

TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY

**Minutes of
February 3, 2016
7:30 PM**

Call to Order

Mr. Greilsheimer, Vice Chairman of the Town of North Hempstead Community Development Agency (the “Agency”), called the meeting to order at 7:48 p.m.

Attendance

Members of the Agency (the “Members”) in attendance were:

Jeffrey M. Greilsheimer

Pamela Ollendorff

Rodney A. Caines

Agency staff present consisted of:

Dermot F. Kelly, Executive Director

Joseph Santamaria, Assistant Executive Director/Project Manager

Patrice P. Allen, Administrative Assistant

In-house Counsel, Amanda Abata

Minutes of Meeting Held on December 21, 2015

Upon the motion of Mr. Caines, seconded by Ms. Ollendorff minutes of the meeting held on December 21, 2015 were accepted.

Executive Director’s Report

The Executive Director’s Report consisted of the following:

Community Development Block Grant (“CDBG”) Program:

Operations:

According to OCD, (the “Agency”), current chart of account balance as of 1/5/2016 is \$909,601.35.

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Cash Balances as of 2/2/2016 are:

- Citibank –Lump Sum Account - \$ 617,198
- Citibank – Escrow Account - \$ 12,306
- Valley National Bank - Program Income Account - \$ 445,143

New Cassel Urban Renewal Plan

Active Projects:

Site A: NO CHANGE

The School for Language and Communication Development (“the School”) signed a lease for approximately 3,600 Sq. FT. of space. The space will house the Calvin Klein Vocational Learning Program (“the Program”). (“The Program”) will employ approximately 12 to 15 people. A similar program operated by the (“the School”) at Richmond Hill High School at a store front in Huntington. The training is for developmentally disabled adults to acquire retail and customer services skills. (“The School”) has been approved with a \$200,000 grant from New York State and will also seek additional grants in order to build out the space. The work should be completed and the Program should start the Spring of 2016.

Site B: NO CHANGE

(“The BONYM”) through its real estate holding company NY CRE Asset Holdings, LLC has sold the remaining 3,180 sq. ft. of retail condominium space to Prospect New Castle Realty, Inc. the holding company for Worthy NYC, Inc. (“Worthy”) a sneaker and sportswear store for \$425,000. Construction has been completed.

Worthy Lux opened its doors on December 19th. A ribbon cutting ceremony is scheduled at 10:00a.m that we all will be attending.

Site C: NO CHANGE

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A local community group has informed (the “Agency”) that they are no longer interested in the space.

Residential units have been fully occupied since April 2011.

Bank of New York Mellon, (the “BONYM”) is searching for a purchaser for the remaining 3,700 sq. ft. of commercial space. The asking price is \$300,000 to \$350,000. The property is still being marketed by (the “BONYM”). The Agency has received correspondence from a local church that is interested in purchasing the property.

Site D: NO CHANGE

839 Prospect LLC closed on the property in June 2015; however the deed was never recorded due to title issues. The Bank of New York Mellon, (the “BONYM”) and 839 Prospect LLC are working together to complete a Judicial Foreclosure on the property (which may take roughly three months) to clear the title of approximately \$100,000 in unresolved contractor liens. All other liens have been settled and all taxes are current. The selected electric, plumbing and HVAC subcontractors for the project are in progress for demolition and inspection work. 839 Management LLC continues to receive bids for other aspects of the project and will hold more meetings for the selection of other subcontractors. 839 Management LLC had a Change of Zone hearing at the Town of North Hempstead on Tuesday, November 17, 2015. The Town Board approved a zoning change to allowing 18 (2) bedroom units to be built on the site.

Affordable Workforce Housing Program:

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Past Comments:

Phase I:

The Purchasers have been notified and site selection for the Townhouses has begun in the order of the Lottery award number. The contracts for the “Scattered Sites have been sent out to Purchasers and have been executed by buyers for Covert Street and Brooklyn Avenue .There is a waiting list of additional eligible Purchasers if any of the selected applicants drop out for any reason. Whichever houses still available after the list is exhausted will be made available to eligible applicants on a first come first serve basis. If necessary, additional advertising will be done to market these units.

The Sub Division received approval from Nassau County Planning Commission.

Purchasers have been notified and site selection has commenced in the order of the lottery award number. The contracts for the Scattered Sites have been forwarded to the Purchasers. A waiting list of eligible purchasers has been created if any of the selected applicants drop out.

Long Island Housing Partnership (“LIHP”) is in the process of reviewing the lottery applicants. Any houses still available after the list is exhausted will be made available to eligible applicants on a first come first serve basis. Additional advertising will be done to market these units.

Advertisements regarding the Work Force Housing available on Brush Hollow Road, Third Street, Brooklyn Avenue, Covert Street and the Town Houses located at Site I with instructions on how to submit an application for the lottery were advertised in Newsday and multiple English and Spanish language local newspapers. In addition, brochures designed with the assistance of the Town regarding the availability of the affordable houses and lottery applications were distributed by hand and through religious institutes throughout New Cassel by (The “Agency’s”), Staff and UNCCRC. The applications were post marked by November 7, 2014. (“LIHP”) received 39 applications. The 39 names were selected on December 11th at the “Yes We Can “Community Center. All of the names were drawn randomly from a raffle drum and given a number from 1 to 39. The

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applicants continue to be reviewed in the order they were selected for income and mortgage eligibility and must agree to attend a home owner training program.

Once a sufficient number of applicants have been determined to be eligible and all permits are obtained construction will commence.

Site I:

Asbestos abatement is starting this week and demolition will follow. In addition all disconnect letters from utilities have been obtained with the assistance of Councilwoman Russell. Cornerstone is working to resolve the remaining outstanding issues including finalizing the agreement with the Modular Company and obtaining the bond necessary for the roadwork.

Past Comments:

The Building Department issued an Omissions letter and is requesting additional information; for example utility disconnect letters, (“The “Agency”) is working with Cornerstone and (“LIHP”) to resolve all the outstanding issues and to provide all necessary additional documentation.

Cornerstone submitted revised plans to the Nassau County Planning Board. The Plans were then submitted to the Town of North Hempstead Planning Department and an omissions letter was received in beginning of September and responded to on September 24th. Currently the Building Department is reviewing the revised plans. Cornerstone has submitted all documentation to Nassau County and is waiting for the section, block and lot numbers of the newly sub-divided lots. As soon as the lot numbers are assigned contracts will be submitted to the Purchasers selected via the lottery. After the building permits are received and the contracts are signed with the Purchasers construction will commence.

Site M:

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There were no responses to the RFP. (“The “Agency”) Staff is discussing next steps with Town Officials.

Past Comments:

An RFP was issued on July 20th to for commercial development. Special consideration will be given to any proposal that has a letter of intent from a bank or credit union to open a retail location. The responses to the RFP are due on January 20, 2016.

(The “Agency”),and Town officials are meeting with a not for profit on November 20th that is interested in developing the property for recording and sound studio space and youth programs.

“Scattered Sites”

Roofing, framing, site and excavation and foundation work is underway at the at the Covert, Brooklyn and Third Street sites. Asbestos remediation is complete at 876 Brush Hollow and demolition work should start next week

Past Comments:

Excavation and foundation site work has started on Covert, Brooklyn and Third Street. Work is scheduled to start on November 23rd at the Brooklyn site .Asbestos remediation is scheduled for the first week of January for 876 Brush Hollow Road. Work will commence at that site as soon as the Asbestos remediation is complete.

(The “Agency”), received a permit pending notices on all the “Scattered Site Lots”. The contract has been signed with Gothic Construction and a meeting is scheduled with the Building Department to file the all the necessary license and insurance documentation and to pull the permits. Purchasers have executed contracts to purchase Covert Street and Third Street and (The “Agency”), is waiting for the prospective Purchaser to execute the Brooklyn contract. The proposed Purchaser of 876 Brush Hollow road is waiting for a sign off on his mortgage commitment. The site work and construction of the Covert Street house should originate sometime in October and will be followed by Brush Hollow Road and Third Street to conclude Brooklyn.

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Brush Hollow Road: NO CHANGE

(The “Agency”), received deeds completing sub-division. The existing main house will be renovated into a 3 bedroom home. (The “Agency”), submitted plans made by Sidney Bowne and Son, LLP to the Town’s Building Department on January 13, 2014 along with applications for permits. The Building Department issued an Omissions Letter on March 18, 2014 and Bowne addressed the Omissions on May 12, 2014. (The “Agency”), received a “permit pending notice” on July 30, 2014. The Agency is in the process of relocating the tenants pursuant to HUD Regulations.

Third Street (created by the sub-division of 876 Brush Hollow Road): NO CHANGE

Bowne’s initial plans to the Building Department have been denied. A Board of Zoning Appeals Hearing was scheduled for October 22, 2014. The Hearing was then rescheduled to December 10, 2014. The Hearing is to be continued and the BZA recommended that Agency change the plans to set the stairs a minimum of 5 feet from any exterior wall. . The Agency will either pay Bowne to amend the plans or hire another Architect to make plans that comply with zoning. Another option would be to wait for the Town to make the anticipated zoning changes however these delays can risk components in funding.

265 Covert Street: NO CHANGE

(The “Agency”), closed on the purchase of a 7500 sq. ft. vacant lot located at 265 Covert Street in New Cassel. (The “Agency”), plans building a three bedroom house on this lot utilizing the three bedroom house plans being designed for the Third Street property. LIHP will assist (The “Agency”), in obtaining grants and marketing this property.

216 Brooklyn Avenue: NO CHANGE

(The “Agency”), plans on building a three bedroom house on this lot utilizing the plans for the Third Street property.

Ben’s General Contracting Corporation: NO CHANGE

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A proposal from Ben's General Contracting Corporation to construct all four (4) of the single family homes "Scattered Sites" in the Workforce Housing Program was approved at the August 5, 2014 CDA Board Meeting. A contract sent to Ben's in November 2014 is being reviewed by Ben's Attorney and Insurance Professionals.

Phase 2:

Property Acquisitions

Condemnations:

160 Urban Avenue

The Vesting order has been approved and filed with the County Clerk and. (The "Agency"), has taken possession of the property.

Past Comments:

(The "Agency") is waiting for the Judge to sign the Vesting Order. It is anticipated that it will be signed by the end of November.

A Notice of Petition and Petition were filed in Supreme Court, Nassau County on March 10, 2015. The return date for the petition was April 28, 2015. A Notice of Intent to Condemn was published In Newsday and The Westbury Times and served upon all parties. JP Morgan Chase filed a verified answer and counter claim. (The "Agency"), has to June 19th to respond to the Counter Claim. Counsel anticipates submitting an answer next week. The case was adjourned until August 17th.

205 Urban Avenue: NO CHANGE

The Nassau County Clerk has approved and filed the Vesting Order. (The "Agency"), will own the property by next week.

Past Comments:

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A Notice of Petition and Petition were filed in Supreme Court on March 2, 2015. The return date for the petition was April 28, 2015. A Notice of Intent to Condemn was published in Newsday and the Westbury Times and served upon all parties. The Condemnee is deceased and copies of the file had to be pulled from the Surrogates Court. The proposed vesting order will be sent to Judge Thomas A. Adams by the end this week.

220 Sheridan Street: NO CHANGE

(The “Agency”), now owns the property.

A closing is scheduled to take place on May 28th. (The “Agency”), is purchasing the 12,000 square foot lot from Empire I Holding LLC for \$100,000. Once (The “Agency”), has Title we will start the process to sub divide the property into 2 lots and construct 2 single family affordable homes.

1012 Broadway: NO CHANGE

Past Comment:

Waiting for the family to sign the contract.

A Resolution is before the Board tonight to purchase this 5 bedroom single family property. If the acquisition is approved (the “Agency”), will renovate the house and market it as an affordable home.

(The “Agency”), has an application pending with the Nassau County HUD HOME Program for \$700,000 to assist in the redevelopment of the aforementioned properties. NYS grants will also be applied for as they become available.

Upon the motion of Mr. Caines duly seconded by Ms. Ollendorff, the Executive Director’s Report, to the extent of (the “Members”) knowledge of the events referred to, was accepted and approved unanimously.

For Consideration

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RESOLUTION NO. 1 (2016)

**A RESOLUTION SETTING DATES FOR THE ANNUAL MEETING
AND REGULAR MEETINGS OF THE AGENCY.**

WHEREAS, Article V, Section 2 of the By - Laws (the “By-Laws”) of the Town of North Hempstead Community Development Agency (the "Agency") requires the members of the Agency (“Members”) to hold an annual meeting (the “Annual Meeting”) to receive a report on the state of the Agency, as more fully set forth therein; and

WHEREAS, Article V, Section 3 of the By - Laws of the Agency require the Members to hold regular meetings (the “Regular Meetings”) to transact such business as may come before them; and

WHEREAS, the Members wish to establish a schedule identifying the dates and times of their Annual Meeting and Regular Meetings for calendar year 2016.

NOW, THEREFORE, BE IT

RESOLVED, that members of the Agency hereby adopt the schedule for the conducting of the Annual Meeting and Regular Meetings for calendar year 2016 set forth in Schedule “A”, attached hereto and made a part hereof, which meetings shall be called to order at approximately 7:30 p.m. on each such day listed; and be it further

RESOLVED, that the Executive Director or any officer of the Agency is hereby authorized to take such action as may be necessary to effectuate the foregoing.

Upon the motion of Mr. Caines and seconded by Ms. Ollendorff, the resolution was unanimously adopted.

RESOLUTION NO. 2 (2016)

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**A RESOLUTION REVIEWING AND ACCEPTING AN
OPERATIONS AND ACCOMPLISHMENTS REPORT FOR THE
AGENCY.**

WHEREAS, the Public Authorities Accountability Act of 2005, as amended by the Public Authorities Reform Act of 2009, and Section 2 (1) of Article V of the By-laws of the Town of North Hempstead Community Development Agency (the “Agency”) requires the members of the Agency (the “Members”) to annually review and accept an Operations and Accomplishments Report (the “Report”); and

WHEREAS, staff of the Agency have composed the Report included with the materials presented at this meeting; and

WHEREAS, the Members have reviewed and wish to accept the Report, with changes as to figures made by the Executive Director of the Agency (the “Executive Director”).

NOW, THEREFORE, BE IT

RESOLVED, that the Members hereby accept the Report; and be it further

RESOLVED, that the Members hereby authorize the Executive Director to file the Report with the Chief Executive Officer of the Agency, the Chief Financial Officer of the Agency, the New York State Authorities Budget Office, and the Supervisor of the Town of North Hempstead, and to take such other action as may be necessary to effectuate the foregoing.

Upon the motion of Mr. Caines and seconded by Ms. Ollendorff, the resolution was unanimously adopted.

RESOLUTION NO. 3 (2016)

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**A RESOLUTION ADOPTING A POLICY REGARDING
EXTENSION OF CREDIT.**

WHEREAS, the Public Authorities Accountability Act of 2005, as amended by the Public Authorities Reform Act of 2009, requires the members (the “Members”) of the Town of North Hempstead Community Development Agency (the “Agency”) to adopt a policy regarding the extension of credit (the “Policy”); and

WHEREAS, staff of the Agency have composed the Policy included with the materials presented at this meeting; and

WHEREAS, the Members have reviewed and wish to adopt the Policy.

NOW, THEREFORE, BE IT

RESOLVED, that the Members hereby adopt the Policy; and be it further

RESOLVED, that the Members hereby authorize the Executive Director to post the Policy on the Agency’s webpage, and to take such other action as may be necessary to effectuate the foregoing.

Upon the motion of Mr. Caines and seconded by Ms. Ollendorff, the resolution was unanimously adopted.

RESOLUTION NO. 4 (2016)

**A RESOLUTION REVIEWING AND APPROVING AN INTERNAL
CONTROL MANUAL.**

WHEREAS, pursuant to Resolution No. 6 (2008), as amended by Resolution No. 3(2012), duly adopted at their meetings held on March 27, 2008 and March 21, 2012, respectively, members (the “Members”) of the Town of North Hempstead Community Development Agency (the “Agency”) adopted and approved an internal control manual (the “Manual”); and

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WHEREAS, staff of the Agency have composed the Manual included with the materials presented at this meeting; and

WHEREAS, the Members have reviewed and wish to approve the Manual (the “Staff Recommendations”).

NOW THEREFORE, BE IT

RESOLVED, that the Members hereby authorize and approve the Staff Recommendation; and be it further

RESOLVED, that the Executive Director of the Agency and any officer thereof are hereby authorized to execute such instruments and documents and to take such other action as may be necessary to carry out the foregoing.

Upon the motion of Mr. Caines and seconded by Ms. Ollendorff, the resolution was unanimously adopted.

RESOLUTION NO. 5 (2016)

**A RESOLUTION REVIEWING AND ACCEPTING THE
PROCUREMENT POLICY OF THE AGENCY.**

WHEREAS, the Public Authorities Accountability Act of 2005, as amended by the Public Authorities Reform Act of 2009, requires the members (the “Members”) of the Town of North Hempstead Community Development Agency (the “Agency”) to annually review and accept a Procurement Policy (the “Policy”); and

WHEREAS, staff of the Agency have composed the Policy included with the materials presented at this meeting; and

WHEREAS, the staff of the Agency has recommended amending the Policy to reflect an increase to the limits of the small purchase pricing from \$10,000 to \$19,999 in order to conform with the Town of North Hempstead’s procurement policy; and

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WHEREAS, for purchases above \$10,000 and below \$19,999, the staff of the Agency shall obtain three written quotes and such quotes must be presented to the Members prior to the award of a contract (the “Amended Policy”);

WHEREAS, the Members have reviewed and wish to accept the Amended Policy.

NOW, THEREFORE, BE IT

RESOLVED, that the Members hereby accept the Amended Policy; and be it further

RESOLVED, that the Members hereby authorize the Executive Director to post the Amended Policy on the Agency’s webpage, and to take such other action as may be necessary to effectuate the foregoing.

Upon the motion of Mr. Caines and seconded by Ms. Ollendorff, the resolution was unanimously adopted.

RESOLUTION NO. 6 (2016)

A RESOLUTION REVIEWING AND ACCEPTING THE INVESTMENT POLICY OF THE AGENCY

WHEREAS, the Public Authorities Accountability Act of 2005, as amended by the Public Authorities Reform Act of 2009, requires the members (the “Members”) of the Town of North Hempstead Community Development Agency (the “Agency”) to annually review and accept an Investment Policy (the “Policy”); and

WHEREAS, staff of the Agency have composed the Policy included with the materials presented at this meeting; and

WHEREAS, the Members have reviewed and wish to accept the Policy.

NOW, THEREFORE, BE IT

RESOLVED, that the Members hereby accept the Policy; and be it further

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RESOLVED, that the Members hereby authorize the Executive Director to post the Policy on the Agency’s webpage, and to take such other action as may be necessary to effectuate the foregoing.

Upon the motion of Mr. Caines and seconded by Ms. Ollendorff, the resolution was unanimously adopted.

RESOLUTION NO. 7 (2016)

**A RESOLUTION REVIEWING AND ACCEPTING THE
GUIDELINES FOR THE DISPOSAL OF PROPERTY OF THE
AGENCY.**

WHEREAS, the Public Authorities Accountability Act of 2005, as amended by the Public Authorities Reform Act of 2009, requires the members (the “Members”) of the Town of North Hempstead Community Development Agency (the “Agency”) to annually review and accept the Guidelines for the Disposal of Property (the “Guidelines”); and

WHEREAS, staff of the Agency have composed the Guidelines included with the materials presented at this meeting; and

WHEREAS, the Members have reviewed and wish to accept the Guidelines.

NOW, THEREFORE, BE IT

RESOLVED, that the Members hereby accept the Guidelines; and be it further

RESOLVED, that the Members hereby authorize the Executive Director to post the Guidelines on the Agency’s webpage, and to take such other action as may be necessary to effectuate the foregoing.

Upon the motion of Mr. Caines and seconded by Ms. Ollendorff, the resolution was unanimously adopted.

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RESOLUTION NO. 8 (2016)

**A RESOLUTION REVIEWING AND ACCEPTING A MISSION
STATEMENT AND PERFORMANCE MEASUREMENT REPORT
FOR THE AGENCY.**

WHEREAS, the Public Authorities Accountability Act of 2005, as amended by the Public Authorities Reform Act of 2009, and Section 2 (3) of Article V of the By-laws of the Town of North Hempstead Community Development Agency (the “Agency”) requires the members (the “Members”) of the Agency to annually review and accept a Mission Statement and Performance Measurement Report (the “Mission Statement”); and

WHEREAS, staff of the Agency have composed the Mission Statement included with the materials presented at this meeting; and

WHEREAS, the Members have reviewed and wish to accept the Mission Statement.

NOW, THEREFORE, BE IT

RESOLVED, that the Members hereby accept the Mission Statement; and be it further

RESOLVED, that the Members hereby authorize the Executive Director to file the Mission Statement with the Chief Executive Officer of the Agency, the Chief Financial Officer of the Agency, the New York State Authorities Budget Office, and the Supervisor of the Town of North Hempstead, and to take such other action as may be necessary to effectuate the foregoing.

Upon the motion of Mr. Caines and seconded by Ms. Ollendorff, the resolution was unanimously adopted.

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RESOLUTION NO. 7 (2016)

**A RESOLUTION REVIEWING AND ACCEPTING THE
GUIDELINES FOR THE DISPOSAL OF PROPERTY OF THE
AGENCY.**

WHEREAS, the Public Authorities Accountability Act of 2005, as amended by the Public Authorities Reform Act of 2009, requires the members (the “Members”) of the Town of North Hempstead Community Development Agency (the “Agency”) to annually review and accept the Guidelines for the Disposal of Property (the “Guidelines”); and

WHEREAS, staff of the Agency have composed the Guidelines included with the materials presented at this meeting; and

WHEREAS, the Members have reviewed and wish to accept the Guidelines.

NOW, THEREFORE, BE IT

RESOLVED, that the Members hereby accept the Guidelines; and be it further

RESOLVED, that the Members hereby authorize the Executive Director to post the Guidelines on the Agency’s webpage, and to take such other action as may be necessary to effectuate the foregoing.

Upon the motion of Mr. Caines and seconded by Ms. Ollendorff, the resolution was unanimously adopted.

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RESOLUTION NO. 8 (2016)

A RESOLUTION REVIEWING AND ACCEPTING A MISSION STATEMENT AND PERFORMANCE MEASUREMENT REPORT FOR THE AGENCY.

WHEREAS, the Public Authorities Accountability Act of 2005, as amended by the Public Authorities Reform Act of 2009, and Section 2 (3) of Article V of the By-laws of the Town of North Hempstead Community Development Agency (the “Agency”) requires the members (the “Members”) of the Agency to annually review and accept a Mission Statement and Performance Measurement Report (the “Mission Statement”); and

WHEREAS, staff of the Agency have composed the Mission Statement included with the materials presented at this meeting; and

WHEREAS, the Members have reviewed and wish to accept the Mission Statement.

NOW, THEREFORE, BE IT

RESOLVED, that the Members hereby accept the Mission Statement; and be it further

RESOLVED, that the Members hereby authorize the Executive Director to file the Mission Statement with the Chief Executive Officer of the Agency, the Chief Financial Officer of the Agency, the New York State Authorities Budget Office, and the Supervisor of the Town of North Hempstead, and to take such other action as may be necessary to effectuate the foregoing.

Upon the motion of Mr. Caines and seconded by Ms. Ollendorff, the resolution was unanimously adopted.

RESOLUTION NO. 9 (2016)

A RESOLUTION REVIEWING AND ACCEPTING THE BY-LAWS OF THE AGENCY.

WHEREAS, the Public Authorities Accountability Act of 2005, as amended by the Public Authorities Reform Act of 2009, requires changes to the by-laws of the Town of North

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Hempstead Community Development Agency (the “Agency”) and any other reasonable changes, as set forth in certain materials presented at this meeting (the “Amendments”); and

WHEREAS, the members of the Agency (the “Members”) wish to adopt the Amendments.

NOW, THEREFORE, BE IT

RESOLVED, the Members hereby adopt the Amendments; and be it further

RESOLVED, that the Executive Director of the Agency and any other officer thereof is hereby authorized to execute such instruments and documents and to take such other action as may be necessary to carry out the foregoing.

Upon the motion of Mr. Caines and seconded by Ms. Ollendorff, the resolution was unanimously adopted.

Adjournment

(The “Members”) of (the “Agency”), by unanimous vote, adjourned the meeting at 8:18 p.m.