

**MINUTES OF THE 1096th MEETING OF THE
BOARD OF TRUSTEES OF THE VILLAGE OF KINGS POINT
November 20, 2017
Adopted on January 25, 2018**

The 1096th meeting of the Board of Trustees of the Village of Kings Point was called to order by Mayor Michael C. Kalnick at 8:30 p.m. on November 20, 2017, 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, Trustee
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
Chris Aiossa, Superintendent of Building Department
Michael Moorehead, Superintendent of Public Works
George Banville, Police Commissioner

Mayor Michael C. Kalnick opened the public hearing on Bill 8A of 2017, a local law amending the Code of the Village of Kings Point to create the Architectural and Preliminary Site Review Board. No one asked to be heard and the Mayor adjourned the public hearing until later in the meeting.

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, by resolution # **2017-116**, the Board unanimously approved the minutes as presented of the **Board of Trustees meetings** of October 16, 2017 and October 25, 2017.

Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee David Harounian, by resolution # **2017-117**, the Board unanimously accepted the **Building Department report** for the period of October 2017, showing the total fees deposited of **\$60,375.00** into the General Fund and **\$5,600.00** into the Trust Fund. Copies of the reports are on file with the Village Clerk.

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Ron Horowitz, by resolution # **2017-118**, the Board unanimously accepted the **Village Justice Court report** for the period of October 2017, showing the total fines and surcharges collected of **\$29,259.00**. A copy of the report is on file with the Village Clerk.

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Upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2017-119**, the Board unanimously approved the payment of **audited claims** as follows:

- a. General Fund: \$ 1,636,435.52**
- b. Capital Fund: \$ 1,210,624.91**

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

Upon motion by Trustee Ron Horowitz, seconded by Trustee David Harounian, by resolution # **2017-120**, the Board unanimously approved the proposed **CompuCourt Annual Software Maintenance Service Contract** for the Justice Court for the period of November 15, 2017 – November 14, 2018 (by invoice dated November 15, 2017), from Quest Computer Products, Inc., for the sum of **\$3,139.00**, the same amount as the expiring agreement. A copy of the invoice is on file with the Village Clerk.

The Board discussed the application of **Henry Justin**, as owner, pursuant to Article VIII, **Off-Shore Structures**, of Chapter 161, Zoning, of the Code of the Village of Kings Point, for a permit to install a 240-foot long by 4-foot wide catwalk with a 30-foot long by 3-foot wide ramp and a 30-foot long by 8-foot wide float at the end, and a 20,000 lb boat lift and PWC lift, at the premises known as **26 Sinclair Drive**, Kings Point, New York, shown on the Nassau County Land and Tax Map as Section 1, Block 169, Lot 3. General Counsel Stephen G. Limmer advised the Board that his firm represents Mr. Justin in other matters and Mr. Justin has waived any conflict with Counsel Limmer representing the Board with regard to this application. Counsel Limmer stated that he could represent the Board in this application if the Board granted a similar waiver. Upon motion by Trustee Ron Horowitz, seconded by Trustee David Harounian, by resolution # **2017-121**, the Board unanimously waived any conflict of Counsel Limmer representing the Board with regard to this application by virtue of Mr. Limmer's firm representing Henry Justin in matters not related to this application. Superintendent of Building Department Chris Aiossa recommended that the application be adjourned to the next meeting because the applicant submitted a Short Environmental Assessment Form instead of a Full Environmental Assessment Form, the property survey provided by the applicant prepared by Alphonse Pesce Jr. is not signed and sealed, and the dock exceeds the maximum permitted 200 feet measured from the mean high-water line, without a showing that such length is required to reach navigable water. Based upon the

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recommendation of Superintendent Aiossa, the application was adjourned to the next Board meeting.

Superintendent of Public Works Michael Moorehead reported to the Board that he had just discovered that the Village's salt shed required immediate repairs in order to utilize it to store salt for the Public Works Department to use on the Village roads for snow and ice this winter. The repairs were unforeseen because until recently the salt shed had been under the exclusive control of the Great Neck Park District. The inability to store the salt in the shed prior to a significant snowfall or icing of Village roads would pose a significant threat to public safety. Not being assured of when a significant snowfall or icing of Village roads would occur, he believed that the repairs required immediate attention that could not await competitive bidding and fell within the public emergency provisions of General Municipal Law § 103(4). Based upon the report and recommendation of Superintendent Moorehead, upon motion by Trustee Ron Horowitz, seconded by Trustee David Harounian by resolution # **2017-122**, the Board unanimously determined that there was public emergency, as described in General Municipal Law § 103(4), requiring the immediate repairs of the salt shed without competitive bidding and approved the proposed agreement from 3D Construction as recommended by the Village Engineers, Nelson & Pope, to make the necessary emergency repairs for a cost of **\$64,000.00**. The board also approved the engineering cost in the amount of **\$8,500.00**. A copy of the proposed agreement is on file with the Village Clerk.

Trustee Ron Horowitz offered the following resolution and moved its adoption by resolution # **2017-123**:

BOND RESOLUTION OF THE VILLAGE OF
KINGS POINT, NEW YORK, ADOPTED
NOVEMBER 20, 2017, AUTHORIZING THE
CONSTRUCTION OF IMPROVEMENTS TO A
SALT SHED, STATING THE ESTIMATED
MAXIMUM COST THEREOF IS \$85,000,
APPROPRIATING SAID AMOUNT FOR SUCH

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PURPOSE, AND AUTHORIZING THE ISSUANCE
OF BONDS IN THE PRINCIPAL AMOUNT OF
\$85,000 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 a salt shed. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$85,000 and said amount is hereby appropriated for such purpose. The plan of financing includes the issuance of bonds in the principal amount of \$85,000 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 \$85,000 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.

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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 is in excess of five years; however, the bonds authorized pursuant to this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds, shall mature no later than five (5) years after the date of original issuance of said bonds or notes.

(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 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

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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 the issuance 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 of 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 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.

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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 in the Village and hereby designated the official newspaper of said Village for such publication.

* * *

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

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AYES: All

NOES: None

The resolution was declared adopted.

Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Hooshang Nematzadeh, by resolution # **2017-124**, 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.

Village Clerk-Treasurer Gomie Persaud reported on the vacant position of Deputy Treasurer for the Administrative Office. Upon motion by Trustee David Harounian, seconded by Trustee Sheldon Kwiat, by resolution # **2017-125**, the Board unanimously agreed to employ Thomas Johnson as **Deputy Treasurer of the Village**, at a salary based upon an annual rate of \$70,000.00 per year, with a one-year probation period starting on January 8, 2018.

Trustee David Harounian introduced **Bill No. 6 of 2017**, a local law to amend § 161-32, Nonconforming uses, land and structures, of Chapter 161, Zoning, of the Code of the Village of Kings Point with regard to Tennis Courts. Upon motion by Trustee David Harounian, seconded by Trustee Ron Horowitz, by Resolution # **2017-126**, the Board unanimously found that the adoption of Bill No. **6 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. 6 of 2017 on **January 25, 2017, at 8:15 p.m.** A copy of the Bill is on file with the Village Clerk.

Trustee Ron Horowitz introduced **Bill No. 7 of 2017**, a local law to amend the Code of the Village of Kings Point to require the registration of rental dwellings units. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Sheldon Kwiat, by Resolution # **2017-127**, the Board unanimously found that the adoption of Bill No. **7 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,

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and publish all of the necessary legal notices for a public hearing for Bill No. 7 of 2017 on **January 25, 2017, at 8:15 p.m.** A copy of the Bill is on file with the Village Clerk.

Trustee Sheldon Kwiat introduced **Bill No. 9 of 2017**, a local law to amend § 140-3, Fences, of Chapter 140, Swimming Pools, of the Code of the Village of Kings Point. Upon motion by Trustee David Harounian, seconded by Trustee Ron Horowitz, by Resolution # **2017-128**, the Board unanimously found that the adoption of Bill No. **9 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. 9 of 2017 on **January 25, 2017, at 8:15 p.m.** A copy of the Bill is on file with the Village Clerk.

Trustee David Harounian introduced **Bill No. 10 of 2017**, a local law to amend the definition of Height of a Building in § 161-3, Definitions, of Chapter 161, Zoning, of the Code of the Village of Kings Point. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Ron Horowitz, by Resolution # **2017-129**, the Board unanimously found that the adoption of Bill No. **10 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. 10 of 2017 on **January 25, 2017, at 8:15 p.m.** A copy of the Bill is on file with the Village Clerk.

Trustee David Harounian introduced **Bill No. 11 of 2017**, a local law to amend § 151-22, Penalties for offenses, of chapter 151, Vehicles and Traffic, of the Code of the Village of Kings Point. Upon motion by Trustee Hooshang Nematzadeh, seconded by Trustee Ron Horowitz, by Resolution # **2017-130**, the Board unanimously found that the adoption of Bill No. **11 of 2017**, as a local law is not 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. 11 of 2017 on **January 25, 2017, at 8:15 p.m.** A copy of the Bill is on file with the Village Clerk.

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The Board reviewed the letter from Dr. Gould regarding the cost of outstanding building permit fees and directed General Counsel, Stephen G. Limmer, to advise Dr. Gould that the Village was without authority to waive the required fees, as it would constitute an unconstitutional gift.

Mayor Michael C. Kalnick reopened the public hearing that had been adjourned earlier in the meeting on Bill 8A of 2017. No one asked to be heard and the Mayor closed the public hearing. Upon motion by Trustee Sheldon Kwiat, seconded by Trustee Ron Horowitz, by Resolution # **2017-131**, the Board unanimously adopted Bill No. **11 of 2017 as Local Law 6 of 2017**, a local law amending the Code of the Village of Kings Point to create the Architectural and Preliminary Site Review Board. A copy of the local law is appended to these minutes.

Mayor Michael C. Kalnick stated that the next meeting of the Board of Trustees would be **January 25, 2018**. There would be advice of counsel before the meeting starting at 7:45 p.m. and the open meeting to the public would commence at 8:15 p.m.

There being no further business to come before the Board, the Mayor adjourned the meeting at 8:55 p.m.

Gomie Persaud
Village Clerk/Treasurer