

**TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY**

**Minutes of**

**REGULAR MEETING**

**October 24, 2012**

**7:30 PM**

**Call to Order**

Mr. Bailey, Chairman of the Agency, called the meeting to order at 8:12 p.m.

**Attendance**

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

Lamont R. Bailey

Jeffrey M. Greilsheimer

Howard Weitzman

Rodney A. Caines

Agency staff present consisted of:

Dermot F. Kelly, Executive Director

Joseph Santamaria, Assistant Director/Project Manager

Patrice P. Allen, Administrative Assistant

Peter Dzwilewski, In-house Counsel

**Minutes of Meeting Held on September 12, 2012**

Upon the motion of Mr. Weitzman, seconded by Mr. Greilsheimer, the minutes of the meeting held on September 12, 2012, were accepted.

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**Executive Director's Report**

The Executive Director's Report consisted of the following:

*Community Development Block Grant ("CDBG") Program*

The CDBG 37<sup>th</sup> Program Year contract has been approved, and been routed to the Nassau County (the "County") Clerk of the Legislature for the official seal. The Community Development Agency (the "Agency") has been awarded \$871,660.

*Operations:*

Copies of the Chart of Accounts Balance from the County Office of Community Development (the "OCD"), and monthly Bank Statements were given to the Members for review.

(The "Agency")'s current Chart of Accounts Balance as per (the "OCD"), as of 6/5/12 is \$1,932,585.92.

*Cash Balances:*

- Citibank –Lump Sum Account - \$746,128
- State Bank of Long Island - Program Income Account - \$881,441
- Citibank –Escrow Account - \$7,060

*New Cassel Urban Renewal Plan*

*Site A* - Bluestone completed the production of its Master Plan to assist with zoning for traffic study and architectural design. (the "Agency") staff and Michael Levine, Commissioner of Planning and Environmental Protection, met with Developers, the building owners and Saccardi & Schiff regarding the master plan to develop the remaining 10,540 sq. ft of commercial space also to discuss restricting parking to 3 hours in front of retail spaces along Prospect Avenue. Saccardi & Schiff submitted the plans to Building Department that were presented to Board of Zoning and Appeals ("BZA") for their

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consideration in July. The (“BZA”) requested minor changes to the plan and with the amended plan would likely be approved in the September Meeting.

Paradise Cove Restaurant received the (“BZA”) approval for food use as they continue the process of completing their build out. The restaurant was scheduled to open in July however; it is still pending approval from the Fire Marshall.

*Site B*– The Supermarket - Tony and Eddie’s purchased the condominium unit and received approval for the build out plans. A variance took place causing a delay between the building management and the Supermarket regarding who is liable for the installation of a venting system. The permits needed have been obtained and the build out has commenced with a completion date of October 2012.

The Bank of New York Mellon (“BONYM”) is still seeking a purchaser for the remaining 6,000 sq. ft. of retail space.

*Site C* - No change in this site’s status. (“BONYM”) is still seeking a purchaser for the remaining 3,800 sq. ft. of commercial space.

*Site D* - NO CHANGE - This site is still in a work out with (“BONYM”). Eric Reuben, (“BONYM”)’s Attorney responded on April 11<sup>th</sup> to several letters sent by the Agency’s outside Counsel, Mark Cuthbertson. Mr. Reuben states that the Bank recently paid approximately \$301,000 in past due real estate taxes and is still assessing the current condition of the property and estimates of the cost in order to complete the necessary improvements to the building. Mr. Reuben and Peter Helt state negotiations with the (“BONYM”) and the County Tax Assessor are ongoing and anticipate executing agreements in September 2012. The (“BONYM”) may deem necessary to foreclose on the property in order to obtain clean title to the property.

The current owner of 985 Prospect, a building that (the “Agency”) is taking into consideration to attain, may be interested in 2 of the units. The owner is proposing to open a pizza restaurant in two of the adjacent retail spaces.

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*Site E* – (The “Agency”) closed with Conifer in early August. Site work has started. The ribbon cutting ceremony will take place on October 12, 2012 at 9:30a.m, at the site, all Board members are invited. (The “Agency”) will continue to monitor the project.

*Site H* – All of the Commercial units have been purchased and have owner operated businesses residing in them. Of the (7) seven (2) two - family residential condominiums, (6) six have been sold, the remaining (1) one is under contract and is scheduled to close in September.

*Site I* – (The “Agency”) issued a Request for Proposals (the “RFP”) on February 29, 2012 to construct ten (10) townhouses on the property and a roadway connecting Rose Place and Sohmer Place. On May 23<sup>rd</sup> (the “Agency”) did not receive any submissions for (the “RFP”) and (the “Agency”) will re-issue (the “RFP”) the first week of June, increasing the density from (10) ten to up to (12) twelve units and reducing the minimum proposed purchase price to \$100,000.

(The “Agency”) received (1) one proposal on August 8<sup>th</sup>, the due date. A letter was sent to the Proposer due to initial information provided was insufficient, requesting several items including additional information on the financing of the project. The Proposer is working with his financial provider to provide a letter with stronger commitment language and details of the terms. The financial provider’s Attorney and Accountant were both on vacation in late August and have not yet provided the requested documentation. (The “Agency”) anticipates having a proposal before the Board at the October Meeting,

*Site M* – HUD’s determination confirmed that commercial property could not be condemn for a mixed-use or commercial use. (The “Agency”) made voluntary purchase offers to both owners of 983 and 985 Prospect.

*Community Center:* The Center opened on September 8<sup>th</sup>.

Upon the motion of Mr. Weitzman, duly seconded by the Board, the 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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**For Consideration**

**RESOLUTION NO. 20 (2012)**

**A RESOLUTION AUTHORIZING THE MAKING OF A HOME REHABILITATION CONDITIONAL GRANT AND DEFERRED LOAN TO JOSEPH AND DIANE CERIELLO, 33 BURNHAM AVENUE, ROSLYN HEIGHTS, NEW YORK 11577.**

**WHEREAS**, the Town of North Hempstead Community Development Agency (the “Agency”) has received an application from Joseph and Diane Ceriello (the “Owner”), residing at 33 Burnham Avenue, Roslyn Heights, New York 11577, identified on the Nassau County Land and Tax Map as Section 7, Block 243, Lot 878 (the “Premises”), for Home Rehabilitation Program (the “Program”) financial assistance to rehabilitate deteriorated conditions at the Premises (the “Project”), as more particularly stated in the summary attached hereto (the “Case Summary”); and

**WHEREAS**, Agency staff has determined that the Owner and the Project meet the eligibility criteria for Program assistance; and

**WHEREAS**, Agency staff has recommended that the Agency make a mortgage loan in the maximum amount of \$15,208 to carry out the Project, which loan will become a grant if, within 5 years, the Owner does not sell or rent the Premises, relocate from the Premises, or become deceased or otherwise default on the terms and conditions of the loan (the “Conditional Grant”); and

**WHEREAS**, Agency staff has also recommended that the Agency make a mortgage loan in the maximum amount of \$34,375(the “Deferred Loan”) to carry out the Project, which loan will become due if the Owner sells or rents the Premises, relocates from the Premises, becomes deceased or otherwise defaults on the terms and conditions of the Deferred Loan.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that based upon the Case Summary, the Agency hereby authorizes the making of the Conditional Grant and the Deferred Loan, and the providing of technical assistance to

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Owner in connection with Owner's procurement of a contractor, for the undertaking and completion of the Project; and it is 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. Bailey, seconded by Mr. Greilsheimer, the resolution was unanimously adopted.

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**RESOLUTION NO. 21 (2012)**

**A RESOLUTION AUTHORIZING THE MAKING OF A HOME REHABILITATION CONDITIONAL GRANT AND DEFERRED LOAN TO ANN NICHOLSON, 22 TENTH STREET, CARLE PLACE NEW YORK 11514**

**WHEREAS**, the Town of North Hempstead Community Development Agency (the "Agency") has received an application from Ann Nicholson, residing at 22 Tenth Street, Carle Place, New York 11514, identified on the Nassau County Land and Tax Map as Section 10, Block 266, Lot 8 (the "Premises"), for Home Rehabilitation Program (the "Program") financial assistance to rehabilitate deteriorated conditions at the Premises (the "Project"), as more particularly stated in the summary attached hereto (the "Case Summary"); and

**WHEREAS**, Agency staff has determined that the Owner and the Project meet the eligibility criteria for Program assistance; and

**WHEREAS**, Agency staff has recommended that the Agency make a mortgage loan in the maximum amount of \$25,000 to carry out the Project, which loan will become a grant if, within 5 years, the Owner does not sell or rent the Premises, relocate from the Premises, become deceased or otherwise defaults on the terms and conditions of the loan (the "Conditional Grant"); and

**WHEREAS**, Agency staff has also recommended that the Agency make a mortgage loan in the maximum amount of \$11,661 (the "Deferred Loan") to carry out the Project, which loan

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will become due if the Owner sells or rents the Premises, relocates from the Premises, becomes deceased or otherwise defaults on the terms and conditions of the Deferred Loan.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that based upon the Case Summary, the Agency hereby authorizes the making of the Conditional Grant and the Deferred Loan, and the providing of technical assistance to Owner in connection with Owner's procurement of a contractor, for the undertaking and completion of the Project; and it is 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. Weitzman, seconded by Mr. Bailey, the resolution was unanimously adopted

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**RESOLUTION NO. 22 (2012)**

**A RESOLUTION AUTHORIZING THE MAKING OF A HOME REHABILITATION CONDITIONAL GRANT TO PAMELA DOUGLAS, 1030 PROSPECT AVENUE, WESTBURY, NEW YORK 11590.**

**WHEREAS**, the Town of North Hempstead Community Development Agency (the "Agency") has received an application from Pamela Douglas, residing at 1030 Prospect Avenue, Westbury, New York 11590, identified on the Nassau County Land and Tax Map as Section 11, Block 124, Lot 41 (the "Premises"), for Home Rehabilitation Program (the "Program") financial assistance to rehabilitate deteriorated conditions and remove architectural barriers at the Premises (the "Project"), as more particularly stated in the summary attached hereto (the "Case Summary"); and

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**WHEREAS**, Agency staff has determined that the Owner and the Project meet the eligibility criteria for Program assistance; and

**WHEREAS**, Agency staff has recommended that the Agency make a mortgage loan in the maximum amount of \$25,999 to carry out the Project, which loan will become a grant if, within 5 years, the Owner does not sell or rent the Premises, relocate from the Premises, become deceased, or otherwise defaults on the terms and conditions of the loan (the “Conditional Grant”).

**NOW, THEREFORE, BE IT**

**RESOLVED**, that based upon the Case Summary, the Agency hereby authorizes the making of the Conditional Grant and the providing of technical assistance to Owner in connection with Owner’s procurement of a contractor for the undertaking and completion of the Project; and it is 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. .Bailey, seconded by Mr. Weitzman resolution was unanimously adopted

**Convening of Executive Session**

Upon the motion of Mr. Greilsheimer, duly seconded by Mr. Weitzman the Members adjourned the public meeting and convened in Executive Session to discuss a matter at 9:03pm reconvened at 9:19pm.

**Adjournment**

Upon a motion by Mr. Bailey, the members of the Agency, by unanimous vote, adjourned the meeting at 9:20 p.m.