

Hempstead, New York

FEBRUARY 5, 2019

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 Johnson, Pettus, Renfroe, Daniels; Mayor Ryan

ALSO PRESENT:

Jacqueline M. Zore, Deputy Village Attorney
Samantha Fountain, Deputy Village Clerk

SALUTE THE FLAG

Mayor Ryan 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.

CHAPTER 36 (TRAFFIC & SAFETY BOARD Clerks offers the following resolution for adoption:

Being held to consider amending §
CHAPTER 36 (TRAFFIC AND SAFETY BOARD) the Code of the Incorporated Village of Hempstead.

WHEREAS, The Village Board of Trustees desires to amend the Code of the Incorporated Village of Hempstead to clarify the duties of the Traffic and Safety Board in the Village of Hempstead;

Moved by Trustee Pettus

Seconded by Trustee Renfroe

AYES: Johnson, Pettus, Daniels,
Renfroe and Mayor Ryan

NOES: None

PERSONAL WIRELESS BOARD

Clerks offers the following resolution for adoption:

Mayor Ryan and the Board of Trustees wishes to announce that **Cherice P.**

Vanderhall, Village Attorney, Grace Lawrence, Acting Treasurer as members of the Personal Wireless Services Facilities Board pursuant to Local Law No.4-2002, term expiring on April 1, 2019 without compensation.

MINUTES

Clerks offers the following resolution for adoption:

RESOLVED, that recommendation by Samantha Fountain, Deputy Village Clerk to have the minutes waived from the reading of the **Special Meeting January 9, 2019** and a **Regular Meeting on January 15, 2019** and be dispensed with and that they be accepted as reviewed.

Moved by Trustee Daniels

Seconded by Trustee Pettus

AYES: Johnson, Pettus, Daniels, Renfro and Mayor Ryan

NOES: None

Report of the Village Justice for the month of **December 2018**

Total number of cases before the court	1,577
Total monies remitted to Village Comptroller	\$155,780.00

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

CHAPTER 95 ARTICLE VIII

Clerks offers the following resolution for adoption:

WHEREAS, The Village Board of Trustees desires to amend the Code of the Incorporated Village of Hempstead so as to further promote the safety at and within the public transportation facilities located in the Village of Hempstead and;

NOW, THEREFORE

THE VILLAGE BOARD OF TRUSTEES

HEREBY SCHEDULES a public hearing to be held on the **5th** day of **MARCH, 2019** at **6:15 p.m.** at the Hempstead Village Hall, 99 James A Garner Way, Hempstead, New York, to consider amending CHAPTER 95 ARTICLE VIII (CONDUCT PROHIBITED IN PUBLIC PLACES) .

Moved by Trustee Pettus

Seconded by Trustee Johnson

AYES: Johnson, Pettus, Daniels, Renfroe and Mayor Ryan

NOES: None

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

Traffic Safety Board – Lt. Kirichenko/ Chairperson Mary Burns- report submitted

Hempstead Coordinating Council of Civics Association – Reginal Lucas

Youth Council – Carlos Flores

Planning Board – Chairperson Kennetha Pettus- report submitted

Hempstead Housing Authority – Shereen Goodson, Executive Director – no report

Community Development Agency – Commissioner Charlene Thompson

Electrical Board – Christian Castillo

Plumbing Board – Chairperson Kelly Magee - absent

Historian - Reine Bethany

Hempstead Chamber of Commerce – Acquilla Bailey

Clerk wishes to report that Mayor Ryan & Deputy **MISCELLANEOUS LICENSE**
Mayor Renfroe have approved miscellaneous

AND PERMIT APPLICATIONS Business licenses as reviewed.

NEW BUSINESS

Pizza Wonder Inc.

Malak I. Ahmad

391 Peninsula Blvd.

Hondumex Restaurant Corp.

Alex Martinez

58 Main Street

J. Perez Restaurant

Brandon Martinez

751 Front Street

RENEWALS

Hempstead Poultry LLC

Saleh S. Muflehi

39 Newmans Ct

Health & Wellness Farmacia Inc.

Zia Khan

634 Fulton Ave

Checo Deli & Grocery Inc.

Jose G. Checo

589 Fulton Ave

Sonic Car Wash & Lube Inc.

Amilcar Cesar Lemus Cartagena

404 Peninsula Blvd.

9 NINE CAPTIAL PROJECTS Clerks offers the following resolution for adoption:

RESOLVED, by the recommendation of
Grace Lawrence, Acting Treasurer for
the Board of Trustees to authorize (9)

nine capital projects be closed out pursuant and residual proceeds be transferred pursuant to General Municipal Law as follows: \$144,584.62 to be transferred to Debt Service Fund.

Moved by Trustee Pettus

Seconded by Trustee Renfroe

AYES: Johnson, Pettus, Daniels, Renfroe and Mayor Ryan

NOES: None

Hempstead Plaza, LLC Clerks offers the following resolution for adoption:

RESOLVED, that upon the recommendation of Jacqueline Zore, Smrek that authorization to settle Tax Certiorari with Hempstead Plaza, LLC (formerly 175 Hempstead LLC), properties known as Hilton Avenue, 173-191 Fulton Avenue & Fulton Avenue, Hempstead, New York Hempstead, New York I the amount of \$1,400,000 ?

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. 406442/16, in case entitled “In the Matter of Hempstead Plaza, LLC (formerly known as 175 Hempstead, LLC), Petitioner, against The Board of Assessors and/or the Assessor of the Village of Hempstead and The Board of Assessment Review, Respondents” to resolve the issue of the true

assessment, both retroactively and prospectively, for the 2014/15 through 2018/19 tax years, for real property tax purposes, for the premises described as Section 34, Block 285, Lot 105, known as Hilton Ave, Section 34, Block 285, Lot 406, known as 173-191 Fulton Avenue and Section 34, Block 285, Lots 167 and 363, known as 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 Hempstead Plaza, LLC (formerly 175 Hempstead, LLC), a total of \$1,400,000.00 to resolve the issue of the true tax assessment for the 2014/15 through 2018/19 tax years, payable in eight (8) installments every 90 days after receipt by the Village of a certified copy of the duly signed and entered Order and Judgment; first installment will be \$250,000.00 due 90 days after receipt by the Village of a certified copy of the duly signed and entered Order and Judgment, second installment will be \$200,000.00 due 180 days after receipt by the Village of a certified copy of the duly signed and entered Order and Judgment, third through seventh installments will be

\$150,000.00 each due 270, 360, 450, 540 and 630 days respectively after receipt by the Village of a certified copy of the duly signed and entered Order and Judgment and the eighth and final installment will be \$200,000.00 due 720 days after receipt by the Village of a certified copy of the duly signed and entered Order and Judgment; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Incorporated Village of Hempstead, that the Village refund to Hempstead Plaza, LLC (formerly 175 Hempstead, LLC), a total of \$1,400,000.00, to resolve the issue of the true tax assessment for the 2014/15 through 2018/19 tax years, payable in eight (8) installments every 90 days after receipt by the Village of a certified copy of the duly signed and entered Order and Judgment; first installment will be \$250,000.00, second installment will be \$200,000.00, third through seventh installments will be \$150,000.00 each, and the eighth and final installment will be \$200,000.00; and

BE IT FURTHER RESOLVED, that the issue of the prospective tax assessment for the tax years 2019/20, 2020/21 and 2021/22 for Section 34,

Block 285, Lot 105, known as Hilton Avenue, will be \$17,500.00 and that no protest will be filed by Hempstead Plaza, LLC (formerly 175 Hempstead, LLC), for the tax years 2019/20, 2020/21 and 2021/22; and

BE IT FURTHER RESOLVED, that the issue of the prospective tax assessment for the tax years 2019/20, 2020/21 and 2021/22 for Section 34, Block 285, Lot 406, known as 173-191 Fulton Avenue, will be \$292,500.00 and that no protest will be filed by Hempstead Plaza, LLC (formerly 175 Hempstead, LLC), for the tax years 2019/20, 2020/21 and 2021/22; and

BE IT FURTHER RESOLVED, that the proceedings pertaining to Section 34, Block 285, Lots 167 and 363 known as Fulton Avenue, Hempstead, New York 11550 for the tax years 2014/15 through 2018/19 are hereby discontinued with prejudice; and

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

BE IT FURTHER RESOLVED, that, upon payment of the total refund, the certiorari tax proceedings brought on behalf of Hempstead Plaza, LLC (formerly known as 175 Hempstead,

LLC), for properties known as Hilton Avenue, 173-191 Fulton Avenue and Fulton Avenue, Hempstead, New York 11550, for the tax years 2014/15 through 2018/19, shall be discontinued with prejudice and that no costs or disbursements shall be awarded to either party; 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 Renfroe

Seconded by Trustee Mayor

AYES: Johnson, Pettus, Daniels, Renfroe and Mayor Ryan

NOES: None

Rescheduled Board Meeting Clerks offers the following resolution for adoption:

RESOLVED, that upon the recommendation of Samantha Fountain, Deputy Village Clerk that authorization by Board of Trustees is hereby granted for the regularly scheduled meeting of the Board of Trustees Village Board meeting on **Tuesday, March 19, 2019 at 6:30 p.m., be rescheduled to Wednesday, March 20, 2019 at 6:30 p.m.**, so as not to conflict with Election Day.

Moved by Trustee Daniels

Seconded by Trustee Johnson

AYES: Johnson, Pettus, Daniels, Renfroe and Mayor Ryan

PARKING FIELD #16

NOES: None

Clerks offers the following resolution for adoption:

RESOLVED, that permission is granted for the Incorporated Village of Hempstead to enter into an agreement with Alphamore LLC, having an office at 2571 E 17th Street, 3rd Floor, Brooklyn, New York 11235,, to utilize thirty five (35) parking spaces, all which are located in Municipal Parking Field, (**PARKING FIELD #16**), situated in the Incorporated Village of Hempstead, Nassau County, New York. the operator of the PARKING FIELD #16 and has the right (subject to the Owner's consent) to grant parking license rights thereon pursuant to an agreement with the owner of PARKING FIELD #16, from January 16, 2019 and shall expire on the 30th day of June, 2019. 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 are acceptable to the Village Attorney.

Moved by Trustee Pettus

Seconded by Trustee Renfroe

AYES: Johnson, Pettus, Daniels, Renfroe and Mayor Ryan

NOES: None

Bid # 9 HEMV 2018/2019

Clerks offers the following resolution for adoption:

RESOLVED, that upon the recommendation of Larry, Lutz, Purchasing Agent and Lt. Kirichenko that Bid # 9 HEMV 2018/2019 Three (3) 2019 Harley Davidson FLHP Road King Solo Law Enforcement Motorcycles in the in the Inc. Village of Hempstead be awarded to the only bidder: South Shore Cycles, Inc. d/b/a Harley Davidson of Nassau County 2428 Sunrise Highway, Bellmore, New York 11710 in the amount of \$68,417.00?

Moved by Trustee Pettus

Seconded by Trustee Johnson

AYES: Johnson, Pettus, Renfroe and Mayor Ryan

NOES: Daniels

Bid # 9 HEMV 2018/2019

Clerks offers the following resolution for adoption:

RESOLVED, that upon the recommendation of Bijan Farahani, Engineering Department that authorization hereby be granted for proposal award to Cameron Engineering & Associates, LLP 177 Crossway Park Drive, Woodbury, New York 11797 to provide professional engineering services including design, construction administration and inspection for the construction of a bypass pumping valve vault at Harrison Avenue Pumping Station in the total amount of \$12,725.00.

Moved by Trustee Pettus

Seconded by Trustee Renfroe

AYES: Johnson, Pettus, Daniels,
Renfro and Mayor Ryan

NOES: None

US Department of Justice

Clerks offers the following resolution for adoption:

RESOLVED, that upon the recommendation Paul Johnson, Chief of Police that authorization hereby by the Board to approve the Grant agreement for the US Department of Justice Office of Justice Program Bullet Proof Vest Program NIJ#SLTII for the fiscal year 2018/2019 effective October 3, 2018 through September 30, 2020 in the amount of \$12,375.00.

Moved by Trustee Pettus

Seconded by Trustee Johnson

AYES: Johnson, Pettus, Daniels,
Renfro and Mayor Ryan

NOES: None

ELECTRICIAN (Ron Ebel)

Clerks offers the following resolution for adoption:

RESOLVED, that upon the recommendation of Joseph Simone, Superintendent of the Building Department that the Board of Trustees wish to approve the recommendation by the Electrical Licensing Board of the Incorporated Village of Hempstead to issue a license as a Master or Employing Electrician to:

Ron Ebel

Moved by Trustee Pettus

Seconded by Trustee Daniels

AYES: Pettus, Daniels, Renfroe and Mayor Ryan

NOES: Johnson

ZONING BOARD OF APPEALS

Clerks offers the following resolution for adoption:

RESOLVED, by the recommendation of Mayor Don Ryan that the designation of Danny Leo as Chairman of the Board of Zoning Appeals commencing on February 5, 2019.

The compensation to be paid to the Chairman of the Board is \$175.00 per meeting. And further, no compensation will be paid for a meeting, which a member does not attend. There shall be no more than 12 regular meetings during the fiscal year.

Moved by Trustee Renfroe

Seconded by Trustee Pettus

AYES: Johnson, Pettus, Daniels, Renfroe and Mayor Ryan

NOES: None

ANTHONY COUSINS

Clerks offers the following resolution for adoption:

RESOLVED, that upon the recommendation Paul Johnson, Chief of

Police that authorization hereby be approved for salary changes for full-time employee of the Incorporated Village of Hempstead as reviewed as follows:

Name	Department/Title/Grade	Salary
Anthony Cousins 99 James A. Garner Way Hempstead, NY (Title Change)	Police Department Detective I	\$139,876 yr upon approval

Justification: Recommendation is hereby to be approved of these officer be designated Detective as per Civil Service Law, section 58a, sub 4-c, which states if a police officer has performed the duties of a Detective for 18 continuous months, he/and or she will receive Detective Status, along with compensation ordinarily paid to a Detective.

Moved by Trustee Pettus

Seconded by Trustee Johnson

AYES: Johnson, Pettus, Daniels, Renfroe and Mayor Ryan

NOES: None

JOHN ROGERS

Clerks offers the following resolution for adoption:

RESOLVED, that upon the recommendation Paul Johnson, Chief of Police that authorization hereby be approved for salary changes for full-time employee of the Incorporated Village of Hempstead as reviewed as follows:

Name	Department/Title/Grade	Salary
John Rogers 99 James A. Garner Way Hempstead, NY (Title Change)	Police Department Detective I	\$139,876 yr upon approval

Justification: Recommendation is hereby to be approved of these officer be designated Detective as per Civil Service Law, section 58a, sub 4-c, which states if a police officer has performed the duties of a Detective for 18 continuous months, he/and or she will receive Detective Status, along with

compensation ordinarily paid to a Detective.

Moved by Trustee Pettus

Seconded by Trustee Johnson

AYES: Johnson, Pettus, Daniels, Renfroe and Mayor Ryan

NOES: None

CHRISTOPHER COHEN

Clerks offers the following resolution for adoption:

RESOLVED, that upon the recommendation Paul Johnson, Chief of Police that authorization hereby be approved for salary changes for full-time employee of the Incorporated Village of Hempstead as reviewed as follows:

Name	Department/Title/Grade	Salary
Christopher Cohen 99 James A. Garner Way Hempstead, NY <i>(Title Change)</i>	Police Department Detective I	\$139,876 yr upon approval

Justification: Recommendation is hereby to be approved of these officer be designated Detective as per Civil Service Law, section 58a, sub 4-c, which states if a police officer has performed the duties of a Detective for 18 continuous months, he/and or she will receive Detective Status, along with compensation ordinarily paid to a Detective.

Moved by Trustee Pettus

Seconded by Trustee Johnson

AYES: Johnson, Pettus, Daniels, Renfroe and Mayor Ryan

NOES: None

DOW CHEMICAL CORP.

Clerks offers the following resolution for adoption:

RESOLVED, that by the recommendation of Cherice P. Vanderhall, Village Attorney to approve

the item discussed in Executive Session regarding litigation against Dow Chemical Corp. for the (1) Contamination of groundwater supplies by the following compounds: (i) 1,4 dioxane and associated compounds, including 1,1,1 trichloroethane (TCA), 1,1, dichloroethane (DCA) and 1,1, dichloroethylene (DCE); and/or (ii) other contaminants of concern identified by Client and approved by Attorney (collectively, the "Contaminants") and/or (2) any claims and/or actions for damages sustained by the Village of Hempstead as a result of actual or threatened contamination of groundwater by the Contaminants, the loss of use of groundwater and the past, present, and any future cost incurred to remove the Contaminants from drinking water and/or groundwater, and/or location of alternative drinking water supplies, including all writs and appeals related thereto on a contingency fee basis.

Moved by Trustee Renfroe

Seconded by Trustee Daniels

AYES: Johnson, Pettus, Daniels, Renfroe and Mayor Ryan

NOES: None

Clerks offers the following resolution for adoption:

That Thursday, **May 2, 2019** be set aside as the date on which to hold a tax sale, pursuant to Section 1450 and 1452 of the Real Property Tax Law, and that publication of such sale regarding

TAX LIEN

unpaid **2018/19** taxes and tax liens be made for three (3) consecutive weeks prior to the actual sale date.

Actual text of resolution to be published is as follow:

BE IT RESOLVED that pursuant to subdivisions 1 and 2 of Section 1450 of the Real Property Tax Law of the State of New York, the Board of Trustees of the Village of Hempstead, New York, hereby determines that the unpaid **2018/19** taxes be collected by means of a Tax Sale and that the sale for unpaid taxes for the year **2018/19** provided for by said Section 1450 and Section 1452 shall be commenced and completed subsequent to the **1st** day of **April**, but not later than the **31st** of **July** in the year **2019**, and

BE IT FURTHER RESOLVED that such sale for said unpaid Village Taxes shall be held on the **2nd** day of **May 2019**, and

BE IT FURTHER RESOLVED that the Board of Trustees of the Village of Hempstead, pursuant to the authority vested in them by the Real Property Tax Law of the State of New York, hereby determines to collect the amount of such unpaid tax lien and taxes so levied or assessed by a tax sale pursuant to Section 1450 and 1452 of the Real Property Tax Law of the State of New York; that a copy of this resolution certified by the Clerk shall be transmitted forthwith to the Treasurer of the Village with amount, affidavit, and certificate of such unpaid taxes and assessments and that the Village Treasurer upon receiving such amount of unpaid taxes and assessments and a certified copy of this resolution, be, and he hereby is authorized and directed to cause to be published in the Hempstead Beacon which is designated as the official newspaper of the Village of Hempstead, for such purpose and which newspaper is circulated in the Village of Hempstead, once each week for three successive weeks on **April 12, April 19th** and **April 26, 2019**, a list or

statement of real estate upon which such taxes and assessment are unpaid as shown on the tax list and account of the Village Clerk and Tax Collector, with the amount of taxes, fees, interest, and charges thereon and also a notice that said real estate will be on the 2nd day of **May 2019**, at ten o'clock in the forenoon of that day, in the Village Offices, 99 Nichols Court, Hempstead, New York sold at public auction to discharge such unpaid tax liens and taxes, fees, interest, and charges aforesaid which may be due thereon at the time of such sale, and that said Village Treasurer pursuant to the provisions of Section 1454 of the Real Property Tax Law at the time and place specified in said notice, shall proceed with the sale of said real estate upon notice which such unpaid tax liens and taxes are unpaid as set forth in the above account of the

Village Clerk and Tax Collector, excepting therefrom such unpaid tax liens and taxes as may have been paid to the Village of Hempstead with interest and penalties up to the time of such sale and continue such sale from day to day until such sale is completed.

That such real estate shall be sold subject to any unpaid tax lien and taxes purchased or held by the said Village of Hempstead, and

BE IT FURTHER RESOLVED that in addition to the unpaid tax items hereinbefore mentioned there shall also be included the following unpaid items covering assessment levied for

(WHATEVER MAY BE OPEN AT THE TIME)

BE IT FURTHER RESOLVED that in all cases where a bid shall be made on a lot or parcel of land so offered for sale, it shall be accompanied by a forfeitable deposit in the amount of ten per centum of the unpaid tax, penalties, and

interest, etc. accrued on said parcel at the time of tax sale, and

BE IT FURTHER RESOLVED that in all cases where no bid shall be made on a lot or parcel of land so offered for sale for an amount sufficient to pay such unpaid tax lien and taxes shall be deemed to have been sold to and purchased by the Village of Hempstead, and

BE IT FURTHER RESOLVED that the Clerk shall receive, from the newspaper, proof of due publication of such list and notice and shall cause said newspaper to file the same in the Office of the Clerk of said Village within three days after the last publication thereof and the Clerk shall cause the same to be properly indexed and numbered.

(Publication Dates: **April 12, April 19th** and **April 26, 2019**, in the Hempstead Beacon.)

Moved By Trustee Renfroe

Seconded by Trustee Johnson

AYES: Johnson, Pettus, Daniels, Renfroe and Mayor Ryan

NOES: None

TAX ROLL

Clerks offers the following resolution for adoption:

That authorization is hereby granted for the transfer of the following delinquent items to the **2019/2020** Tax Roll as of **May 1, 2019**:

- All unpaid special assessments for lot cleaning, water leak charges, securing of hazardous buildings and demolitions, sidewalks, curbs and gutters, and ETPA assessments;
- All unpaid arrears, water exceeding \$10.00 incurred prior to **April 1, 2019**, plus penalties, and transfer charges of \$10.00 or 10 percent, whichever is greater;

- All unpaid omitted taxes.

Moved by Trustee Daniels

Seconded by Trustee Renfroe

AYES: Johnson, Pettus, Daniels, Renfroe and Mayor Ryan

NOES: None

PARCEL OF PROPERTY

Clerks offers the following resolution for adoption:

That a charge of \$15 per item be made against each parcel of property listed in the tax sale notice advertising taxes which remain open and unpaid as of **January 31, 2019.**

Moved by Trustee Renfroe

Seconded by Trustee Pettus

AYES: Johnson, Pettus, Daniels, Renfroe and Mayor Ryan

NOES: None

WARRANTS

Clerks offers the following resolution for adoption:

RESOLVED, that all meeting bills, including self-insurance funds, audited by the Board of Trustees on check warrant dated February 5, 2019 be approved as previously reviewed.

Moved by Trustee Renfroe

Seconded by Trustee Daniels

AYES: Johnson, Pettus, Daniels,
Renfroe and Mayor Ryan

NOES: None

MEETING ADJOURNED

Clerks offers the following resolution for
adoption:

Moved by Trustee Pettus
Seconded by Trustee Johnson

AYES: Johnson, Pettus, Daniels,
Renfroe and Mayor Ryan

NOES: None

Deputy Village Clerk