

TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY

**Minutes of
REGULAR MEETING
December 18, 2013
7:30 PM**

Call to Order

Mr. Bailey, Chairman of the Town of North Hempstead Community Development Agency (the “Agency”), called the meeting to order at 7:53 p.m.

Attendance

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

Lamont R. Bailey
Jeffrey M. Greilsheimer
Rodney A. Caines
Howard Weitzman
Sid Nathan

Agency staff present consisted of:

Dermot F. Kelly, Executive Director
Joseph Santamaria, Assistant Executive Director/Project Manager
Patrice P. Allen, Administrative Assistant
Peter Dzwilewski, In-house Counsel

Minutes of Meeting Held on November 13, 2013

Upon the motion of Mr. Weitzman, seconded by Mr. Greilsheimer. The minutes of the meeting held November 13, 2013 were accepted.

Executive Director’s Report

The Executive Director’s Report consisted of the following:

Community Development Block Grant (“CDBG”) Program:

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Operations:

According to OCD, the Agency's current chart of account balance as of 12/17/13 is \$903,372.58

Cash Balances as of 12/17/13 are:

- Citibank –Lump Sum Account - \$567,414
- Citibank – Escrow Account - \$11,165
- Valley National Bank - Program Income Account - \$818,272

New Cassel Urban Renewal Plan

Site A - A medical facility will negotiate a lease for the remaining 10,540 square feet of space. An amendment to the Master Plan for the lease and Town of North Hempstead Board of Zoning and Appeals (the "BZA") approval will be necessary to permit the tenant to occupy the space. A Resolution to amend the Master plan is pending as the Agency waits for a Letter of Intent from the proposed tenant.

Site B - The Supermarket – "Ideal Food Basket" had their grand opening in October.

The Bank of New York Mellon ("BONYM") through its real estate holding company NY CRE Asset Holdings, LLC sold the remaining 3,180 square feet of the retail condominium space to Prospect New Castle Realty, Inc. ("Prospect") the holding company for Worthy NYC, Inc. ("Worthy") for \$425,000. Worthy, a sneaker and apparel store, applied to the Town of North Hempstead (the "Town") for permits and anticipates to be opened by February 2014.

Site C - Residential units have been fully occupied since April 2011.

BONYM is pursuing a purchaser for the remaining 3,700 square feet of commercial space. The asking price is \$350,000. The Agency is working with a possible tenant, which is a Not-for-Profit corporation that will offer job counseling and other services to the community. The Agency's staff is in discussion with the tenant and will report the progress at the next Board Meeting.

Site D –BONYM and 139 LLC, a holding company for James J. Vilardi ("Developer") have signed an agreement to complete the development, construction and sale of the

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Project. Mr. Vilardi will sign the Amended Land Disposition Agreement (“LDA”) (approved by the Agency in September 2011), complete the foreclosure process started by BONYM and complete the project. The agreement is subject to Nassau County IDA approval, which is scheduled for December 18, 2013. The LDA and other documents will then be executed by 139 LLC.

Site E - Site is completed.

Site I - Cornerstone Developers have been selected by the Agency’s Board and Town Board to develop eleven (11) – three (3) bedroom Townhouses and a public roadway on the site.

Site M - The Agency owns the property located at 215 & 216 Brooklyn Avenue and 989 Prospect Avenue. The Agency is in the process of developing plans for a mixed-used development for the property. A Resolution was approved at the November meeting regarding obtaining grant money and other assistance for this project with the assistance of Long Island Housing Partnership. (“L.I.H.P.”).

Third Street- A construction of a new three bedroom home is in progress. The subdivision documents were filed by Bowne in early September and the Town issued a Zoning Compliance approval letter in November. The Nassau County Minor Subdivision application was filed with the Nassau County Planning Commission and the hearing is scheduled for January 9, 2014. An approval of this application is expected in February 2014.

The design development documents are 90% complete. Construction documents are being developed and the permit(s) for construction will be filed later via the Minor Subdivision approval. A Resolution was approved by the Board at the November meeting regarding obtaining grant money and other assistance for this project with the assistance of L.I.H.P..

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

For Consideration

RESOLUTION NO. 31(2013)

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**A RESOLUTION AUTHORIZING THE ACQUISITION OF CERTAIN REAL
PROPERTY.**

WHEREAS, the Agency has negotiated a voluntary sale of real property known as 265 Covert Street, Westbury, New York and identified on the Nassau County Land and Tax Map as Section 11, Block 97, Lots 40 to 42 (the “Premises”) for the purchase price of \$112,000 (the “Purchase Price”) with Nolan Grant, the owner of the Premises (the “Seller”); and

WHEREAS, the members of the Agency (the “Members”) wish to authorize that purchase of the Premises from the Seller for the Purchase Price (the “Acquisition” or “Action”); and

WHEREAS, it is required that a “lead agency” be established to review this Action 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 render a determination of significance pursuant to the SEQRA Regulations; and

WHEREAS, the Members, having reviewed the determination of the Assistant Executive Director of the Agency and the Negative Declaration dated December 17, 2013, finding that the Action 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 Short Environmental Assessment Form (“EAF”).

NOW, THEREFORE, BE IT

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 adopt the determination of the Assistant Executive Director of the Agency and the Negative Declaration dated December 17, 2013, 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 EAF; and be it further

RESOLVED, that the Members hereby authorize the Executive Director or Assistant 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

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RESOLVED, that the Members hereby authorize the purchase of the Premises from the Seller for the Purchase Price; and it is further

RESOLVED, that the Executive Director and any officer of the Agency is hereby authorized to execute such instruments and to take such further action as may be necessary and appropriate to complete the Acquisition and to take such other action as may be reasonable and necessary to effectuate the foregoing.

Upon the motion of Mr. Greilsheimer and seconded by Mr. Nathan, the resolution was unanimously adopted.

RESOLUTION NO. 32 (2013)

A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT OF SALE FOR THE DISPOSITION OF REAL PROPERTY KNOWN AS 80 ROSLYN ROAD, ROSLYN HEIGHTS, NEW YORK AND DESIGNATED AS SECTION 7, BLOCK 58, LOTS 52-53, 57-63 AND 110, FORMERLY SECTION 7, BLOCK 58, LOTS 48-63 ON THE LAND AND TAX MAP OF THE COUNTY OF NASSAU, AND TO TAKE ANY ACTIONS AND TO EXECUTE ANY DOCUMENTS IN CONNECTION WITH SUCH CONTRACT OF SALE AND DISPOSITION.

WHEREAS, the Town of North Hempstead Community Development Agency (the “Seller” or the “Agency”) is the owner of approximately 17,291 square feet of real property at 80 Roslyn Road, Roslyn Heights, New York 11577 and identified on the Nassau County Land and Tax Map as Section 7, Block 58, Lots 52-53, 57-63 and 110, formerly known as Section 7, Block 58, Lots 48-63 (“Property”); and

WHEREAS, pursuant to Resolution No. 257-2006, duly adopted at its meeting held on May 2, 2006, the Town Board of the Town of North Hempstead (the “Purchaser” or the “Town”) authorized the acquisition of the Property for the preservation of open space (the “Disposition” or “Action”); and

WHEREAS, the Purchaser has agreed to purchase the property for \$123,000 (the “Purchase Price”), which represents the appraised value as set forth in the appraisal prepared by Realty Valuation Consultants dated November 9, 2013; and

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WHEREAS, the members of the Agency (the “Members”) wish to authorize the Disposition of the Property for the Purchase Price; and

WHEREAS, it is required that a “lead agency” be established to review this Action 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 Town Board, through action of the Town Department of Planning and Economic Development (the “Planning Department”) pursuant to §20-4 of the Town Code, established itself as lead agency and rendered a determination of significance pursuant to the SEQRA Regulations; and

WHEREAS, the Town Board reviewed the determination of the Commissioner of the Planning Department, dated November 10, 2004, and the Negative Declaration indicating that the Action 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 Short Environmental Assessment Form (“EAF”).

NOW, THEREFORE, BE IT

RESOLVED, that the Members hereby authorize the disposition of the Property to the Purchaser for the Purchase Price; and it is further

RESOLVED, that the Executive Director and any officer of the Agency is hereby authorized to execute such instruments and to take such further action as may be necessary and appropriate to complete the Disposition and to take such other action as may be reasonable and necessary to effectuate the foregoing.

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

RESOLUTION NO. 33 (2013)

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**A RESOLUTION APPROVING A BUDGET TRANSFER FROM THE
EMPLOYEE BENEFITS ACCOUNT LINE TO THE PERSONAL
SERVICES ACCOUNT LINE AND A BUDGET TRANSFER FROM THE
OTHER OPERATING EXPENSES ACCOUNT LINE TO THE PUBLIC
SERVICE GRANTS ACCOUNT LINE.**

WHEREAS, pursuant to Resolution No. 25 (2012), duly adopted at its meeting held on October 25, 2012, members (the “Members”) of the Town of North Hempstead Community Development Agency (the “Agency”) adopted and approved a budget for the 2013 fiscal year (the “Budget”); and

WHEREAS, Agency staff recommends (the “Staff Recommendation”) that the Members adopt and approve modifications to the Budget by transferring funds as follows:

- \$1,037 from the Employee Benefits account line to the Personal Services account line
- \$13,667 from the Other Operating Expenditures account line to the Public Service Grants account line; and

WHEREAS, the Members wish to authorize and adopt the Staff Recommendation.

NOW THEREFORE, BE IT

RESOLVED, that the Members hereby authorize and adopt 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. Bailey and seconded by Mr. Nathan, the resolution was unanimously tabled.

RESOLUTION NO. 30 (2013) Amended

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A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH THE LONG ISLAND HOUSING PARTNERSHIP, INC. AND/OR ITS AFFILIATE LONG ISLAND PARTNERSHIP HOUSING DEVELOPMENT FUND COMPANY, INC. (“LIHP”) TO PREPARE AND SUBMIT GRANT APPLICATIONS TO THE NEW YORK STATE AFFORDABLE HOUSING CORPORATION AND THE NASSAU COUNTY OFFICE OF COMMUNITY DEVELOPMENT REGARDING THE DEVELOPMENT OF FOUR SINGLE-FAMILY HOMES AND TO PROVIDE RELATED MARKETING AND GRANT COMPLIANCE SERVICES.

WHEREAS, the Town of North Hempstead Community Development Agency (the “Agency”) wishes to apply for grants from the New York State Affordable Housing Corporation (the “AHC”) and for HOME funds from the Nassau County Office of Community Development (the “OCD”) for the development of four single-family homes to further affordable housing (the “Applications”); and

WHEREAS, the Long Island Housing Partnership, Inc., 180 Oser Avenue, Suite 800, Hauppauge, New York 11788 (“LIHP”) has submitted a proposal to prepare and submit the Applications and provide related marketing and grant compliance services in consideration of the maximum amounts specified in the attached Exhibit “A” (the “Services); and

WHEREAS, the LIHP is uniquely qualified to render the Services given its prior record of obtaining grant funds and providing professional marketing and grant compliance related to development of affordable housing; and

WHEREAS, public exigency requires that the Agreement be awarded without providing for competitive solicitation given that the deadline to submit the application to the AHC is December 18, 2013 and additionally that the LIHP appears to be the sole source provider of these Services; and

WHEREAS, Agency staff has recommended that the Members authorize the execution of a professional services agreement with LIHP for the Services in consideration of the maximum amounts specified in the attached Exhibit “A” (the “Staff Recommendation”); and

WHEREAS, the Members wish to authorize and adopt the Staff Recommendation.

NOW, THEREFORE, BE IT

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RESOLVED, that the Members hereby authorize and adopt the Staff Recommendation, subject to the Members being provided the professional services agreement for review prior to execution by the Agency; 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. Weitzman and seconded by Mr. Caines, the resolution was unanimously adopted.

Other Business

On December 17, 2013, the Audit Committee met via teleconference to review the engagement letter submitted by Bollam, Sheedy, Torani & Co. LLP regarding the audit for the 2013 calendar year and to discuss the timeline for the audit.

Adjournment

Upon a motion by Mr. Bailey, the members of the Agency, by unanimous vote, adjourned the meeting at 8:44 p.m.