



BOARD OF TRUSTEES'

REGULAR MEETING

Tuesday, November 21, 2023

6:30 p.m.

Public Hearing

November 21, 2023 @ 6:15 p.m.

Being held to consider amending §116-9 “Trees and Planting affecting Public Right-of-way” of the Hempstead Village Code.

Moved by Trustee _____

Seconded by Trustee _____

**NOTICE OF PUBLIC HEARING
VILLAGE OF HEMPSTEAD**

PLEASE TAKE NOTICE that a public hearing will be held in the Village Hall, 99 James A. Garner Way, Hempstead, New York, on **Tuesday, November 21, 2023**, at **6:15 p.m.** to consider amending §116-9 "Trees and Planting affecting Public Right-of-way "of the Hempstead Village Code.

The proposed local law is on file in the Office of the Village Clerk, Village Hall, 99 James A. Garner Way, Hempstead, New York, where the same may be inspected during office hours.

ALL PERSONS INTERESTED shall have an opportunity to be heard on said proposal at the time and place aforesaid.

BY ORDER OF THE BOARD OF TRUSTEES
OF THE INCORPORATED VILLAGE OF HEMPSTEAD

WAYLYN HOBBS JR., MAYOR
PATRICIA PEREZ, VILLAGE CLERK

Dated: NOVEMBER 8, 2023
D/P: NOVEMBER 17, 2023

116-9 Trees and Plantings affecting public right-of-way.

[A.] Definitions.

Whenever used in this chapter, the following terms shall have the meaning indicated:

DIAMETER AT BREAST HEIGHT (DBH)

The tree trunk diameter measured in inches at a height of 4 1/2 feet above the ground. If a tree splits into multiple trunks below 4 1/2 feet, then the trunk is measured at its narrowest point beneath the split.

SPECIMEN TREE

- Any tree which equals or exceeds the following diameter sizes:
 - Large hardwoods, as defined and categorized by the National Arborist Association, which are 30 inches DBH or larger.
 - Large softwoods, as defined and categorized by the National Arborist Association, which are 36 inches DBH or larger.
 - Ornamental trees, as defined and categorized by the National Arborist Association, which are eight inches DBH or larger.
- A lesser-size tree can be considered a specimen by the Supervisor of Parks & Shade Trees if it is a rare or unusual species, of exceptional quality or of historical significance.
- A lesser-size tree can be considered a specimen by the Supervisor of Parks & Shade Trees if it is specifically used by a builder, developer or design professional as a focal point in a project or landscape.

TREE

Any woody plant having at least one well-defined trunk of at least four inches DBH.

TREE REMOVAL

Any intentional act or conduct which causes the tree to die after the commission of said act or conduct, including but not limited to damage inflicted upon the root system or trunk as the result of:

- Improper use of machinery on the tree.
- Storage of materials in or around the tree.

- Soil compaction.
- Altering the natural grade to expose the roots or cover the trunk, permitting the infection or infestation of the tree by pests, fungus or harmful bacteria.
- Excessive harmful pruning.
- Paving with concrete, asphalt or other impervious surfaces within such proximity as to be harmful to the tree.
- Application of herbicides or defoliants to any tree without first obtaining written approval from the Supervisor of Parks & Shade Trees.

B. The Supervisor of Parks & Shade Trees is authorized to grant or deny the planting or removal of shade trees that have a diameter at breast height (DBH) of eight inches or greater.

C. The Supervisor of Parks & Shade Trees shall have jurisdiction over the granting or denying of tree removal of any specimen trees in the Village.

D. The Supervisor of Parks & Shade Trees shall investigate, develop, and update the Village of Hempstead's plan for caring, preserving, pruning, topping, replanting, removing, or disposing of trees and shrubs along Village streets and public areas.

E. The Supervisor of Parks & Shade Trees shall determine areas in the Inc. Village of Hempstead where trees could exist but are absent.

F. [A. Approval required.] *****No person shall plant or permit to be planted any tree or other planting which shall be so located as to affect users of the public right-of-way, unless written approval therefore shall first be obtained from the Village.*****

G. [B.] ****Correction of certain conditions. Any tree or other planting which endangers users of the public right-of-way or obstructs the use thereof shall be properly trimmed, relocated, removed or secured by the owner and the occupant of the real property on which the same is located so as to eliminate the danger or obstruction. Should the owner or occupant fail to comply with the provisions hereof, then the Village may cause notice, in writing, to be sent to said owner or occupant of the property in accordance with the provisions of § 116-4A, setting forth a description of the necessary correction and a completion date, reasonable under the circumstances, but not to exceed 30 days.*****

H. [C.] ****:***Noncompliance by owner or occupant. In the event that the owner or occupant shall fail to comply with said notice, then the Village may cause the necessary correction to be made, and the expense thereby incurred shall be a lien upon the real property affected, and the amount so assessed and levied shall be collected in the same manner as other taxes.*****

ADDITIONS ARE INDICATED BY UNDERLINE.

*** INDICATES NO CHANGE IN PRESENT TEXT

DELETIONS ARE INDICATED BY [BRACKETS].

____ Clerk wishes to report that Mayor Hobbs & Deputy Mayor Daniels have approved miscellaneous Business licenses as reviewed.

GENERAL BUSINESS:

New/ Change of owner:

Mini Market Bendición Corp.
Miguel Galdamez
155 Baldwin Road

Sophies Deli & Mini Mart Inc.
Carlos Rivas
28 Main Street

Buen Sabor Deli & Restaurant
Jose Banegas
692 Fulton Ave

Renewals:

Sons Liquor Enterprises Inc.
Gundeep Kaur
424 Clinton Street

La Fonda Deli
Ebert F. Bejarano
401 Clinton Street

El Triangulo Food Corp.
Junior A. Nunez
9 Front Street

Preferred Pharmacy Inc.
Alex Abramovich
175 Fulton Ave

JUSTICE COURT (Monthly Report submitted by Village Justice Brianna A. Vaughan)

Report of the Village Justice for the month of **October 2023**

Total number of cases before the court 3,888

Total monies remitted to Village Comptroller \$345,349.50

(Copy of this report is on file in the Village Clerk’s Office and may be viewed by the public during office hours.)

____**RESOLVED**, that upon the recommendation of **Joe Gill, Village Treasurer** the Board of Trustees hereby approves to enter into an agreement with Penflex, Inc. 50 Century Hill Drive Suite 3, Latham, New York 12110, to provide actuarial and administrative services for the Firefighters Service Award Program for the period of **November 1, 2023, to October 31, 2024**, for an estimated fee of **\$10,800**. Be it also resolved that the Mayor is hereby authorized to execute said agreement on behalf of the Village of Hempstead on such terms and conditions as are acceptable to the Village Attorney.

Moved by Trustee _____

Seconded by Trustee _____

PENFLEX

SERVICE AWARDS FOR FIRE & EMS

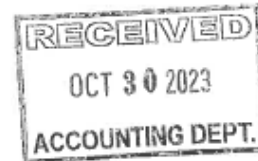
50 Century Hill Drive, Suite 3
Latham, New York 12110

t 800-742-1409
f 518-783-6915
Email: info@penflexinc.com

penflexinc.com

October 2023

Mr. Joe Gill
Incorporated Village of Hempstead
PO Box 32
Hempstead, NY 11551-0032



Re: Service Award Program 2023-2024 Service Fee Agreement

Dear Mr. Gill:

In 2023, Penflex was excited to receive positive feedback from various Plan Sponsors and LOSAP participants about the value of their Length of Service Award Programs. As specialists in LOSAP actuarial services, administration and consulting, we find it rewarding to see the tangible benefits these programs provide.

Enclosed is our service fee agreement for the upcoming administration year, which details the fees for actuarial and administration services for your program. Like every year, Penflex is eager to continue our service and remain a trusted partner for our clients.

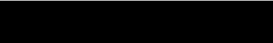
Over the past year, Penflex has observed an increasing trend among Length of Service Award Programs: a readiness to modify existing plans. Plan Sponsors, including local municipalities, fire districts, EMS organizations, and boards, are creatively enhancing benefits to attract and retain volunteers. This could involve increasing monetary rewards, extending the maximum volunteering years, or lowering the entitlement age for service award eligibility. Penflex supports these efforts by providing tailored cost estimates for any proposed changes, ensuring key LOSAP stakeholders have access to crucial information. For a cost estimate specific to your program, please contact us at (518) 783-6933 or info@penflexinc.com.

Is your LOSAP program benefiting from Penflex's complimentary online training and tracking management system, which offers 24/7 access to a diverse range of volunteer courses? Recognizing that attending in-person training can be challenging for volunteers, we provide a convenient online alternative accessible from home. Our parent company, McNeil & Company, facilitates these training sessions. We have also introduced a secure client portal for seamless electronic sharing of plan, client, and participant information. For more details on these offerings, please contact Nicole Meeker, Penflex's Manager of Business Development and Accounts, at (518) 394-7894 or nmeeker@penflexinc.com.

The cornerstone of Penflex has always been the level of knowledge, experience, and expertise our staff exhibits when working with our clients to address their LOSAP needs and questions. For 2023, Penflex has hired two new staff members to join our growing organization. The addition of staff brings new ideas, different perspectives, and relatable LOSAP experience, all of which directly contribute to the high standards Penflex has upheld for over 30 years in servicing our clients.

Please return the signed Service Fee Agreement to Penflex Actuarial Services, LLC by January 12th, 2024, via fax at (518) 783-6915, email to info@penflexinc.com, or mail to our Latham, NY office. Your prompt response is greatly appreciated. Please note that, if applicable, an invoice for our base fee is enclosed. If you are requesting that we prepare an optional financial statement disclosure package, please review your auditor's information and make any applicable changes to the Agreement.

The Penflex team proudly meets our clients' high expectations, ensuring their best interests are at the forefront, all while maintaining our signature personalized and attentive service. We appreciate your continued trust and thank you for your ongoing business!


Paul A. Cognetta
Vice President of Operations

Penflex Actuarial Services, LLC.
11/1/2023-10/31/2024 Service Fee Agreement
HEMPSTEAD VOLUNTEER FIRE DEPARTMENT
SERVICE AWARD PROGRAM

Standard Services Fee Schedule

Base Fee: \$4,500
Per-Participant Fee: \$22
Payment certification and trustee directive letters: \$100 per letter
Total Estimated Standard and Distribution Services Fees: \$9,700

Optional Preparation of Financial Statement Disclosures (For Additional Fee)

Disclosure Packages Provided For Program Year 2022:

NYS LOSAP Audit Package: No Auditing Firm: Nawrocki Smith CPAs, LLP
GASB 73 Package: Yes Contact Name: David Tellier
Email Address: dmt@nslpcpa.com

Please Check 'Yes' Or 'No' For Program Year 2023:

Complete the NYS LOSAP Audit Package for a fee of \$595: Yes No
Please refer to the enclosed newsletter titled 'NYS Volunteer Firefighter LOSAP Audit Requirement' for more information.
Complete the GASB 73 Package for a fee of \$1,100: Yes No
Please refer to the enclosed 'GASB 73 FAQs' for more information. For a sample, please email: info@penflexinc.com.

PLEASE NOTE: If you are requesting any Disclosure Packages, please review and make any necessary changes to your auditor's information noted above.

All other services are optional and are billed only when requested. Please call for fee estimates and purchase order arrangements. Optional services include additional client meetings, drafting of special correspondence and documents, and performing actuarial cost estimate calculations. Plan transfers have a \$750 processing fee, while plan consolidations or terminations fee will be determined by the complexity of the work upon request.

To authorize Penflex Actuarial Services, LLC. to begin providing these services in accordance with this fee schedule, please have the Mayor sign and return this Service Fee Agreement. Keep a copy for your records.

Print Name
Mayor
Village of Hempstead

Signature & Date

Paul A. Cagnetta
Vice President of Operations
Penflex Actuarial Services, LLC.

Email Address



SERVICE AWARD PROGRAM STANDARD SERVICES

1. Prepare an annual Service Award Program statement for each Service Award Program participant, including those who are in payment status.
2. Prepare for the record and **for audit purposes** an annual Service Award Program report which:
 - a. shows and completely documents the calculation (defined benefit plans) or allocation (defined contribution plans) of the annual Program cost.
 - b. accounts for changes in the Program's assets.
 - c. lists the earned Service Awards (defined benefit plans) or accounts for changes in the Program account (defined contribution plans) for each participant.
 - d. summarizes the major provisions of the Program.
 - e. lists current payment recipients.
 - f. includes a service credit listing for current participants.
 - g. includes a written description of the actuarial methods and assumptions used to calculate the annual program costs (defined benefit plans).
 - h. For members of the Sponsor's Governing Board or Officials, prepare:
 - i. "Fact Sheet" which includes current year important information about their Program.
 - ii. "Annual Report Commentary" correspondence which alerts officials about emerging issues and/or explains changes in the Program (such as increase/decrease in Program funding costs).
3. One meeting upon request, first with officials and then with volunteers to review the Annual Report, to answer questions from volunteers about their annual statements, and to provide updates on Service Award Program related legislation and on their own Program.
4. Provide pertinent forms for participants to apply for payment upon eligibility, elect or change beneficiaries, etc.
5. At year-end, provide written instructions about how to prepare the required certified listings to be approved by the Sponsor's Governing Board and Department/Company officials, posted by the Department/Company, and sent to Penflex Actuarial Services, LLC.
6. Project the Program's cash flow needs in order to plan and formulate investment strategy.
7. Prepare written notification/explanation to be sent to persons who cease to participate in the Program.
8. During normal business hours, have trained staff available to answer questions from officials and designated client contact persons.
9. Throughout the year, receive, review and reconcile financial statements from custodian and/or investment and/or insurance providers.
10. Process Service Award payment applications, certify payment amounts and eligibility, prepare payment directives and communicate directly with the payment recipient and/or custodian and/or paying agent when necessary.
11. Answer routine questions from Sponsor's auditors about the Program and the Annual Report.
12. When required, prepare vouchers for payments to the Program Trust Fund.

____**RESOLVED**, that upon the recommendation of **Keisha Marshall, Village Attorney**, the Board of Trustees hereby approve amending §116-9 “Trees and Planting affecting Public Right-of-way” of the Hempstead Village Code, for which a public hearing was held earlier today.

Moved by Trustee _____

Seconded by Trustee _____

_____ Clerk offers the following resolution for adoption:

Moved by Trustee _____ that the provisions of Local Law #1-1980, entitled Residency Requirements for certain Village employees are hereby waived for the following employee due to the special requirements needed to fill the position of **Typist-Clerk, Bilingual** for the Incorporated Village of Hempstead:

Luisa Guevara

Seconded by Trustee _____

____**RESOLVED**, that upon the recommendation of **Grace Lawrence, Senior Accountant**, the Mayor hereby appoint and/or approve the following to the position of Typist-Clerk, Bilingual for the Incorporated Village of Hempstead.

Name	Department/Title/Grade	Base Salary
Luisa Guevara <i>(New Hire)</i>	Tax & Water Typist-Clerk, Bilingual <i>Grade 3/0 New</i>	\$50,184 yr. upon approval

Moved by Trustee _____

Seconded by Trustee _____

____**RESOLVED**, that upon the recommendation of **Joe Gill, Village Treasurer** all meeting bills, audited by the Board of Trustees on check warrant dated **November 21, 2023**, be approved as previously reviewed.

Moved by Trustee _____

Seconded by Trustee _____

WHEREAS, The Village Clerk desires to revoke the business license for business known as **Fulton Ave Culinary Concepts LLC doing business as Shake Bar and Grill**, 774 Fulton Ave, Hempstead, NY 11550. Pursuant to Section 86-5 of the Village of Hempstead Code.

WHEREAS, it has come to the Village’s attention that **Fulton Ave Culinary Concepts LLC dba Shake Bar and Grill**, conducting business at 774 Fulton Ave, Hempstead, NY 11550, has engaged in activities that have been detrimental to the best interests of the Village and the public. Several violations were issued at this location, such as being found to have illegal premixed alcohol, as well as the location being observed to be extremely overcrowded with an approximate of 640 persons to be inside the premise when its occupancy is of 147.

THE VILLAGE CLERK

HEREBY SCHEDULES a public hearing to be held on the **19th** day of **December 2023** at **6:15 p.m.** at the Hempstead Village Hall, 99 James A. Garner Way, Hempstead, New York, to consider revoking the Business License to **Fulton Ave Culinary Concepts LLC dba Shake Bar and Grill**, by the Incorporated Village of Hempstead.

Moved by Trustee _____

Seconded by Trustee _____