

TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY

**Minutes of
REGULAR MEETING
May 15, 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 7:45 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 Director/Project Manager
Peter Dzwilewski, In-house Counsel

Mr. Bailey welcomed the Agency’s newest Board Member, Mr. Sid Nathan who was appointed by the Town Board on May 14, 2013.

Minutes of Meeting Held on March 20, 2013

Upon the motion of Mr. Greilsheimer, seconded by Mr. Caines, the minutes of the meeting held March 20, 2013 were accepted, with Mr. Nathan abstaining from voting due to his absence from the meeting.

TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY

**Minutes of
REGULAR MEETING
May 15, 2013
7:30 PM**

Executive Director's Report

The Executive Director's Report consisted of the following:

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 5/3/13 is \$1,766,390.27

Cash Balances:

- Citibank –Lump Sum Account - \$310,329
- Valley National Bank - Program Income Account - \$852,359
- Citibank –Escrow Account - \$7,063

New Cassel Urban Renewal Plan

Site A - No Change - The Board of Zoning and Appeals ("BZA") approved the Master Plan for this Site. The plan pre-approves zoning variances and architectural design, which allows Bluestone to market the remaining 10,540 square feet of vacant retail space for prospective tenants.

Paradise Cove Restaurant opened in February.

TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY

**Minutes of
REGULAR MEETING
May 15, 2013
7:30 PM**

Site B - The Supermarket - Tony and Eddie's purchased the condominium unit and awaits approval for the amended plans from the Building Department. An agreement was signed with a cooperative "Ideal Food Basket". Pending the approval of the sprinkler system from Nassau County Fire Marshall, the supermarket anticipates opening in April.

The remaining 3,180 sq. ft. of retail condominium space was sold to Prospect New Castle Realty, Inc. ("Prospect") the holding company for Worthy NYC, Inc. ("Worthy") for \$425,000.00. Worthy has applied for permits with the Town for a sneaker and apparel store and anticipates to be opened by June or July 2013.

Site C - No Change in this site's status. The Bank of New York Mellon ("BONYM") is still seeking a purchaser for the remaining 3,800 sq. ft. of commercial space.

Site D - No Change. BONYM and 139 LLC a holding company for James J. Vilardi ("Developer") has signed an agreement to complete the development, construction and sale of the project. The Developer will sign the Amended Land Disposition Agreement (approved by the Agency in September 2011) and complete the foreclosure process started by BONYM to complete the project. The agreement is subject to Nassau County IDA approval, which is expected in February. The Developer will execute the Land Disposition Agreement and other documents.

Site E –Site work has begun and is on schedule to be completed by October 2013.

Site I – Cornerstone Developers have been selected by the Agency's Board and the Town Board to develop eleven (11) three (3) bedroom Townhouses and a public roadway on the site. Cornerstone Developers are currently waiting commitments for Public Financing. Once these commitments have been obtained, the project will proceed. It is expected that all the public financing commitments will be in place by September 2013.

Site M –This property is owned by the Agency and is located at 215 & 216 Brooklyn Avenue and 989 Prospect Avenue. The Agency is preparing an RFP for Architects to design a mixed-used development for the property.

TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY

**Minutes of
REGULAR MEETING
May 15, 2013
7:30 PM**

Residential Rehabilitation Program - the Agency currently has \$51, 861 in contracted work in process and additional applications pending for approximately \$50,000.

Sign and Awning Program- the Agency is currently processing three applications for \$2,500 each.

Upon the motion of Mr. Bailey, 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.

For Consideration

RESOLUTION NO. 16 (2013) (Amended)

A RESOLUTION AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY.

WHEREAS, pursuant to Resolution No. 314-2013, duly adopted at its meeting held on May 14, 2013, the Board of the Town of North Hempstead amended Section IV (A) of the New Cassel Urban Renewal Plan to identify as a property to be acquired, real property known as 876 Brush Hollow Road, Westbury, New York, identified on the Nassau County Land and Tax Map as Section 11, Block 167, Lots 8-11 (the "Premises"); and

WHEREAS, the Town of North Hempstead Community Development Agency (the "Agency") has received an appraisal from Realty Valuation Consultants estimating the value of the Premises at \$225,000; and

WHEREAS, the Agency has negotiated a voluntary sale of the Premises for the purchase price of \$238,500 (the "Purchase Price") with Bernice Toran, the owner of the Premises (the "Seller"); and

WHEREAS, alternatively, the Executive Director of the Agency (the "Executive Director") estimates that a condemnation proceeding would cost \$25,000 and take an

TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY

**Minutes of
REGULAR MEETING
May 15, 2013
7:30 PM**

extended period of time to complete and accordingly, recommends that the Agency purchase the Premises for the Purchase Price; and

WHEREAS, the members of the Agency (the “Members”) wish to authorize that purchase of the Premises from the Seller for the Purchase Price.

NOW, THEREFORE, BE IT

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 take such other action as may be reasonable and necessary to effectuate the foregoing.

Upon the motion of Mr. Weitzman and seconded by Mr. Greilsheimer, the resolution was adopted. Abstentions were given from Mr. Caines and Mr. Nathan

RESOLUTION NO. 17 (2013)

A RESOLUTION AUTHORIZING THE MAKING OF SIGN AND AWNING GRANTS TO BUSINESS IN THE NEW CASSEL AND PORT WASHINGTON DESIGNATED AREAS.

WHEREAS, on behalf of the Town of North Hempstead (the “Town”), the Town of North Hempstead Community Development (“Agency”) administers Community Development Block Grant (“CDBG”) funds pursuant to an intergovernmental contract for services, dated June 1, 2002, with the Town, as same may be amended from time to time; and

WHEREAS, in connection with the Agency’s CDBG Commercial Rehabilitation program lines, thirty thousand (\$30,000) is available to fund the Agency’s Sign and Awning Grant program which provides reimbursement grant assistance to business for their purchase and placement of signs and awnings at their business located within New Cassel and Port Washington designated areas; and

TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY

**Minutes of
REGULAR MEETING
May 15, 2013
7:30 PM**

WHEREAS, as a part of the Sign and Awning Grant program , the Agency has agreed to make available up to \$30,000 for the program and or \$2,500 for each business who purchase and install a sign and or awning; and

WHEREAS, Agency staff recommends that the Members agree to make the Sign and Awning Grant assistance available to business pursuant to the Sign and Awning Grant guidelines Annexed hereto as Exhibit “A” (“Sign and Awning Grant Assistance”) (the “Staff Recommendation”); and

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

NOW THEREFORE, BE IT

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 necessary to carry out the foregoing.

Upon the motion of Mr. Weitzman seconded by Mr. Caines, the resolution was adopted. Abstention given from Mr. Nathan

RESOLUTION NO. 19 (2013)

A RESOLUTION AUTHORIZING HOME REHABILITATION ASSISTANCE FOR EMERGENCY REPAIRS TO JERALDINE ODOMS, OWNER OF 930 PARK AVENUE, WESTBURY, NEW YORK 11040.

WHEREAS, the Town of North Hempstead Community Development Agency (the “Agency”) has received an application from Jeraldine Odoms (the “Owner”) of 930 Park Avenue, Westbury New York, 11590, identified on the Nassau County Land and Tax Map as Section 11, Block 7, Lot 17 (the “Premises”), for Home Rehabilitation Program (the “Program”) financial assistance for emergency roof repairs and related work (the “Project”), as more particularly stated in the May 15, 2013 memo attached hereto (the “Memo”); and

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

TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY

**Minutes of
REGULAR MEETING
May 15, 2013
7:30 PM**

WHEREAS, Agency staff has recommended that the Agency make a mortgage loan in the maximum amount of \$11,660 to carry out the Project, which loan will become a grant, if within 5 years, the owner does not sell, rent or vacate the Premises, or become deceased (the “Conditional Grant”).

NOW, THEREFORE, BE IT

RESOLVED, that based upon the Memo, the Agency hereby authorizes the making of the Grant and the 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. Caines, the resolution was adopted. Abstention given from Mr. Nathan

Convening of Executive Session

Upon the motion of Mr. Weitzman, duly seconded by Mr. Caines the Members adjourned the public meeting and convened in Executive Session to discuss a personnel matter at 8:20pm reconvened at 8:35pm.

RESOLUTION NO. 18 (2013)

A RESOLUTION AUTHORIZING EXECUTION OF AN EMPLOYMENT CONTRACT WITH THE EXECUTIVE DIRECTOR OF THE AGENCY, DERMOT F. KELLY.

WHEREAS, the Chairman of the Town of North Hempstead Community Development Agency (the “Agency”) and Dermot F. Kelly, the Executive Director of the Agency (the “Executive Director”), have agreed upon the terms of a contract of employment for the

TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY

**Minutes of
REGULAR MEETING
May 15, 2013
7:30 PM**

period covering January 1, 2013 through December 31, 2016, a copy of which is attached to this resolution (the “Contract”); and

WHEREAS, the Contract is subject to the approval by the members of the Agency (the “Members”); and

WHEREAS, the Executive Director and the Members have agreed to the terms and the Members recommend that the Contract be executed by the Chairman of the Agency.

NOW, THEREFORE, BE IT

RESOLVED, that the Members hereby approve the Contract and authorize the Chairman to execute the Contract on behalf of the Agency and to take such other action as may be necessary to carry out the foregoing

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

Adjournment

Upon a motion by Mr. Bailey, the members of the Agency, by unanimous vote, adjourned the meeting at 8:37 p.m.