

TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY

**Minutes of
REGULAR MEETING
November 13, 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 8:00 p.m.

Attendance

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

Lamont R. Bailey
Jeffrey M. Greilsheimer
Rodney A. Caines
Howard Weitzman – arrived at 8:04 p.m.
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 September 25, 2013

Upon the motion of Mr. Bailey, seconded by Mr. Caines, with Mr. Greilsheimer abstaining from voting due to his absence from the meeting. The minutes of the meeting held September 25, 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 11/8/13 is \$1,005,566.61

Cash Balances as of 11/13/13 are:

- Citibank –Lump Sum Account - \$685,335
- Citibank – Escrow Account - \$11,165
- Valley National Bank - Program Income Account - \$798,984

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 The Town of North Hempstead Business and Zoning Authority (“BZA”) approval will be necessary to permit the tenant to occupy the space. A Resolution to amend the Master plan will be presented to the Members tonight.

Site B - The Supermarket – “Ideal Food Basket” had their grand opening October 2, 2013. The Agency was represented by Chairman Bailey and Board Member Weitzman.

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 December 2013.

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

BONYM is still pursuing a purchaser for the remaining 3,800 square feet of commercial space. The asking price is \$450,000. The Agency is working with a possible tenant/buyer on a capital lease. The tenant is a Not-for-Profit corporation that will deal with job counseling and other services to the community. The Agency's staff is in the very early stages of discussion with the tenant and will report progress at the next Board Meeting.

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Site D –No Change 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 Project. Mr. Vilardi will sign the Amended Land Disposition Agreement (“LDA”) (approved by the Agency in September 2011) and complete the foreclosure process started by BONYM and complete the project. The agreement is subject to Nassau County IDA approval which is expected to be received soon. The LDA and other documents will then be executed by 139 LLC.

Site E - Site is completed. A ribbon cutting ceremony was held on October 29, 2013 and was very well attended by local elected officials, Chairman Bailey spoke on behalf of the Agency and the Agency’s Board Members Weitzman and Nathan were in attendance. The project was hailed by many as a model for affordable housing nationwide.

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. The contract for the HOME funds has been routed through the County and was executed last week. All public financing is in place for the project. The request for a Zoning Compliance letter has been submitted to the Town. The Agency’s staff expects the Town to issue a Zoning Compliance letter within a week and the Developer will then submit plans to the County for a major sub-division. The County process will take at least 6 to 8 months. The Developer will then submit plans to the Town’s Building Department for approval. Once permits are issued, the land will be transferred to Cornerstone and construction will commence. A lottery for the houses will be conducted by the Long Island Housing Partnership (“LIHP”) within the next few months when we have a better idea of when the County approvals will be forthcoming. The schedules have been delayed by several months because of lack of the availability of financing from NYS; however, the Agency’s staff is working with the County and has been successful in replacing the NYS funds with additional HOME Funds.

Site M - is a property that the Agency owns. It is 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 will be presented tonight regarding obtaining grant money and other assistance for this project with the assistance of the LIHP.

Upon the motion of Mr. Greilsheimer, duly seconded by Mr. Nathan, 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. 27 (2013)

**A RESOLUTION AWARDING A PROFESSIONAL SERVICES
AGREEMENT FOR BOOKKEEPING AND ACCOUNTING SERVICES.**

WHEREAS, on October 15, 2013, the Town of North Hempstead Community Development Agency (the “Agency”) reissued a request for proposals (the “RFP”) from qualified certified public accountants (“CPAs”) or public accounting firms seeking to provide bookkeeping and accounting services for the Agency’s 2014, 2015 and 2016 fiscal years so that the Agency may comply with Governmental Accounting Standards Board Bulletin No. 34 (the “Services”); and

WHEREAS, a proposal for the Services was received from the following firms:

Proposer – Firm Name	Rates	Qualifications
The Galamery Company, Inc. Hicksville, NY	FY 2014 – \$130 per hour not to exceed \$36,000 in FY 2014, \$38,000 in FY 2015 and \$40,000 in FY 2016.	Most Qualified with appropriate experience.
Hajiani CPA, LLC Boston, MA	Flat rate \$69 per hour. Special projects \$64 to \$95 per hour. Travel cost \$125 a day. No annual fee given.	This would be this firm’s first New York assignment. The Firm has no HUD/CDA or NYS ABO experience.
A,F. Paredes & Co, CPA LLP Piscataway, NJ New York, NY	\$43,000 per year payable monthly for FY 2014 through FY 2016	Limited experience with HUD.

WHEREAS, the Galamery Company, Inc (“the Proposer”) is an accounting and small business services firm located in Nassau County serving clients in the Long Island area, whose President and CEO, Michele Yen, is a Certified Public Accountant, member of the American Institute of CPA's, the New York State Society of CPA's, the Institute of Management Accountants, and the Government Finance Officers Association, and has

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performed the Services for the Agency in the 2008, 2009, 2010, 2011, 2012 and 2013 fiscal years; and

WHEREAS, Agency staff has recommended that the Members determine that the Proposer is the most qualified proposer for the Services, and that they authorize execution of a professional services agreement for the Services in consideration of the payment not to exceed \$36,000 during the Agency’s 2014 fiscal year, \$38,000 during the Agency’s 2015 fiscal year, and \$40,000 during fiscal year 2016 (the “Staff Recommendation”); 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 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. Greilsheimer, the resolution was unanimously adopted.

RESOLUTION NO. 28 (2013)

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH NASSAU COUNTY FOR THE RECEIPT OF COMMUNITY DEVELOPMENT BLOCK GRANT 39th PROGRAM YEAR FUNDS.

WHEREAS, the Secretary of the U.S. Department of Housing and Urban Development (the “Secretary”) is authorized under Title I of the Housing and Community Development Act of 1974, as amended (the “Act”), to make grants to states and other local governments (“CDBG Funds”) to help finance their Community Development Programs; and

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WHEREAS, Nassau County (the “County”) and the Town of North Hempstead (the “Town”) previously entered into a Cooperative Agreement, as amended, to participate in Community Development Programs (the “Cooperative Agreement”); and

WHEREAS, pursuant to the Cooperative Agreement, the County and the Town, acting by and through the Town of North Hempstead Community Development Agency (the “Agency”) agreed to undertake project activities (“Project Activities”) using CDBG Funds under the Act, to be received by the County for the 39th Program Year; and

WHEREAS, the Secretary has approved an application for Community Development Block Grant Funds under the Act, submitted by the County and participating municipalities for the 39th Program Year; and

WHEREAS, the County has allocated CDBG Funds in the amount of Seven Hundred Forty Thousand Two Hundred Sixty-Four (\$740,264.00) Dollars to the Town for the 39th Program Year (the “CDBG Allocation”), and has proposed that the County and the Town enter into an agreement for the payment of the CDBG Allocation as consideration for the Agency, as the Town’s representative, undertaking and completing the Project Activities (the “CDBG Subrecipient Agreement”); and

WHEREAS, the members of the Agency (the “Members”) wish to authorize the Agency to enter into the CDBG Subrecipient Agreement.

NOW, THEREFORE, BE IT

RESOLVED, that the Members hereby authorize the Agency to enter into the CDBG Subrecipient Agreement; and it is further

RESOLVED that the Executive Director and any officer of the Agency is hereby authorized to execute the CDBG Subrecipient Agreement, to undertake the Project Activities with the CDBG Allocation and balances from prior year allocations, 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. Bailey, the resolution was unanimously adopted.

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RESOLUTION NO. 29 (2013) *tabled*

**A RESOLUTION AUTHORIZING THE MAKING OF A GRANT FOR A
AMENDED LEASING MASTER PLAN.**

WHEREAS, pursuant to Resolution No. 52(2010), the Town of North Hempstead Community Development Agency (the “Agency”) entered into an agreement with Bluestone Commercial Realty, LLC (the “Grant Recipient”) to provide a grant of \$50,000 for legal and planning services toward the creation of a master plan for development of retail space at 701 Prospect Avenue, New Cassel/Westbury, New York (the “Retail Space”); and

WHEREAS, the Grant Recipient created the master plan at a cost of \$33,849.74 and has procured the necessary municipal approvals, but to date has not been able to fill the Retail Space; and

WHEREAS, the Grant Recipient wishes to amend the master plan to include a use for a urgent care medical/dental facility to entice prospective tenants for development of the Retail Space (the “Amended Master Plan”); and

WHEREAS, the original grant agreement expired on August 31, 2011 with \$16,150.26 remaining in the grant; and

WHEREAS, staff of the Town of North Hempstead Community Development Agency (the “Agency”) has recommended that the members of the Agency (the “Members”) authorize the making of a grant in the maximum sum of \$16,150.26 to the Grant Recipient for legal and planning services needed to prepare the Amended Master Plan (the “Staff Recommendation”); and

WHEREAS, the members of the Agency wish to approve and adopt the Staff Recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Members hereby approve and adopt the Staff Recommendation; 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 effectuate the foregoing.

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Upon the motion of Mr. Bailey and seconded by Mr. Nathan, the resolution was unanimously tabled.

RESOLUTION NO. 30 (2013) Amended

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

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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

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

Adjournment

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