

**MINUTES OF THE 1092<sup>nd</sup> MEETING OF THE  
BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT  
July 17, 2017  
Adopted on September 14, 2017**

The 1092<sup>nd</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 July 19, 2016, 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., Ackerman, Levine, Cullen,  
Brickman & Limmer, LLP, General Counsel  
Michael Moorehead, Superintendent of Department of  
Public Works  
Richard Schilt, Building Inspector  
George Banville, Police Lieutenant

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 Aron, Chairman – one-year term  
Mark Stumer, Member – five-year term (2022)

**Board of Appeals:** Mike Nassimi, Chairman – one-year term  
Mike Nassimi, Member – five-year term (2022)

**Architectural Review Committee: one-year term (2018)**

Sheldon Kwiat, Chairman – one-year term  
Ron Horowitz  
Abner Ohebshalom  
Bita Sassouni  
Ebi Victory

**Landmarks Preservation Commission: three-year term (2019)**

Sheldon Kwiat, Chairman – one-year term  
Sheldon Kwiat – Member – three-year term (2020)  
Marilyn Gessin – Member – three-year term (2020)

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**Board of Police Commissioners:** Michael C. Kalnick, two-year term (2019)

**Village Engineer:** Nelson & Pope Engineers & Surveyors, Consulting Engineers

**Village Historian:** Peter A. Aron – 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 Department 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

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

**Official Village Newspaper:** Great Neck Record

**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 # **2017-81**, the Board unanimously approved the **Annual Appointments** as made by Mayor Michael C. Kalnick.

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee David Harounian, by resolution # **2017-82** the Board unanimously approved the minutes as presented of the **Board of Trustees meeting** of June 20, 2017.

Upon motion of Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2017-83**, the Board unanimously accepted the **Building Department report** for the period of June 2017, showing the total fees deposited of **\$32,965.00** into the

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General Fund and **\$10,300.00** into the Trust Fund. Copies of the reports are on file with the Village Clerk.

Upon motion by Trustee Ron Horowitz, seconded by Trustee Hooshang Nematzadeh, by resolution # **2017-84**, the Board unanimously accepted the Village **Justice Court report** for the period of June, 2017, showing the total fees and surcharges collected of **\$27,396.00**. A copy of the report is on file with the Village Clerk.

Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat by resolution # **2017-85**, the Board unanimously approved the payment of **audited claims** as follows:

<b>A. General Fund:</b>	<b>\$ 191,733.35</b>
<b>B. Capital Fund:</b>	<b>\$ 14,025.00</b>
<b>C. Trust Fund:</b>	<b>\$ 13,800.00</b>

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

Upon motion of Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2017-86**, the Board unanimously re-adopted the Village Investment Policy as adopted on January 14, 2010, and amended on July 19, 2016, 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	\$ 17,000,000.00
2. HSBC Bank USA	\$ 6,000,000.00

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

Upon motion of Trustee Ron Horowitz, seconded by Trustee Hooshang Nematzadeh, by resolution # **2017-87**, 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.

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Upon motion of Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, by resolution # **2017-88**, 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 Conference of Mayors and Other Public Officials Fall Training School and Public Works 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 Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by resolution # **2017-89**, 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

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Upon motion of Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, by resolution # **2017-90** 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.

Village Clerk-Treasurer Gomie Persaud requested to put out to bid the **Tree Trimming and Related Services Contract** for the period of 9/1/17 through 8/31/2020 with the Village's option to extend the contract for two one-year periods from 9/1/18 through 8/31/19 and 9/1/19 through 8/31/2020. Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Ron Horowitz, by resolution # **2017-91**, the Board unanimously authorized the Village Clerk-Treasurer to bid publicly the **Tree Trimming and Related Services Contract** for the period of 9/1/17 through 8/31/2020, with two one-year options.

Trustee Ron Horowitz offered the following resolution and moved its adoption:

BOND RESOLUTION OF THE VILLAGE OF KINGS POINT,  
NEW YORK, ADOPTED JULY 17, 2017, AUTHORIZING THE  
ACQUISITION OF VARIOUS TRUCKS FOR PUBLIC  
WORKS, STATING THE ESTIMATED MAXIMUM COST  
THEREOF IS \$625,000, APPROPRIATING SAID AMOUNT  
FOR SUCH PURPOSE, AND AUTHORIZING THE  
ISSUANCE OF BONDS IN THE PRINCIPAL AMOUNT OF  
NOT TO EXCEED \$625,000 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

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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 acquire various trucks for public works. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$625,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of not to exceed \$625,000 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 \$625,000 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. 28 of the Law, is fifteen (15) years.

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(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 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

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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,

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



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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, a Notice in substantially the following form:

VILLAGE OF KINGS POINT, NEW YORK

PLEASE TAKE NOTICE that on July 17, 2017, the Board of Trustees of the Village of Kings Point, in the County of Nassau, New York, adopted a bond resolution entitled:

“Bond Resolution of the Village of Kings Point, New York, adopted July 17, 2017, authorizing the acquisition of various trucks for public works, stating the estimated maximum cost thereof is \$625,000, appropriating said amount for such purpose, and authorizing the issuance of bonds in the principal amount of not to exceed \$625,000 to finance said appropriation,”

an abstract of such bond resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Village to acquire various trucks for public works; STATING the estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$625,000; APPROPRIATING said amount for such purpose; and STATING the plan of financing includes the issuance of not to exceed \$625,000 bonds of the Village to finance said appropriation, and the levy of a tax upon all the taxable real property within the Village to pay the principal of said bonds and interest thereon;

SECOND: AUTHORIZING the issuance of not to exceed \$625,000 bonds of the Village pursuant to the Local Finance Law of the State of New York (the “Law”) to finance said appropriation;

THIRD: DETERMINING and STATING the period of probable usefulness applicable to the purpose for which said bonds are authorized to be issued is fifteen (15) years; the proceeds of said bonds and any bond anticipation notes issued in anticipation thereof may be applied to reimburse the Village for expenditures made after the effective

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date of this bond resolution for the purpose for which said bonds are authorized; and the proposed maturity of said bonds will exceed five (5) years;

FOURTH: DETERMINING that said bonds and any bond anticipation notes issued in anticipation of said bonds and the renewals of said bond anticipation notes shall be general obligations of the Village; and PLEDGING to their payment the faith and credit of the Village;

FIFTH: DELEGATING to the Village Treasurer the powers and duties as to the issuance of said bonds, and any bond anticipation notes issued in anticipation of said bonds, or the renewals thereof; and

SIXTH: DETERMINING that the bond resolution is subject to a permissive referendum.

DATED: July 17, 2017

Gomie Persaud  
Village Clerk

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

NOES: None

The resolution was declared adopted.

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Village Engineers, Nelson & Pope Engineers & Surveyors, by letter dated July 10, 2017, reported on the bids the Village received for the **2017 Roadway Improvements Program**, which was held on June 22, 2017, as follows:

**SUMMARY OF BIDS**

**2017 Roadway Improvements Program**

**Bid Date: June 22, 2017**

<b>CONTRACTOR</b>	<b>BASE BID AMOUNT</b>	<b>BASE BID &amp; ADD ALT. 1</b>	<b>BASE BID &amp; ADD ALT. 2</b>	<b>BASE BID &amp; ADD ALT. 3</b>
United Paving Corp.	\$1,835,225.00	\$1,842,025.00	\$1,860,225.00	\$1,837,550.00
Pratt Brothers	\$1,993,399.00	\$2,000,199.00	\$2,019,649.00	\$1,994,949.00
John McGowan & Sons	\$2,117,700.00	\$2,126,200.00	\$2,157,700.00	\$2,120,800.00
Suffolk Asphalt	\$2,191,000.00	\$2,200,860.00	\$2,216,000.00	\$2,192,550.00
Galvin Brothers Inc.	\$2,546,900.00	\$2,562,200.00	\$2,580,650.00	\$2,551,550.00

Upon motion of Trustee Sheldon Kwiat, seconded by Trustee Ron Horowitz, by resolution # **2017-92**, at the recommendation of the Village Engineers, Nelson & Pope Engineers and Surveyors, after reviewing the references, bid documents, and recent projects of similar size and scope of work, that the Village award the contract to the lowest responsible bidder, United Paving Corp. in the amount of **\$1,835,225.00**. Copies of the letter and bids are on file with the Village Clerk.

Trustee Sheldon Kwiat introduced **Bill No. 5 of 2017**, a local law amending Chapter 106, of the Code of the Village of Kings Point with regard to construction activities. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Ron Horowitz, by Resolution # **2017-93**, the Board unanimously found that the adoption of Bill No. **5 of 2017**, as a local law would be an unlisted action as defined in 6 NYCRR Part 617 and would not have an adverse impact upon the environment if enacted, authorized the Mayor to execute a Short Environmental Assessment Form to that effect, and authorized General Counsel to prepare, mail, and publish all of the necessary legal notices for a public hearing for Bill No. 5 of 2017, a local law amending the Chapter 106, of the Code of the

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Village of Kings Point, on **September 14, 2017, at 8:15 p.m.** A copy of the Bill is on file with the Village Clerk.

Upon motion of Trustee Hooshang Nematzadeh, seconded by Trustee Ron Horowitz, by resolution # **2017-94**, at the recommendation of the Sergeant Jim Moran, the Board unanimously approved the Service Agreement with General Security for maintenance and service of the Village wide Video Surveillance System through Total Technology Solutions in the amount of **\$14,460.00, semiannually**. A copy of the agreement is on file with the Village Clerk.

The Board discussed the need to provide assistance to Chris Aiossa, the Superintendent of the Building Department, upon the retirement of Richard Schilt this month, since Rodney McCoy, is not expected to begin until October 2, 2017, and there will be a learning curve for at least the first month two months. **LV CPC, Inc.** (“LV”) will be employing Richard Schilt, and possibly others, who could assist the Village during that time by providing construction inspection services, attendance at board meetings and the Village court, and such other services as requested by the Building Department. LV has offered to provide those services as an independent contractor on a monthly basis for \$10,000 a month, terminable by the Village or LV at any time, for the period of August 1, 2017, through November 30, 2017, payable at the rate of \$5,000 on the 15<sup>th</sup> and the last day of each of said months. Upon motion of Trustee Sheldon Kwiat, seconded by Trustee Ron Horowitz, by resolution # **2017-95**, the Board unanimously approved the engagement of LV CPC, Inc., as an independent contractor, to provide construction inspection services, attendance at board meetings and the Village court, and such other services as may be requested by the Building Department, from August 1, 2017, through November 30, 2017, for \$10,000 per month, payable at the rate of \$5,000 on the 15<sup>th</sup> and the last day of each of said months.

Mayor Michael C. Kalnick announced the next Board of Trustees meeting would be held on September 14, 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 9:45 p.m.

Gomie Persaud  
Village Clerk/Treasurer