

Hempstead, New York

February 2, 2016

REGULAR MEETING

A regular meeting of the Board of Trustees of the Incorporated Village of Hempstead was held at the Board Room, 99 Nichols Court, Hempstead, NY 11551 at 6:30 p.m.

ROLL CALL

Trustees Figueroa, Ryan; Mayor Hall.

Also Present

Debra Urbano-Disalvo, Village Attorney
Samantha Fountain, Deputy Village Clerk

SALUTE THE FLAG

Mayor Hall called the meeting to order and asked all present to rise and join in a salute to the flag of the United States of America.

ACCEPTANCE OF MINUTES

Clerks offers the following resolution for adoption:

Moved by Trustee Ryan that the reading of the minutes of the **Regular meeting of January 19, 2016** be dispensed with and that they be accepted as reviewed.

Seconded by Trustee Figueroa

AYES: Trustees Figueroa, Ryan and Mayor Hall

NOES: None

ABSENT: Trustee Pettus and Trustee Hobbs

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

Hempstead Coordinating Council of Civics Association – Reginald Lucas

Community Development Agency – Commissioner Danielle Oglesby

Electrical Board – Chairperson Raymond Polaski

VILLAGE JUSTICE REPORT

Report of the Village Justice for the month of **December 2015**

Report of the Village Justice for the month of **December 2015**

Total number of cases before the court 1660

Total monies remitted to Village Comptroller \$192,253.00

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

**APPROVAL OF
MISCELLANEOUS LICENSE
AND PERMIT APPLICATIONS**

Clerk wishes to report that Mayor Hall has reviewed and approved the following miscellaneous license and permit applications:

Business License for approval:

HEALTH INS LIFE
MARCIA YAURI
134-D NORTH FRANKLIN STREET

JEM SIGN CORP/ TEE PEE SIGNS
TEDDY EID
466-470 SOUTH FRANKLIN STREET

MARS BROKERAGE OF LI INC.
VICKI GEROFKY
243 FULTON AVE

SUNNY FRUIT STORE
SUN BOK PAE
201 HENRY STREET

EL DORADO BAKERY CORP.
LUZ ROSA
467 GREENWICH STREET

MANILA HUT RESTAURANT
MYLAN LAO
7 MAIN STREET

ROSA VARIÉDADES
ROSA A. GALDAMEZ RIVERA
14-A JAMES LL BURRELL AVE

NASSAU STONE DEPOT
BING YE
160 FRONT STREET

MAGEE BROS. INC.
COREY MAGEE
256 JERUSALEM AVE

HAZEL MULTISERVICE & TRAVEL
HAZEL M. ARGUETA
19 WEST COLUMBIA STREET

BONNIE HAPPY NAILS
BAHN JIN OK
201 HENRY STREET

SANZIVAR AUTO REPAIR
FRANCISCO A. GUERRERO
77 SMITH STREET

HEMPSTEAD DRIVE THRU LLC
SHAUN CAIN
579 PENINSULA BLVD

A & M MULTI-SERVICES INC
MIGUEL E. DILONE
169 BALDWIN ROAD

JUSTIN AGENCY INC.
MARIA GONZALEZ
80-A CLINTON STREET

FULTON WIRELESS
FAKHRI NIMIR
626 FULTON AVE

JAISAIVENKATESWARA PHARMACY LLC
VUTUKURI SRIHART
634 FULTON AVE

TRES SABORES RESTAURANT
ORLAN MARTINEZ
77 MAIN STREET

LATINAS SERVIEXPRESS CORP.
CARMELITA MARTIN
169 MAIN STREET

TRANSPORTES DE CARGA C.A.
EMILIO A. SABALLOS
94 NORTH FRANKLIN STREET

KENNEDY PARK FOOD MART INC.
SHAHEEN H SHAHEEN
270 GREENWICH STREET

V & T SUPERMARKET INC.
DANNY NGUYEN
12 NORTH FRANKLIN STREET

TWO BROTHERS RESTAURANT
SALVADOR PINEDA
400-B FULTON AVE

UPSCALE CUTZ
ROBERT LEACH
292 GREENWICH ST

WILLIAM EM CORP DBA LINDA'S RESTAURANT
WILLIAM A. CRUZ
71 MAIN STREET

TELE ENVIOS IV
ALIX RODRIGUEZ
23 SOUTH FRANKIN ST

KAY'S FULTON AVE FURNITURE CORP.
GHUZAN HUSSAIN
378 FULTON AVE

CORALINA JEWELRY
JAIME VIGIL
400-D FULTON AVE

PETRO GAS GROUP US INC
TREVOR MOORE
797 PENINSULA BLVD

LORE FRANK INC.
FRANCISCO ESQUIVEL
84 NORTH FRANKLIN ST

K.C. WIRELESS (CELL PHONE STORE)
BHAGMATI CHAPPELL
366 FULTON AVE

HEAVENLY MONUMENTS
JUAN POLANCO
80 MAIN STREET

MERCHY SERVI CENTER
FIROL PENA
313 CLINTON STREET

LONG ISLAND GOURMET DELI
HAMDY EL HADDAD
9 FRONT STREET

FRANKLIN ST. MINI MARKET INC.
HASHIM A. ALZUNDANI
235 SOUTH FRANKLIN STREET

KATIA BEAUTY SALON
KATIA RIVAS
140 NORTH FRANKLIN ST

BELLEZAS LATINAS BEAUTY SALON (BEAUTY SALON. BARBER SHOP,
MULTISERVICE)
DAYSI M. CASTILLO
512 FULTON AVE

JM JEWELRY (BUSINESS AND SECONDHAND DEALER)
JORGE MOROCHO
64 NORTH FRANKLIN ST

5 STAR RATED INC. (BUSINESS, SECONDHAND DEALER, PAWN BROKER)
STEVE GALIBOV
393 FULTON AVE

MOBILE TALK II LLC (BUSINESS AND SECONDHAND DEALER)
MANUEL PONCE
175 FULTON AVE

CHAPTER 139 Article III

Clerks offers the following resolution for adoption:

WHEREAS, Chapter 139 Article III of the Code of the Incorporated Village of Hempstead entitled "Provisions Related to all Districts requires an amendment to insure compliance with General Municipal Law Article 16-A and

WHEREAS, pursuant to § 617.5 (c) 20 and 27 of SEQRA, regulations amending the Code of the Incorporated Village of Hempstead are "routine or continuing agency administration and management, not including new programs or major reordering of priorities" and "promulgation of the regulations, policies, procedures and legislative decisions in connection with any type II action," and therefore, this proposed action, a

Type II action, requires no further action pursuant to SEQRA.

NOW, THEREFORE

THE VILLAGE BOARD OF TRUSTEES HEREBY SCHEDULES a public hearing to be held on the 1st day of **March, 2016** at **6:00** p.m., at the Hempstead Village Hall, 99 Nichols Court, Hempstead, New York, to consider amending Chapter 139 Article III of the Code of the Incorporated Village of Hempstead entitled "Provisions Related to all Districts "

Moved by Trustee Ryan

Seconded by Trustee Figueroa

AYES: Trustees Figueroa, Ryan and Mayor Hall

NOES: None

ABSENT: Trustee Pettus and Trustee Hobbs

MAZEN KAILEH

Clerks offers the following resolution for adoption:

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. 2014403267, in case entitled "In the Matter of MAZEN KAILEH, 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 2005/06 through 2015/16 tax years, for real property tax purposes, for the premises described as Section 34, Block 391, Lot 349 known as 415 Jerusalem Avenue, 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 MAZEN KAILEH, owner of 415 Jerusalem Avenue, a total of \$110,000.00, to resolve the issue of the true tax assessment for the 2005/06 through 2015/16 tax years, payable in three (3) installments of \$37,000.00, \$37,000.00 and \$36,000.00 within 90, 180, 270, days respectively 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 MAZEN KAILEH, owner of 415 Jerusalem Avenue, a total of \$110,000.00, to resolve the issue of the true tax assessment for the 2005/06 through 2015/16 tax years, payable in three (3) installments of \$37,000.00, \$37,000.00 and \$36,000.00 within 90, 180, 270, days respectively 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 MAZEN

KAILEH, for property known as 415 Jerusalem Avenue, Hempstead, New York 11550, for the tax years 2005/06 through 2015/16, 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 2016/17, 2017/18, and 2018/19 will be \$20,000.00 and that no protest will be filed by MAZEN KAILEH, owner of property known as 415 Jerusalem Avenue, Hempstead, NY, for the tax years 2016/17, 2017/18, and 2018/19; 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 Figueroa
Seconded by Trustee Ryan

AYES: Trustees Figueroa, Ryan and Mayor Hall

NOES: None

ABSENT: Trustee Pettus and Trustee Hobbs

MILLENNIUM REALTY LLC

Clerks offers the following resolution for adoption:

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. 403867/2013, in case entitled “In the Matter of MILLENNIUM 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 2014/15 through 2015/16 tax years, for real property tax purposes, for the premises described as Section 34, Block 175, Lot 208 known as 57 Sealey Avenue, Section 34, Block 176, Lots 10, 11, 12 known as Sealey Avenue, 56 Sealey Avenue and 54 Sealey Avenue respectively and Section 34, Block 191, Lot 19 known as Union Place, 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 MILLENNIUM REALTY LLC, owner of Sealey Avenue, 54, 56-57 Sealey Avenue and Union Place, a total of \$2,000.00, to resolve the issue of the true tax assessment for the 2014/15 through 2015/16 tax years, payable in one lump sum of \$2,000.00 within 90 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

MILLENNIUM REALTY LLC, owner of Sealey Avenue, 54, 56-57 Sealey Avenue and Union Place, a total of \$2,000.00, to resolve the issue of the true tax assessment for the 2014/15 through 2015/16 tax years, payable in one lump sum of \$2,000.00 within 90 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 MILLENNIUM REALTY LLC, for property known as Sealey Avenue, 54, 56-57 Sealey Avenue and Union Place, Hempstead, New York 11550, for the tax years 2014/15 through 2015/16, shall be discontinued with prejudice and that no costs or disbursements shall be awarded to either party; 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 Figueroa

Seconded by Trustee Ryan

AYES: Trustees Figueroa, Ryan and Mayor Hall

NOES: None

ABSENT: Trustee Pettus and Trustee Hobbs

HILLMARC PROPERTIES, LLC

Clerks offers the following resolution for adoption:

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. 13-404087, in case entitled "In the Matter of HILLMARC PROPERTIES, 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 2010/11 through 2015/16 tax years, for real property tax purposes, for the premises described as Section 34, Block 294, Lot 3 known as 41 Hilton Avenue, 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 HILLMARC PROPERTIES, LLC, owner of 41 Hilton Avenue, a total of \$9,000.00, to resolve the issue of the true tax assessment for the 2010/11 through 2015/16 tax years, payable in one lump sum within 90 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 HILLMARC PROPERTIES, LLC, owner of 41 Hilton Avenue, a total of \$9,000.00, to resolve the issue of the true tax assessment for the 2010/11 through 2015/16 tax years, payable in one lump sum within 90 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 HILLMARC PROPERTIES, LLC, for property known as 41 Hilton Avenue, Hempstead, New York 11550, for the tax years 2010/11 through 2015/16, 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 2016/17, 2017/18, and 2018/19 will be \$10,350.00 and that no protest will be filed by HILLMARC PROPERTIES, LLC, owner of property known as 41 Hilton Avenue, Hempstead, NY, for the tax years 2016/17, 2017/18, and 2018/19; 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 Ryan

Seconded by Trustee Figueroa

AYES: Trustees Figueroa, Ryan and Mayor Hall

NOES: None

ABSENT: Trustee Pettus and Trustee Hobbs

A.PATRICIA MOORE
Special Counsel for Intergovernmental
and Community Affairs

Clerks offers the following resolution for adoption:

Authorization by the Board of Trustees to amend the resolution dated **April 6, 2015** (Annual Meeting) for \$7,500 to appoint **A. Patricia Moore** as **Special Counsel for Intergovernmental and Community Affairs** for the period commencing **April 6, 2015 to April 3, 2016** with a stipend of **\$150.00** per hour not to exceed **\$12,500.00**.

Moved by Trustee Ryan

Seconded by Trustee Figueroa

AYES: Trustees Figueroa, Ryan and Mayor Hall
NOES: None
ABSENT: Trustee Pettus and Trustee Hobbs

NAWROCKI SMITH

Clerks offers the following resolution for adoption:

Authorization by the Board of Trustees to retain the services of Nawrocki Smith to conduct an audit review at a rate not to exceed \$10,000.00.

Moved by Trustee Figueroa

Second by Trustee Ryan

AYES: Trustees Figueroa, Ryan and Mayor Hall
NOES: None
ABSENT: Trustee Pettus and Trustee Hobbs

CHECK WARRANTS

Clerks offers the following resolution for adoption:

Moved by Trustee Figueroa that all meeting bills, including self-insurance funds, audited by the Board of Trustees on check warrant dated **February 2, 2016** be approved as previously reviewed.

Seconded by Trustee Ryan

AYES: Trustees Figueroa, Ryan and Mayor Hall
NOES: None
ABSENT: Trustee Pettus and Trustee Hobbs

MEETING ADJOURNED

There being no other business to come before the Board, Trustee Figueroa moved to adjourn.

Seconded by Trustee Ryan

AYES: Trustees Figueroa, Ryan and Mayor Hall
NOES: None
ABSENT: Trustee Pettus and Trustee Hobbs

Deputy Village Clerk