

TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY

**Minutes of
REGULAR MEETING
September 25, 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 7:36 p.m.

Attendance

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

Lamont R. Bailey

Rodney A. Caines

Sid Nathan

Agency staff present consisted of:

Dermot F. Kelly, Executive Director

Joseph Santamaria, Assistant Executive Director/Project Manager

Peter Dzwilewski, In-house Counsel

Minutes of Meeting Held on June 26, 2013

Upon the motion of Mr. Nathan, seconded by Mr. Caines, the minutes of the meeting held June 26, 2013 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’s current chart of account balance as of 8/31/13 is \$1,005,568.73

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Cash Balances as of 9/24/13 are:

- Citibank –Lump Sum Account - \$757,492.16
- Citibank – Escrow Account - \$11,164.44
- Valley National Bank - Program Income Account - \$731,565.28

New Cassel Urban Renewal Plan

Site A:

The Town of North Hempstead Business and Zoning Authority have approved the Master Plan for Site A. The plan preapproves zoning variances and architectural design and allows Bluestone to target market the remaining 10,540 sf. vacant retail space for prospective tenants

Paradise Cove Restaurant opened in February 2013.

A Haitian Bakery is in the process of signing a lease on approximately 1,500 sq. ft of space. CDA Staff is meeting with them next week to offer assistance.

Site B:

The Supermarket – “Ideal Food Basket” had its soft opening last week and will have a grand opening October 2nd All Board members will receive an invitation.

- 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. (“Prospect”) the holding company for Worthy NYC, Inc. (“Worthy”) for \$425,000. Worthy a sneaker and apparel store has applied to the Town of North Hempstead (the “Town”) for permits and plans to be opened by November.

Site C:

Residential units have been fully occupied since April 2011.

BONYM is seeking a purchaser for the remaining 3,800 sq. ft. of commercial space. The asking price is \$450,000. CDA is working with a possible tenant/buyer on a capital lease that will require CDA take Title to the property and lease it back to tenant. The Tenant is a hospitality company that will move its back office operations such as Human Resources and Accounting to the location. CDA staff is in the very early stages of discussion with this Tenant and will report progress at the next Board Meeting.

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Site D:

BNY Mellon 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 LDA Agreement (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 work is on schedule to be completed by October 2013.

Site I:

Cornerstone Developers have been selected by the CDA Board and the Town Board to develop 11 - 3 bedroom Townhouses and a public roadway on the site. Cornerstone is currently waiting commitments for Public Financing. Once these commitments have been obtained the project will proceed. It is anticipated that all the public financing commitments will be in place by November 2013. A lottery for the houses will be conducted by Long Island Housing Partnership (“LIHP”) in November and the land closing should take place by the end of 2014. The schedule has been delayed by several months because of lack of the availability of financing from NYS however CDA Staff, working with the County, has been successful in replacing the NYS funds with additional HOME Funds. The contract for the HOME funds is being routed through the County for approvals and it is anticipated that the funding will be in place by November.

Site M:

Site M is property CDA owns located at 215 & 216 Brooklyn Avenue and 989 Prospect Avenue. CDA is preparing an RFP for Architects to design a mixed used development for the property.

Upon the motion of Mr. Bailey, duly seconded by Mr. Caines, 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. 24 (2013) Amended

**A RESOLUTION AUTHORIZING THE MAKING OF A HOME
REHABILITATION DEFFERED PAYMENT EQUITY LOAN TO
SHARLEN WATERMAN, 169 ELIZABETH STREET, WESTBURY
NEW YORK 11590.**

WHEREAS, the Town of North Hempstead Community Development Agency (the “Agency”) has received an application from Sharlene Waterman (the “Owner”) of 169 Elizabeth Street, Westbury New York 1590, identified on the Nassau County Land and Tax Map as Section 11, Block 35, Lot 34 (the “Premises”), for the Residential Rehabilitation Program (the “Program”) providing financial assistance for the correction of existing conditions (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 eligibility criteria for Program assistance, and qualify for a \$25,000 deferred payment equity loan with an interest rate equal to the Prime Rate published in the Wall Street Journal on the day of closing secured by an Agency note and mortgage, of which, becomes due and payable upon the transfer of title, discontinued occupancy of the premises, death of borrower or in the case where the deceased borrower is married and leaves a surviving spouse, then upon the death of the surviving spouse (the “Funding Assistance”); and

WHEREAS, Agency staff has recommended to the members of the Agency (the “Members”) that, based upon the Case Summary, they authorize the making of the Funding Assistance for procurement of professional services, if required, and for contracting services for the undertaking and completion of the Project (the “Staff Recommendation”); and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Members wish to authorize and adopt the Staff Recommendation; and it is further

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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.

Attachment – Case Summary

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

RESOLUTION NO. 25 (2013)

A RESOLUTION APPROVING A BUDGET FOR THE 2014 FISCAL YEAR.

WHEREAS, the Town of North Hempstead (the “Town”) Community Development Agency (the “Agency”) is required under the Public Authorities Accountability Act of 2005, as amended by the Public Authorities Reform Act of 2009, to adopt and approve a budget sixty (60) days before its fiscal year; and

WHEREAS, Agency staff recommends that the Members adopt and approve the attached budget for the 2014 fiscal year (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 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.

Attachment

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

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RESOLUTION NO. 26 (2013)

A RESOLUTION RATIFYING THE SUPPLEMENTAL ADMINISTRATIVE SERVICES PROVIDED BY THE GALAMERCY COMPANY, INC. AND AUTHORIZING AN AMENDMENT TO THE CONTRACT FOR PROFESSIONAL OR TECHNICAL SERVICES.

WHEREAS, pursuant to Resolution No. 39 (2011), duly adopted at its meeting held on December 20, 2011, the Town of North Hempstead Community Development Agency (the "Agency") entered into a contract for professional or technical services with the Galamery Company Inc., 109 Newbridge Road, Third Floor, P.O. Box 830, Hicksville, New York 11802 (the "Consultant") to provide bookkeeping and accounting services for the Agency's 2012 and 2013 fiscal years so that the Agency may comply with Governmental Accounting Standards Board Bulletin No. 34 (the "Original Agreement"); and

WHEREAS, due to a member of the Agency staff being on temporary leave, the Executive Director required the assistance of the Consultant to provide supplemental administrative services (the "Additional Services") beginning on or about August 1, 2013; and

WHEREAS, pursuant to the rider to the Original Agreement, the Agency may by written amendment change the scope of services and compensation for such services by the Consultant; and

WHEREAS, Agency staff has recommended that the Members ratify the Additional Services provided by the Consultant and authorize the execution of an amendment to the Original Agreement providing for payment to the Consultant at a rate of \$70.00 per hour for the Additional Services performed on an as-needed basis, retroactive to August 1, 2013 (the "Staff Recommendations"); 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

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

Adjournment

Upon a motion by Mr. Nathan and seconded by Mr. Bailey, the members of the Agency, by unanimous vote, adjourned the meeting at 8:12 p.m.