

Hempstead, New York

January 7, 2020

**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, Hobbs, Renfroe, Daniels; Mayor Ryan

**Also Present:**

Cherice Vanderhall, Village Attorney  
Samantha Fountain, Deputy Village Clerk

**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 December 17, 2019** be dispensed with and that they be accepted as reviewed.

Seconded by Trustee Hobbs

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

NOES: None

**PRESENTATION OF PUBLIC BODIES ACTIVITIES BOARDS**

Human Relations – Juanita Hargwood, Director

Board of Zoning Appeals – Chairman Danny Leo

Planning Board – Chairperson Kennetha Pettus

CDA – Commissioner Charlene Thompson

Electrical Board – Ronald Margarie absent report submitted

Plumbing Board – Chairperson Kelly Magee

Historian - Reine Bethany

Hempstead Chamber of Commerce – Clarion Griffin

**NYS Standard Mileage Rate**

Clerks offers the following resolution for adoption:

**RESOLVED**, that upon the recommendation of **Joe Gill, Village Treasurer** that authorization is hereby granted that the standard mileage rate paid to those Village employees using their personal auto, van, pick or panel truck for official Village business is 57.5

cents **per mile** effective date of this standard mileage rate be **January 1, 2020** through **December 31, 2020**.

Moved by Trustee Daniels

Seconded by Trustee Renfroe

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

NOES: None

### **Village Board meeting rescheduled**

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 for the regularly scheduled meeting of the Board of Trustees to be held on **Tuesday, February 18, 2020** at 6:30 pm **be rescheduled** to **7:00 pm.**, to not conflict with Grievance Day.

Moved by Trustee Renfroe

Seconded by Trustee Johnson

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

NOES: None

### **Comite Parada y Festival**

Clerks offers the following resolution for adoption:

**RESOLVED**, that upon the recommendation of Mayor Don Ryan to hold a Parade and Festival on Sunday, September 13, 2020 from 12:00 pm to 7:00 p.m. with a total cost of \$50,660.00 and the after calculations for 80% would be a total cost \$40,528.00 to be paid on or before Thursday, August 13, 2020. The parade route will commence on Old Franklin Street and Union Place merge on to North Franklin Street and continue South towards Front Street, once it

reaches Front Street it will continue East towards Main Street. The Festival will be held in Parking Field #1. 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.

Moved by Trustee Hobbs

Seconded by Trustee Renfroe

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

**Iron Development Corp**

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. 400582/2016, in case entitled "In the Matter of Iron Development Corp., Petitioner, against The Board of Assessors and The Board of Assessment Review of the Village of Hempstead, Respondents" to resolve the issue of the true assessment, both retroactively and prospectively, for the 2005/06 tax year through 2019/20, for real property tax purposes, for the

premises described as Section 34, Block 330, Lot 14, known as 134 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 Iron Development Corp., owner of 134 North Franklin Street, a total of \$61,000.00, to resolve the issue of the true tax assessment for the 2005/06 through 2019/20 tax years, payable as follows: if the Village is in receipt of a certified copy of the duly signed and entered Order and Judgment by January 1, 2020, the first installment payment of \$30,500.00 shall be paid within 60 days of receipt by the Village of the Order and Judgment and Notice of Entry, and the second installment payment of \$30,500.00 shall be paid by July 31, 2020, or if the Village is in receipt of the Order and Judgment and Notice of Entry after January 1, 2020, but before April 1, 2020, then the payment shall be paid in one lump sum of \$61,000.00 by September 30, 2020, or if the Village is in receipt of the Order and Judgment and Notice of Entry on or after April 1, 2020, the first installment payment of \$30,500.00 shall be paid within 90 days of receipt by the Village of the Order and Judgment and Notice of Entry, and the second installment payment of \$30,500.00 shall be paid by July 31, 2021.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Incorporated Village of Hempstead, that the Village refund to Iron Development Corp., owner of 134

North Franklin Street, a total of \$61,000.00 to resolve the issue of the true tax assessment for the 2005/06 through 2019/20 tax years, payable in installment payments, based on the following: if the Village is in receipt of a certified copy of the duly signed and entered Order and Judgment by January 1, 2020, the first installment payment of \$30,500.00 shall be paid within 60 days of receipt by the Village of the Order and Judgment and Notice of Entry, and the second installment payment of \$30,500.00 shall be paid by July 31, 2020, or if the Village is in receipt of the Order and Judgment and Notice of Entry after January 1, 2020, but before April 1, 2020, then the payment shall be paid in one lump sum of \$61,000.00 by September 30, 2020, or if should the Village receive the certified copy of the duly signed and entered Order and Judgment on or after April 1, 2020, the first installment payment of \$30,500.00 shall be paid within 90 days of receipt by the Village of the Order and Judgment and Notice of Entry, and the second installment payment of \$30,500.00 shall be paid by July 31, 2021; and

BE IT FURTHER RESOLVED, that, upon payment of the total refund, the certiorari tax proceedings brought on behalf of Iron Development Corp., owner of 134 North Franklin Street, Hempstead, New York 11550, for the tax years 2005/06 through 2019/20 tax years, 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 will be \$17,500.00 and that no protest will be filed by Iron Development Corp., owner of 134 North Franklin Street, Hempstead, New York 11550, 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 Hobbs

Seconded by Trustee Daniels

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

**Frontpage Realty, LLC**

Clerks offers the following resolution for adoption

**WHEREAS**, litigation was instituted against the Incorporated Village of Hempstead in the Supreme Court, County of Nassau, State of New York, under Index No. 400723/2013 in case entitled “In the Matter of the Application of Frontpage Realty, LLC, Petitioner, against the Board of Assessors and The Board of Assessment Review of the Village of Hempstead, Respondents”, and various other consolidated index numbers, to resolve the issue of the true assessment, both retroactively and prospectively, for the 2009/10 through 2019/20 tax years, for property tax purposes, for the premises described as Section 34, Block 295, Lots 42-43, known as 23 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 Frontpage Realty, LLC, owner of 23 Front Street, a lump sum total of Thirty Five Thousand Dollars (\$35,000) without interest, to resolve the issue of the true tax assessment for the 2009/10 through 2019/20 tax years, payable by January 1, 2020, or within 90 days of the service of entry of the Order and Judgment upon the Village, whichever is later;

**NOW, THEREFORE, BE IT RESOLVED,** by the Board of Trustees of the Incorporated Village of Hempstead, that the Village refund to “The Litt Law Group LLC, as attorney” to Frontpage Realty, LLC, owner of 23 Front Street, a lump sum total of Thirty Five Thousand Dollars (\$35,000) without interest, to resolve the issue of the true tax assessment for the 2009/10 through 2019/20 tax years, payable by January 1, 2020, or within 90 days of the service of entry of the Order and Judgment upon the Village, whichever is later; and

**BE IT FURTHER RESOLVED,** that the assessed valuation for the 2020/21, 2021/22 and 2022/23 tax years shall be Forty Six Thousand Six Hundred and Twenty Dollars (\$46,620) and that no protest will be filed by Frontpage Realty, LLC, the owner of 23 Front Street, Hempstead, New York, for the 2020/21, 2021/22 and 2022/23 tax years; and

**BE IT FURTHER REOLVED,** that refund interest is waived; and

**BE IT FURTHER RESOLVED,** that, upon payment of the total refund, the certiorari tax proceedings brought on

behalf of Frontpage Realty, LLC, owner of 23 Front Street, Hempstead, New York, 11550, for the tax years 2009/10 through 2019/20, shall be discontinued with prejudice and that no costs or disbursements shall be awarded to either party; and

**BE IT FURHER RESOLVED**, that the Village Attorney with Bee Ready Fishbein Hatter & Donovan, LLP, Special Counsel or its agent, is authorized to execute a Stipulation of Settlement and any related documents consistent with this Resolution.

Moved by Trustee: Renfroe

Seconded by Trustee: Hobbs

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

NOES: None

**RESOLVED**, that upon the recommendation of **Gary Woo**, Deputy Village Comptroller, the Board of Trustees approves to settle the Worker's Compensation claim in a total amount of \$14,520.48 **be ratified**

Moved by Trustee Hobbs

Seconded by Trustee Renfroe

AYES: Johnson, Hobbs, Renfroe and Mayor Ryan

NOES: None

ABSTAINED: Daniels

**Trustee Jeffery Daniels**

Clerks offers the following resolution for adoption

**WHEREAS**, the office of the State Comptroller New York State & Local Retirement System requires that the Board of Trustees review and accept calendars submitted by Village Board members to determine their pension

time; and

**BE IT RESOLVED**, that the Village of Hempstead, Location 40009, hereby establishes the standard work days for elected and appointed officials and will report the days worked to the New York State and Local Employees' Retirement System (NYSLRS) based on the time keeping system record or the record of activities maintained and submitted by these officials to the Clerk's office.

**NOW THEREFORE**, the Board hereby acknowledges its reviews and acceptance of **Trustee Jeffery Daniels** calendar and authorizes the forwarding of same to the Office of the State Comptroller New York State & Local Retirement System.

Moved by Trustee Hobbs

Seconded by Trustee Renfroe

AYES: Johnson, Hobbs, Renfroe and Mayor Ryan

NOES: None

ABSTAINED: Daniels

## **Electrical Licenses**

Clerks offers the following resolution for adoption

**RESOLVED** that upon the recommendation of Joe Simone, Superintendent of Buildings Department that the Mayor and Board of Trustees authorize the issuance of Electrical licenses as Master or Employing Electricians to:

Robert Fink  
99 James A. Garner Way  
Hempstead, NY 11550

Elizardo Amaya  
99 James A. Garner Way  
Hempstead, NY 11550

Reynaldo Ortiz  
99 James A. Garner Way  
Hempstead NY 11550

Moved by Trustee Renfroe

Seconded by Trustee Daniels

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

NOES: None

**Trustee Waylyn Hobbs Jr.**

Clerks offers the following resolution for adoption

**WHEREAS**, the office of the State Comptroller New York State & Local Retirement System requires that the Board of Trustees review and accept calendars submitted by Village Board members to determine their pension time; and

**BE IT RESOLVED**, that the Village of Hempstead, Location 40009, hereby establishes the standard work days for elected and appointed officials and will report the days worked to the New York State and Local Employees' Retirement System (NYSLRS) based on the time keeping system record or the record of activities maintained and submitted by these officials to the Clerk's office.

**NOW THEREFORE**, the Board hereby acknowledges its reviews and acceptance of **Trustee Waylyn Hobbs Jr.** calendar and authorizes the forwarding of same to the Office of the State Comptroller New York State & Local Retirement System.

Moved by Trustee Renfroe

Seconded by Trustee Johnson

AYES: Johnson, Daniels, Renfroe and Mayor Ryan

NOES: None

ABSTAINED: Hobbs

**Kelly Magee, Marcia Turner, Daniel Leo Wayne Hall Jr.**

Clerks offers the following resolution for adoption:

**WHEREAS**, the office of the State Comptroller New York State & Local Retirement System requires that the Board of Trustees review and accept calendars submitted by Village Board members to determine their pension time; and

**BE IT RESOLVED**, that the Village of Hempstead, Location 40009, hereby establishes the standard work days for elected and appointed officials and will report the days worked to the New York State and Local Employees' Retirement System (NYSLRS) based on the time keeping system record or the record of activities maintained and submitted by these officials to the Clerk's office.

**NOW THEREFORE**, the Board hereby acknowledges its reviews and acceptance of **Kelly Magee, Marcia Turner, Daniel Leo and Wayne Hall Jr.** calendars and authorizes the forwarding of same to the Office of the State Comptroller New York State & Local Retirement System.

Moved by Trustee Renfroe

Seconded by Trustee Daniels

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

NOES: None

**Terry Durham**

Clerks offers the following resolution for adoption:

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

<b>Name</b>	<b>Department/Title/Grade</b>	<b>Salary</b>
Terry Durham 99 James A. Garner Way Approval <i>(New Hire)</i>	Public Works Automotive Mechanic  <b>Grade 111/0 New</b>	\$57,045 upon

Moved by Trustee Hobbs

Seconded by Trustee Daniels

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

NOES: None

**Monique Green**

Clerks offers the following resolution for adoption:

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

<b>Name</b>	<b>Department/Title/Grade</b>	<b>Salary</b>
Monique Green 99 James A. Garner Way approval <i>(New Hire)</i>	Tax & Water Cashier  <b>Grade 5/0 New</b>	\$47,972 yr upon

Moved by Trustee Hobbs

Seconded by Trustee Renfroe

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

Moved by Trustee Hobbs  
Seconded by Trustee Daniels

AYES: Johnson, Hobbs, Daniels,  
Renfroe 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 dated **January 7, 2020** be approved as previously reviewed.

Moved by Trustee Hobbs  
Seconded by Trustee Daniels

AYES: Johnson, Hobbs, Daniels,  
Renfroe 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 Johnson

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

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Deputy Village Clerk