bank.

Accountants and Auditors: Satty Levine & Ciacco CPA's, P.C.

Village Medical Doctor: Scott Coyne

Acting Village Justice: Michael Zimmerman

Upon motion by Trustee Ron Horowitz, seconded by Trustee Sheldon Kwiat by resolution # **2014-82**, the Board unanimously approved the **Annual Appointments** as made by Mayor Michael C. Kalnick.

At the recommendation of Village Clerk/Treasurer Gomie Persaud, the Board of Trustees amended resolution # 2014-80, of the **Draft Minutes of the Board of Trustees**, to include the Engineering cost for the 2014 Roadway Improvement for construction over-site as follows: the Board unanimously authorized the Village Clerk to have a Bond Resolution prepared by Bond Counsel, Hawkins, Delafield & Wood, in the amount of **\$1,100,000.00** to cover the cost of drainage, engineering and reconstruction work on Potters Lane and Shelter Bay Drive. Upon motion by Trustee Ron Horowitz, seconded by Trustee David Harounian, by resolution # **2014-83**, the Board unanimously approved the amended minutes as presented, of the Board of Trustees meeting of June 17, 2014.

Upon motion of Trustee Sheldon Kwiat, seconded by Trustee David Harounian, by resolution # **2014-84**, the Board unanimously accepted the **Building Department report** for the period of June 2014, showing the total fees deposited of **\$113,815.00** into the General Fund and **\$15,100.00** into the Trust Fund. Copies of the reports are on file with the Village Clerk.

Upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2014-85**, the Board unanimously accepted the Village **Justice Court report** for the period of June, 2014, showing the total fees and surcharges collected of **\$15,100.00**. A copy of the report is on file with the Village Clerk.

**MINUTES OF THE 1056th MEETING OF THE
BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
July 17, 2014
Adopted September 22, 2014**

Upon motion by Trustee Ron Horowitz, seconded by Trustee David Harounian by resolution # **2014-86**, the Board unanimously approved the payment of **audited claims** as follows:

- A. General Fund: \$ 360,182.53**
- B. Capital Fund: \$ 61,975.47**

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

Upon motion of Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2014-87**, the Board unanimously re-adopted the Village Investment Policy as adopted on January 14, 2010, with the following designated depositories in Appendix A to said Policy:

**Appendix A
DESIGNATED DEPOSITORIES**

The banks and trust companies authorized for the deposit of monies up to the following maximum amounts are:

<u>Depository Name</u>	<u>Maximum Amount</u>
1. JP Morgan Chase Bank	\$ 15,000,000.00
2. HSBC Bank USA	\$ 6,000,000.00
3. Capital One Bank	\$ 1,000,000.00

A copy of the Investment Policy is on file with the Village Clerk.

Upon motion of Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2014-88**, the Board unanimously re-adopted the Procurement Policy for the Village that had previously been adopted by resolution # **2010-8** on January 14, 2010, as modified to conform with the subsequent amendments to the General Municipal Law. A copy of the Procurement Policy is on file with the Village Clerk.

Upon motion of Trustee Ron Horowitz, seconded by Trustee David Harounian, by resolution # **2014-89**, the Board unanimously approved the attendance of appropriate Village personnel to attend the following conferences - New York State Magistrates and Court Clerks Association; New York State Conferences of Mayors and Other Public Officials Fall Training School and Public Works

**MINUTES OF THE 1056th MEETING OF THE
BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
July 17, 2014
Adopted September 22, 2014**

Conferences. Employees attending the aforementioned training shall be reimbursed for their registration, meals, and travel, at a total sum not to exceed **\$1,500.00** per conference. Mileage reimbursement for private car use to officers and employees who are authorized to use their personal automobiles only when used outside of the Village on official business and approved by the Mayor, will be at a rate as authorized from time to time by the Internal Revenue Service as a business travel expense.

Upon motion of Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2014-90**, the Board unanimously approved the following resolution:

Claims Payable Prior to Audit

WHEREAS, the Village Law provides that the Board of Trustees may authorize payment in advance of audit of claims for certain recurring charges, and

WHEREAS, penalties may be incurred if these charges are not timely paid,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees, as authorized by Village Law § 5-524(5) and (6) and the Opinion of the State Comptroller in Opinion 62-63, authorize the Treasurer to pay without prior audit the following claims and the claimant and officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the Board of Trustees:

1. Fixed Salaries
2. Debt Service
3. Amounts becoming due upon lawful contracts for periods exceeding one year
4. Compensation for services of employees or officers regularly engaged by the Village at agreed wages by the hour, day, week, month, or year
5. Public Utilities Services (electric, gas, water, sewer, and telephone)
6. Postage
7. Freight and express charges
8. Obligations to the State created by legislation, such as for the State Health Plan and the State Retirement Plan

**MINUTES OF THE 1056th MEETING OF THE
BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
July 17, 2014
Adopted September 22, 2014**

Upon motion of Trustee Sheldon Kwiat, seconded by Trustee David Harounian, by resolution # **2014-91**, the Board unanimously approved the appointment of Village Clerk-Treasurer Gomie Persaud as the Record Retention Officer, the Drug and Alcohol contact, the Harassment Complaint Officer, the Civil Service Officer, the Safety Officer, and the Treasurer of the Joint Account Fund for the Fire House Consortium; and authorized her to be a signatory for all of the Village bank accounts.

The Village Clerk presented the Board with the proposal for the Inspection, Testing, and Maintenance Contract for Wet and Dry Pipe Automatic Fire Sprinkler Systems for the Village Hall/Police Department from Maccarone Plumbing Inc. Upon motion of Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2014-92**, the Board unanimously approved the renewal of the Inspection, Testing, and Maintenance Contract for Wet and Dry Pipe Automatic Fire Sprinkler Systems for the Village Hall/Police Department, with monthly inspections, for one year, expiring on 06/30/2015, reflecting no increase in price. A copy of the proposal is on file with the Village Clerk.

Upon motion of Trustee Ron Horowitz, seconded by Trustee David Harounian, by resolution # **2014-93**, the Board unanimously approved the renewal of the **retainer agreement of Dvirka & Bartilucci Engineers and Architects, P.C, as Consulting Engineers, for the Village's 2014/2015 fiscal year**, in accordance with its proposal by letter dated, July 10, 2014. A copy of the letter is on file with the Village Clerk.

Trustee Ron Horowitz offered the following resolution and moved its adoption by resolution # **2014-94**:

BOND RESOLUTION OF THE VILLAGE OF KINGS
POINT, NEW YORK, ADOPTED JULY 17, 2014,
AUTHORIZING THE RESURFACING OF POTTERS
LANE AND SHELTER BAY DRIVE, INCLUDING
RELATED DRAINAGE IMPROVEMENTS, STATING

**MINUTES OF THE 1056th MEETING OF THE
BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
July 17, 2014
Adopted September 22, 2014**

THE ESTIMATED MAXIMUM COST THEREOF IS
\$1,100,000, APPROPRIATING SAID AMOUNT FOR
SUCH PURPOSE, AND AUTHORIZING THE
ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT
OF NOT TO EXCEED \$1,100,000 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:

Section 1. The Village of Kings Point, in the County of Nassau,
New York (herein called the “Village”), is hereby authorized to resurface Potters
Lane and Shelter Bay Drive, including related drainage improvements. The
estimated maximum cost thereof, including preliminary costs and costs incidental
thereto and the financing thereof, is \$1,100,000 and said amount is hereby
appropriated for such purpose. The plan of financing includes the issuance of not
to exceed \$1,100,000 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.

**MINUTES OF THE 1056th MEETING OF THE
BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
July 17, 2014
Adopted September 22, 2014**

Section 2. Bonds of the Village in the principal amount of \$1,100,000 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 bonds are authorized to be issued, within the limitations of Section 11.00 a. 20 (c) of the Law, is fifteen (15) 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 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 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

**MINUTES OF THE 1056th MEETING OF THE
BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
July 17, 2014
Adopted September 22, 2014**

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 Section 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 bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation

**MINUTES OF THE 1056th MEETING OF THE
BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
July 17, 2014
Adopted September 22, 2014**

notes, and as to executing agreements for credit enhancement, 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 is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption of this resolution, to publish or cause to be published, in full, in "*The Great Neck Record*," a newspaper having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village.

**MINUTES OF THE 1056th MEETING OF THE
BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
July 17, 2014
Adopted September 22, 2014**

Section 8. The Village Clerk is hereby authorized and directed, after said bond resolution shall take effect, to cause said bond resolution to be published, in summary, in the newspaper referred to in Section 7 hereof, and hereby designated the official newspaper for said publication, together with a Notice in substantially the form as provided by Section 81.00 of the Law.

* * *

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

AYES: Mayor Michael C. Kalnick
Deputy Mayor David Harounian
Trustee Sheldon Kwiat
Trustee Ron Horowitz

NOES: None

The resolution was declared adopted.

The Board discussed the application of Rafael and Bitia Sassouni, by letter dated July 10, 2014, to modify the permit they recently received from the Village to repair the hurricane damaged and deteriorated dock at their premises at 226 Dock Lane, by widening certain portions of the dock from 6 feet to 8 feet. The widening merely entails extending the planks from the inside of the existing piles, which are set at 8 feet apart, to the outer edge, supported by girders, in order to increase stability and safety. Building Inspector Richard Schilt confirmed that the proposal was totally within the requirements of the Village Code, requiring no variances or waivers, and he was not aware of any reason why the application should not be granted. Upon motion of Trustee Ron Horowitz, seconded by Trustee Sheldon Kwiat, by resolution #2014-95, the Board unanimously approved the request to increase the width of the certain portions of the decking planks from 6 feet to 8 feet. A copy of said letter is on file with the Village Clerk

**MINUTES OF THE 1056th MEETING OF THE
BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
July 17, 2014
Adopted September 22, 2014**

The Board discussed the letter sent to Mayor Kalnick from Samuel Namdar, who resides at 22 Spring Lane, which was received on July 10, 2014, requesting 4-way stop signs at the intersection of Woodcrest Road and Shady Brook Road and an additional stop sign at Woodcrest Road and Spring Lane. The Board was familiar with the two intersections and, although always concerned about the safety of the Village residents and those driving on the Village roads, did believe the intersections to be unsafe and did not see a reason to grant the request. Mayor Kalnick asked Police Commissioner John F. Miller and Superintendent of Public Works Michael Moorehead for their professional opinions as to whether or not either intersection required additional stop signs. Both stated, in substance, that there was nothing substantially distinguishable about those intersections from many similar intersections within the Village with regard to traffic safety and the traffic controls, if any, at those other locations; to their knowledge, there have never been any accidents at either of those intersections; and they did not believe that either request should be granted. The Mayor directed Commissioner Miller to monitor the area and to report his findings at the next meeting.

The Board discussed the letter sent to the Board of Trustees from Martin Bergstein, dated July 9, 2014, regarding 19 Harbour Road and the fees necessary to extend expired building permits for the dwelling owned by Joan Spiro. The Board noted that the Village's fee schedule had been revised recently and that it was clear from the letter that the revised schedule, which reduced certain building permit extension fees, would address much of the concerns of Mr. Bergstein, so there was no need for any further action to be taken, other than directing the Building Inspector to advise Mr. Bergstein of the revised fees. A copy of said letter is on file with the Village Clerk.

Mayor Michael C. Kalnick acknowledged receipt of the application from George Xu for an Off-Shore Structure at 382 East Shore Road, Kings Point, NY 11024 (Section 1, Block 172, Lot 30). The Building Inspector, Richard Schilt, reported that he has reviewed the application and has requested some revisions from the applicant's Architect. The applicant was directed to notify the adjoining property owners that the revised application will be presented at the next Board of Trustees meeting. General Counsel, Stephen Limmer was directed to prepare the notice. A copy of the application is on file with the Village Clerk.

Mayor Michael C. Kalnick acknowledged receipt of the application from Bob Zar for an Off-Shore Structure at 38 Shore Drive, Kings Point, NY 11024 (Section 1, Block 42, Lot 124). The Building Inspector, Richard Schilt reported that he has

**MINUTES OF THE 1056th MEETING OF THE
BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
July 17, 2014
Adopted September 22, 2014**

reviewed the application and has no objections to the request. He will check with the Village Engineers as to their findings. The applicant was directed to notify the adjoining property owners that the application will be presented at the next Board of Trustees meeting. General Counsel, Stephen Limmer was directed to prepare the notice. A copy of the application is on file with the Village Clerk.

The Board discussed with David Shaool his letter dated June 12, 2014, requesting the Village repave a walking path on the north side of Arrandale Avenue that runs from the Great Neck School District's Middle School parking lot to the far west entrance of the new track and field. The path referred to in Mr. Shaool's letter had been abandoned by the Village decades ago. Mayor Michael C. Kalnick explained to Mr. Shaool that the Village, with very few exceptions, does not maintain any sidewalks. Not having sidewalks is a conscious decision of this Board and previous Boards for many reasons, including, but not limited to: the absence of sidewalks adds to the bucolic ambiance of the Village; many people in nearby villages walk in the street even though sidewalks are available; and the cost to now install and maintain them would be exorbitant to the Village residents. As an example, Mayor Kalnick advised Mr. Shaool that it would cost approximately \$75,000.00 to install a sidewalk from Birchwood Lane to the Middle School parking lot. However, pedestrian safety is a major concern of the Board and, after viewing the walking areas along Arrandale Avenue in response to Mr. Shaool's letter, the Mayor directed the Superintendent of Public Works to cut back the shrubs in the grassed areas along the sides of the paved portion Arrandale Avenue that he finds might interfere with pedestrians who want to walk safely along the side of the road. A copy of said letter is on file with the Village Clerk.

Mayor Michael C. Kalnick announced that the next meeting of the Board of Trustees is scheduled for September 11, 2014 at 8:15 p.m.

There being no further business to come before the Board, the Mayor adjourned the meeting at 9:40 p.m.

Gomie Persaud
Village Clerk-Treasurer