

**MINUTES OF THE 1062nd MEETING
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
March 24, 2015
Adopted on April 20, 2015**

The 1062nd 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 24, 2015, 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, 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: Hooshang Nematzadeh, Trustee
John Miller, Police Commissioner

Upon motion by Trustee David Harounian, seconded by Trustee Ron Horowitz, by resolution # **2015-15**, the Board unanimously approved the minutes as presented of the **Board of Trustees meetings** of January 08, 2015, and February 17, 2015.

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee David Harounian, by resolution # **2015-16**, the Board unanimously accepted the **Building Department report** for the period of January 2015, showing the total fees deposited of **\$67,465.00** into the General Fund and **\$7,600.00** into the Trust Fund, and for the period of February 2015, showing the total fees deposited of **\$29,678.00** into the General Fund and **\$6,000.00** into the Trust 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 # **2015-17**, the Board unanimously accepted the **Village Justice Court report** for the period of January 2015, showing the total fees and surcharges deposited of **\$7,974.00** into the General Fund, and for the period of February 2015, showing the total fees and surcharges deposited of **\$20,549.00**. Copies of the reports are on file with the Village Clerk.

Mayor Michael C. Kalnick announced that the February 17, 2015, 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 Ron Horowitz, seconded by Trustee David Harounian, by resolution # **2015-18**, the Board unanimously approved applications for renewal of **nine (9) wholly exempt properties, removal of one wholly exemption for Section 1, Block 13, Lots 6,7, and 8, US Merchant Marine**

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Academy, and renewal of one clergy exemption. A copy of the report is on file in with the village clerk.

Upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2015-19**, the Board unanimously approved the payment of **audited claims** as follows:

a. General Fund:	\$ 1,130,538.37
b. Trust Fund:	\$ 342,588.65
c. Capital Fund:	\$ 8,800.00

Copies of the abstracts of claims are 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 3/1/15 through 3/1/16 for a premium of \$8,500. Upon motion by Trustee David Harounian, seconded by Trustee Ron Horowitz, based upon the prior recommendations of BWD Group, LLC, by resolution # **2015-20**, the Board unanimously approved the renewal of the policy as set forth in said proposal for a premium of **\$8,500**, (same as the expiring policy) summarized as follows:

CRIME COVERAGE FOR THE VILLAGE OF KINGS POINT

<u>Coverage Forms:</u>	<u>Limit</u>	<u>Deductible</u>
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 - Inside	\$1,000,000	\$25,000
Computer Fraud – Outside	\$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.

Trustee Sheldon Kwiat offered the following resolution and moved its adoption by resolution # **2015-21**:

**BOND RESOLUTION OF THE VILLAGE OF KINGS POINT,
NEW YORK, ADOPTED MARCH 24, 2015, AUTHORIZING
THE CONSTRUCTION OF IMPROVEMENTS TO VARIOUS**

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ROADS, INCLUDING RELATED DRAINAGE IMPROVEMENTS AND ENGINEERING COSTS, STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$1,800,000, APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, AND AUTHORIZING THE ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$1,800,000 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 construct improvements to various roads, including related drainage improvements and engineering costs. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$1,800,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of not to exceed \$1,800,000 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 \$1,800,000 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

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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 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 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,

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- 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.

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
Trustee David Harounian
Trustee Sheldon Kwiat
Trustee Ron Horowitz

NOES: None

The resolution was declared adopted.

Mayor Michael C. Kalnick acknowledged receipt of the application from Maurice Moradof (Maslavi) for an Off-Shore Structure at 19 Shore Drive, Kings Point, NY 11024 (Section 1, Block 42, Lot 19). The Building Inspector, Richard Schilt, reported that he has reviewed the application along with Christopher Clement the Village Engineer and they requested some revisions from the applicant's Architect. The application is tabled until the revisions are resubmitted. A copy of the application is on file with the Village Clerk.

Mayor Michael C. Kalnick acknowledged receipt of the application from Igal Namdar for an Off-Shore Structure at 30 Lighthouse Road, Kings Point, NY 11024 (Section 1, Block

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144, Lot 18). The Building Inspector, Richard Schilt reported that he has received the application and it is currently under review. He will check with the Village Engineers as to their findings. The application is tabled until the next meeting. A copy of the application is on file with the Village Clerk.

Upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2015-22**, the Board unanimously approved the list of **Budgetary Transfers for the fiscal budget from June 1, 2013 – May 31, 2014**. The list is on file in the Village Clerk's office.

Upon motion of Trustee Ron Horowitz, seconded by Trustee David Harounian, by resolution # **2015-23**, 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, 2015, through February 28, 2016, at a total premium of **\$205,606.00**, as more fully set forth in the proposal from BWD Group, LLC. A copy of said proposal is on file with the Village Clerk.

Trustee Sheldon Kwiat introduced **Bill No. 1 of 2015**, 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. Based upon the advice of General Counsel, the Board agreed to schedule a special meeting so that the Bill could be adopted in sufficient time for it to be filed with the Department of State prior to adoption of the final budget. Upon motion by Trustee Ron Horowitz, seconded by Trustee Sheldon Kwiat, by Resolution # **2015-24** the Board authorized General Counsel to prepare, mail, and publish all of the necessary legal notices for a public hearing for Bill No. 1 of 2015, 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 14, 2015, at 8:30 a.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 20, 2015, 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 9, 2015**. Upon motion of Trustee David Harounian, seconded by Trustee Ron Horowitz, by resolution # **2015-25**, the Board unanimously accepted the report. A copy of the report is annexed to these minutes.

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Village Clerk-Treasurer Gomie Persaud reported on the proposals for the **Landscaping Maintenance at Village Hall** for the year 2015. Since the maintenance work is below the monetary threshold for competitive bidding and the Board was not satisfied with the landscaping maintenance provided last year by the firm that submitted the lowest proposal this year, the Board tabled the matter to determine if a more reliable vendor would provide an acceptable proposal.

Mayor Michael C. Kalnick reviewed with the Trustees a letter from Zaccaria & Sasson, Attorneys and Counselors at Law, dated January 15, 2015, representing Mr. Ahdoot, of 22 Wildwood Drive, regarding an open building permit and liquidated damages. After obtaining the facts from the Building Inspector, Richard Schilt, Upon motion of Trustee David Harounian, seconded by Trustee Ron Horowitz, by resolution # **2015-26**, the Board unanimously determined that there was no basis to relieve Mr. Ahdoot from his obligation to pay to the Village the sum of \$38,400 as liquidated damages for his failure to timely complete the work under his Temporary Certificate of Occupancy by January 15, 2015, or obtain an extension of time to do so; however, since Mr. Ahdoot immediately thereafter sought the requisite extension from this Board and the delay in granting the extension was due to the cancellation of the Board's February meeting because of a snow storm, it was further determined that no additional damages were due the Village at this time and the Temporary Certificate of Occupancy was extended for 90 days from the date of the meeting.

Mayor Michael C. Kalnick acknowledged receipt of a letter from Rachel Brinn regarding a Sprint Distance Triathlon within the Village of Kings Point.

Mayor Michael C. Kalnick acknowledged receipt of a letter from Mr. and Mrs. David Schifter regarding the common private driveway surrounding their property at 40 Pond Road, Kings Point.

Mayor Michael C. Kalnick acknowledged receipt of a letter from Ms. Talia Hakimi regarding a "Color Run" within the village during the hours of 9:00 a.m. to 12:00 p.m.

Mayor Michael C. Kalnick acknowledged receipt of letter from Mr. and Mrs. Ben Ohebshalom regarding 11 Cow Lane, Kings Point, NY.

Mayor Michael C. Kalnick announced that a special meeting of the Board of Trustees and the public hearing on the Local Law 1 of 2015, would be on April 14, 2015, at 8:30 a.m. and the regular meeting of the Board of Trustees and the public hearing on the Tentative Budget for the 2015/2016 fiscal year would be on April 20, 2015, commencing at 8:15 p.m. at the Village Hall.

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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