

AGENDA –November 1, 2016

Presentation of activities report by the public bodies of the Incorporated Village of Hempstead:

Recreation and Parks Commission – Chairperson Vanessa Henry

Human Relations – Juanita Hargwood, Director

Personal Service Wireless Facilities Board – Zoning Officer Deloris Mc Queen

Hempstead Library Board – Irene Duskiewicz, Library Director

Traffic Safety Board – Lt. Michalski / Chairperson Mary Burns

Hempstead Coordinating Council of Civics Association – Reginald Lucas

Youth Council – Lucia Acosta

Board of Zoning Appeals – Chairperson Edwin Monteverde

Planning Board – Chairperson Leroy Brown

Hempstead Housing Authority – Executive Director Rosemary Olsen

Community Development Agency – Commissioner Danielle Oglesby

Electrical Board – Chairperson Raymond Polaski

Plumbing Board – Chairperson Kelly Magee

AGENDA –November 1, 2016

_____ Does Board wish to have the minutes of the **Regular Meeting** on **October 18, 2016** be read aloud?

Moved by Trustee _____ that the reading of the minutes of the **Regular Meeting** on **October 18, 2016** be dispensed with and that they be accepted as reviewed.

Seconded by Trustee _____

AGENDA –November 1, 2016

_____ Clerk wishes to report that Mayor Hall approved miscellaneous license and permit applications as reviewed

Business License for approval

Main Street Discount 32 Main St.	Chicken & Steak Inc. dba Las Palmeras 39 Station Plaza
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Rent a Center 346 Fulton Ave.	M & D Laundromat Inc. 16 James LL Burrell Ave.
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Salito's Deli Corp dba Deli Quetzal 427 Clinton St.	Ace Dental Care P.C. 250 Fulton Ave.
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Pronto Multiservices Corp. 60 N. Franklin St.	Pronto Multiservices Corp. 235 Fulton Ave.
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Affordable Tires & Wheels 530 Fulton Ave.	NPS Grocers Inc. Bravo Supermarket 401 Fulton Ave.
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New Millennium Tax Solutions Inc. 236 Fulton Ave.	Detalles y Mas Corp. 382 Fulton Ave.
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Priority Agency Inc. 119 Jackson St. Suite 3	Reyes & Reyes Corp. (Business & Cabaret) 214 Fulton Ave.
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Daniel Jewelry
80 Main St.

AGENDA –November 1, 2016

Report of the Village Justice for the month of **September 2016**

Total number of cases before the court	1970
Total monies remitted to Village Comptroller	\$217,362.00

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

AGENDA –November 1, 2016

Does the Board wish to approve the resolution granting the taxpayer AGP Realty, LLC, for the property known as **92 Front Street**, Hempstead, New York, a refund in the amount of **\$5,625.00** for the tax years **2011/12** through **2016/17**?

WHEREAS, litigation was instituted against the Incorporated Village of Hempstead in the Supreme Court, County of Nassau, State of New York, under Consolidated Index No. 403919/2014, in case entitled “In the Matter of AGP REALTY LLC, Petitioner, against The Assessor and The Board of Assessment Review of the Village of Hempstead, Respondents” to resolve the issue of the true assessment, both retroactively and prospectively, for the 2011/12 through 2016/17 tax years, for real property tax purposes, for the premises described as Section 35, Block 455, Lots 284-285, known as 92 Front Street, Hempstead, New York 11550; and

WHEREAS, by proposed Stipulation of Settlement, subject to the approval of this Board, the Village has agreed to refund to AGP REALTY LLC, owner of 92 Front Street, a total of \$5,625.00, to resolve the issue of the true tax assessment for the 2011/12 through 2016/17 tax years, payable in one lump sum within 120 days after receipt by the Village of a certified copy of the duly signed and entered Order and Judgment;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Incorporated Village of Hempstead, that the Village refund to AGP REALTY LLC, owner of 92 Front Street a total of \$5,625.00, to resolve the issue of the true tax assessment for the 2011/12 through 2016/17 tax years, payable in one lump sum within 120 days after receipt by the Village of a certified copy of the duly signed and entered Order and Judgment; and

BE IT FURTHER RESOLVED, that, upon payment of the total refund, the certiorari tax proceedings brought on behalf of AGP REALTY LLC, for property known as 92 Front Street, Hempstead, New York 11550, for the tax years 2011/12 through 2016/17, shall be discontinued with prejudice and that no costs or disbursements shall be awarded to either party; and

BE IT FURTHER RESOLVED, that the issue of the prospective tax assessment for the tax years 2017/18, 2018/19, and 2019/20 will be \$15,708.00 and that no protest will be filed by AGP REALTY LLC, owner of property known as 92 Front Street, Hempstead, NY, for the tax years 2017/18, 2018/19, and 2019/20; and

BE IT FURTHER RESOLVED, that refund interest is waived unless payment of the refund is delinquent; and

BE IT FURTHER RESOLVED, that the Office of the Village Attorney is authorized to execute a Stipulation of Settlement and any related documents consistent with this Resolution.

Moved by Trustee _____ Seconded by Trustee _____

File # 8706

SUPREME COURT: STATE OF NEW YORK
COUNTY OF NASSAU

-----X STIPULATION OF SETTLEMENT

In the Matter of :

AGP REALTY, LLC, :

Petitioner, :

-against- :

<u>Tax Yr.</u>	<u>Index #</u>	<u>Cal #</u>
2011/12	403919/14	2014V2457
2012/13		
2013/14		
2014/15		
2015/16		
2016/17		

THE BOARD OF ASSESSORS AND/OR
THE ASSESSOR OF THE VILLAGE OF
HEMPSTEAD AND THE BOARD OF
ASSESSMENT REVIEW, :

: Section: 34
: Block: 455
: Lots: 284-285

Respondents. :

-----X

WHEREAS, petitioner has brought proceedings to review respondents' real property tax assessment on the property owned by petitioner and shown on the Nassau County Land and Tax Map as Section 34, Block 455, Lots 284-285 for the 2011/12 through 2016/17 tax years, and

WHEREAS, the attorneys for the parties have had several settlement conferences, and

NOW, THEREFORE, IT IS STIPULATED AND AGREED by and between the attorneys for the parties as follows:

1. The proceedings herein shall be consolidated under Index #403919/14 and Calendar #2014V2457.

2. Any motions affecting the said proceedings now pending be and the same hereby are withdrawn.

3. The within consolidated proceeding shall be settled for a lump-sum refund of Five Thousand Six Hundred Twenty Five (\$5,625) Dollars. The payment shall be made to KOEPPPEL MARTONE & LEISTMAN, LLP, as attorneys for petitioner, within 120 days of service of the Order and Judgment that effectuates this settlement with verified claim form and proof of payment of taxes for all tax years. If payment is not made as provided herein, then interest shall accrue at the rate of 6% per annum.

4. It is further stipulated and agreed that the assessed valuation for tax years 2017/18, 2018/19 and 2019/20 shall be reduced as follows and petitioner will not file an RPTL Article 7 proceeding for these tax years provided that the assessment is so corrected, unless the subject property is destroyed or damaged by fire or other casualty, demolished, altered, or subject to other significant factors set forth in RPTL 727 (2):

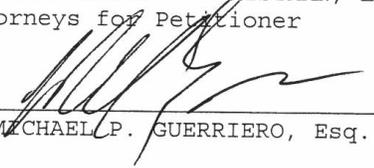
<u>Original Assessed Value</u>	<u>Reduction</u>	<u>Final Assessed Value</u>
\$ 16,825	\$ 1,117	\$ 15,708

5. The proceedings for the tax years 2011/12 through 2016/17 are withdrawn without costs upon payment of the refund and the reduction of the assessed value for the 2017/18 tax year.

Dated: Mineola, New York
August 12, 2016

KOEPPPEL MARTONE & LEISTMAN, LLP
Attorneys for Petitioner

By


MICHAEL P. GUERRIERO, Esq.

DEBRA A. URBANO-DISALVO, ESQ.
Attorney for Respondents
Village of Hempstead

By

KEISHA N. MARSHALL, ESQ.

AGENDA –November 1, 2016

Does the Board wish to approve the resolution granting the taxpayer BP America Inc., for the property known as **138 Peninsula Blvd.**, Hempstead, New York, a refund in the amount of **\$15,000.00** for the tax years **2010/11** through **2016/17**?

WHEREAS, litigation was instituted against the Incorporated Village of Hempstead in the Supreme Court, County of Nassau, State of New York, under Consolidated Index No. 400328/2014, in case entitled “In the Matter of BP AMERICA INC., Petitioner, against The Assessor and The Board of Assessment Review of the Village of Hempstead, Respondents” to resolve the issue of the true assessment, both retroactively and prospectively, for the 2011/12 through 2016/17 tax years, for real property tax purposes, for the premises described as Section 34, Block 355, Lot 38, known as 138 Peninsula Blvd., Hempstead, New York 11550; and

WHEREAS, by proposed Stipulation of Settlement, subject to the approval of this Board, the Village has agreed to refund to BP AMERICA INC., owner of 138 Peninsula Blvd., a total of \$15,000.00, to resolve the issue of the true tax assessment for the 2010/11 through 2016/17 tax years, payable in one lump sum within 120 days after receipt by the Village of a certified copy of the duly signed and entered Order and Judgment;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Incorporated Village of Hempstead, that the Village refund to BP AMERICA INC., owner of 138 Peninsula Blvd. a total of \$15,000.00, to resolve the issue of the true tax assessment for the 2010/11 through 2016/17 tax years, payable in one lump sum within 120 days after receipt by the Village of a certified copy of the duly signed and entered Order and Judgment; and

BE IT FURTHER RESOLVED, that, upon payment of the total refund, the certiorari tax proceedings brought on behalf of BP AMERICA INC., for property known as 138 Peninsula Blvd., Hempstead, New York 11550, for the tax years 2010/11 through 2016/17, shall be discontinued with prejudice and that no costs or disbursements shall be awarded to either party; and

BE IT FURTHER RESOLVED, that the issue of the prospective tax assessment for the tax years 2017/18, 2018/19, and 2019/20 will be \$13,600.00 and that no protest will be filed by BP AMERICA INC., owner of property known as 138 Peninsula Blvd., Hempstead, NY, for the tax years 2017/18, 2018/19, and 2019/20; and

BE IT FURTHER RESOLVED, that refund interest is waived unless payment of the refund is delinquent; and

BE IT FURTHER RESOLVED, that the Office of the Village Attorney is authorized to execute a Stipulation of Settlement and any related documents consistent with this Resolution.

Moved by Trustee _____

Seconded by Trustee _____

File # 53311

SUPREME COURT: STATE OF NEW YORK
COUNTY OF NASSAU

-----X STIPULATION OF SETTLEMENT
In the Matter of :
BP AMERICA, INC., :
Petitioner, :
-against- :
THE BOARD OF ASSESSORS AND/OR :
THE ASSESSOR OF THE VILLAGE OF :
HEMPSTEAD AND THE BOARD OF :
ASSESSMENT REVIEW, :
Respondents. :
-----X

<u>Tax Yr.</u>	<u>Index #</u>	<u>Cal #</u>
2010/11	400328/14	2014V0953
2011/12		
2012/13		
2013/14		
2014/15		
2015/16		
2016/17		

Section: 34
Block: 355
Lot: 38

WHEREAS, petitioner has brought proceedings to review respondents' real property tax assessment on the property owned by petitioner and shown on the Nassau County Land and Tax Map as Section 34, Block 355, Lot 38, for the 2010/11 through 2016/17 tax years, and

WHEREAS, the attorneys for the parties have had several settlement conferences, and

NOW, THEREFORE, IT IS STIPULATED AND AGREED by and between the attorneys for the parties as follows:

1. The proceedings herein shall be consolidated under Index #400328/14 and Calendar #2014V0953.

2. Any motions affecting the said proceedings now pending be and the same hereby are withdrawn.

3. The within consolidated proceeding shall be settled for a lump-sum refund of Fifteen Thousand Dollars (\$15,000). The payment shall be made to KOEPPPEL MARTONE & LEISTMAN, LLP, as attorneys for petitioner, within 120 days of service of the Order and Judgment that effectuates this settlement with verified claim form and proof of payment of taxes for all tax years. If payment is not made as provided herein, then interest shall accrue at the rate of 6% per annum.

4. It is further stipulated and agreed that the assessed valuation for tax years 2017/18, 2018/19 and 2019/20 shall be reduced as follows and petitioner will not file an RPTL Article 7 proceeding for these tax years provided that the assessment is so corrected, unless the subject property is destroyed or damaged by fire or other casualty, demolished, altered, or subject to other significant factors set forth in RPTL 727 (2):

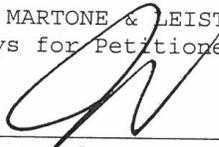
<u>Original</u> <u>Assessed Value</u>	<u>Reduction</u>	<u>Final</u> <u>Assessed Value</u>
\$ 16,000	\$ 2,400	\$ 13,600

5. The proceedings pertaining to Section 34, Block 355, Lot 38 for tax years 2008/09 and 2009/10 are hereby discontinued.

6. The proceedings for the tax years 2010/11 through 2016/17 are withdrawn without costs upon payment of the refund and reduction of the assessed value for the 2017/18 tax year.

Dated: Mineola, New York
October 19, 2016

KOEPPEL MARTONE & LEISTMAN, LLP
Attorneys for Petitioner

By 

Jamie P. Alpern, Esq.

DEBRA A. URBANO-DISALVO, ESQ.
Attorney for Respondents
Village of Hempstead

By _____
Keisha N. Marshall, Esq.

AGENDA –November 1, 2016

_____ Clerk offers the following resolution for adoption:

WHEREAS, the Village of Hempstead has \$500,000.00 dollars that was given to the Village in relation to the transfer of certain village properties; and

WHEREAS, the Village has a capital project, to wit: The Main Street Beautification and Pedestrian Access Enhancement Project, which is a funded by a reimbursable grant from NYS Department of Transportation that requires immediate funding;

NOW THEREFORE, be it resolve that the Village Board of Trustees hereby authorizes the transfer of \$500,000.00 dollars to the capital project fund to fund this project, which will be reimbursed by the NYS Department of Transportation.

Moved by Trustee _____

Seconded by Trustee _____

AGENDA –November 1, 2016

_____ Clerk offers the following resolution for adoption with regard to the Biennial Village Election to be held on **March 21, 2017**:

WHEREAS, pursuant to Section 15-104, Subparagraph 3(a) of the Election Law of the State of New York, the **third Tuesday** in **March 2017** is designated as the day on which Village Elections shall be held in the State of New York.

BE IT THEREFORE RESOLVED that a **Biennial Election** in and for the Incorporated Village of Hempstead be held in said Village on **Tuesday, March 21, 2017**, between the hours of six o'clock in the forenoon and nine o'clock in the Evening for the purpose of choosing the following officers:

one (1) Mayor for a four (4) year term of office

two (2) Trustees for a four (4) year term of office

one (1) Village Justice for a four (4) year term of office

Said terms of office to commence on the **first Monday** in **April 2017**.

Moved by Trustee _____

Seconded by Trustee _____

**BIENNIAL ELECTION OF THE
INCORPORATED VILLAGE OF HEMPSTEAD
NASSAU COUNTY, NEW YORK**

NOTICE IS HEREBY GIVEN that the following resolution was duly adopted by the Board of Trustees of the Incorporated Village of Hempstead at a meeting of said Board on **November 1, 2016**, to read as follows:

WHEREAS, pursuant to Section 15-104, Subparagraph 3(a) of the Election Law of the State of New York, the **third Tuesday** in **March 2017** is designated as the day in which Village elections shall be held in the State of New York.

BE IT THEREFORE RESOLVED that a Biennial Election in and for the Incorporated Village of Hempstead be held in said Village on Tuesday, **March 21, 2017**, between the hours of six o'clock in the forenoon and nine o'clock in the evening for the purpose of choosing the following officers:

- one (1) Mayor for a four (4) year term of office**
- two (2) Trustees for a four (4) year term of office**
- one (1) Village Justice for a four (4) year term of office**

Said terms of office to commence on the **first Monday** in **April 2017**.

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

Wayne Hall, Sr., Mayor
Patricia Perez, Village Clerk

Dated: November 1, 2016
D/N: November 11, 2016

AGENDA – November 1, 2016

_____ Clerk offers the following resolution for adoption:

BE IT RESOLVED that pursuant to Section 15-110, Subparagraph 1 of the Election Law of the State of New York, the Board of Trustees hereby authorizes that the Incorporated Village of Hempstead be divided into Thirty-three (33) election districts, the boundaries thereof to conform to the election districts as created by the Nassau County Board of Elections which are presently in effect as of the date of the adoption of this resolution and which said election districts shall be numbered as set forth on the accompanying map of the Incorporated Village of Hempstead.

(Legal notice together with the map of the 33 election districts will be published in the **November 11, 2016**, edition of the **Hempstead Beacon**.)

Moved by Trustee _____

Seconded by Trustee _____

**BIENNIAL ELECTION OF THE
INCORPORATED VILLAGE OF HEMPSTEAD
NASSAU COUNTY, NEW YORK**

PLEASE TAKE NOTICE that the following resolution was duly adopted by the Board of Trustees of the Village of Hempstead at a meeting of said Board on **November 1, 2016**, with regard to the Biennial Election to be held in the Incorporated Village of Hempstead, on **March 21, 2017**.

BE IT RESOLVED that pursuant to Section 115-110, Subparagraph 1 of the Election Law of the State of New York, the Board of Trustees hereby authorizes that the Incorporated Village of Hempstead be divided into thirty-three (33) Election Districts, the boundaries thereof to conform to the election districts as created by the Nassau County Board of Elections which are presently in effect as of the date of the adoption of this resolution and which said election districts shall be numbered as set forth on the accompanying map of the Incorporated Village of Hempstead.

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

Wayne J. Hall, Sr., Mayor
Patricia Perez, Village Clerk

Dated: November 1, 2016
D/N: November 11, 2016

AGENDA – November 1, 2016

_____ Clerk requests adoption of the following resolution with regard to the Village election to be held on **March 21, 2017**:

WHEREAS the Village Election for the Incorporated Village of Hempstead has been set for **March 21, 2017**; therefore, pursuant to Section 15-104, Subparagraph 3 (b)(1) and (2) of the Election Law of State of New York, the following polling places are hereby authorized to be utilized in said election and are to remain open from 6:00 a.m. to 9:00 p.m. for voting purposes:

(Polling places to be the same as those utilized by the Nassau County Board of Elections at the last general election in **November 2015**)

ELECTION DISTRICT LOCATION

2 (18 th A.D.)	Fulton School, Fulton Avenue
3 (18 th A.D.)	Jackson Street Firehouse
4 (18 th A.D.)	Jackson Street Firehouse
5 (18 th A.D.)	Police Armory, Washington Street
6 (18 th A.D.)	Village Hall – 99 Nichols Court
7 (18 th A.D.)	Jackson School – Gym
8 (18 th A.D.)	Jackson School – Gym
9 (18 th A.D.)	Jackson School -- Gym
10 (18 th A.D.)	Franklin School – So. Franklin Street
11 (18 th A.D.)	Jackson School – Gym
12 (18 th A.D.)	West End Firehouse – Front & President
13 (18 th A.D.)	Middle School – Greenwich Street
14 (18 th A.D.)	Middle School – Greenwich Street
15 (18 th A.D.)	Barack Obama School- William St. & Jerusalem Ave.
16 (18 th A.D.)	East End Firehouse – Front Street & Holly Avenue
17 (18 th A.D.)	Barack Obama School- William St. & Jerusalem Ave.
18 (18 th A.D.)	East End Firehouse – Front Street & Holly Avenue
19 (18 th A.D.)	Franklin School – South Franklin Street
20 (18 th A.D.)	Southside Firehouse – Long Beach Road
21 (18 th A.D.)	Lawrence Road JHS – Milburn Ave & Lawrence Rd
22 (18 th A.D.)	Kennedy Memorial Park – Greenwich Street
23 (18 th A.D.)	Kennedy Memorial Park – Greenwich Street
24 (18 th A.D.)	Franklin School – South Franklin Street
25 (18 th A.D.)	Southside Firehouse – Long Beach Road
26 (18 th A.D.)	Lawrence Rd JHS – Milburn & Lawrence Road
74 (18 th A.D.)	Jackson School – Gym
88 (18 th A.D.)	West End Firehouse
19 (19 th A.D.)	Fulton School, Fulton Avenue
20 (19 th A.D.)	Jackson Street Firehouse
21 (19 th A.D.)	Police Armory, Washington Street
57 (19 th A.D.)	Jackson Street Firehouse
49 (21 th A.D.)	Lawrence Rd JHS – Milburn & Lawrence Road
50 (21 th A.D.)	Southside Firehouse – Long Beach Road

Moved by Trustee _____

Seconded by Trustee _____

AGENDA – November 1, 2016

_____ Clerk requests adoption of the following resolution concerning the appointment of **inspectors of election** for the forthcoming Biennial Village Elections:

BE IT RESOLVED that the Village Clerk be authorized to appoint such **inspectors of election** as may be necessary to serve on **Tuesday, March 21, 2017**.

BE IT FURTHER RESOLVED, pursuant to Section 15-116, of the Election Law, all **inspectors of election** to serve on Election Day, on the day and location specified, shall be appointed from among persons who are presently serving as **inspectors of election** by appointment pursuant to the Election Law, and shall be certified by the Nassau County Board of Elections, insofar as a sufficient number of **inspectors** are available, and that the compensation for such **inspectors of election** shall be fixed at the rate of \$150.00 per inspector and \$160.00 per chairperson, per diem, for services so rendered.

Moved by Trustee _____

Seconded by Trustee _____

AGENDA – November 1, 2016

_____ Clerk offers the following resolution for adoption:

BE IT RESOLVED that the Village Clerk be authorized to make such arrangements as may be necessary to rent and/or utilize various locations within the Village of Hempstead for polling places for Hempstead Village's Biennial Election Day, to be held on **March 21, 2017**, and the fee to be paid for use of such premises, including electricity, heat, etc., shall be \$70 for the day.

Moved by Trustee _____

Seconded by Trustee _____

AGENDA – November 1, 2016

_____ Clerk offers the following resolution for adoption:

BE IT RESOLVED that the Village Clerk be authorized to rent voting machines and related equipment from the Nassau County Board of Elections for use in the forthcoming Biennial Village Election on **March 21, 2017**.

Moved by Trustee _____

Seconded by Trustee _____

AGENDA – November 1, 2016

_____ Clerk offers the following resolution for adoption:

Moved by Trustee _____ that permission is hereby granted for the **Long Island Association for AIDS Care (LIAAC) 60 Adams Avenue, Hauppauge, New York 11788** to provide outreach, education and HIV testing on **Mondays, Wednesdays** and **Fridays** between the hours of **10:30 a.m.** and **5:30 p.m.** at **various locations** in the Village of Hempstead from **November 1, 2016** to **November 1, 2017**. Said permission is contingent upon: compliance with the rules and regulations of the Hempstead Police Department and all liability in connection with the holding of this event and observance of the Code of the Village of Hempstead as it applies to group gatherings of this type; the filling of all appropriate insurance as determined by the Board herein; and indemnification and the execution of a hold harmless agreement on such terms and conditions as may be acceptable to the Village Attorney.

Seconded by Trustee _____

AGENDA – November 1, 2016

_____ Clerk offers the following resolution for adoption:

Moved by Trustee _____ that permission is hereby granted for Village employee, Jean Blaney to use Family Leave Act entitlement.

Seconded by Trustee _____

AGENDA – November 1, 2016

_____ Clerk offers the following resolution for adoption:

Moved by Trustee _____ authorizing the appointment of and/or salary changes for certain full-time and part-time employees of the Incorporated Village of Hempstead as reviewed as follows:

Name	Department/Title/Grade	Salary
Kenneth Hardy 99 Nichols Court Hempstead, NY	Recreation & Parks Park Supervisor Grade 18/4 O	\$79,184 upon CS approval

Seconded by Trustee _____

AGENDA – November 1, 2016

_____ Clerk offers the following resolution for adoption:

Moved by Trustee _____ that all meeting bills, including self insurance funds, audited by the Board of Trustees on check warrant dated **November 1, 2016**, be approved as previously reviewed.

Seconded by Trustee _____