



**BOARD OF TRUSTEES'**

**REGULAR MEETING**

**Tuesday, October 17, 2023**

**6:30 p.m.**

\_\_\_\_\_ Clerk wishes to report that Mayor Hobbs & Deputy Mayor Daniels have approved miscellaneous Business licenses as reviewed.

**GENERAL BUSINESS:**

**Renewals:**

JJ Go Convenience Inc.  
Huang Juan Hui  
395 Fulton Ave

Scorpion Hookah Lounge & Café Inc.  
Ajmal Syed  
723 Fulton Ave

Ultimate Signs & Designs Corp.  
Shanna Peras  
86 Sewell Street

Ayy Beauty Inc. Hempstead Beauty Supply  
Sung Won Yang  
253A Fulton Ave

Fine Surgical Instruments Inc.  
Mohammad Akram  
50-54 Polk Ave

**New / Change of owner:**

Fulton 99 Cents Discount Deals Inc.  
Bo Jiang  
247 Fulton Ave

EA Teriyake  
Jerry J Li  
368 Fulton Ave

**Taxi Hack License for Approval**

Diego Rodriguez  
308 Warwick St  
Uniondale, NY 11553

Karen Villalta Cabrera  
15 Sheridan Pl  
Roosevelt, NY 11575

**JUSTICE COURT (Monthly Report submitted by Village Justice Brianna A. Vaughan)**

Report of the Village Justice for the month of **September 2023**

Total number of cases before the court 3,930

Total monies remitted to Village Comptroller \$325,143.50

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

**\_\_\_ BE IT RESOLVED**, that the Mayor on behalf of the Village, is hereby authorized to execute the annexed letter of intent for the Village of Hempstead to be designated as a Pro-Housing Community.

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

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

**Waylyn Hobbs Jr., Mayor**

PATRICIA PEREZ, Village Clerk  
KEISHA N. MARSHALL Esq, Village Attorney  
JOE GILL, Treasurer



JEFFERY DANIELS, Deputy Mayor  
KEVIN D. BOONE, Trustee  
NOAH BURROUGHS, Trustee  
CLARIONA D. GRIFFITH, Trustee

October 10, 2023

Homes and Community Renewal  
[prohousing@hcr.ny.gov](mailto:prohousing@hcr.ny.gov)

**To Whom It May Concern:**

**Re: Intent to Apply to be designated as a “Pro-Housing Community”**

Kindly receive this as the Village of Hempstead’s intent to seek designation as a Pro-Housing Community under the Governor’s recent Pro-Housing Communities Program. The Village certainly has met the prerequisite for such designation.

Very truly yours,

By: \_\_\_\_\_  
Waylyn Hobbs, Jr.  
Mayor, Village of Hempstead

\_\_\_\_ **RESOLVED**, that upon the recommendation of **Keisha Marshall, Village Attorney**, the Board of Trustees hereby approve the stipulation of settlement resolving the suspension of the Business License of **MWS Convenience & Grocery** located at 127-133 Fulton Ave., Hempstead, NY.

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

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

**STIPULATION OF SETTLEMENT**

THIS STIPULATION IS MADE THIS 13th DAY OF OCTOBER 2023, BY AND BETWEEN THE VILLAGE OF HEMPSTEAD (hereinafter referred to as "VILLAGE") and MWS CONVENIENCE STORE & GROCERY (hereinafter referred to as "MWS") doing business at 127-133 Fulton Avenue, in the VILLAGE OF HEMPSTEAD (hereinafter referred to as "the Premises"). THE VILLAGE and MWS (hereinafter collectively referred to as "the Parties") WISH TO RESOLVE THE VILLAGE'S PRESENT SUSPENSION OF MWS' BUSINESS LICENSE PURSUANT TO § 86-5, *et. seq.* OF THE INCORPORATED VILLAGE OF HEMPSTEAD CODE PREDICATED UPON ALLEGED VIOLATION OF CERTAIN VILLAGE, AND STATE LAWS, ORDINANCES AND ORDERS.

**WITNESSETH**

**WHEREAS**, pursuant to the Incorporated Village of Hempstead Village Code (hereinafter referred to as "Village Code"), a Village Business License is required "for any person to engage in or carry on any business, trade or calling in the Village of Hempstead without first obtaining a license therefor ... "; and

**WHEREAS**, pursuant to § 86-5 of the Village Code, the Village Clerk has the authority, after investigation, to suspend a business license after a determination that the holding of said business license is detrimental to the best interests of the Village and the general public; and

**WHEREAS**, MWS, was issued a business license on or about October 18, 2022; and

**WHEREAS**, it has been alleged that MWS' business conduct had the effect of disturbing the tranquility of the Village or a part thereof or causes reasonable apprehension of there being a disturbance of such tranquility, and which was deemed to constitute a breach of the peace or to endanger the health, safety or general welfare of the public; and

**WHEREAS**, pursuant to the Village Clerk's authority as stated in § 86-12 of the Village Code, the Village of Hempstead clerk did suspend MWS' business license and that notification of said suspension was provided on June 22, 2023, and

**WHEREAS**, MWS having timely appealed that determination pursuant to Village Code § 86-10; and

**WHEREAS**, MWS acknowledges a full understanding of § 86-11 of the Village Code [Grounds for suspension or revocation] prohibits, *inter alia*, "the violation of any provision of this chapter or the provisions of this Code or other ordinance or local law or any statute regulating licensed activity" [ subd. C] "Conducting any business activity ... in such a manner as to constitute a breach of the peace or to endanger the health, safety or general welfare of the public" [subd. F]; "Any series of occurrences which cumulatively has the effect of disturbing the tranquility of the Village or a part thereof or causes reasonable apprehension of there being a disturbance of such tranquility" [subd. F]; and/or "Violation of any stipulation or condition imposed by the Board of Trustees upon the granting or renewal of any such license and/or any stipulation or condition imposed by any Village Board in relation to the use and occupancy of the property" [subd. G]; and

**WHEREAS**, MWS acknowledges being issued various summons for various violations; and

**WHEREAS**, MWS, without any admission as to past or prior conduct, herein and hereby affirms the present absence and/or non-existence and/or non-occurrence of any inventory or stock for sale of any controlled substances, marijuana, cannabis substances, CBD hemp flower, pre-rolled cigarettes, pre-rolled THC cigarettes/joints, pre-rolled CBG cigarettes/joints, flavored vapes, flavored tobacco vapes, counterfeit trademark merchandise, untaxed cigarettes, loose cigarettes or any other items/substances banned by Village Code, or the laws of the State of New York; *and*



**WHEREAS**, in light of MWS' representation as to its business conduct going forward, the Parties are desirous to resolve the suspension of MWS' business license in a manner consistent with the health, safety and general welfare of the public generally and citizens of the VILLAGE specifically, while allowing MWS to continue to conduct business in the VILLAGE and ensure MWS full future compliance with all provisions of the Village Code and other ordinance or state or local laws or any statute regulating the licensed business activity occurring at, upon and/or within the Premises going forward;

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, and the Parties' respective attorneys, that the present **SUSPENSION** of the MWS business license is hereby settled pursuant to the following terms and conditions:

1. The Parties hereto acknowledge and admit, that each has had the opportunity to review this stipulation, with the assistance and guidance of counsel, that both Parties shall constitute this stipulation's "drafter" for purposes of interpretation of its terms to remove any negative inference or strict construction application of terms against either Party as the "drafter" hereof, and both Parties understand each and every portion hereof. The Parties further acknowledge that each has entered into this stipulation freely, without coercion, and after full and fair opportunity to consult with counsel.

2. The VILLAGE hereby **LIFTS THE SUSPENSION** of the MWS business license subject to the terms, conditions, covenants, and representations contained herein. The terms and conditions of this grant by the VILLAGE shall constitute "conditions imposed" by the VILLAGE as those terms are used in subdivision G of §86-11 of the Village Code.

3. It is acknowledged by MWS, in addition to any independent basis upon which the business license granted herein is suspended pursuant to § 86-11 of the Village Code going forward, that this stipulation *itself* shall be subject to the enforcement provisions pursuant to

subdivision G of § 86-11 of the Village Code as an independent basis to suspend or revoke MWS' business license in the future pursuant to Village Code § 86-11 *et seq.*, for any: *"Violation of any stipulation or condition imposed by the Board of Trustees upon the granting or renewal of any such license and/or any stipulation or condition imposed by any Village Board in relation to the use and occupancy of the property"*.

4. MWS, in consideration of the settlement of this matter with the VILLAGE hereby CONSENTS to warrantless and unannounced inspections, by the Village of Hempstead Police Department or Building/Code Enforcement Department of the Premises of MWS, during business hours of operation to confirm compliance with the terms and conditions of this Stipulation for a period of twenty-four (24) months from the date of execution of this Stipulation and the VILLAGE Board of Trustees' approval of same, whichever is later.

5. MWS, acknowledges that should there be any violations discovered during the above referenced inspections for which a summons was issued, it shall be reported to the Village Clerk, and if it is determined that said violations are in fact a violation of this Agreement, the Village Clerk shall issue a letter of revocation with the specification of the violation(s) and **MWS agrees to waive its right to a hearing or right to appeal.**

6. MWS warrants, covenants and promises to heretofore comply with any and all provisions of the Village Code (including, but not limited to § 86-11 ), and other ordinance or local law or any statute regulating the licensed business activity occurring at, upon and/or within the Premises, including, but not limited to any and all provisions of the NYS Penal Law, and any and all State Liquor law violation and /or any violation of any state, federal or local law; and

**DEFAULT:**

7. The VILLAGE reserves all its rights and remedies at law and in equity in the event of MWS' breach or default under this Stipulation.

8. This Stipulation is subject to the approval of the Board of Trustees of the Incorporated Village of Hempstead and shall not be modified, unless in writing acknowledged by the Parties and approved by the VILLAGE Board of Trustees.

9. Facsimile signatures shall be deemed originals for all purposes, and this Stipulation may be signed in separate counter-parts by the Parties.

Dated: Hempstead, New York  
13th day of October, 2023.

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By: Rammah Moharam, Owner  
MWS  
127-133 Fulton Avenue  
Hempstead, New York 11550

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By: Kenneth K. Frankel, Esq.  
KENNETH K. FRENKEL, P.C.  
Attorneys for MWS Convenience Store &  
Grocery Inc.  
154 Franklin Place  
Woodmere, New York 11598  
Tel. (212) 693-1355

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By: Jacqueline Zore-Smrek, Esq.  
Deputy Village Attorney on behalf of  
KEISHA N. MARSHALL, ESQ.  
Village Attorney  
Incorporated Village of Hempstead  
99 James A. Garner Way  
Hempstead, NY 11550  
Tel: (516) 478-6235  
Fax: (516) 478-6711  
Email: [jsmrek@villageofhempsteadny.gov](mailto:jsmrek@villageofhempsteadny.gov)

\_\_\_\_\_ **RESOLVED**, that upon the recommendation of **Mayor Waylyn Hobbs Jr.**, the Board of Trustees hereby approves the rescheduling of the regular Board of Trustees meeting on Tuesday, **November 7, 2023**, at **6:30 pm** to Wednesday, **November 8, 2023**, at **6:30 pm** as to not conflict with Election Day.

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

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

\_\_\_\_**RESOLVED**, that upon the recommendation of **Frank Germinaro, Director of Public Works**, the Mayor hereby appoint and/or approve the following to the position of Laborer-PT for the Incorporated Village of Hempstead.

<b>Name</b>	<b>Department/Title/Grade</b>	<b>Base Salary</b>
Nickolan Decordova <i>(New Hire)</i>	DPW-Sanitation Laborer-PT	\$ 17.00 hr upon approval

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

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

\_\_\_\_**RESOLVED**, that upon the recommendation of **Frank Germinaro, Director of Public Works**, the Mayor hereby appoint and/or approve the following to the position of Motor Equipment Operator Trainee for the Incorporated Village of Hempstead.

<b>Name</b>	<b>Department/Title/Grade</b>	<b>Base Salary</b>
Jeremy Taylor <i>(PT to FT)</i>	DPW-Streets MEO Trainee <i>Grade 107/0 New</i>	\$58,372 yr upon approval

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

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 **October 17, 2023**, be approved as previously reviewed.

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

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

\_\_\_**RESOLVED**, that upon the recommendation of **Keisha Marshall, Village Attorney**, the Board of Trustees hereby approve the stipulation of settlement resolving the suspension of the Business License of **Toppa Petroleum Inc. d/b/a BP Gas Station** located at 415 South Franklin Street, Hempstead, NY.

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

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



**STIPULATION OF SETTLEMENT**

THIS STIPULATION IS MADE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023, BY AND AMONG THE VILLAGE OF HEMPSTEAD (hereinafter referred to as the "VILLAGE") AND TOPPA PETROLEUM INC. d/b/a BP GAS STATION C/O TAUSIF TOPPA (hereinafter referred to as "BP ") DOING BUSINESS AT 415 SOUTH FRANKLIN STREET, VILLAGE OF HEMPSTEAD, NY 11550 (hereinafter referred to as "the Premises"). THE VILLAGE AND BP (hereinafter collectively referred to as "the Parties") WISH TO RESOLVE THE VILLAGE'S PRESENT DENIAL OF BP'S APPLICATION FOR RENEWAL OF IT'S BUSINESS LICENSE PURSUANT TO § 86-10, *et. seq.* OF THE INCORPORATED VILLAGE OF HEMPSTEAD CODE [Denial of license application] *PREDICATED UPON VIOLATION OF THE FOLLOWING PROVISIONS OF LAW AND ORDER:*

- 1) Alcohol Beverage Control Law as it relates to
  - a. On-Premises Consumption of Alcoholic Beverages,
  - b. disorderly premises,
  - c. improper posting of license,
  - d. failure to permit inspection by a peace officer, and
- 2) Village of Hempstead Code § 86-1- no business license

**WITNESSETH**

WHEREAS, pursuant to § 86-1 of the Incorporated Village of Hempstead Village Code (hereinafter referred to as "the Village Code"), a Village Business License is required "for any person to engage in or carry on any business, trade or calling in the Village of Hempstead without first obtaining a license therefor..."; and

**WHEREAS**, pursuant to § 86-5 of the Village Code, the Village Clerk has the authority, after investigation, to deny a business license application and/or renewal after a determination that the issuance of said business license or renewal would be detrimental to the best interests of the Village or the public; and

**WHEREAS**, BP gas station c/o Tausif Toppa, submitted an application for a business license with payment on March 17, 2022 and acknowledges that said application was submitted beyond the expiration date of the prior business license, that being DECEMBER 31, 2019 and

**WHEREAS**, pursuant to the Village Clerk's authority as stated in § 86-5 of the Village Code, the Village of Hempstead Clerk did deny the business license application of BP c/o Tausif Toppa, and that notification of said denial was forward to BP c/o Tausif Toppa, on March 31, 2022, and

**WHEREAS**, said denial, pursuant § 86-11 (F), is based a series of occurrences which cumulatively has had the effect of disturbing the tranquility of the Village or a part thereof or causes reasonable apprehension of there being a disturbance of such tranquility, and

**WHEREAS**, BP having timely appealed that determination pursuant to Village Code § 86-10; and

**WHEREAS**, BP c/o Tausif Toppa acknowledges a full understanding of § 86-11 of the Village Code [Grounds for suspension or revocation] prohibiting, *inter alia*, "the violation of any provision of this chapter or the provisions of this Code or other ordinance or local law or any statute regulating licensed activity" [subd. C]; "Conducting any business activity ... in such a manner as to constitute a breach of the peace or to endanger the health, safety or general welfare of the public" [subd. F]; "Any series of occurrences which cumulatively has the effect of disturbing the tranquility of the Village or a part thereof or causes reasonable apprehension of there being a

*disturbance of such tranquility” [subd. F]; and/or “Violation of any stipulation or condition imposed by the Board of Trustees upon the granting or renewal of any such license and/or any stipulation or condition imposed by any Village Board in relation to the use and occupancy of the property” [subd. G]; and*

**WHEREAS**, BP c/o Tausif Toppa acknowledges being issued various summons for violating ABC §054, §105, §106, §114, and VOC §86-1; and

**WHEREAS**, BP c/o Tausif Toppa acknowledges the importance of strict compliance with ABC laws and the Hempstead Village Code and all business owners are required to enforce all requirements of each; and

**WHEREAS**, BP c/o Tausif Toppa without any admission as to past or prior conduct, herein and hereby affirms a long-standing presence as an on-going business in the VILLAGE for the past five (5) years, the Parties are desirous to resolve the underlying claims, allegations and charges giving rise to the VILLAGE’s present denial of BP’s business license renewal in a manner consistent with the health, safety and general welfare of the public generally and citizens of the VILLAGE specifically, while allowing BP to continue to conduct business in the VILLAGE and ensure BP’s full future compliance with all provisions of the Village Code and other ordinance or local law or any statute regulating the licensed business activity occurring at, upon and/or within the Premises going forward;

**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, and the Parties’ respective attorneys, that the present DENIAL of BP’s application for renewal of its business license is hereby settled pursuant to the following terms and conditions:

1. The Parties hereto acknowledge and admit, that each has had the opportunity to review this stipulation, with the assistance and guidance of counsel, that both Parties shall

constitute this stipulation's "drafter" for purposes of interpretation of its terms to remove any negative inference or strict construction application of terms against either Party as the "drafter" hereof, and both Parties understand each and every portion hereof. The Parties further acknowledge that each has entered into this stipulation freely, without coercion, and after full and fair opportunity to consult with counsel.

2. The VILLAGE hereby GRANTS to BP a "conditional" renewal of its business license subject to the terms, conditions, covenants, and representations contained herein. The terms and conditions of this grant by the VILLAGE shall constitute "conditions imposed" by the VILLAGE as those terms are used in subdivision G of § 86-11 of the Village Code.
3. It is acknowledged by BP, in addition to any independent basis upon which the business license granted herein may be suspended or revoked pursuant to § 86-11 of the Village Code going forward, that this stipulation *itself* shall be subject to the enforcement provisions pursuant to subdivision G of § 86-11 of the Village Code violation of which shall constitute an independent basis to suspend or revoke BP's business license in the future pursuant to Village Code § 86-11 *et seq.*, for: "*Violation of any stipulation or condition imposed by the Board of Trustees upon the granting or renewal of any such license and/or any stipulation or condition imposed by any Village Board in relation to the use and occupancy of the property*".
4. BP, in consideration of the settlement of this matter with the VILLAGE hereby CONSENTS to warrantless and unannounced inspection of the Premises of BP gas station, located at 415 South Franklin Street, Hempstead, NY 11550, during business hours of operation to confirm compliance with the terms and conditions of this

Stipulation for a period of one (1) year, [12 full calendar months] from the date of execution of this Stipulation and The Village Board of Trustee's approval of same, whichever is later.

5. BP c/o Tausif Toppa acknowledges that, should there be any violations discovered during the above referenced inspections, same shall be reported to the Board of Trustees and if it is determined by the Hempstead Board of Trustees that there exists a justified basis supporting said violations, and same constitute a violation of this agreement, that the Village Clerk shall rescind BP's business license, **without a hearing or right to appeal.**
6. BP c/o Tausif Toppa warrants, covenants and promises to heretofore comply with any and all provisions of the Village Code (including, but not limited to § 86-11), and other ordinance or local law or any statute regulating the licensed business activity occurring at, upon and/or within the Premises, including, but not limited to:
  - a. any and all ABC Laws and/or Village Code ordinances; and
  - b. any and all provisions of the NYS Penal Laws; and
  - c. any and all state liquor laws violation and /or any violation of any state, federal or local law.

**DEFAULT:**


7. The VILLAGE reserves all its rights and remedies at law and in equity in the event of BP c/o Tausif Toppa's breach or default under this Stipulation.
8. This Stipulation shall not be modified, unless in writing acknowledged by the Parties and approved by the Village Board of Trustees.

9. Facsimile signatures shall be deemed originals for all purposes, and this Stipulation may be signed in separate counter-parts by the Parties and individual members of the Board of Trustees, inclusive.

Dated: Hempstead, New York  
day of \_\_\_\_\_, 2023

  
Toppa Petroleum Int. D/B/A BP

By: **Tausif Toppa**  
Pro Se applicant  
415 South Franklin Street  
Hempstead, NY 11550  
Email: [Topparealty@gmail.com](mailto:Topparealty@gmail.com)

  
By: **KEISHA N. MARSHALL, ESQ.**  
Village Attorney  
Incorporated Village of Hempstead  
99 James Garner Way  
Hempstead, NY 11550  
Tele: (516) 487-6275  
Fax: (516) 478-6711  
Email: [KMarshall@villageofhempsteadny.gov](mailto:KMarshall@villageofhempsteadny.gov)