

TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY

Minutes of

REGULAR MEETING

July 14, 2011

7:30 PM

Call to Order

The meeting was called to order by Mr. Bailey - Chairman, at 7:46 p.m.

Attendance

Members of the Agency (the "Members") in attendance were:

Lamont R. Bailey
Christopher A. Gioia
Jeffrey M. Greilsheimer

Members absent were:

Howard Weitzman
Rodney A. Caines

Agency staff present consisted of:

Dermot F. Kelly, Acting Executive Director
Joseph Santamaria, Assistant Director/Project Manager
Patrice P. Allen, Administrative Assistant

Minutes of Meeting Held on June 22, 2011

Upon the motion of Mr. Greilsheimer, the minutes of the meeting held June 22, 2011 were accepted.

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Acting Executive Director's Report

The Acting Executive Director's Report consisted of the following:

Community Development Block Grant ("CDBG") Program

The CDBG 36th Program Year sub-recipient agreement with Nassau County (the "County") and the Town of North Hempstead (the "Town") has been signed by Nassau County (the "County"). The 37th Program Year application was submitted Nassau County. The Consortium had a Public Hearing on June 24, 2011 to review the proposed allotments. Mr. Santamaria and Mr. Kelly attended. Nassau County (the "County") decreased the allotments of about 18% affecting all agencies within the consortium.

Operations:

Copies of the chart of accounts balance from OCD, monthly bank statements and the Agency's reconciliation were given to the Members for review.

Agency's within the consortium are reaching the deadline for there spend down requirements which has caused a delay in processing drawdown's. Currently, the County Office of Community Development ("OCD") has about \$500,000.00 to process for this agency.

Cash Balances:

- Citibank –Lump Sum Account - \$61,839

New Cassel Urban Renewal Plan

Site A - Bluestone Master Plan to assist with zoning for a traffic study and architectural design is operational. An owner of a ninety nine (99) cents store is a prospective tenant for the retail space.

Site B & C - The Community Preservation Corporation has completed the closing procedures for the permanent financing for the condo conversion.

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Site B - The supermarket, Tony and Eddie LLC, has completed the closing procedure.

Site D - This site is still in a work out with The Bank of New York Mellon (“BONY Mellon”). Michael Haberman Associates performed an appraisal analysis of the site. The appraisers are requesting an engineers report in order to complete the appraisal. Mr. Kelly will work with the bank and with Nassau County (the “County”) to obtain the report for the completion of the appraisal.

Site H - Two purchasers are waiting to close. The agency has assisted with subsidizing of the purchase. The developer will continue to market the site

Prospect Avenue Streetscape Redesign and Reconstruction – This Town project is complete.

Community Center – The project is scheduled to be completed in 2012.

215 Brooklyn Avenue – The Agency closed on this property on June 21, 2011, the agency is looking to purchase two properties.

335 Rose Place – Outside council is working on obtaining the subdivision for the property to start the process of the RFP for the roadway. Homes for Hero’s are interested in purchasing the site for veterans’. This part of the project is scheduled to be completed in September 2011.

Mr. Bailey inquired about the status Agency’s budget due to the increase use of outside council. Mr. Kelly informed the Board that with the restructure of the agency’s time sheets, and how we charge invoices and payroll within different project lines; the Agency’s budget will be ok.

Mr. Gioia inquired about Mr. Kelly appointment from the Acting Executive Director to Executive Director. Mr Bailey informed the Board that he has spoken with the Towns Attorney and will get back with him to inform him of the procedure.

Upon the motion of Mr. Gioa, duly seconded by Mr. Greilsheimer, the Acting Executive Director’s Report, to the extent of the Members’ knowledge of the events referred to, was accepted and approved unanimously.

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Programmatic Matters

Site E – A de-designation of the Redeveloper as the conditional redeveloper of Site E took place February 2010. A Request for Proposals (RFP) and Land Disposition Agreement (LDA) packages were issued in February of 2011 were 10 developers registered. The Agency received two sealed proposals from developers Omega New Cassel, LLC (“Omega”) and Conifer Realty LLC (“Conifer”). The proposals were opened on May 12, 2011 in the presence of Agency Staff, Outside Counsel and the Agency’s Accountant. The Agency Staff and a Consultant from the National Development Council provided by the Nassau County Office of Community Development (“the Reviewers”) evaluated the Proposals in accordance with the criteria set forth in the RFP (the “RFP Evaluation Criteria”). From the two developers the main reason Conifer proposal is recommended was due to the Omega proposal lacked of a firm commitment for construction financing.

For Consideration

RESOLUTION NO. 24 (2011)

A RESOLUTION SELECTING A PROPOSAL FOR THE REDEVELOPMENT OF THE PROPERTY IDENTIFIED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 11, BLOCK 105, LOTS 9, 13, 14, AND 15, AND SECTION 11, BLOCK 123, LOTS 10, 11, 12, 13, 14, 15, 16, 17, 32, 33, 39, AND 40 (SITE “E”), AND SELECTING CONIFER REALTY, LLC, OR AN ENTITIY CONTROL BY CONIFER LLC(“CONIFER”) AS THE REDEVELOPER AND AUTHORIZING THE ACTING EXECUTIVE DIRECTOR TO EXECUTE A LAND DISPOSITION AGREEMENT BETWEEN CONIFER AND TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY TO PURCHASE AND DEVELOP SITE E,

WHEREAS, the Town of North Hempstead Community Development Agency (the “Agency”), in conjunction with the Town of North Hempstead (the “Town”), issued a request for proposals (the “RFP”) on February 7, 2011 for the development of Site E; and

WHEREAS, the Agency received two proposal from developers (which were opened on May 12, 2011 in the presence of Agency Staff, Outside Counsel and the Agency’s Accountant) seeking to be designated by the Agency as a qualified and eligible sponsor to enable it to enter in to an acquisition and disposition agreement for Site E; and

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WHEREAS, in accordance with the RFP, and in the furtherance of the implementation of the policies and procedures detailed in the document entitled *Seeking A Shared Vision for New Cassel*, the Agency Staff and a Consultant from the National Development Council provided by the Nassau County Office of Community Development (“the Reviewers”) evaluated the Proposals in accordance with the criteria set forth in the RFP (the “RFP Evaluation Criteria”); and

WHEREAS, the Agency staff has recommended that the proposal submitted by Conifer to develop a 36 unit building consisting of 22 one (1) bedroom and 14 two (2) bedroom rental units with 60 on site parking places, a residence lounge and fitness center; be accepted because it is consistent with the Urban Renewal Plan for the New Cassel Renewal Area and is the most qualified proposal (As detailed in the attached July 13, 2011 memo from the Acting Executive Director to the Agency Board Members).

WHEREAS, the Agency and Conifer have negotiated and wish to execute a land disposition agreement for the disposition and development of the Property to and by Conifer, substantially in the form set forth in the materials presented to the Members at this meeting (the “LDA”) ; and

WHEREAS, it is required that a “lead agency” be established to review this Project pursuant to the rules and regulations for implementation of the State Environmental Quality Review Act as set forth in Title 6, Part 617.6 (b) of the Official Compilation of Codes, Rules, and Regulations of the State of New York (“SEQRA Regulations”); and

WHEREAS, the Agency, through action of the Members, wishes to establish itself as lead agency and wishes to accept a determination of significance pursuant to the SEQRA Regulations; and

WHEREAS, the Members, having reviewed the determination of the Acting Executive Director of the Agency, dated July 13, 2011, and the Negative Declaration indicating that the Project constitutes an “unlisted action” pursuant to Section 617.2 (ak) of the SEQRA Regulations which will not result in any significant adverse impacts on the environment based upon the analysis set forth in the Full Environmental Assessment Form (“FEAF”), Parts 1, 2, and 3.

NOW, THEREFORE, BE IT

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RESOLVED, that the Members select Conifer as the Redeveloper of Site E; and be it further

RESOLVED, that the Agency agrees to sell the property identified as Site E pursuant to the Land Disposition Agreement (attached to this resolution) for the purchase price of \$495,000 to Conifer; and be it further

RESOLVED, that the Members hereby establish the Agency as lead agency pursuant to the SEQRA Regulations; and be it further

RESOLVED, that the Members hereby accept the determination of the Acting Executive Director of the Agency and the Negative Declaration dated July 13, 2011, finding that the Project is an “unlisted action” which will not result in any significant adverse impacts on the environment based upon the analysis set forth in the FEAF Parts 1, 2, and 3, and further finds that (I) the Project (A) is not anticipated to cause (1) a substantial adverse change in existing air quality, ground or surface water quality or quantity, or (2) a substantial increase in solid waste production, noise, potential for erosion, flooding, leaching or drainage problems, and (B) will not (1) cause significant impacts to vegetation or wildlife, (2) cause a major change in the use of either quantity or type of energy, or (3) create a hazard to human health, and (C) is anticipated to have a positive impact on aesthetic resources and on the character of the community and neighborhood by revitalizing a blighted area, and (II) although the Project will increase the intensity of land use, this increase is not anticipated to cause any significant environmental impact; and be it further

RESOLVED, that the Members hereby authorize the Acting Executive Director of the Agency to prepare, file, and distribute such documents as may be required pursuant to Section 617.12 of the SEQRA Regulations to effectuate the foregoing determinations and findings made pursuant to the SEQRA Regulations; and be it further

RESOLVED, that the Members hereby authorize the Agency to enter into the LDA with Conifer, and to dispose of the Property substantially in accordance with the terms and conditions thereof; and be it further

RESOLVED, that the execution of the LDA will be subject to the Agency noticing the publication of sale, upon ten (10) days written notice; and the Town Board Approval of Disposition, following the public hearing held on no less than ten (10) days notice of Agency’s Publication of Notice of Sale; and be it further

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RESOLVED, that the Acting Executive Director and any other officer of the Agency are hereby authorized to execute the Land Disposition Agreement and other documents, and to take such other action, as may be necessary to implement the foregoing.

The Board Members would like more time to review the information packet. Upon the motion of the Board, the resolution was tabled.

Continuation

Upon the motion of Mr. Gioia seconded by Mr. Greilsheimer, the Members of the Agency, by unanimous vote, adjourned for the evening and will reconvene on July 25, 2011 at 7:30 p.m.