

**AGENDA- June 18, 2019**

Clerk offers the following resolution for adoption:

**RESOLVED**, that upon the recommendation of **Cherice Vanderhall, Village Attorney**, to have a public hearing to consider amending **CHAPTER 78 (FORECLOSURE NOTIFICATION)** of the Code of the Incorporated Village of Hempstead?

Moved by Trustee \_\_\_\_\_

Seconded by Trustee \_\_\_\_\_

Chapter 78A Foreclosure Notification Registration of Defaulted Mortgage and Vacant Property; Providing for Purpose, Intent and Applicability of the Ordinance Requiring the Registration and Maintenance of Certain Real Property by Mortgagees and Vacant Property by Owners; Providing for Penalties and Enforcement, as well as the Regulation, Limitation, and Reduction of Registrable Real Property within the Village; Providing for Severability, Repealer, Codification, and an Effective date.

WHEREAS, the Village Board of Trustees desires to protect the public health, safety, and welfare of the citizens of the Incorporated Village of Hempstead and maintain a high quality of life for the citizens of the Village through the maintenance of structures and properties in the Village; and

WHEREAS, the Board of Trustees recognizes properties with defaulted mortgages and subject to foreclosure action or foreclosed upon and vacant properties (hereinafter referred to as "Registrable Properties") located throughout the Village lead to a decline in community and property value; create nuisances; lead to a general decrease in neighborhood and community aesthetic; create conditions that invite criminal activity; and foster an unsafe and unhealthy environment; and

WHEREAS, the Board of Trustees has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the Board of Trustees recognizes in the best interest of the public health, safety, and welfare a more regulated method is needed to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

WHEREAS, the Board of Trustees has a vested interest in protecting neighborhoods against decay caused by Registrable Property and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration requirements of Registrable Property located within the Village to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected or left unsupervised.

~~§ 78A-1 Notice by mortgagee commencing action to foreclose mortgage on residential real property.~~ PURPOSE AND INTENT.

**A.** It is the purpose and intent of the Board of Trustees to establish a process to address the deterioration, crime, and decline in value of Village neighborhoods caused by property with defaulted mortgages located within the Village, and to identify, regulate, limit and reduce the number of these properties located within the Village. Vacant structures or structures owned by individuals who are economically strained and unable to meet their mortgage obligations are often not properly or diligently maintained, which contribute to blight, decreased property values, and have a negative impact on social perception of the residential areas where they are located. It is the Board of Trustee's further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties that are in Default or Defaulted, and to

provide a mechanism to avert foreclosure actions through timely intervention, education, or counseling of property Owners.

~~A. Any mortgagee that commences an action in a court of competent jurisdiction in the State of New York to foreclose a mortgage on real property within the Village of Hempstead shall provide notice to the Hempstead Village Clerk, in a form prescribed by the Village Clerk, within 15 days of service of the pleadings commencing such action. If such action was commenced before the effective date of the local law that added this section, and remains pending as of such effective date, notification shall be provided within 30 days of such effective date; provided, however, that no notice shall be required for actions commenced prior to September 30, 2010, regardless of whether such action remains pending as of such effective date. Such notice shall include, but need not be limited to, the following information: i) the name of the mortgagee plaintiff commencing such action and the mailing address, telephone number and e-mail address of such mortgagee plaintiff, and, when applicable, the name of a principal or corporate officer of such mortgagee plaintiff and the mailing address, telephone number and e-mail address of such principal or corporate officer; ii) the name of the defendant in such action; iii) the identification of such residential real property by street address and block and lot number; iv) the date of the commencement of such action; v) the court in which such action was commenced; and vi) such other information as the department may require by rule. For the purposes of this section, "mortgagee" shall mean any person that commences an action to foreclose a mortgage on residential real property including, but not limited to, a lender, assignee or mortgage loan service provider that commences such an action.~~

~~B. Any mortgagee who fails to notify the Village Clerk in accordance with this section shall be liable for a penalty in accordance with Village Code § ~~1-16~~ enforceable by any person empowered to issue an appearance ticket pursuant to § ~~5-1~~ of the Hempstead Village Code. The failure to notify shall not be deemed to affect in any way any pending legal proceeding related to such residential real property.~~

~~C. The Village Clerk shall maintain a list of all properties for which notice pursuant to Subsection ~~A~~ of this section has been received. The Village Clerk shall provide the information provided to it pursuant to Subsections ~~A~~ and ~~B~~ of this section to the Hempstead Village Building Department, Hempstead Village Police Department, Hempstead Village Water Department and Hempstead Village Department of Public Works and to any other Village department upon request by such department.~~

~~D. A mortgagee shall notify the Village Clerk within 15 days of the discontinuance of an action for which notice pursuant to Subsection ~~A~~ of this section has been received by~~

~~the Village Clerk, the issuance of a judgment in such action, or the sale of the real property as a result of such action.~~

~~E. The provisions of this section shall not apply to any foreclosure actions brought by a governmental entity.~~

### ~~§ 78A-2 When effective.~~

~~This chapter shall take effect 120 days after its enactment.~~

**B.** The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Default* shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

*Enforcement Officer* shall mean any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the Village to enforce the applicable code(s).

*Evidence of Vacancy* shall mean any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due Utility notices and/or disconnected Utilities; accumulation of trash junk or debris; abandoned vehicles, auto parts and/or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail; statements by neighbors, passers-by, delivery agents or government agents; and/or the presence of boards over doors, windows or other openings in violation of applicable code.

*Foreclosure or Foreclosure Action* shall mean the legal process by which a Mortgagee, or other lien holder, terminates or attempts to terminate a property Owner's equitable right of redemption to obtain legal and equitable title to the Real Property pledged as security for a debt or the Real Property subject to the lien. The legal process is not concluded until the property obtained by the Mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

*Mortgagee* shall mean the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities.

*Owner* shall mean every person, entity, or Mortgagee, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Chapter; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property. The Property Manager shall not be considered the Owner.

***Property Manager* shall mean any party designated by the Owner as responsible for inspecting, maintaining and securing the property as required in this Chapter.**

***Real Property* shall mean any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the Village limits.**

***Registrable Property* shall mean:**

- (a) Any Real Property located in the Village, whether vacant or occupied, that is encumbered by a mortgage in Default, is subject to an ongoing Foreclosure Action by the Mortgagee or Trustee, has been the subject of a Foreclosure Action by a Mortgagee or Trustee and a Judgement has been entered, or has been the subject of a Foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the Foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a “default/foreclosure” property as “registrable” shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm’s length transaction or the Foreclosure Action has been dismissed and any Default on the mortgage has been cured; or**
- (b) Any property that is vacant for more than thirty (30) days or any cancellation of Utility or Service, whichever occurs first.**

***Registry* shall mean a web-based electronic database of searchable Real Property records, used by the Village to allow Mortgagees and Owners the opportunity to register properties and pay applicable fees as required in this Chapter.**

***Semi-Annual Registration* shall mean six (6) months from the date of the first action that requires registration, as determined by the Village, or its designee, and every subsequent six (6) months thereafter. The date of the initial registration may be different than the date of the first action that required registration.**

***Utilities and Services* shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all Village codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.**

***Vacant* shall mean any parcel of land in the Village that contains any building or structure that is not lawfully occupied.**

***Village* shall mean the Incorporated Village of Hempstead.**

#### **§ 78A-2 APPLICABILITY AND JURISDICTION**

This Chapter applies to Defaulted and Vacant property within the Village

#### **§ 78A-3 ESTABLISHMENT OF A REGISTRY**

Pursuant to the provisions of Section 78A, the Village, or its designee, shall establish a registry cataloging each Registrable Property within the Village, containing the information required by this Chapter.

~~C. The Village Clerk shall maintain a list of all properties for which notice pursuant to Subsection A of this section has been received. The Village Clerk shall provide the information provided to it pursuant to Subsections A and B of this section to the Hempstead Village Building Department, Hempstead Village Police Department, Hempstead Village Water Department and Hempstead Village Department of Public Works and to any other Village department upon request by such department.~~

#### § 78A-4 INSPECTION AND REGISTRATION OF DEFAULTED MORTGAGE

- (a) Any Mortgagee who holds a mortgage on Real Property located within the Village shall perform an inspection of the property upon it being in Default or Defaulted by the mortgagor or prior to the issuance of a notice of Default.
- (b) Property inspected pursuant to subsection (a) above that remains in Default or Defaulted, shall be inspected every thirty (30) days by the Mortgagee or Mortgagee's designee. If an inspection shows a change in the property's occupancy status the Mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.
- (c) Within ten (10) days of the date any Mortgagee declares its mortgage to be in Default or Defaulted, the Mortgagee shall register the Real Property with the Village Registry, and, at the time of registration, indicate whether the property is Vacant, and if so shall designate in writing a Property Manager to inspect, maintain and secure the Real Property subject to the mortgage in Default or Defaulted. A separate registration is required for each Defaulted Property.
- (d) Initial registration pursuant to this section shall contain at a minimum the name of the Mortgagee, the mailing address of the Mortgagee, e-mail address, telephone number and name of the Property Manager and said person's address, e-mail address, and telephone number.
- (e) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of five hundred dollars (\$500.00) for each Defaulted Property **to the Village or its designee**. Subsequent Semi-Annual Registrations of Defaulted properties and fees in the amount of five hundred dollars (\$500.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Defaulted properties, (3) post-closing counseling and Foreclosure intervention limited to Owner-occupied persons in Default, which may not include cash and mortgage modification assistance, and (4) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account **with the Village's Treasurer** dedicated to the cost of implementation and enforcement of this Ordinance, and fulfilling the purpose and intent of this Chapter. None of the funds provided for in this section shall be utilized for the legal defense of Foreclosure Actions.

- (f) If the Defaulted mortgage and/or servicing on a property is sold or transferred, the new Mortgagee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Mortgagee shall register the property or update the existing registration. The previous Mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Defaulted Property.
- (g) If the Mortgagee sells or transfers the Defaulted Property in a non-arm's length transaction to a related entity or person, the transferee is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the Mortgagee was at the time registration was required, including but not limited to unregistered periods during the Foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous Mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Mortgagee's involvement with the Defaulted Property.
- (h) If the Defaulted Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty-day period (30), or portion thereof, the property is not registered and shall be due and payable with the registration.
- (i) This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the Mortgagee as well as any properties transferred to the Mortgagee under a deed in lieu of foreclosure or by any other legal means.
- (j) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property remains Defaulted.
- (k) Failure of the Mortgagee and/or property Owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Village.
- (l) If any property is in violation of this Chapter the Village may take **any** necessary action to ensure compliance with, and/or place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.

**§ 78A-5 INSPECTION AND REGISTRATION OF REAL PROPERTY THAT IS NOT SUBJECT TO A MORTGAGE IN DEFAULT**

- (a) Any Owner of Vacant property located within the Village shall within ten (10) days after the property becomes Vacant, or within ten (10) days after assuming ownership of the property, whichever is later, register the Real Property with the Village Registry.
- (b) Initial registration pursuant to this section shall contain at a minimum the name of the Owner, the mailing address of the Owner, e-mail address, and telephone number of the Owner, and if applicable, the name and telephone number of the Property Manager and said person's address, e-mail address, and telephone number.
- (c) At the time of initial registration each registrant shall pay a non-refundable Semi-Annual Registration fee of five hundred dollars (\$500.00) for each Vacant property. Subsequent Semi-Annual Registrations of Vacant properties and fees in the amount of five hundred dollars (\$500.00) are due within ten (10) days of the expiration of the previous registration. Said fees shall be used to offset the costs of: (1) registration and registration enforcement, (2) code enforcement and mitigation related to Vacant properties, and (3) for any related purposes as may be adopted in the policy set forth in this Chapter. Said fees shall be deposited to a special account **with the Village's Treasurer** dedicated to the cost of implementation and enforcement of this ordinance, and fulfilling the purpose and intent of this Chapter.
- (d) If the property is sold or transferred, the new Owner is subject to all the terms of this Chapter. Within ten (10) days of the transfer, the new Owner shall register the Vacant property or update the existing registration. The previous Owner(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that Owner's involvement with the Vacant property.
- (e) If the Vacant property is not registered, or either the registration fee or the Semi-Annual Registration fee is not paid within thirty (30) days of when the registration or Semi-Annual Registration is required pursuant to this section, a late fee shall be equivalent to ten percent (10%) of the Semi-Annual Registration fee shall be charged for every thirty (30) day-period, or portion thereof, the property is not registered and shall be due and payable with the registration. This section shall apply to the initial registration and registrations required by subsequent Owners of the Vacant property.
- (f) Properties subject to this section shall remain subject to the Semi-Annual Registration requirement, and the inspection, security, and maintenance standards of this section as long as the property is Vacant.
- (g) Failure of the Owner to properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Chapter and shall be subject to enforcement by any of the enforcement means available to the Village.
- (h) If any property is in violation of this Chapter the Village may take **any** necessary action to ensure compliance with, and place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to the property into compliance.

- (i) **Properties registered as a result of this section are not required to be registered again pursuant to the Defaulted mortgage property section.**

#### **§ 78A-5 MAINTENANCE REQUIREMENTS**

- (a) **Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.**
- (b) **Registrable Property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.**
- (c) **Front, side, and rear yards, including landscaping, of Registrable Property shall be maintained in accordance with the **Section 78** of the Village code at the time registration is required.**
- (d) **Registrable yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.**
- (e) **Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.**
- (f) **Pools and spas of shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).**
- (g) **Failure of the Mortgagee, Owner, and transferees to properly maintain the property as required by this Chapter may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the Village. Pursuant to a finding and determination by the Village **Court**, the Village may take the necessary action to ensure compliance with this section.**
- (h) **In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the Village.**

#### **§ 78A-6 SECURITY REQUIREMENTS**

- (a) **Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.**

- (b) A “secure manner” shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.
- (c) If a property is Registrable, and the property has become vacant or blighted, a Property Manager shall be designated by the Mortgagee and/or Owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the Property Manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.
- (d) In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the Village.
- (e) When a property subject to this Chapter becomes Vacant, it shall be posted by the **Property Manager or his/her designee** with the name and twenty-four (24) hour contact telephone number of the Property Manager. The Property Manager shall be available to be contacted by the Village Monday through Friday between **8:30 a.m. and 4:15 p.m.**, legal holidays excepted. The sign shall be placed in a window facing the street and shall be visible from the street. The posting shall be no less than eighteen (18) inches by twenty-four (24) inches and shall be of a font that is legible from a distance of forty-five (45) feet. The posting shall contain the following language with supporting information:

THIS PROPERTY IS MANAGED BY \_\_\_\_\_.  
 AND IS INSPECTED ON A REGULAR BASIS. \_\_\_\_\_.  
 THE PROPERTY MANAGER CAN BE CONTACTED \_\_\_\_\_.  
 BY TELEPHONE AT \_\_\_\_\_.  
 OR BY EMAIL AT \_\_\_\_\_.

- (f) The posting required in subsection (e) above shall be placed on the interior of a window facing the street to the front of the property so that it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property so that it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is at all times visible from the street to the front of the property but not readily accessible to vandals. Exterior posting shall be constructed of and printed with weather-resistant materials.
- (g) Failure of the Mortgagee and/or property Owner of record to properly inspect and secure a property subject to this Chapter, and post and maintain the signage noted in this section, is a violation and shall be subject to enforcement by any of the enforcement means available to the Village. The Village may take **any** necessary action to ensure compliance with this section, and recover costs and expenses in support thereof.

The provisions of this Chapter are cumulative with and in addition to other available remedies. Nothing contained in this Chapter shall prohibit the Village from collecting on fees, fines, and penalties in any lawful manner; or enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

#### § 78A-8 PUBLIC NUISANCE

All Registrable Property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the Village.

#### § 78A-9 ADDITIONAL AUTHORITY

- (a) If the Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, and welfare, the code Enforcement Officer may temporarily secure the property at the expense of the Mortgagee or Owner, and may bring the violations before the code enforcement, Board of Trustees or Village Court as soon as possible to address the conditions of the property. Nothing herein shall limit the Village from abating any nuisance or unsafe condition by any other legal means available to it.
- (b) The **Village's Buildings Department**, code enforcement, Board of Trustees or **Village Court** shall have the authority to require the Mortgagee or Owner affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- (c) If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the **Village's Buildings Department**, code enforcement, Board of Trustees or **Village Court** may direct the Village to abate the violations and charge the Mortgagee or Owner with the cost of the abatement.
- (d) If the Mortgagee or Owner does not reimburse the Village for the cost of temporarily securing the property, or of any abatement directed by the **Village's Buildings Department**, code enforcement officer, code enforcement, Board of Trustees or **Village Court**, within thirty (30) days of the Village sending the Mortgagee or Owner the invoice then the Village **may place** a lien **on** the property with such cost, along with an administrative fee as determined by the Village to recover the administrative personnel services. In addition to filing a lien the Village may pursue financial penalties against the Mortgagee or Owner.
- (e) The Village may contract with an entity to implement this Chapter, and, if so, any reference to the Enforcement Officer herein shall include the entity the Village contracted with for that purpose.

#### **§ 78A-10 OPPOSING, OBSTRUCTING ENFORCEMENT OFFICER; PENALTY**

Whoever opposes obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

#### **§ 78A-11 IMMUNITY OF ENFORCEMENT OFFICER**

Any Enforcement Officer or any person authorized by the Village to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Chapter.

#### **§ 78A-12 PENALTIES**

Unless otherwise provided for in this Chapter, a violation of this Chapter is declared unlawful.

#### **§ 78A-13 AMENDMENTS**

Registration fees and penalties outlined in this Article may be modified by resolution, or an amendment to this Article, passed and adopted by the Board of Trustees.

#### **§ 78A-14 SEVERABILITY**

It is hereby declared to be the intention of the Village that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance.

#### **§ 78A-15 REPEALER**

All ordinances or parts of ordinances in conflict herewith are hereby repealed, and replaced.

#### **§ 78A-16 CODIFICATION**

It is the intention of the Board of Trustees, that the provisions of this code shall become and be made a part of the Village Code; and that the sections of this code may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "chapter," or such other appropriate word or phrase in order to accomplish such intentions.

§ 78A-17 EFFECTIVE DATE

This ordinance shall become effective immediately upon adoption.

**EXECUTIVE SESSION ITEM 1: June 18, 2019**

**2**

**The Village Attorney would like to enter into an executive session for the Board of Trustees' meeting regarding a pending settlement matter.**

Moved by Trustee \_\_\_\_\_ to enter an executive session regarding pending Settlement matter.

Seconded by Trustee \_\_\_\_\_

Time In \_\_\_\_\_

	ayes	no
Trustee Johnson	_____	_____
Trustee Hobbs	_____	_____
Trustee Daniels	_____	_____
Trustee Renfroe	_____	_____
Mayor Ryan	_____	_____

Moved by Trustee \_\_\_\_\_ to come out of executive session.

Seconded by Trustee \_\_\_\_\_

Time Out: \_\_\_\_\_

**AGENDA- June 18, 2019**

Clerk offers the following resolution for adoption:

Does the Board of Trustees wish to approve the matter a settlement matter discussed in Executive Session?

Moved by Trustee \_\_\_\_\_

Seconded by Trustee \_\_\_\_\_

**EXECUTIVE SESSION ITEM 2**

**4**

**AGENDA- June 18, 2019**

Clerk offers the following resolution for adoption:

Does the Board of Trustees wish to approve the matter a settlement matter discussed in Executive Session?

Moved by Trustee \_\_\_\_\_

Seconded by Trustee \_\_\_\_\_

**AGENDA- June 18, 2019**

Clerk offers the following resolution for adoption:

Does the Board of Trustees wish to approve the matter a settlement matter discussed in Executive Session?

Moved by Trustee \_\_\_\_\_

Seconded by Trustee \_\_\_\_\_

Mayor Ryan and Deputy Mayor Renfroe approves miscellaneous license and permit applications as reviewed.

**HACK license for approval**

Enma L. Velasquez  
7 Washington Street  
Hempstead, New York 11550

Jose Omar Herrera  
26 Meriam St, Apt #2  
Hempstead, New York 11550

**General Business License:**

Teeth R Us Dental Care (New)  
Alla Levy  
213 Front Street

Aaron's Inc. (Renewal)  
Aaron's Inc.  
210 Fulton Ave

Ana Perez-Vukovic Agency Inc. Statefarm (Change of Owner)  
Ana Perez-Vukovic  
80 Front Street

Genesis Hair Salon LLC  
Claudia Rodriguez  
19 West Columbia St. (New)

Socios Deli Inc. (Cabaret: Jukebox only)  
Martina Saballos  
290 Greenwich Street

Red Line NY (New)  
Iveth Tello  
293C Peninsula Blvd

Five Below Inc. (New)

Five Below Inc.  
142 Fulton Ave

Aki Express USA Corporation (New)  
Karla Sabtandrea  
15 South Franklin Street

9<sup>th</sup> Inning Inc. (New)  
Mario Saenz  
255-A Fulton Ave

**Landscaping:**

FW Landscaping Inc.  
Fredy Guerra  
15 Monroe Pl Hempstead N.Y. 11550

**AGENDA- June 18, 2019** **ITEM PULLED**

7

Clerk offers the following resolution for adoption:

**RESOLVED**, that upon the recommendation of **Cherice Vanderhall, Village Attorney**, to approve the public hearing that was held earlier today to consider amending **CHAPTER 78 (FORECLOSURE NOTIFICATION)** of the Code of the Incorporated Village of Hempstead?

Moved by Trustee \_\_\_\_\_

Seconded by Trustee \_\_\_\_\_

Clerk offers the following resolution for adoption:

**RESOLVED**, that upon the recommendation of **Cherice Vanderhall, Village Attorney**, to approve the public hearing that was held Tuesday, June 4, 2019 to consider amending Chapter 24 (Officers & Employees) of the code of the Incorporated Village of Hempstead?

Moved by Trustee \_\_\_\_\_

Seconded by Trustee \_\_\_\_\_

Clerk offers the following resolution for adoption:

\_\_\_\_\_ **RESOLVED**, that upon the recommendation of **Samantha Fountain, Deputy Village Clerk** the Board of Trustees hereby waives a reading of the minutes of the **Regular meeting June 4, 2019** and **Special Meeting of June 10, 2019** accepts them as reviewed.

Moved by Trustee \_\_\_\_\_ that the reading of the minutes of the **Regular meeting June 4, 2019** and **Special Meeting of June 10, 2019** be dispensed with and that they be accepted as reviewed.

Seconded by Trustee \_\_\_\_\_

**Hempstead, New York**

**June 4, 2019**

**PUBLIC HEARING**

A Public Hearing of the Board of Trustees of the Incorporated Village of Hempstead was held at the Board Room, 99 James A. Garner Way, NY 11550 at 6:15 p.m.

**ROLL CALL**

Trustees Johnson, Renfroe, Daniels; Mayor Ryan  
ABSENT: Trustee Hobbs

**Also Present:**

Cherice Vanderhall, Village Attorney  
Patricia Perez, Village Clerk

**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, June 4<sup>th</sup>, 2019**, at **6:15 p.m.** to consider amending **CHAPTER 24 (OFFICERS & EMPLOYEES)** of the Code of the Incorporated Village of Hempstead.

The proposed local law is on file in the Office of the Village Clerk, Village Hall, 9 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

DON RYAN, MAYOR  
PATRICIA PEREZ, VILLAGE CLERK

Dated: May 23, 2019  
D/N: May 31, 2019

To consider amending Chapter 24 (Officers & Employees) of the code of the Incorporated Village of Hempstead.

Moved by Trustee Daniels that this hearing be closed.  
Seconded by Trustee Renfroe

AYES: Trustees Johnson, Renfroe, Daniels; Mayor Ryan  
NOES: None  
ABSENT: Trustee Hobbs

**Hempstead, New York**

**June 4, 2019**

**PUBLIC HEARING**

A Public Hearing of the Board of Trustees of the Incorporated Village of Hempstead was held at the Board Room, 99 James A. Garner Way, NY 11550 at 6:15 p.m.

**ROLL CALL**

Trustees Johnson, Renfroe, Daniels; Mayor Ryan  
ABSENT: Trustee Hobbs

**Also Present:**

Cherice Vanderhall, Village Attorney  
Patricia Perez, Village Clerk

**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, June 4<sup>th</sup>, 2019**, at **6:15 p.m.** to consider amending **CHAPTER 24 (OFFICERS & EMPLOYEES)** of the Code of the Incorporated Village of Hempstead.

The proposed local law is on file in the Office of the Village Clerk, Village Hall, 9 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

DON RYAN, MAYOR  
PATRICIA PEREZ, VILLAGE CLERK

Dated: May 23, 2019  
D/N: May 31, 2019

To consider amending Chapter 24 (Officers & Employees) of the code of the Incorporated Village of Hempstead.

Moved by Trustee Daniels that this hearing be closed.  
Seconded by Trustee Renfroe

AYES: Trustees Johnson, Renfroe, Daniels; Mayor Ryan  
NOES: None  
ABSENT: Trustee Hobbs

**Hempstead, New York**

**June 4, 2019**

**REGULAR MEETING**

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

**ROLL CALL**

Trustees Johnson, Renfroe, Daniels; Mayor Ryan  
ABSENT: Trustee Hobbs

**Also Present:**

Cherice Vanderhall, Village Attorney  
Patricia Perez, 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.

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 Duszkievicz, Library Director  
Hempstead Coordinating Council of Civics Association – Reginal Lucas  
Planning Board – Chairperson Kennetha Pettus  
Community Development Agency – Commissioner Charlene Thompson  
Electrical Board – Ronald Margarie  
Plumbing Board – Chairperson Kelly Magee  
Historian - Reine Bethany  
Hempstead Chamber of Commerce

**ACCEPTANCE OF MINUTES**

Clerks offers the following resolution for adoption:

Moved by Trustee Daniels that the reading of the minutes of the **Regular meeting of May 21, 2019** be dispensed with and that they be accepted as reviewed.

Seconded by Trustee Renfroe

AYES: Trustees Johnson, Renfroe, Daniels; Mayor Ryan  
NOES: None  
ABSENT: Trustee Hobbs

**MILLIMAN INC.**

Clerks offers the following resolution for adoption:

**RESOLVED**, that upon the recommendation of **Joe Gill, Village Treasurer** that the Board of Trustees hereby approves to enter into an agreement with Milliman, Inc. One Pennsylvania Plaza, 38<sup>th</sup> Floor, New York, NY 10119 to provide actuarial consulting services to the Incorporated Village of Hempstead for a fee not to exceed \$14,500.00 for the fiscal year ending May 31, 2020.

Moved by Trustee Daniels  
Seconded by Trustee Renfroe

AYES: Trustees Johnson, Renfroe, Daniels; Mayor Ryan  
NOES: None  
ABSENT: Trustee Hobbs

**VILLAGE OF CENTRE ISLAND** Clerks offers the following resolution for adoption:

**RESOLVED**, that upon the recommendation of **Cherice Vanderhall, Village Attorney**, that the Board of Trustees hereby authorizes the Village of Hempstead to enter into an agreement with the Incorporated Village of Centre Island, having its principal office at 303 Centre Island Road, Oyster Bay, NY 11771 to utilize the Hempstead Police Department's outdoor fire range, from January 1, 2019 expiring on December 31, 2020. Firing range rental fee on attached schedule A.

Moved by Trustee Renfroe  
Seconded by Trustee Daniels

AYES: Trustees Johnson, Renfroe, Daniels; Mayor Ryan  
NOES: None  
ABSENT: Trustee Hobbs

**MASTER ELECTRICIAN  
LICENSE**

Clerks offers the following resolution for adoption:

**RESOLVED** that upon the recommendation of Joseph Simone, **Superintendent Bldg. Dept.** that the Board of Trustees hereby approves to issue a license as a Master of Employing Electrician to:

- a) Brian Flanagan  
3 Cedar Lange.  
Huntington, NY

Moved by Trustee Renfroe  
Seconded by Mayor Ryan

AYES: Trustees Johnson, Renfroe, Daniels; Mayor Ryan  
NOES: None

**JUSTIN KUM**

Clerks offers the following resolution for adoption:

**RESOLVED**, that upon the recommendation of **Joe Gill, Village Treasurer** that the Board of Trustees hereby authorizes to enter into a contract with Justin Kum and the

Village of Hempstead, to provide advice and consultation to the Village regarding Information Technology from May 15, 2019 – May 31, 2020. The Village will compensate the Consultant at the rates and for the hour's set forth on the attached appendix A.

Moved by Trustee Renfroe

Seconded by Trustee Daniels

AYES: Trustees Johnson, Renfroe, Daniels; Mayor Ryan

NOES: None

ABSENT: Trustee Hobbs

**ERICA LOPEZ**

Clerks offers the following resolution for adoption:

**RESOLVED**, that upon the recommendation of **Patrick Cooke, Assistant Chief of Police Dept., & Lisa Barrington, Director of Human Resources** that the Board of Trustees hereby authorizes Erica Lopez, Neighborhood Aide, to receive supplemental sick leave at half pay in accordance with Article VII Section 5 of the CSEA Bargaining Agreement.

Moved by Trustee Renfroe

Seconded by Trustee Johnson

AYES: Trustees Johnson, Renfroe, Daniels; Mayor Ryan

NOES: None

ABSENT: Trustee Hobbs

**VANESSA HERNANDEZ**

Clerks offers the following resolution for adoption:

**RESOLVED**, that upon the recommendation of **Lisa Barrington, Director of Human Resources** that the Board of Trustees hereby approves the appointment of a position within the Inc. Village of Hempstead.

**Name**

Vanessa Hernandez  
99 James A. Garner Way  
Hempstead, NY  
**(PT to FT)**

**Department/Title/Grade**

Mayor  
Typist-Clerk, Bilingual  
Grade 3/0 New

**Salary**

\$44,791 yr  
upon  
approval

Moved by Trustee Johnson

Seconded by Trustee Renfroe

AYES: Trustees Johnson, Renfroe, Daniels; Mayor Ryan

NOES: None

ABSENT: Trustee Hobbs

**ALLEN WOODS**

Clerks offers the following resolution for adoption:

**RESOLVED**, that upon the recommendation of **Lisa Barrington, Director of Human Resources** that the Board of Trustees hereby approves the appointment of a position within the Inc. Village of Hempstead.

**Name**

Allen Woods  
99 James A. Garner Way  
Hempstead, NY  
**(PT- to FT)**

**Department/Title/Grade**

Public Works-Sanitation  
MEO Trainee  
Grade 107/0 New

**Salary**

\$53,141 yr  
upon  
approval

Moved by Trustee Johnson  
Seconded by Trustee Renfroe

AYES: Trustees Johnson, Renfroe, Daniels; Mayor Ryan

NOES: None

ABSENT: Trustee Hobbs

**SEASONAL**

Clerks offers the following resolution for adoption:

**RESOLVED**, that upon the recommendation of **Samantha Fountain, Deputy Village Clerk**, that the Board of Trustees hereby approves the appointment of seasonal employees of the Incorporated Village of Hempstead as reviewed

Adasia Conley-Reed  
99 James A. Garner Way  
Hempstead, NY

Shyanna Richardson  
99 James A. Garner Way  
Hempstead, NY

Shaye Hatcher  
99 James A. Garner Way  
Hempstead, NY

Joanna Mejia  
99 James A. Garner Way  
Hempstead, NY

Fatima Maldonado  
99 James A. Garner Way  
Hempstead, NY

Elsy Martinez  
99 James A. Garner Way  
Hempstead, NY

Kimberly Romero  
99 James A. Garner Way  
Hempstead, NY

Katerin Flores  
99 James A. Garner Way  
Hempstead, NY

Kobe Howlett  
99 James A. Garner Way  
Hempstead, NY

Moved by Trustee Renfroe  
Seconded by Trustee Daniels

AYES: Trustees Johnson, Renfroe, Daniels; Mayor Ryan  
NOES: None  
ABSENT: Trustee Hobbs

## CHECK WARRANT

Clerks offers the following resolution for adoption:

**RESOLVED**, that upon the recommendation of **Joe Gill, Village Treasurer** all meeting bills, audited by the Board of Trustees on check warrant dated **June 4, 2019** be approved as previously reviewed.

Moved by Trustee Renfroe

Seconded by Trustee Daniels

AYES: Trustees Johnson, Renfroe, Daniels; Mayor Ryan  
NOES: None  
ABSENT: Trustee Hobbs

## EXECUTIVE SESSION

Clerks offers the following resolution for adoption:

The Village Attorney would like to enter into an executive session at June 4, 2019. Board of Trustees' meeting regarding personnel matter.

Moved by Trustee Renfroe to enter into an executive session regarding personnel matter.

Seconded by Trustee Johnson

Time 8:10 pm

AYES: Trustees Johnson, Renfroe, Daniels; Mayor Ryan  
NOES: None  
ABSENT: Trustee Hobbs

Moved by Trustee Renfroe to come out of executive session

Seconded by Trustee Daniels

Time 9:18 pm

AYES: Trustees Johnson, Renfroe, Daniels; Mayor Ryan  
NOES: None  
ABSENT: Trustee Hobbs

**MEETING ADJOURNED**

There being no other business to come before the Board,  
Trustee Renfroe moved to adjourn.  
Seconded by Trustee Daniels

AYES: Trustees Johnson, Renfroe, Daniels; Mayor Ryan  
NOES: None  
ABSENT: Trustee Hobbs

---

Village Clerk

**Hempstead, New York**

**June 10, 2019**

**SPECIAL MEETING**

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

**ROLL CALL**

Trustees Johnson, Hobbs, Daniels, Renfroe; Mayor Ryan

**Also Present:**

Cherice Vanderhall, 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.

**LT. KEVIN S. COLGAN**

Clerks offers the following resolution for adoption:

**RESOLVED**, that upon the recommendation by Mayor Don Ryan to appoint **Kevin S. Colgan**, as **Acting Assistant Chief of Police** pursuant to contract between both parties.

Moved by Trustee Hobbs

Seconded by Trustee Renfroe

AYES: Trustees Hobbs, Renfroe, Mayor Ryan

NOES: Hobbs and Daniels  
**MOTION PASSED**

**EXECUTIVE SESSION**

Clerks offers the following resolution for adoption:

The Village Attorney would like to enter into an executive session at June 10, 2019. Board of Trustees' meeting regarding personnel matter.

Moved by Trustee Hobbs to enter into an executive session regarding personnel matter.

Seconded by Trustee Renfroe  
Time In 6:10 pm

AYES: Trustees Johnson, Hobbs, Daniels, Renfroe, Mayor Ryan  
NOES: None

Moved by Trustee Daniels to come out of executive session

Seconded by Trustee Hobbs  
Time Out 6:31 pm

AYES: Trustees Johnson, Hobbs, Daniels, Renfroe, Mayor Ryan  
NOES: None

**MEETING ADJOURNED**

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

AYES: Trustees Johnson, Hobbs, Renfroe, Daniels; Mayor Ryan  
NOES: None

\_\_\_\_\_  
Samantha Fountain  
Deputy Village Clerk

**AGENDA – June 18, 2019**

**10**

Report of the Village Justice – Month: **May 2019**

Total number of cases before the court	2,015
Fines to State Comptroller	\$170,720.00
Surcharge Assessment Collected	\$10,782.00
Bail Forfeiture	\$50.00
Total monies remitted to Village Comptroller	\$181,552.00

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

**AGENDA – June 18, 2019**

**11**

\_\_\_\_\_ Clerk offers the following resolution for adoption:

Moved by Trustee \_\_\_\_\_ that authorization be granted for World Wide Church Revival, 150 Main Street, Hempstead, New York 11550 to hold an Worship Service on Saturday, July 20, 2019 **from 8:00am to 9:00 pm** at Municipal Parking Field #1 at a total cost of \$1,280.00. 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 – June 18, 2019**

**12**

\_\_\_\_\_ Clerk offers the following resolution for adoption:

Moved by Trustee \_\_\_\_\_ that authorization be granted for United Health Care 250 Fulton Avenue, Hempstead, New York 11550 to hold an Community Outreach on Thursday, July 11, 2019 from 8:30am to 2:00 pm at Municipal Parking Field #4 at no cost. 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 – June 18, 2019**

**13**

\_\_\_\_\_ Clerk offers the following resolution for adoption:

Moved by Trustee \_\_\_\_\_ that authorization be granted for Calvary Tabernacle 78 North Franklin Street, Hempstead, New York 11550 to hold an Church Fair on Sunday, July 7, 2019 from 1:00 pm to 5:00 pm at Municipal Parking Field #5 at a total cost of \$440.00. 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 June 18, 2019**

**14**

**Resolved**, that upon the recommendation of Paul Johnson, Chief of Police that authorization is granted for a grant agreement for the NYS Division of Criminal Justice Services (DCJS) award for the Gun Involved Violence (GIVE) Partnership commencing from July 1, 2019 through June 30, 2020 for the amount of \$231,800.00?

Moved by Trustee \_\_\_\_\_

Seconded by Trustee \_\_\_\_\_

**RESOLVED**, that by the recommendation of Jackie Zore-Smrek, Deputy Village Attorney to authorize settlement of Tax Certorari matter with Morechai Schechter f/k/a 21 Elm Avenue LLC for the property known as 19-21 Elm Avenue, Hempstead New York in the amount of \$20,000.00?

**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. 400600/2011, in case entitled “In the Matter of Mordechai Schechter, F/K/A 21 Elm Avenue LLC, Petitioner, against The Board of Assessors and the of Board of Assessment Review of the Village Hempstead, Respondents” to resolve the issue of the true assessment, both retroactively and prospectively, for the 2011/12 through 2019/2020 tax years, for real

property tax purposes, for the premises described as Section 34, Block 377, Lots 128-129, known as 19-21 Elm 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 Mordechai Schechter, F/K/A 21 Elm Avenue LLC, owner of 19-21 Elm Avenue, a total of \$20,000.00, to resolve the issue of the true tax assessment for the 2011/12 through 2019/20 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 Mordechai Schechter, F/K/A 21 Elm Avenue LLC, owner of 19-21 Elm Avenue, a total of \$20,000.00, to resolve the issue of the true tax assessment for the 2011/12 through 2019/20 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 Mordechai Schechter, F/K/A 21 Elm Avenue LLC, for property known as 19-21 Elm Avenue, Hempstead, New York 11550, for the tax years 2011/12 through 2019/20, 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 2020/21, 2021/22 and 2022/23 will be \$11,000 and that no protest will be filed by Mordechai Schechter, F/K/A 21 Elm Avenue LLC, owner of property known as 19-21 Elm Avenue Hempstead, NY, for the tax years 2020/21, 2021/22 and 2022/23; 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 \_\_\_\_\_

**AGENDA June 18, 2019**

**16**

**RESOLVED**, that by the recommendation of Jackie Zore-Smrek, Deputy Village Attorney to authorize settlement of Tax Certorari matter with 17 Union Place Inc. for the property known as 17 Union Place, Hempstead, New York in the total amount of \$8,000.00?

**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. 445596/2016, in case entitled “In the Matter of the Application of 17 Union Place Inc., Petitioner, against The Assessor of the Village Hempstead and the Board of Assessment Review, Respondents” to resolve the issue of the true assessment, both retroactively and prospectively, for the 2013/14 through 2019/2020 tax years, for real property tax purposes,

for the premises described as Section 34, Block 191, Lot 18, known as 17 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 17 Union Place Inc., owner of 17 Union Place, a total of \$8,000.00, to resolve the issue of the true tax assessment for the 2013/14 through 2019/20 tax years, payable in one lump sum within 90 days after service on 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 17 Union Place Inc., owner of 17 Union Place, a total of \$8,000.00, to resolve the issue of the true tax assessment for the 2013/14 through 2019/20 tax years, payable in one lump sum within 90 days after service on 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 17 Union Place Inc., for property known as 17 Union Place, Hempstead, New York 11550, for the tax years 2013/14 through 2019/20, 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 2020/21, 2021/22, and 2022/23 will be \$7,900 and that no protest will be filed by 17 Union Place Inc., owner of property known as 17 Union Place, Hempstead NY, for the tax years 2020/21, 2021/22, and 2022/23; 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 \_\_\_\_\_

**AGENDA – June 18, 2019**

**17**

Clerk offers the following resolution for adoption:

\_\_\_\_\_ **RESOLVED**, that upon the recommendation of **Cherice Vanderhall, Village Attorney** that the Board of Trustees hereby approves the Parking License Agreement with 250 Fulton Avenue Realty LLC 250 Fulton Avenue, Hempstead, New York 11550 to utilize sixty (60) parking spaces located in Municipal Parking Field #4 commencing April 1, 2019 and shall expire on March 31, 2021?

**Moved by Trustee** \_\_\_\_\_

**Seconded by Trustee** \_\_\_\_\_

Clerk offers the following resolution for adoption:

\_\_\_\_**RESOLVED**, that upon the recommendation of **Cherice Vanderhall, Village Attorney** that the Board of Trustees hereby approves the contractual agreement for the New York State Unified Court System 25 Beaver Street, Room 1170, New York New York 10004 to utilize the Village of Hempstead Police Department Outdoor Firing Range located at Section 36, Block 540, Lot 3 of Nassau County commencing May 1, 2019 and expiring on April 30, 2022?

Clerk offers the following resolution for adoption:

\_\_\_**RESOLVED**, that upon the recommendation of **Cherice Vanderhall, Village Attorney** that the Board of Trustees hereby approves the contractual agreement with Vision Risk Management whom provides services with respect to the administration of workers compensation, general liability and auto liability claims commencing June 1, 2019 through May 31, 2020?

Clerk offers the following resolution for adoption:

**RESOLVED**, that upon the recommendation of Mayor Don Ryan to authorize contractual agreement with Assistant Chief Kevin S. Colgan commencing June 10, 2019 through May 31, 2021?

Moved by Trustee \_\_\_\_\_

Seconded by Trustee \_\_\_\_\_

Clerk offers the following resolution for adoption:

\_\_\_\_\_ **RESOLVED**, that upon the recommendation of **Samantha Fountain, Deputy Village Clerk**, that the Board of Trustees hereby approves the appointment of seasonal employees of the Incorporated Village of Hempstead as reviewed:

Jalena Young  
99 James A. Garner Way  
Hempstead, NY

Kobe Howlett  
99 James A. Garner Way  
Hempstead, NY

Sadrec Deceus  
99 James A. Garner Way  
Hempstead, NY

Lauren Bayley  
99 James A. Garner Way  
Hempstead, NY

Andrew Watt  
99 James A. Garner Way  
Hempstead, NY

Isiah Sweeney  
99 James A. Garner Way  
Hempstead, NY

Kayla Dukes  
99 James A. Garner Way  
Hempstead, NY

Kellie Sandas  
99 James A. Garner Way  
Hempstead, NY

Ciarra Thomas  
99 James A. Garner Way  
Hempstead, NY

Moved by Trustee \_\_\_\_\_

Seconded by Trustee \_\_\_\_\_

\_\_\_\_\_ Clerks 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:

<b>Name</b>	<b>Department/Title/Grade</b>	<b>Salary</b>
Marybelle Santiago 99 James A. Garner Way Hempstead, NY <i>(PT- to FT)</i>	Police School Crossing Guard-PT	\$14.91 per hr upon approval

Seconded by Trustee \_\_\_\_\_

\_\_\_\_\_ Clerks 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:

<b>Name</b>	<b>Department/Title/Grade</b>	<b>Salary</b>
Gary Woo 99 James A. Garner Way Hempstead, NY	Accounting Deputy Village Treasurer Exempt	85,000 yr upon approval

Seconded by Trustee \_\_\_\_\_

\_\_\_\_\_ Clerks 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:

<b>Name</b>	<b>Department/Title/Grade</b>	<b>Salary</b>
Mitchell Barnes 99 James A. Garner Way Hempstead, NY <b>(Part-time)</b>	Sanitation	\$14.91 per hr upon approval

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 **June 18, 2019** be approved as previously reviewed.

Moved by Trustee \_\_\_\_\_

Seconded by Trustee \_\_\_\_\_