

**MINUTES OF THE 1088<sup>th</sup> MEETING  
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT  
April 6, 2017  
Adopted on May 15, 2017**

The 1088<sup>th</sup> 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 6, 2017, at the Village Hall of the Village of Kings Point, 32 Steppingstone Lane, Kings Point, New York 11024.

**PRESENT:** Michael C. Kalnick, Mayor  
Sheldon Kwiat, Trustee  
Ron Horowitz, Trustee  
Hooshang Nematzadeh, Trustee

**ALSO PRESENT:** Gomie Persaud, Village Clerk-Treasurer  
Stephen G. Limmer, Esq., McLaughlin & Stern, LLP,  
General Counsel  
George Banville, Police Lieutenant  
Richard Schilt, Building Inspector  
Michael Moorehead, Superintendent of Public Works

**ABSENT:** David Harounian, Deputy Mayor

Mayor Michael C. Kalnick opened the public hearing on **Bill No. 3 of 2017**, a local law authorizing the Village of Kings Point to levy a property tax in excess of the limit established by General Municipal Law §3-c. Mayor Michael C. Kalnick announced that the limit established by General Municipal Law §3-c, referred to as the “tax cap”, is not, as many people believe, 2%. In fact, the limit is based upon inflation and, in no event, despite inflation, can the limit ever exceed 1.0115%. For the Village’s upcoming fiscal year, June 1, 2017, through May 31, 2017, that cap is only 1.0115%, the allowable levy growth factor. Despite that exceeding low tax cap, and the State mandates, and necessary increases in running the Village beyond the Board’s control, the Board has prepared a proposed budget that will stay within the Tax Cap, but will not adversely affect the high quality of services that the Village continues to provide to its residents. Stephen G. Limmer, General Counsel, stated that in his opinion, it was in the best interests of the Village for the Board to adopt the proposed local law even if the Board did not intend to exceed that Tax Cap. He stated that since the final budget is still subject to a public hearing, residents may express good reason to increase the presently proposed expenditures for next year, which could result in exceeding the Tax Cap. Unexpected events may occur between now and the date the final budget has to be adopted that could require an increase in expenditures, which could result in exceeding the Tax Cap. The calculation of the Tax Cap is complicated and, after the adoption of the budget, the State may realize it made an error and reduce the percentage upon which the Village is relying in stating that it will not exceed the Tax Cap. The Village could, with the best of intentions and in good faith, inadvertently exceed the Tax Cap. If the proposed local law

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is not adopted, and the Tax Cap is exceeded, the State law requires that the excess of the Tax Cap must be placed in a reserve account to offset the tax levy for the next fiscal year and could not be used for necessary expenses incurred in the current year. The Mayor asked if anyone wished to be heard with regard to **Bill No. 2 of 2017**. No one asked to be heard and the Mayor closed the public hearing. Based upon the opinion of General Counsel, upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2017-37**, the Board unanimously adopted **Bill No. 2 of 2017**, 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 2 of 2017**. A copy of the Law is on file with the Village Clerk.

Upon motion by Trustee Ron Horowitz, seconded by Trustee Hooshang Nematzadeh, by resolution # **2017-38**, the Board unanimously approved the minutes as presented of the **Board of Trustees meetings** of March 13, 2017, and March 27, 2017.

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Ron Horowitz, by resolution # **2017-39**, the Board unanimously accepted the **Building Department report** for the period of March 2017, showing the total fees deposited of **\$43,370.00** into the General Fund and **\$30,200.00** into the Trust Fund. Copies of the reports are on file with the Village Clerk.

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, by resolution # **2017-40**, the Board unanimously accepted the **Village Justice Court report** for the period of March 2017, showing the total fees and surcharges deposited of **\$20,494.00** into the General Fund. A copy of the report is on file with the Village Clerk.

Upon motion by Trustee Ron Horowitz, seconded by Trustee Sheldon Kwiat, by resolution # **2017-41**, the Board unanimously approved the payment of **audited claims** as follows:

<b>a. General Fund:</b>	<b>\$ 375,335.44</b>
<b>b. Trust Fund:</b>	<b>\$ 6,074.46</b>
<b>c. Capital Fund:</b>	<b>\$ 75,965.71</b>

A copy of the abstract of claims is on file with the Village Clerk.

Mayor Michael C. Kalnick opened the public hearing on the tentative budget for the Village's **2017/2018** fiscal year, which has been posted on the Village website for the residents to review. The Mayor stated that the Board of Trustees, as it always does, 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 and other cost increases over which the Village has no control. Although most people think that the State mandated Tax Cap is

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2%, in fact, the maximum cap is only the allowable levy growth factor of 1.0115% or the lesser of the allowable levy growth factor of 1.0115% or a computation based upon the cost of living. Although it was with great difficulty, the Board developed a budget this year that is less than the Tax Cap, while retaining all of the high quality services that the residents of the Village expect and deserve.

The tentative budget for the Village's 2017/2018 fiscal year is \$16,830,769.61. Of that budget, the Police Department represents 50%, Debt Service 12%, Fire/Ambulance 10%, Professional Services 6%, Administrative 6%, Garbage/Tree Removal 5%, the Public Works Department 4%, Maintenance 4%, the Building Department represents 2%, and the Court 1%,

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.

William Zaccaria addressed the Board on behalf of his client, Jeffrey Parket, who owns 10 Central Drive, which is shown on the Nassau County Land and Tax Map as Section 1, Block 45, Lots 68, 69, 70, and 257. The property is improved with a single-family dwelling and a tennis court. Mr. Parket recently obtained a subdivision of the property into two building lots from the Village Planning Board. One of the lots contains the existing single-family dwelling and the other a tennis court. As a condition of the subdivision, pursuant to the requirements of the Village Code, now that the tennis court is no longer an accessory to a main building on the same lot, it is required to be removed. Mr. Parket has an application for a variance to retain the tennis court on the otherwise vacant lot pending before the Board of Appeals. When the Board of Appeals indicated that it would not look favorably upon the application, Mr. Parket adjourned the hearing to determine if this Board might be able to grant him some relief, either by amending the Village Code to permit him to retain the existing tennis court or by sending a letter in support of his application to the Board of Appeals. Mr. Zaccaria stated that the granting of the relief his client was requesting would not set a bad precedent for the Village because he did not believe that there were many parcels within the Village with tennis courts that could be subdivided into two or more legal building lots, one with an existing principle dwelling and another with an existing tennis court.

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, by resolution # **2017-42**, the Board unanimously voted to adjourn for advice of counsel. The Board returned from its advice of counsel and the Mayor stated that no action had been taken and no minutes would be recorded.

The Board informed Mr. Zaccaria that if his client wanted to pursue the matter further, he should provide the Board with information as to how many similar properties, those that

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could be legally divided into two or more legal building lots, retaining an existing single-family dwelling on one lot and an existing tennis court on one of the others.

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 Hooshang Nematzadeh, seconded by Trustee David Harounian, by Resolution # **2017-43**, the Board unanimously changed the residency requirements of Inspectors of Election for the annual Village of Kings Point Village Election to be held on **June 20, 2017**, from just the Village of Kings Point, to all of the County of Nassau.

Upon motion by Trustee Ron Horowitz, seconded by Trustee David Harounian, by resolution # **2017-44**, 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, **Sally Ponce (Republican), Elizabeth Weitzel (Republican), Stephen Feinstein (Democrat), and Robert Steinberg (Democrat)** are hereby appointed as Inspectors of Election and alternate Inspectors of Election, will be appointed if needed from the list based on their availability, for the annual Village of Kings Point Village Election to be held on **June 20, 2017**, and that **Sally Ponce and Stephen Feinstein** (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 Hooshang Nematzadeh, by resolution # **2017-45**, the Board unanimously **adopted the 2017/2018 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 informed the Board that the State Mandated **Draft Phase II Storm Water Management Program Annual Report** has been posted

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on the Village website for public comments for at least 30 days. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2017-46**, the Board unanimously approved the **Draft Phase II Stormwater Management Program Annual Report** and authorized Mayor Michael C. Kalnick to execute the **Phase II Stormwater Municipal Compliance Certification** on behalf of the Village. A copy of the Annual Report is on file with the Village Clerk and is posted on the Village website.

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee David Harounian, by Resolution # **2017-47**, the Board unanimously approved the agreement with Comply, Inc. to administer the **Alcohol and Drug Abuse Prevention Program** as of April 8, 2017, through April 8, 2018, 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.

The Mayor Michael C. Kalnick reopened the public hearing on the tentative budget for the Village's 2017/2018 fiscal year. No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Ron Horowitz, by Resolution # **2017-48**, the Board unanimously adopted the **tentative budget as the final budget** and set the Village tax rate at **\$39.78** per hundred dollars of assessed valuation. The Mayor congratulated the Board on its hard work in bringing the budget in under the extremely low Tax Cap. A copy of the final budget is on file with the Village Clerk.

Trustee Ron Horowitz informed the Board that Village resident Lea Cohen has offered, at no cost to the Village, to survey the existing streetlights in the Village and make a recommendation as to which, if any, should be converted to LED lights, and what the nature of those lights should be. Upon motion by Trustee Ron Horowitz, seconded by Trustee Sheldon Kwiat, by Resolution # **2017-49**, the Board unanimously accepted Lea Cohen's offer, with the understanding that it would be without any cost to the Village and without any commitment by the Village to implement any of her recommendations.

Based upon a memorandum from the Village Building Department dated April 4, 2017, addressing two separate requests to designate street number addresses for two vacant building lots within the Village, which currently have no street numbers for their addresses:

Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by Resolution # **2017-50**, the Board unanimously designated the street address for Section 1, Block 202, Lot 32 on the Nassau County Land & Tax Map as 157A West Shore Drive.

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Upon motion by Trustee Ron Horowitz, seconded by Trustee Sheldon Kwiat, by Resolution # **2017-51**, the Board unanimously designated the street address for Section 1, Block 178, Lot 28 on the Nassau County Land & Tax Map as 33 Pheasant Run.

The Board directed Superintendent of Public Works Michael Moorehead to discuss with Nelson & Pope Engineers & Surveyors, with regard to adding portions of Kings Point Road and East Shore Road to the Village's Road Contract.

Village Clerk-Treasurer Gomie Persaud informed the Board that she had received the proposed fire protection contract from Alert Engine, Hook and Ladder and Hose Company No.1, Inc. for the period June 1, 2017, through May 31, 2017. Upon motion by Trustee Ron Horowitz, seconded by Trustee Sheldon Kwiat, by resolution # **2017-52**, the Board unanimously set a public hearing for the approval of the proposed contract for May 15, 2017, at 8:15 p.m. at the Village Hall, and directed Village Clerk-Treasurer Gomie Persaud to have a legal notice of the proposed public hearing published in the Village's official newspaper.

Mayor Michael C. Kalnick announced the next Board of Trustees meeting would be held on May 15, 2017, 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 8:40 p.m.

Gomie Persaud  
Village Clerk-Treasurer