

Hempstead, New York

January 5, 2021

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, NY 11550 at 6:30 p.m.

ROLL CALL

Trustee Johnson, Hobbs, and Mayor Ryan

VIDEO TELECONFERENCE

Trustee Renfroe, Daniels

Also Present:

Cherice Vanderhall, Village Attorney
Samantha Fountain, Deputy Village Clerk

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

Human Relations – Juanita Hargwood, Director

Personal Service Wireless Facilities Board – Deloris McQueen

Board of Zoning Appeals – Chairman Danny Leo

Community Development Agency – Commissioner Charlene Thompson

Historian - Reine Bethany

ACCEPTANCE OF MINUTES

Clerks offers the following resolution for adoption:

Moved by Trustee Hobbs that the reading of the minutes of the **regular meeting** of **December 15, 2020** be dispensed with and that they be accepted as reviewed.

Seconded by Trustee Johnson

AYES: Trustee Johnson, Hobbs, Renfroe, Daniels
and Mayor Ryan

NOES: None

**APPROVAL OF
MISCELLANEOUS LICENSE
AND PERMIT APPLICATIONS**

Clerk wishes to report that Mayor Ryan & Deputy Mayor Renfroe have approved miscellaneous Business licenses as reviewed

Business License for approval

Shakethatwing Inc. dba Wingstop **(New)**
5 Front Street.

Renewals

Enviogiro (Financial Services)
44B N. Franklin St.

El Rey del Pollo **(Business & Cabaret)**
161 Main St.

AA Liquor & Wine Inc.
215 Fulton Ave.

Checo Deli & Grocery Inc.
589 Fulton Ave.

Diversified Building Co. LLC.
10-12-14 Cathedral Ave.

Latin Insurance Brokerage Corp.
123 Main St.

El Mofongo Restaurant
684 Fulton Ave.

Reina Beauty Salon Corp.
80 Main St.

Epheta Hair Braiding
72 N. Franklin St.

El Sabor del Chef
15 N. Franklin St.

El Sabor del Chef II
46-A Fulton Ave.

393 FRONT STREET

Clerks offers the following resolution for adoption:

WHEREAS, litigation was instituted against the Incorporated Village of Hempstead in the Supreme Court, County of Nassau, State of New York, under Consolidated Index No. 404822/17, in case entitled “In the Matter of the Application of Walgreen Eastern Co., Inc., Petitioner, against 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 2020/21 tax years, for real property tax purposes, for the premises described as Section 34, Block 342, Lot 289, known as 393 Front Street, Hempstead, New York 11550; and

WHEREAS, by proposed Stipulation of Settlement, subject to the approval of this Board, the Village has agreed to refund to Walgreen Eastern Co., Inc., owner of 393 Front Street, a total of \$51,000.00, to resolve the issue of the true tax assessment for the 2014/15 through 2020/21 tax years, payable in two installments, the first installment of \$30,500.00 will be paid within ninety (90) days of the Village’s receipt of the Order and Judgment with Notice of Entry and the second installment of \$20,500.00 will be paid within one hundred eighty (180) days of the Village’s receipt of the Order and Judgment;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Incorporated Village of Hempstead, that the Village refund to Walgreen Eastern Co., Inc., owner of 393 Front Street, a total of \$51,000.00, to resolve the issue of the true tax assessment for the 2014/15 through 2020/21 tax years, payable in two installments, the first installment of \$30,500.00 will be paid within ninety (90) days of the Village’s receipt of the Order and Judgment with Notice of Entry and the second installment of \$20,500.00 will be paid within one hundred eighty (180) days of the Village’s receipt of the Order and Judgment; and

BE IT FURTHER RESOLVED, that the issue of the prospective tax assessment for the tax years 2021/22, 2022/23 and 2023/24 for Section 34, Block 342, Lot 289, will be \$63,750.00 and that no protest will be filed by Walgreen Eastern Co., Inc., owner of 393 Front Street, for the tax years 2021/22, 2022/23 and 2023/24; 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 Walgreen Eastern Co., Inc., owner of 393 Front Street, Hempstead, New York 11550, for the tax

years 2014/15 through 2020/21, 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 Johnson
Seconded by Trustee Hobbs

AYES: Trustee Johnson, Hobbs, Renfroe, Daniels and Mayor Ryan
NOES: None

36-38 N. FRANKLIN ST.

Clerks offers the following resolution for adoption:

WHEREAS, litigation was instituted against the Incorporated Village of Hempstead in the Supreme Court, County of Nassau, State of New York, under Consolidated Index No. 401005/2019, in case entitled “In the Matter of Gazit Realty, LLC, Petitioner, against The Board of Assessors and/or 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 2015/16 through 2020/21 tax years, for real property tax purposes, for the premises described as Section 34, Block 339, Lot(s) 331, known as 36-38 North Franklin Street, Hempstead, New York 11550; and

WHEREAS, by proposed Stipulation of Settlement, subject to the approval of this Board, the Village has agreed to refund to Gazit Realty, LLC, owner of 36-38 North Franklin Street, a total of \$15,500.00, to resolve the issue of the true tax assessment for the 2015/16 through 2020/21 tax years, payable in one lump sum within 90 days of receipt by the Village of a certified order and judgment that effectuates this settlement with verified claim form and proof of payment for all tax years;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Incorporated Village of Hempstead, that the Village refund to Gazit Realty, LLC, owner of 36-38 North Franklin Street, a total of \$15,500.00, to resolve the issue of the true tax assessment for the 2015/16 through 2020/21 tax years, payable in one lump sum within 90 days of receipt by the Village of a certified order and judgment that effectuates this settlement with verified claim form and proof of payment for all tax years; and

BE IT FURTHER RESOLVED, that, upon payment of the total refund, the certiorari tax proceedings brought on behalf of Gazit Realty, LLC, for property known as 36-38 North Franklin Street, Hempstead, New York 11550, for the tax years 2015/16 through 2020/21, 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 2021/22, 2022/23, and 2023/24 will be \$14,500.00 and that no protest will be filed by Gazit Realty, LLC, owner of property known as 36-38 North Franklin Street, Hempstead, NY, for the tax years 2021/22, 2022/23, and 2023/24; 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 Hobbs
Seconded by Trustee Johnson

AYES: Trustee Johnson, Hobbs, Renfroe, Daniels
and Mayor Ryan
NOES: None

WATER & SEWER UPGRADES

Clerks offers the following resolution for adoption:

WHEREAS, in May 2008, the Village adopted a Downtown Vision and Comprehensive Development Plan. The Comprehensive Plan reflects the community's commitment to a vibrant, walkable, mixed-use downtown that will create jobs and opportunity while increasing the taxes the Village and school district receive from the new development, and relieving pressure from existing taxpayers.

WHEREAS, the Village retained Cameron Engineering & Associates, LLP in 2012 to identify Village-wide sewer improvements required to accommodate proposed projects in the Village's downtown area. The Village tasked Cameron Engineering with updating its findings in 2018 and preparing a study that included Metro 303's usage and what effect, if any, the existing proposed projects for the downtown area might have on the Village's water and sewer capacity.

WHEREAS, the Village voted to in November 2019 to commission Cameron Engineering to conduct a hydraulic modeling study of the entire Village of Hempstead to assess the sewage collection and water distribution systems to determine what, if any, effects development in any area of the Village would have on the current users of the systems. The intent of this study was also to determine whether upgrades were needed beyond the downtown area.

WHEREAS, the Village was granted \$5 million dollars by New York Empire State Development to defray the costs of the necessary water and sewer upgrades.

WHEREAS, no project whether it is commercial, mixed-use, or residential, may move forward in the Village of Hempstead without the necessary water and sewer availability that will not negatively impact our current residents;

WHEREAS, the Village is in need of development that will reflect an investment in our community, provide new economic opportunities for our residents, including permanent jobs, and provide tax revenue, which will decrease the tax burden on individual homeowners;

NOW THEREFORE, the Village Board of Trustees commits to prioritizing the obtainment of the necessary water and sewer capacity studies and upgrades on behalf of Village residents to ensure:

1. That the Village's Community Development Agency has the documentation and commitment it needs to pursue state and federal funding for sewer and water upgrades;
2. Updated sewer systems for all residents;
3. Updated sewer systems that will allow for development and economic growth within the Village; and
4. Adequate water availability for residential use and for the Fire Department in cases of emergency.

Moved by Trustee Hobbs
Seconded by Trustee Renfroe

AYES: Trustee Johnson, Hobbs, Renfroe, Daniels and Mayor Ryan
NOES: None

91-99 TAFT AVE.

Clerks offers the following resolution for adoption:

WHEREAS, litigation was instituted against the Incorporated Village of Hempstead in the Supreme Court, County of Nassau, State of New York, under Consolidated Index No. 400127/2015 , in case entitled "In the Matter of the Application of Taft Adams LLC F/K/A Peninsula Holdings LLC, Petitioner, against The Board of Assessor and The Board of Assessment Review of the Village of Hempstead, Respondents" to resolve the issue of the true assessment, retroactively for the 2008/09 through 2017/18 tax years, for real property tax purposes, for the premises described as Section 35, Block 328-02, Lots 113-119, Section 35, Block 328-02, Lots 120-128, 672, & Section 35, Block 328-02, Lots 689, 692, known as 91-99 Taft Avenue, Taft Avenue & Adams 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 Taft Adams LLC F/K/A/ Peninsula Holdings LLC, owner of 91-99 Taft Avenue, Taft Avenue & Adams Avenue, Hempstead, New York

11550, a total of \$9,000.00, to resolve the issue of the true tax assessment for the 2008/09 through 2017/18 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 Taft Adams LLC F/K/A/ Peninsula Holdings LLC, owner of 91-99 Taft Avenue, Taft Avenue & Adams Avenue, Hempstead, New York 11550, a total of \$9,000.00, to resolve the issue of the true tax assessment for the 2008/09 through 2017/18 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 Taft Adams LLC F/K/A/ Peninsula Holdings LLC, owner of 91-99 Taft Avenue, Taft Avenue & Adams Avenue, Hempstead, New York 11550, for the tax years 2008/09 through 2017/18, shall be discontinued with prejudice and that no costs or disbursements shall be awarded to either party; and

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

BE IT FURTHER RESOLVED, that the Office of the Village Attorney is authorized to execute a Stipulation of Settlement and any related documents consistent with this Resolution.

Moved by Trustee Hobbs
Seconded by Trustee Johnson

AYES: Trustee Johnson, Hobbs, Renfro, Daniels and Mayor Ryan
NOES: None

**DOJ GRANT FOR SAFETY
TRAINING & TECHNOLOGY
UPGRADE**

Clerks offers the following resolution for adoption:

RESOLVED, by the recommendation of **Kevin S. Colgan, Assistant Chief of Police** that the Board of Trustees hereby approves entering into a contract with Department of Justice for the Hempstead Police Department for Hempstead Safety, Training and Technology Upgrade in the amount of \$26,178.00 00 for the period of October 1, 2020 thru September 30, 2025. There is no matching funds required with this grant.

Moved by Trustee Johnson
Seconded by Trustee Hobbs

AYES: Trustee Johnson, Hobbs, Renfro, Daniels and Mayor Ryan

NOES: None

**ARTS & CULTURAL AFFAIRS
LGS-1. ARTICLE 57-A**

Clerks offers the following resolution for adoption:

RESOLVED, that upon the recommendation of **Patricia Perez, Village Clerk** the Board of Trustees hereby approves that *Retention and Disposition Schedule for New York Local Government Records* (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposition of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

(a) only those records will be disposed of that are described in *Retention and Disposition Schedule for New York Local Government Records* (LGS-1), after they have met the minimum retention periods described therein;

(b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal, or historical value to merit retention beyond established legal minimum periods.

Moved by Trustee Hobbs
Seconded by Trustee Johnson

AYES: Trustee Johnson, Hobbs, Renfroe, Daniels and Mayor Ryan
NOES: None

**PUBLIC HEARING
SCHEDULING**

Clerks offers the following resolution for adoption:

WHEREAS, The Village Clerk desires to deny the renewal of the business license for business known as **Felix Luis Inc. dba Caribe Bar**, 433 Clinton St. Hempstead, NY 11550. Pursuant to Section 86-5 of the Village of Hempstead Code.

WHEREAS, it has come to the Village's attention that **Felix Luis Inc. dba Caribe Bar.**, conducting business at 433 Clinton St., Hempstead, NY 11550, as bar and cabaret desires to appeal the Village Clerk's denial pursuant Section 86-10 of the Village of Hempstead Code.

**THE VILLAGE CLERK
HEREBY SCHEDULES** a public hearing to be held on the **19th** day of **January 2021** at **6:00 p.m.** at the Hempstead Village Hall, 99 James A. Garner Way, Hempstead, New York, to consider denial of renewing the Business License to **Felix Luis Inc. dba Caribe Bar** by the Incorporated Village of Hempstead.

Moved by Trustee Hobbs
Seconded by Trustee Johnson

AYES: Trustee Johnson, Hobbs, Renfroe, Daniels and Mayor Ryan

NOES: None

JONATHAN SHINGLER

Clerks offers the following resolution for adoption:

RESOLVED, that upon the recommendation Ronald Martin. Sanitation General Supervisor, that the Mayor and the Board of Trustees hereby approve the position of Laborer-PT for the Incorporated Village of Hempstead

Name	Department/Title/Grade	Base Salary
Jonathan Shingler <i>(New hire)</i>	DPW-Sanitation Laborer-PT	\$14.91 hr upon approval

Moved by Trustee Johnson
Seconded by Trustee Hobbs

AYES: Trustee Johnson, Hobbs, Renfroe, Daniels
and Mayor Ryan
NOES: None

ERNESTO DINGUI

Clerks offers the following resolution for adoption:

RESOLVED, that upon the recommendation Frank Germinaro. Director, Public Works, that the Mayor and the Board of Trustees hereby approve the position of Laborer-PT for the Incorporated Village of Hempstead

Name	Department/Title/Grade	Base Salary
Ernesto Dinguì <i>(New hire)</i>	DPW Laborer-PT	\$14.91 hr upon approval

Moved by Trustee Johnson
Seconded by Trustee Hobbs

AYES: Trustee Johnson, Hobbs, Renfroe, Daniels
and Mayor Ryan
NOES: None

COREY TERRY

Clerks offers the following resolution for adoption:

RESOLVED, that upon the recommendation Michael Taylor. Supervisor Water Plant Operations, that the Mayor and the Board of Trustees hereby approve the position of Water Meter Servicer Trainee for the Incorporated Village of Hempstead

Name	Department/Title/Grade	Base Salary
Corey Terry <i>(PT to FT)</i>	Water Plant Water Meter Servicer Trainee <i>Grade 105/0 N</i>	\$53,129 yr upon approval

Moved by Trustee Renfroe
Seconded by Trustee Hobbs

AYES: Trustee Johnson, Hobbs, Renfroe, Daniels
and Mayor Ryan
NOES: None

EXECUTIVE SESSION

Clerks offers the following resolution for adoption:

The Village Attorney would like to enter into an executive session at Board of Trustees' meeting regarding pending litigation.

Time in 7:37 pm

Moved by Trustee Hobbs to enter into an executive session regarding pending litigation.

Seconded by Trustee Renfroe

AYES: Trustee Johnson, Hobbs, Renfroe, Daniels and Mayor Ryan

NOES: None

Moved by Trustee Johnson to come out of executive session.

Seconded by Trustee Hobbs

Time out 8:05 pm

AYES: Trustee Johnson, Hobbs, Renfroe, Daniels and Mayor Ryan

NOES: None

**EXECUTIVE SESSION
DECISION**

Clerks offers the following resolution for adoption:

Resolved that upon the recommendation of Cherice P. Vanderhall, Village Attorney to have Board of Trustees approve the litigation matter discussed in Executive

Moved by Trustee Johnson

Seconded by Trustee Hobbs

AYES: Trustee Johnson, Hobbs, Renfroe, Daniels and Mayor Ryan

NOES: None

**HEMPSTEAD FIRE DEPT.
NEW MEMBERS**

Clerks offers the following resolution for adoption:

RESOLVED, that upon the recommendation of Trustee Waylyn Hobbs to have Board of Trustees approve the new members of the Hempstead Fire Department as follows

Yessina M. Cotto

Jaryd P. Faulk

Michael J. Lewis-Collins

Moved by Trustee Hobbs

Seconded by Trustee Johnson

AYES: Trustee Johnson, Hobbs, Renfroe, Daniels and Mayor Ryan

NOES: None

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 **January 5, 2021** be approved as previously reviewed.

Moved by Trustee Hobbs

Seconded by Trustee Johnson

AYES: Trustee Johnson, Hobbs, Renfro, Daniels
and Mayor Ryan
NOES: None

MEETING ADJOURNED

Clerks offers the following resolution for adoption

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

Seconded by Trustee Renfroe

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

NOES: None

Deputy Village Clerk

