

Hempstead, New York

March 15, 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 7:00 p.m.

ROLL CALL

Trustees Pettus, Figueroa, Ryan, Hobbs, Mayor Hall

Also Present

Debra Urbano Disalvo, Village Attorney
Patricia Perez, 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 March 1, 2016**, be dispensed with and that they be accepted as reviewed.

Seconded by Trustee Pettus

AYES: Trustees Figueroa, Pettus, Ryan, Hobbs;
Mayor Hall

NOES: None

**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

MPM Roadrunner Restaurant
658 Fulton Ave.

Aaron's Inc.
210 Fulton Ave.

Lillian Unisex Beauty Salon
28 Main Street

Botanica Asombro Mental
41 Main Street

Prescription Center of Long Island
126 Jackson St.

134 Front Deli Corp.
134-136 Front Street

Franconia Pharmacy #2
50-1 Fulton Ave.

Bsonyc Corp.
20 Main St.

Reliable Press II Inc.
73 Sealey Ave.

JM Salud & Vida Corp.
33 Main Street Ste. 4

Emanuel Jewelry
123 Main St.

99 Cents Toys Corporation
86 North Franklin St.

Taxi License for approval

Vanette M. Jean
278 Magnolia Ave.
Westbury, NY 11590

Lawatta C. Brown
100 Terrace Ave. Apt # 656
Hempstead, NY 11550

Harry J. Montour
73 Cedar Rd.
Westbury, NY 11590

Landscaping License for approval

J. Landscaping
139 Dietz St.
Hempstead, NY 11550

Acosta Landscaping Inc.
73 Evans Ave.
Hempstead, NY 11550

M. Flores Mancia
2104 Franklin Ave.
East Meadow, NY 11554

Brothers Mancia Corp.
557 Paff Ave.
Uniondale, NY 11553

Robert Landscaping
36 E. Seaman Ave.
Freeport, NY 11520

JFE Landscaping
P.O. Box 30
Hempstead, NY 11550

Lopez Landscape Inc.
35 Circle Drive
Hempstead, NY 11550

Pedro Nunez
74 24th St.
Copiague, NY 11726

Felix Landscaping
21 Russell Place
Freeport, NY 11520

JJ Lawn Care
63 South Side Ave.
Freeport, NY 11520

Elegante Landscaping & Gardening
108 Princeton St.
Hempstead, NY 11550

Roberto Lawn Care & Landscaping
257 Covert Ave.
Floral Park, NY

MM Bari Landscaping Inc.
1058 Lydia Dr.
Franklin Square, NY 11010

Argueta Landscaping Corp.
2 Andrews Ave.
Roosevelt, NY

HC Landscaping
25 Litchfield Ave. #3
Elmont, NY 11003

GEO Flores Landscaping
248 Sherman St.
Westbury, NY

M. Ramirez Landscaping Inc.
172 Ellison Ave.
Roosevelt, NY 11575

General Insurance Service
20 Long Dr.
Hempstead, NY 11550

Venturas Landscape
7 Linden Ave.
Hempstead, NY 11550

J & J Landscaping
P.O. Box 695
Lawrence, NY 11559

Jose Argueta Landscaping
11 Harrision Ave.
Hempstead, NY 11550

NG Landscaping
119 South Bayview Ave.
Freeport, NY 11520

Zenie Landscaping
189 Charles St.
Lynbrook, NY 11563

Report of the Village Justice for the month of February 2016

Total number of cases before the court 1110

Total monies remitted to Village Comptroller \$182,352.00

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

NADER ENTERPRISES, 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. 400854-10, in case entitled “In the Matter of NADER ENTERPRISES 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 2008/09 through 2015/16 tax years, for real property tax purposes, for the premises described as Section 34, Block 294, Lots 215,216 known as 131-133F Fulton 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 NADER ENTERPRISES LLC, owner of 131-133F Fulton Avenue, a total of \$200,000.00, to resolve the issue of the true tax assessment for the 2008/09 through 2015/16 tax years, payable in four equal installments of \$50,000.00 within 90, 180, 270, and 360 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 NADER ENTERPRISES LLC, owner of 131-133F Fulton Avenue, a total of \$200,000.00, to resolve the issue of the true tax assessment for the 2008/09 through 2015/16 tax years, payable in four equal installments of \$50,000.00 within 90, 180, 270 and 360 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 NADER ENTERPRISES LLC, for property known as 131-133F Fulton Avenue, Hempstead, New York 11550, for the tax years 2008/09 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 \$37,000.00 and that no protest will be filed by NADER ENTERPRISES LLC, owner of property known as 131-133F Fulton 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 Pettus
Seconded by Trustee Figueroa

AYES: Trustees Figueroa, Pettus, Ryan, Hobbs;
Mayor Hall
NOES: None

160 FRONT STREET

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. 13400376, in case entitled “In the Matter of 160 FRONT STREET 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 2009/10 through 2015/16 tax years, for real property tax purposes, for the premises described as Section 35, Block 328-01, Lots 447 known as 164 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 160 FRONT STREET LLC, owner of 164 Front Street, a total of \$2,800.00, to resolve the issue of the true tax assessment for the 2009/10 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 160 FRONT STREET LLC, owner of 164 Front Street, a total of \$2,800.00, to resolve the issue of the true tax assessment for the 2009/10 through 2015/16 tax years, payable in one lump sum of \$2,800.00 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 160 FRONT STREET, LLC, for property known as 164 Front Street, Hempstead, New York 11550, for the tax years 2009/10 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 Pettus
Seconded by Trustee Ryan

AYES: Trustees Figueroa, Pettus, Ryan, Hobbs;
Mayor Hall
NOES: None

CDA 42ND PROGRAM YEAR

Clerks offers the following resolution for adoption:

WHEREAS, the Secretary of the U.S. Department of Housing and Urban Development is authorized under Title I of the Housing and Community Development Act of 1974, as amended, to make grants and loans to states and other units of general local government to help finance Community Development Programs and Project Activities; and

WHEREAS, the COUNTY and SUBRECIPIENT entered into a renewable Cooperation Agreement to participate in a Nassau County Community Development Program for a term of three (3) years to commence on the 1st day of September 2014 and terminate on the 31st day of August 2017, under Title I of the Housing and Community Development Act of 1974, as amended (the "Act");

WHEREAS, the Secretary of the U.S. Department of Housing and Urban Development has approved a Community Development Program; and

WHEREAS, pursuant to said Cooperative Agreement, the COUNTY, SUBRECIPIENT and AGENT have agreed to undertake project activities using Community Development Block Grant Funds to be received by the COUNTY from the U.S. Department of Housing and Urban Development; and

WHEREAS, the Village Trustees of the Village of Hempstead deem it to be in the public interest for the SUBRECIPIENT and AGENT to participate in the Forty Second (42nd) Program Year and to execute any and all agreements or other documentation necessary to ensure and guarantee the SUBRECIPIENT and AGENT'S participation therein and obligations therein for the purpose of undertaking project activities set forth therein and above, under Title I of the Housing and Community Development Act of 1974, as amended;

NOW, THEREFORE, BE IT RESOLVED, that the SUBRECIPIENT and its AGENT shall participate in the Forty second (42nd) Program Year and that Mayor Wayne J. Hall, Sr. is hereby authorized to execute any and all agreements or other documentation necessary to ensure and guarantee the SUBRECIPIENT'S and AGENT's participation therein and obligations therein for the purpose of undertaking project activities set forth therein and above, under Title I of the Housing and Community Development Act of 1974, as amended.

Moved by Trustee Hobbs
Seconded by Trustee Ryan

AYES: Trustees Figueroa, Pettus, Ryan, Hobbs;
Mayor Hall
NOES: None

VISION RISK

Clerks offers the following resolution for adoption:

Moved by Trustee Hobbs that authorization be granted for the Village of Hempstead to enter into an agreement with Vision Risk Services, LLC, 6333 Jericho Turnpike, Commack, New York 11725 to provide claims services regarding worker's compensation, general liability and auto claims for self-insured losses as outlined in the attached agreement, effective from **July 1, 2016** through **June 30, 2017**, in the amount as described in Exhibit A of the agreement. Be it resolved that the Mayor be and he hereby is authorized to execute said agreement on behalf of the Village of Hempstead on such terms and conditions as may be acceptable to the Village Attorney.

Seconded by Trustee Figueroa

AYES: Trustees Figueroa, Pettus, Ryan, Hobbs;
Mayor Hall
NOES: None

**REQUEST TO SLA TO DENY
LICENSE METRO DELI LLC.**

Clerks offers the following resolution for adoption:

WHEREAS, the New York State Liquor Authority (hereinafter "SLA") issues licenses to business that dispense alcohol related products and regulates the operation of such business as it relates to the business' SLA License;

WHEREAS, Metro Deli LLC seeks a license from the SLA to sell and dispense liquor, wine beer & cider at its premises;

WHEREAS, the Secretary of the U.S. Department of Housing and Urban Development has approved a Community Development Program; and

NOW THEREFORE, THE Village Board of the Inc. Village of Hempstead requests that the SLA not issue Metro Deli LLC to seek and dispense liquor, wine beer & cider at its premises; and

THE VILLAGE BOARD OF THE INC. VILLAGE OF HEMPSTEAD requests that the SLA no longer issue on-premises consumption licenses of any sort to retail establishments, such as grocery stores, delicatessens, or bodegas.

Moved by Trustee Hobbs
Seconded by Trustee Figueroa

AYES: Trustees Figueroa, Pettus, Ryan, Hobbs;
Mayor Hall
NOES: None

OUR LADY OF LORETTO

Clerks offers the following resolution for adoption:

Moved by Trustee Ryan that permission is hereby granted for **Our Lady of Loretto** to hold its annual Stations of the Cross on Good Friday, **March 25, 2016**, from 12:00 noon to 3:00 p.m. The procession will leave the Church parking lot and proceed onto Henry Street,

along Thorne Avenue, onto William Street, Gladys Avenue, back to Henry Street to Church parking lot. Said permission is contingent upon compliance with the rules and regulations of the Hempstead Police Department and all liability in connection with these activities and observance of the Code of the Village of Hempstead; the filing 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 Hobbs

AYES: Trustees Figueroa, Pettus, Ryan, Hobbs;
Mayor Hall
NOES: None

**COMITE PARADA FESTIVAL
CENTROAMERICANO DE NY**

Clerks offers the following resolution for adoption:

Moved by Trustee Figueroa that authorization is hereby granted for **Comite Parada Festival Centroamericano de New York, Inc.** P.O. Box #2401, Hempstead, NY, 11550, to hold a Parade/Festival on Sunday, **September 18, 2016** from 12:00 noon to 7:00 pm. The Parade will march South on Old Franklin St. & Union Place merge onto North Franklin Street and continue south towards Front St. once it reaches Front St. it will continue east towards to Main St. The Parade will culminate with a Festival at Parking Field # 14. To hold the Parade/Festival the amount due is \$41,160.00, any monies that needs to be paid to the Village it has to be paid no later than **August 18, 2016**, failure to comply with this, Parade/Festival will be canceled. 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

AYES: Trustees Figueroa, Pettus, Ryan, Hobbs;
Mayor Hall
NOES: None

ST. LADISLAUS CHURCH

Clerks offers the following resolution for adoption:

Moved by Trustee Pettus that pursuant to Section 50-28, Paragraph A-2 of the Code of the Incorporated Village of Hempstead, permission is hereby granted for the **St. Ladislaus Church**, 18 Richardson Place, Hempstead, New York to erect a tent on Church grounds for a Bazaar to commence **Thursday, April 7,**

2016 to Sunday, April 17, 2016 from 5:00 p.m. to 10:00 p.m. and the Building Department is hereby authorized to issue the requisite permit.

Seconded by Trustee Hobbs

AYES: Trustees Figueroa, Pettus, Ryan, Hobbs;
Mayor Hall

NOES: None

**TENTATIVE BUDGET
2016/17**

Clerks offers the following resolution for adoption:

Moved by Trustee Pettus that on **Monday, April 11, 2016 at 6:00 p.m.** a **Public Hearing** shall be held on the tentative budget for the **2016/17** fiscal year. Said public hearing shall be held at Village Hall, 99 Nichols Court, Hempstead, New York 11550.

Seconded by Trustee Hobbs

AYES: Trustees Figueroa, Pettus, Ryan, Hobbs;
Mayor Hall

NOES: None

**WATER RATES
2016/17**

Clerks offers the following resolution for adoption:

Moved by Trustee Pettus that on **Monday, April 11, 2016** immediately following the tentative Budget **Public Hearing** there will be new **Water Rates** billing structure to be considered to become effective **August 1, 2016** for the Incorporated Village of Hempstead.

Seconded by Trustee Hobbs

AYES: Trustees Figueroa, Pettus, Ryan, Hobbs;
Mayor Hall

NOES: None

FAMILY LEAVE ACT

Clerks offers the following resolution for adoption:

Moved by Trustee Hobbs that permission is hereby granted for Village employee, Elizabeth Fielding to use Family Leave Act entitlement.

Seconded by Trustee Pettus

AYES: Trustees Figueroa, Pettus, Ryan, Hobbs;
Mayor Hall

NOES: None

PUBLIC HEARING APPROVAL Clerks offers the following resolution for adoption:

Moved by Trustee Hobbs that **Chapter § 139, ARTICLE III (PROVISIONS RELATED TO ALL DISTRICTS)** of the Code of the Incorporated Village of Hempstead, on which a public hearing was held on **March 1, 2016** be approved.

Seconded by Trustee Figueroa

AYES: Trustees Figueroa, Pettus, Ryan, Hobbs;
Mayor Hall
NOES: None

SHANNON DIAZ

Clerks offers the following resolution for adoption:

Moved by Trustee Figueroa that authorization is granted to enter into an agreement with Shannon Diaz, 587 Beaver Lane, Ronkonkoma, NY 11779 to work as a Freelance Designer for the Village of Hempstead for twenty hours of work monthly at a rate of \$25.00 an hour. The Mayor be and he hereby is authorized to execute same on behalf of the Incorporated Village of Hempstead on such terms and conditions as are acceptable to the Village attorney.

Seconded by Trustee Mayor Hall

AYES: Trustees Figueroa, Pettus; Mayor Hall
NOES: Ryan, Hobbs

**P.O. APPROVAL FOR
BACKFLOW TEST INC.**

Clerks offers the following resolution for adoption:

The Board wish to approve P.O. submitted by Backflow Test Inc., a company owned by members of employee Ralph Fraile family. Said disclosure is being made in accordance with the Village ethnic policy.

Moved by Trustee Ryan
Seconded by Pettus

AYES: Trustees Figueroa, Pettus, Ryan, Hobbs;
Mayor Hall
NOES: None

CHECK WARRANT

Clerk offers the following resolution for adoption:

Moved by Trustee Hobbs that all meeting bills, including self insurance funds, audited by the Board of Trustees on check warrant dated **March 15, 2016**, be approved as previously reviewed.

Seconded by Trustee Figueroa

AYES: Trustees Figueroa, Pettus, Ryan, Hobbs;
Mayor Hall
NOES: None

MEETING ADJOURNED

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

Seconded by Trustee Figueroa

Village Clerk