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IN THE MATTER OF A SPECIAL MEETING

RE: FDR SERVICES OF NEW YORK

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350 Front Street  
Hempstead, New York

March 13, 2018  
9:30 a.m.

B E F O R E:

FLORESTANO GERARDI, Chairman

STACEY HARGRAVES, Board Member

JOHN ARDITO, Board Member

JAMES G. MARSH, Board Member

ERIC MALLETT, Board Member

KARLA GUERRA, Village of Hempstead

REGINALD LUCAS, Village of Hempstead

FRANZ NICOLAS, Village of Hempstead

A P P E A R A N C E S :

TOWN OF HEMPSTEAD  
INDUSTRIAL DEVELOPMENT AGENCY  
350 Front Street  
Hempstead, New York 11550

ALSO PRESENT:

FREDERICK E. PAROLA, Chief Executive Officer  
EDITH LONGO, Chief Financial Officer  
MICHAEL LODATO, Deputy Agency Administrator  
JOHN E. RYAN, Town of Hempstead IDA Counsel  
LORRAINE RHOADS, Agency Administrator

1  
2 CHAIRMAN GERARDI: I'd like to  
3 call the meeting to order. I want  
4 to confirm that we have a quorum.

5 If everyone would please rise  
6 and join me for the Pledge of  
7 Allegiance.

8 (Whereupon, the Pledge was  
9 recited by all.)

10 CHAIRMAN GERARDI: So today we  
11 call this special meeting to review  
12 the PILOT that was on the Board, FDR  
13 Services of New York. It has come  
14 to our attention that there may be  
15 some issues with the employment  
16 numbers; that there may be some  
17 issue with the timeline of the space  
18 they were going to rent in Suffolk  
19 County.

20 If any of the Board members --  
21 I don't know how we're going to  
22 proceed today, if we want to --

23 MR. CURRY: Good morning.  
24 Peter Curry from Farrell Fritz on  
25 behalf of FDR Services Corporation.

1  
2 I have with me today Mr. Nick  
3 Terzulli from Farrel Fritz, Maureen  
4 Stampf who is the employment  
5 attorney for FDR Services  
6 Corporation, Keith Luneburg and  
7 Jessie McCormick from FDR Services  
8 Corporation.

9 We're really just opening  
10 ourselves up for questions. We  
11 disagree with the things we've read  
12 in the newspaper and we disagree  
13 that the company has not met its  
14 employment goals and that the goals  
15 are as we stated them to you. And  
16 we disagree with the supposed  
17 timeline issue.

18 I have been working with this  
19 company with this agency since last  
20 July and it's been our concentration  
21 to get things done with this agency  
22 since that period of time; so I  
23 don't know what the allegations are  
24 since we haven't been presented with  
25 them but, as far as I'm concerned,

1  
2 everything we did in the application  
3 that was sent to the board in the  
4 context of approval is accurate and  
5 is complete. So if the Board has  
6 any questions with regard to these  
7 allegations, I'll be happy to answer  
8 them.

9 MR. MARSH. Mr. Chairman, if I  
10 might --

11 CHAIRMAN GERARDI: Just state  
12 your name.

13 MR. MARSH: James Marsh, member  
14 of the Board.

15 Is there anyone present from  
16 the Laundry, Distribution and Food  
17 Service joint board present today?

18 This meeting is being held, in  
19 my opinion, as a result of a letter  
20 that was sent to the Executive  
21 Director of the IDA Board. It was  
22 dated February 28th. It was sent by  
23 fax and it made serious allegations.  
24 In part, they stated that FDR  
25 Services willfully mislead the

1  
2 Hempstead IDA staff and Board with  
3 respect to a number of items.

4 I do believe you have a right  
5 to know the allegations. The ones  
6 that I personally picked out of a  
7 large number were the following:

8 FDR padded the employee list it  
9 submitted to the IDA including  
10 dozens of individuals who do not  
11 work at the Hempstead facility  
12 presumably to make the company  
13 appear to have more employees than  
14 it does.

15 Second allegation that I  
16 believe was relevant to this Board,  
17 according to hearing testimony on  
18 the IDA's website, FDR has claimed  
19 to the IDA that it employs  
20 75 percent of Hempstead residents  
21 but in reality only around  
22 40 percent of the employees at FDR's  
23 Hempstead facilities live in  
24 Hempstead.

25 Now, I will note that the use

1  
2 of the word "Hempstead" is  
3 ambiguous. I'm not sure whether  
4 they are referring to the Village of  
5 Hempstead or to the Town of  
6 Hempstead. That was my reason to  
7 see if anybody was here to sustain  
8 these allegations.

9 The third allegation that the  
10 Chairman referenced was: FDR  
11 claimed to the IDA that the company  
12 was on the verge of relocating to  
13 Babylon, but told the Union during  
14 contract negotiations at 2017 it had  
15 already agreed on a renewal lease to  
16 stay at its long-term Hempstead  
17 location.

18 We understand that the real  
19 estate in Hempstead that's going to  
20 be the subject of the PILOT is owned  
21 by a family member of the principal  
22 of FDR and I believe that was in the  
23 record.

24 (Whereupon Megan Chambers, a  
25 Union representative has entered the

1  
2 courtroom.)

3 MR. MARSH: My name is James  
4 Marsh. This hearing is being held  
5 primarily because of a letter we  
6 received from the Laundry,  
7 Distribution and Food Service joint  
8 Board. When I started, I inquired  
9 as to whether or not anyone from the  
10 Union was here to sustain or to  
11 address some of the allegations that  
12 they made in writing.

13 Are you the Executive Director?  
14 Is there anyone here?

15 MS. CHAMBERS: Yes, sir.

16 Can we have your name?

17 MS. CHAMBERS: Megan Chambers.

18 MR. MARSH: And your position  
19 with the Union?

20 MS. CHAMBERS: Co-manager.

21 MR. MARSH: And you are one of  
22 the two people who signed a letter  
23 dated February 28, 2018 addressed to  
24 the Executive Director of this  
25 Board?



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MS. CHAMBERS: Yes, sir.

MR. MARSH: I had just concluded going through what I took to be the three major allegations that you made that would potentially impact the granting of the relief.

In fairness to the Applicant, they should have an opportunity to address these concerns.

One of the allegations that you listed was, in my opinion, ambiguous and since you are here perhaps you can clarify it.

MS. CHAMBERS: Yes, sir. Would you like me to stand?

CHAIRMAN GERARDI: Please.

MR. MARSH: It might be easier for everybody to hear you.

MS. CHAMBERS: Good morning. Sorry about the snow.

MR. MARSH: Good morning.

Ms. Chambers, in the letter that you cosigned, you stated that according to hearing testimony on

1  
2 the IDAs website, FDR has claimed to  
3 the IDA that it employs 75 percent  
4 of Hempstead residents but in  
5 reality only around 40 percent of  
6 the employees at FDR's Hempstead  
7 facility live in Hempstead.

8 My question is, when you're  
9 referring to Hempstead, are you  
10 referring to the Village of  
11 Hempstead or the Town of Hempstead?

12 MS. CHAMBERS: I'm referring to  
13 the employees mailing address being  
14 reported in Hempstead.

15 MR. MARSH: But that doesn't  
16 address my concern as to whether or  
17 not you're trying to address Village  
18 of Hempstead or Town of Hempstead.

19 MS. CHAMBERS: Well, sir, I  
20 think you all know even better than  
21 we do, but I guess I might defer to  
22 you, sir.

23 I mean when people report their  
24 mailing address as Hempstead, New  
25 York, what is the extent of that

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area?

MR. MARSH: What's the zip code they're using?

MS. CHAMBERS: I could get you those.

MR. RYAN: The distinction is there is the Incorporated Village of Hempstead and then the Unincorporated areas of Hempstead.

MS. CHAMBERS: And if you live in the unincorporated areas, do you report your address as Hempstead, New York?

MS. LONGO: No.

MS. GUERRA: There are also parts of Uniondale that is in the Village of Hempstead but that would be a different zip code but still considered Hempstead.

MS. CHAMBERS: I could have someone calculate it based on zip codes if you provide the zip codes it concerns.

MR. CURRY: The application

1  
2 that we made in the additional  
3 information that was requested by  
4 staff, we gave staff the addresses  
5 of all of the employees and at that  
6 time we were able to verify what  
7 percentage of that were from the  
8 Village of Hempstead; so this  
9 allegation now, at some point after,  
10 is something that we provided you  
11 with the information. We backed up  
12 the information indicating what  
13 percentage of the employees came  
14 from the Village of Hempstead and  
15 came from the Town of Hempstead.  
16 It's already been done.

17 MR. PAROLA: Just to clarify,  
18 Peter, my understanding was that of  
19 the alleged 250 full-time equivalent  
20 employees, 42 percent are from the  
21 Village of Hempstead. That is the  
22 zip code of the Village of  
23 Hempstead. Is that correct?

24 MR. CURRY: We provided you  
25 with that information.

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MR. PAROLA: Is that correct?

MR. CURRY: That's correct.

MR. FRANZ: The list of names in the documentation here does not have an address just the last four and the name.

MR. CURRY: Actually, what we gave staff in December had addresses in it. We're able to verify that.

MS. CHAMBERS: But the list provided the 73 people who we have no record of even working at that facility so that is odd.

MR. CURRY: I also have the December 2017 employment and the March 2018 employment, including the dates of hire, names and actually employment has gone up since December.

MR. MARSH: Perhaps we could have those marked for today's hearing purposes.

(Whereupon, Applicant's Exhibits 1 and 2 were marked for

1  
2 identification and entered into  
3 evidence.)

4 MS. CHAMBERS: Submit names  
5 that we do not believe are of the  
6 facility.

7 MR. MARSH: Sure. Perhaps you  
8 could submit yours to the reporter.

9 MS. CHAMBERS: These are three  
10 copies.

11 MR. RYAN: Mark that as Union  
12 A.

13 (Whereupon, Union Exhibit A was  
14 marked for identification and  
15 entered into evidence.)

16 MR. MARSH: Before we proceed,  
17 I believe the Chairman has a couple  
18 of questions.

19 CHAIRMAN GERARDI: I think, to  
20 clarify for the Board, how many  
21 employees are Union? How many are  
22 non-Union? How many are management?  
23 I don't know if everybody  
24 understands because Ms. Chambers is  
25 making representation to the amount

1  
2 of employees and obviously there is  
3 a discrepancy, so she's just talking  
4 about the Union employees.

5 Are you people talking about  
6 Union and non-Union employees?

7 MR. CURRY: We are. We're  
8 talking about the aggregate number  
9 of employees at the facility.

10 CHAIRMAN GERARDI: So can a  
11 full-time employee be non-Union?

12 MR. CURRY: Correct.

13 CHAIRMAN GERARDI: It can?

14 MR. CURRY: Yes.

15 CHAIRMAN GERARDI: Other than  
16 management?

17 MR. CURRY: Yes, other than  
18 management.

19 MR. LUNEBURG: Keith Luneburg,  
20 FDR Services.

21 Employees at the plant that are  
22 Non-Union can be supervisors or  
23 manager or administrative people.

24 MR. MARSH: What's your title?

25 MR. LUNEBURG: President.

1  
2 CHAIRMAN GERARDI: Do we have a  
3 breakdown in front of us as to the  
4 Union employees, non-Union  
5 employees, part-time, full-time  
6 management.

7 MR. LUNEBURG: It's not broken  
8 down that way on that sheet. It can  
9 be resorted for you so you can see  
10 the total number of employees by  
11 classification if you'd like.

12 CHAIRMAN GERARDI: I think  
13 that's something we would need to  
14 ascertain where we are in the  
15 discrepancy in numbers.

16 MR. CURRY: I believe when we  
17 presented the number it was broken  
18 down into two companies.

19 MS. LONGO: It was broken down  
20 by employees and the management of  
21 the two separate companies, but not  
22 to fulfill his question.

23 MR. CURRY: So there was an FDR  
24 Services number --

25 CHAIRMAN GERARDI: You can



1  
2 understand it's a drastic difference  
3 in numbers so we're confused.

4 MR. CURRY: Take a look at  
5 NYS-45 from the management company.  
6 You see that they are there?

7 MR. LUNEBURG: There are  
8 managers and supervisors on both  
9 ends. We'll divide it down and  
10 break it down for you so you can  
11 have a full breakdown of who is  
12 manager, who's supervisor, who's  
13 administrative and who's production  
14 and we'll classify the position that  
15 they're in.

16 If you'd also like we can  
17 provide a copy of last week's  
18 payroll register so you can see  
19 exactly who was paid. That's going  
20 to be the determining factor for how  
21 many employees because we are not  
22 going to pay somebody that does not  
23 work.

24 MR. PAROLA: That would be  
25 helpful.

1  
2 MR. RYAN: Redact the Social  
3 Security numbers.

4 MR. LUNEBURG: Yes, we'll give  
5 you a copy of the payroll registers  
6 so you can see exactly and I'll  
7 block out the Social Security  
8 numbers and you will have exactly  
9 who was paid.

10 MS. CHAMBERS: Sir, may I?

11 CHAIRMAN GERARDI: Yes.

12 MS. CHAMBERS: Megan Chambers  
13 speaking.

14 We represent all the production  
15 workers, all the drivers, all the  
16 mechanics, all the porters, all the  
17 maintenance people so that would be  
18 90 percent of the folks there. And  
19 if there are, in fact, names that  
20 FDR has been keeping from the Union  
21 and from the pension fund and the  
22 health fund, that would be a risk of  
23 violation.

24 MR. RYAN: That is not an issue  
25 for this Board.

1  
2 MS. CHAMBERS: Well, you know,  
3 there is a litigation for \$403,000  
4 filed against FDR last fall so I  
5 think it is a question for the Board  
6 whether you really want your tax  
7 money funneled into their legal  
8 liabilities.

9 MR. CURRY: The fact that she  
10 has brought up that there is a  
11 litigation that means there is a  
12 forum to have that discussion as to  
13 whether they owe \$403,000 or they  
14 don't. It's not before this Board.

15 Also, the presumption that 90  
16 percent of the employees work for  
17 the Union is just that. It's not  
18 going to be born out by the records.

19 MS. CHAMBERS: I don't know if  
20 FDR disclosed the litigation against  
21 them, but I did bring the U.S.  
22 District Court docket, three copies  
23 to submit to you all.

24 MR. CURRY: As long as the  
25 Board understands our litigation is

1  
2 just that an attempt by one side to  
3 make a determination as to the other  
4 side. It's not a judgement. It's a  
5 litigation that's in the early  
6 stages of the litigant.

7 I would like to introduce my  
8 employment counsel for the company.

9 MS. STAMPP: Maureen Stamp.  
10 I'm an attorney with Kaufman  
11 Dolowich & Voluck and we're labor  
12 counsel to FDR Services Corp. I'm  
13 the attorney responsible for that  
14 fair court litigation that Ms.  
15 Chambers just mentioned and if you  
16 would like to hear about that  
17 litigation since she's brought it  
18 up, even though this is not the  
19 forum for it, I'm able to address  
20 that.

21 CHAIRMAN GERARDI: I don't  
22 think that it's up to the Board to  
23 hearing anything about litigation.  
24 I don't know if it really should  
25 render into our decision as it

1  
2 really has nothing to do with past  
3 PILOTS granted.

4 MR. CURRY: Okay.

5 CHAIRMAN GERARDI: Thank you.  
6 Any board members have any  
7 questions?

8 MS. GUERRA: Karla Guerra. Ms.  
9 Chambers, my question is for you. I  
10 was not -- maybe I just didn't hear  
11 you clearly. You said you had a  
12 list of 73 employees and you kind of  
13 trailed off. Can you just explain  
14 that list a little bit, exactly what  
15 it is that you're explaining.

16 MS. CHAMBERS: We've provided a  
17 list of 73 employees that FDR  
18 Services asserted worked at the  
19 Hempstead facility that the Union  
20 has no record of them having ever  
21 worked there so that would mean that  
22 they were not reported, either under  
23 the contract as Union employees,  
24 they were not reported to the  
25 pension fund, they were not reported

1  
2 to the health fund, so that's what  
3 that list is.

4 MS. GUERRA: And how did you  
5 generate that list? When I say you  
6 I mean the Union. How was that list  
7 rendered?

8 MS. CHAMBERS: We reviewed  
9 records from our own records and  
10 records from the pension and health  
11 fund contributions and compared it  
12 with a redacted list that we got of  
13 the employees that FDR Services  
14 claimed to have at the Hempstead  
15 facility.

16 MS. GUERRA: From the NYS-45?  
17 Is that what it was based on?

18 MS. CHAMBERS: No. They were  
19 subject to an audit of those  
20 documents where they were hiding  
21 employees, but this was in addition  
22 to that deficiency. This is in  
23 comparison to the list of names they  
24 gave the IDA.

25 MS. GUERRA: So you started

1  
2 with the names from the IDA? I'm  
3 just trying to figure out --

4 MS. CHAMBERS: That's correct.  
5 With all the information but the  
6 names redacted we got that list.

7 MS. GUERRA: And you came up  
8 with 73 people that you did not have  
9 in your records?

10 MS. CHAMBERS: That's correct.

11 MR. MARSH: Would the Union  
12 have a record of management  
13 administrative persons.

14 MS. CHAMBERS: Most likely not.  
15 So we would grant that there are  
16 probably 20 supervisors, managers,  
17 administrators there.

18 MR. MARSH: Where does the 20  
19 come from because it sounds like the  
20 discrepancy is 73?

21 MS. CHAMBERS: Well, the 20 is  
22 an estimate from our staff who have  
23 been going to that facility for  
24 decades of how many supervisors,  
25 managers and office personnel they

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have.

MS. GUERRA: Mr. Curry, would your client know how many of their employees are non-Union?

MR. LUNEBURG: We will be breaking that out for you so that you can see the exact number of the list we gave.

MS. GUERRA: Are we close to 73 or closer to 20?

MR. LUNEBURG: Nowhere near 20. It would be beyond 20 without a doubt.

MR. PAROLA: If I may, what we will do is these 73 names, with your indulgence, we will also submit to you a copy so that you can obviously vet those and see exactly who they are and maybe this part can be resolved.

MR. LUNEBURG: We can't vouch for the Union's record.

MR. PAROLA: I understand.

MR. LUNEBURG: Just so the



1  
2 Board is aware, while Ms. Chambers  
3 claims that we've been hiding these  
4 names, the labor relations media  
5 that we're having here is because of  
6 these arguments which you say is not  
7 your concern, but if you're going to  
8 bring them up, it's the Union's  
9 responsibility to sign people up for  
10 the Union, not FDR.

11 If the Union did not do their  
12 job in signing up their own  
13 employees, you cannot turn around  
14 and blame me if you don't have  
15 records of 73 people. It's in the  
16 contract and that's what the dispute  
17 is about. It's not about anything  
18 else other than that. So if you're  
19 not going to manage your own  
20 contract, don't come back and blame  
21 me after the fact.

22 MS. CHAMBERS: FDR has lost  
23 every case we brought against them  
24 many times, so we'll just have  
25 another one, but that's not your

1  
2 affair, I suppose.

3 What should really be your fair  
4 is that these folks' health  
5 insurance, they have all been cut  
6 off since September 1st of last year  
7 for failure to pay by FDR.

8 There's a legal terminations  
9 there. There is an extensive  
10 investigation by the National Labor  
11 Relations Board, about an entire  
12 page of violations there, and  
13 there's \$400,000 in court that  
14 they're going to have to end up  
15 paying and why should the taxpayers  
16 of Hempstead have to flip their  
17 bill.

18 CHAIRMAN GERARDI: While you  
19 have a good point, again, I think  
20 the Board is mainly concerned with  
21 the employment numbers. Are they  
22 being paid, if they are being paid.  
23 If they are Union or non-Union,  
24 that's not really our forte. We  
25 just want to know if the numbers

1  
2 that FDR submitted in their PILOT  
3 application are correct, close to  
4 correct, incorrect. That's what  
5 we're here to do today as far as the  
6 employment goes.

7 MS. CHAMBERS: If that's your  
8 goal for today, you're the Chairman.

9 CHAIRMAN GERARDI: Thank you.

10 MS. STAMPP: Ms. Chambers  
11 talked about the employees that  
12 there is a discrepancy of about 73  
13 employees. My understanding is that  
14 Ms. Chambers isn't a Union  
15 principal, is not a negotiator for  
16 the Union with FDR, and I'm not sure  
17 if she has ever even visited the  
18 facility and I don't believe she's  
19 in a position to know who the  
20 employees are and who the management  
21 employees are, who the non-Union  
22 employees are and the amount of  
23 those employees.

24 CHAIRMAN GERARDI: We're going  
25 to assume being that the Union sent

1  
2 her that she's competent to  
3 represent the Union.

4 Again, we are concerned with  
5 the employment numbers. We're  
6 looking at 250 employees number and  
7 that's what we're concerned with.

8 MR. RYAN: Can I just clarify  
9 something. You said negotiating.  
10 Are you in the middle of Collective  
11 Bargaining on a contract?

12 MS. STAMPP: We're at impasse  
13 right now.

14 MR. RYAN: Thank you.

15 MR. MARSH: Ms. Chambers, if I  
16 could, I have a specific question  
17 that I'd like to ask you.

18 With respect to this Board, our  
19 primary concern is originating and  
20 maintaining jobs in the Town of  
21 Hempstead, and because this property  
22 is located in the Village of  
23 Hempstead, in the Village of  
24 Hempstead as well, I would assume as  
25 the representative of the Union you

1  
2 also have an interest in maintaining  
3 your employees jobs; is that  
4 correct?

5 MS. CHAMBERS: Yes.

6 MR. MARSH: So when you make  
7 statements like you don't want to  
8 see taxpayer money expended  
9 unnecessarily, okay, can you  
10 recognize that maintaining the  
11 financial stability of a company and  
12 keeping them in the Town of  
13 Hempstead, the Village of Hempstead,  
14 is an important goal?

15 MS. CHAMBERS: The concern is  
16 that this company is -- I don't know  
17 a nice way to put it. They are  
18 ripping off their employees by not  
19 paying the benefits they're allowed  
20 to pay. They're ripping off the  
21 employees pensions by not paying the  
22 pensions fund correctly. They're  
23 ripping off the Town by trying to  
24 take your tax dollars, and if you  
25 enable that, that will not benefit

1  
2 these employees.

3 What will benefit these  
4 employees is this company cleaning  
5 up its act. We are not in an  
6 impasse. The NLRB is investigating  
7 the company's failure to sign the  
8 deal that it agreed to and that is  
9 the status of contract negotiations.  
10 They have not signed the deal they  
11 agreed to. The NLRB, the National  
12 Labor Relations Board is  
13 investigating the employees benefits  
14 being cut off for nonpayment, which  
15 is a labor law violation and --

16 MR. MARSH: Ms. Chambers, I  
17 understand --

18 MR. RYAN: These are  
19 allegations.

20 MS. CHAMBERS: So the jobs is  
21 wonderful and of course incredibly  
22 important for jobs to be maintained  
23 but not to enable employees to be  
24 ripped off. That's not right.

25 MR. MARSH: Ma'am, that's not

1  
2 the point though. Our concern is  
3 whether or not we're going to be  
4 maintaining jobs in the Village of  
5 Hempstead and in the Town of  
6 Hempstead. I understand that it may  
7 be in your benefit, okay, to try to  
8 leverage the position of this  
9 application for your own negotiating  
10 and litigation goals, but that is  
11 not what we're concerned with.

12 What we're concerned with is,  
13 and this brings me to one of the  
14 second points that you made, was  
15 whether or not if we don't grant  
16 these benefits, is there a  
17 likelihood, reasonable likelihood,  
18 that this company will move and take  
19 these jobs somewhere else, take them  
20 to New Jersey, take them to Suffolk  
21 County.

22 You made a statement that when  
23 they were stating in negotiations  
24 that they had already signed a  
25 renewal lease and that they were

1  
2 telling the Board they were going to  
3 relocate to Babylon; now, whether or  
4 not they signed a renewal lease,  
5 whether or not negotiations with the  
6 Town of Babylon or with the landlord  
7 in Babylon had fallen through, none  
8 of that prevents them, if they want  
9 to, to look to relocate either out  
10 of state or somewhere else, correct?

11 MS. CHAMBERS: The situation  
12 with the jobs and the company  
13 staying in business is if they don't  
14 resolve the growing number of legal  
15 cases against them, there is nothing  
16 that is going to keep them in  
17 business.

18 MR. MARSH: But if they go out  
19 of business they are going to lose  
20 the PILOT. They lose the benefits  
21 we give them. That is why your  
22 attempt to use the leverage here is  
23 mixing apples and oranges. You care  
24 about the employees from an employee  
25 benefit standpoint. We're looking



1  
2 at trying to maintain jobs in the  
3 Town of Hempstead and the Village of  
4 Hempstead.

5 Our concern is that whatever  
6 was represented to the Board by the  
7 company to support the relief that  
8 we granted last month is accurate  
9 and, in fact, factual because based  
10 on the submission that they gave us,  
11 okay, it appeared that justified  
12 giving this relief in order to  
13 maintain jobs in the Town of  
14 Hempstead and the Village of  
15 Hempstead. Whether they are good  
16 jobs, bad jobs, that's not really  
17 our say. It's the concept of  
18 maintaining the jobs and I hope you  
19 understand that.

20 We're not frivolous with  
21 taxpayer money. What we're trying  
22 to do is preserve employment with  
23 the Village of Hempstead, Town of  
24 Hempstead, particularly this type of  
25 employment.

1  
2           You know, if we were dealing  
3 with Google, if we were dealing with  
4 one of the other tech companies  
5 where we're talking \$250,000 a  
6 person jobs, it would be different  
7 issues.

8           MS. CHAMBERS: Did they  
9 disclose the litigation against  
10 them?

11           MR. MARSH: It wasn't part of  
12 the application. The litigation is  
13 irrelevant to what we're doing  
14 because if they fail everything  
15 we've granted goes away.

16           MR. RYAN: What the application  
17 requires is to disclose a litigation  
18 that would have a material impact on  
19 their financial condition and they  
20 indicated that there is no such  
21 pending litigation that would have a  
22 material affect on their financial  
23 condition.

24           MS. CHAMBERS: That doesn't  
25 sound true to me. That's my take on

1  
2 it.

3 MR. CURRY: I don't think we  
4 can have their finances analyzed by  
5 the Union. So again, it's all  
6 conjecture.

7 MS. CHAMBERS: So if you have  
8 \$403,000 in this litigation, why  
9 aren't you paying employee health  
10 insurance?

11 MR. CURRY: I think we're past  
12 that. It seems to be the same  
13 discussion and I wanted to know if  
14 the Board had any other questions  
15 for us.

16 MS. GUERRA: I did have a  
17 question along the lines of Mr.  
18 Marsh for Ms. Chambers, actually.

19 The letter that I received was  
20 dated February 28, 2018. That was  
21 the first contact communication that  
22 I received and that, I believe, the  
23 Board received from the Union. This  
24 application was submitted on  
25 October 31st, 2017.

1  
2 Did you try to contact the IDA  
3 between that time, October 31st and  
4 February 28, 2018?

5 MS. CHAMBERS: No one from the  
6 company or the IDA reached out to us  
7 or notified us of the submission of  
8 the application. We were not aware  
9 of the application.

10 MS. GUERRA: And how did you  
11 become aware of it later on in  
12 February?

13 MS. CHAMBERS: The employees  
14 went on strike on February 14th to  
15 protest nonpayment of their health  
16 insurance, the fact that the company  
17 had refused to sign a contract it  
18 agreed to and other violations of  
19 labor law. It was a half-day  
20 strike. The next day the company  
21 illegally fired nine of the  
22 strikers.

23 CHAIRMAN GERARDI: You said  
24 legally or illegally?

25 MS. CHAMBERS: Illegally. And

1  
2 as a result of that, we called the  
3 newspapers and actually Newsday  
4 notified us of the situation with  
5 the IDA on that date.

6 MR. MARSH: Mr. Parola, was  
7 public notice of the application and  
8 the Board meetings that granted the  
9 relief given in accordance with the  
10 statute?

11 MR. PAROLA: Yes, it was, sir.

12 MR. MARSH: Thank you.

13 MR. CURRY: For the record, I  
14 have to dispute the illegality of  
15 any terminations. Another  
16 allegation.

17 MR. MARSH: That would be  
18 irrelevant again.

19 MR. CURRY: Understood. I feel  
20 I have to get it on the record.

21 CHAIRMAN GERARDI: Does the  
22 Board have any other employment  
23 questions?

24 MR. ARDITO: Mr. Curry, John  
25 Ardito. FDR Services Corp of New

1  
2 York, how many locations do they  
3 have on Long Island?

4 MR. CURRY: One.

5 MR. ARDITO: And that's all at  
6 this Hempstead facility?

7 MR. CURRY: Yes.

8 MR. ARDITO: What is FDR  
9 Services Corp.

10 MR. CURRY: I'll let Mr.  
11 Luneburg answer that.

12 MR. LUNEBURG: The way we  
13 structure the organization is each  
14 operation has its own entity. The  
15 Hempstead one is Hempstead FDR  
16 Services of New York. The FDR  
17 Services Corp is the corporate  
18 employees that oversee all of our  
19 operations; one in Virginia and one  
20 in North Carolina, but the corporate  
21 employees are all housed out of the  
22 Hempstead location. They are all  
23 local from Long Island employees  
24 that help us manage it. So from  
25 just a payroll issue, accounting

1  
2 purpose, keeping everything separate  
3 that's all.

4 MR. ARDITO: But the  
5 application is for FDR Services Corp  
6 of New York, correct?

7 MR. LUNEBURG: I believe so,  
8 yes.

9 MR. ARDITO: In December of  
10 2017 that corporation, according to  
11 your record, Mr. Curry, Exhibit 1,  
12 228 employees?

13 MR. CURRY: Correct.

14 MR. ARDITO: And as of March of  
15 2018, Exhibit 2, 237 employees?

16 MR. CURRY: Correct.

17 MR. ARDITO: But yet on your  
18 application, the application sets  
19 forth 250 employees.

20 MR. CURRY: And when we sent  
21 the information into the IDA, they  
22 requested it with the identities of  
23 the employees. We gave the FDR  
24 Services Corp employees also.

25 MR. ARDITO: But the

1  
2 application is for the FDR Services  
3 Corp of New York?

4 MR. CURRY: You see a lot of  
5 applications where it goes in  
6 through one company. We even put in  
7 applications for real estate  
8 entities and users and actually the  
9 IDA document said you can employ  
10 affiliates of a company and count it  
11 as employees.

12 MR. ARDITO: Of those employees  
13 that are employed, the management  
14 tier, the consultant tier, FDR  
15 Services Corp, those 20 or so  
16 employees, are any of them residents  
17 of the Village of Hempstead?

18 MR. LUNEBURG: I have to double  
19 check. I'm not -- I don't know  
20 where everyone's address is. I'm  
21 fairly certain that a few of them do  
22 live in Hempstead, but I have to  
23 double check and we'll get all of  
24 that for you with their addresses.  
25 I would say probably 75 percent of



1  
2           them are part of the Town of  
3           Hempstead, the Village. I don't  
4           know exactly so I'll look at that  
5           for you.

6           MR. ARDITO: In your  
7           application and in the presentation  
8           that I recall, the presentation was  
9           that the employees are within the  
10          Village of Hempstead.

11          MR. LUNEBURG: The entire pool  
12          of employees, correct.

13          MR. ARDITO: Now, FDR Services  
14          Corp of New York, you're the  
15          president, Mr. Luneburg, correct?

16          MR. LUNEBURG: Yes.

17          MR. ARDITO: Can you tell us  
18          who the CEO is of that corporation?

19          MR. LUNEBURG: Donald Luneburg.

20          MR. ARDITO: And who is the  
21          owner of the property.

22          MR. LUNEBURG: Donald Luneburg  
23          and his brother Richard. It's held  
24          by Don Rich Corp.

25          MR. ARDITO: And what is R&D

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Holdings, Inc.?

MR. LUNEBURG: I apologize.

It's R&D Holdings.

MR. ARDITO: Is that a New York corporation?

MR. LUNEBURG: I'm not 100 percent sure.

MR. CURRY: I believe it is.

MR. ARDITO: What is R&D Corp of New York?

MR. LUNEBURG: Richard and Donald. That's what it stands for, the two owners.

MR. ARDITO: Is that the corporation that, in fact, owns the property?

MR. LUNEBURG: Yes.

MR. ARDITO: As of December of 2017, was Mr. Donald Luneburg the CEO of FDR.

MR. LUNEBURG: Yes.

MR. ARDITO: How long had he been the CEO of FDR prior to that point?

1  
2 MR. LUNEBURG: We had actually  
3 made him a CEO of FDR out of respect  
4 for him being my father and my  
5 brother-in-law'S father-in-law.  
6 When we started the company back in  
7 2005, he actually had zero  
8 day-to-day responsibility or  
9 ownership of the company, but out of  
10 respect for him and him being the  
11 original owner of FDR back in 1973,  
12 we made him a CEO.

13 MR. McCORMICK: My name is  
14 James McCormick, the vice president  
15 of FDR Services Corp of New York.

16 FDR Services Corp of New York  
17 has two shareholders; myself and  
18 Keith Luneburg. As far as Don  
19 Luneburg goes -- and I give Keith a  
20 lot of credit -- FDR is a very  
21 transparent company. We will  
22 continue to be that way with you  
23 guys.

24 I'm a licensed architect. I  
25 came into the laundry business in

1  
2 1992 and I came back into it in  
3 2005. Donald Luneburg is the CEO by  
4 title as my mentor, okay. I have  
5 learned the laundry business  
6 thankfully not the hard way. He has  
7 30 years experience. I would be a  
8 fool not to accept his advice and  
9 guidance.

10 Dad, my father-in-law, yes, he  
11 and his brother are the landlords,  
12 but by no means whatsoever is there  
13 any concessions with regard to him  
14 and his brother. His brother  
15 actually has his own business down  
16 in Florida and they have multiple  
17 entities that they own and are  
18 rented to other competitors in the  
19 industry.

20 That CEO title is to give me  
21 the guidance I need to make sure  
22 that FDR is successful from an  
23 operational standpoint. The  
24 background he has is commendable.

25 MR. ARDITO: Thank you. I

1  
2 appreciate that. Something to be  
3 said for self-made business, right?

4 Now, with respect to the  
5 locations that were being sought by  
6 FDR for this particular plant, this  
7 operation, what was ongoing as of  
8 December of 2017 in terms of seeking  
9 a location for this property?

10 MR. CURRY: There was no active  
11 negotiations with any other  
12 landlords at that time. We were  
13 very much deep into the IDA process  
14 by then. The application was done  
15 in October. We had conversations  
16 before then and at that stage of the  
17 game we were dealing with this IDA  
18 to get this deal done.

19 MR. ARDITO: When you were  
20 working with this IDA, had you had  
21 any ongoing discussions with the  
22 facility in Bay Shore?

23 MR. McCORMICK: I personally  
24 had verbal conversations with Jason  
25 Miller. I also am constantly in

1  
2 contact with Dave Mazolli from  
3 Newmark Realty. We're looking to  
4 make a big financial investment in  
5 equipment and it's equipment that  
6 can't be relocated.

7 So we were exploring all  
8 options. I think by December we had  
9 the utmost confidence that we were  
10 going to work together and become  
11 partners in helping FDR stay in  
12 Hempstead.

13 MR. ARDITO: What was the Bay  
14 Shore option that was available to  
15 you in December of 2017?

16 MR. McCORMICK: There was one  
17 in -- The last one I personally  
18 looked at was the Entenmann's  
19 building.

20 MR. ARDITO: You looked at that  
21 over the summer?

22 MR. McCORMICK: Correct. Right  
23 before the application.

24 MR. ARDITO: As of December of  
25 2017, was that Entenmann's location

1  
2 still a viable option had this IDA  
3 not been approved?

4 MR. McCORMICK: I believe it  
5 was but I'm not sure what kind of  
6 space was available at that time  
7 because, like I said, I had not  
8 spoken to them at that moment.

9 MR. ARDITO: Mr. Curry, correct  
10 me if I'm wrong. At the  
11 presentation of December 2017, was  
12 it you that indicated that that Bay  
13 Shore option was a viable option for  
14 this company?

15 MR. CURRY: I viable option,  
16 correct.

17 MR. ARDITO: Was that something  
18 that existed? That Entenmann's  
19 property, was that an available  
20 property for FDR as of  
21 December 2017?

22 MR. CURRY: The Entenmann's  
23 property was still available. I did  
24 not say, however, at that time, that  
25 we were actively negotiating in Bay

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Shore.

MR. ARDITO: You did say, though, that that Bay Shore location was a viable option for you had this IDA not been approved; is that correct?

MR. CURRY: That's correct.

MR. ARDITO: You stand by that presentation?

MR. CURRY: I do.

MR. MARSH: Mr. Chairman, two representatives of the company have given substantial testimony. I ask that they be put under oath and ask to affirm that everything they said this morning was true and correct to their own knowledge.

Mr. Curry, do you have a problem with that?

MR. CURRY: I don't have an issue with that.

(Whereupon, Mr. Keith Luneburg and James McCarthy were sworn in by the court reporter.)



1  
2 MS. GUERRA: Mr. Curry, I do  
3 have a question for you.

4 You just said to Mr. Ardito's  
5 question whether you were actively  
6 negotiating in December of 2017.  
7 You said that you didn't say that in  
8 December of 2017.

9 MR. CURRY: That's correct. We  
10 were not actively negotiating at  
11 that time.

12 MS. GUERRA: So you were not.

13 MR. CURRY: We were not.

14 MS. GUERRA: If you can recall,  
15 when was the last time last year  
16 that you remember actively  
17 negotiating or your clients actively  
18 negotiating that move to another  
19 location outside of Hempstead.

20 MR. CURRY: I think Mr.  
21 McCormick already said that in the  
22 summer they retained me in the  
23 summer to work at the Town of  
24 Hempstead IDA and put all our  
25 efforts towards that. It actually

1  
2 took a long time. While the  
3 application went in in October 31st,  
4 it took a long time to get the  
5 information that the Agency was  
6 looking for. That was not an easy  
7 application.

8 I was aware that we were  
9 looking for something that the  
10 Agency did not typically give so it  
11 took much more time to put an  
12 application together than it  
13 normally would for me so, yes, I  
14 think that was the appropriate  
15 amount of time for me to research,  
16 put together an application that I  
17 felt would get the benefit sought,  
18 which was a reduction in taxes  
19 rather than flat taxes for a period  
20 which would not have been worth  
21 while for the property.

22 The other thing is that there  
23 was not a large number of  
24 comparables that we could find for  
25 the long period of time to get

1  
2 comparables to try to pursue what  
3 the Agency needed to determine the  
4 proper level of real estate taxes.

5 MR. PAROLA: For the record,  
6 because I think it's a key component  
7 as to the protracted negotiations  
8 here, the staff, at the staff level,  
9 we were extremely reluctant to the  
10 approach of Mr. Curry at that time  
11 because we do not normally reduce  
12 taxes. We keep them at the  
13 levels -- your taxes on a  
14 perspective property at \$100,000  
15 currently, our PILOT will begin at  
16 \$100,000. For staff to recommend to  
17 the Board that we deviated from  
18 that, we need to have an  
19 extraordinary set of circumstances  
20 to recommend that.

21 In this case, working with the  
22 Village and understanding the fact  
23 that -- our understanding that 250  
24 jobs were at stake, 42 percent, as  
25 has been testified to today from the

1  
2 Village, we felt that it was an  
3 appropriate recommendation to make  
4 to the Board, but it did take a  
5 great deal of time. We went through  
6 at least three PILOT proposals,  
7 maybe four, before we came up with a  
8 compromise. And, in fact, there was  
9 another one on the table that I  
10 rejected wholeheartedly because it  
11 was too lavish, I would say, to the  
12 benefit of the corporation even  
13 though I can understand their  
14 position.

15 MS. GUERRA: Thank you, Mr.  
16 Parola. I think this is why it's so  
17 important that we get that  
18 information from the company as to  
19 the number of employees, where they  
20 reside and, you know, whether they  
21 are in the Village of Hempstead  
22 because the Village of Hempstead is  
23 quite large and if it's the Town of  
24 Hempstead and there are certain  
25 people who live in Uniondale but

1  
2 actually still are part of the  
3 Village of Hempstead, so we need  
4 that information just to confirm  
5 that what Mr. Parola just said that  
6 this was something that was  
7 considered because we wanted to  
8 retain this employment in the  
9 Village of Hempstead for the  
10 residents of the Village of  
11 Hempstead.

12 CHAIRMAN GERARDI: Any other  
13 questions by the Board regarding the  
14 real estate, employment figures?

15 MR. LUNEBURG: Can I make one  
16 more statement. It revolves around  
17 employees and employment.

18 Obviously, the letters you  
19 received and with everybody here,  
20 we're all aware that we're in a  
21 dispute with the Union, that we're  
22 going to pursue, that we both have  
23 legal rights and we both think we're  
24 correct whatever the outcome of that  
25 is. But throughout this process we

1  
2 were well aware of the Union's  
3 rights and their ability to try to  
4 strike at any given time.

5 In the span of about  
6 three weeks we had about 150  
7 employees come in from the  
8 neighboring community, literally  
9 blocks from our plant, and fill out  
10 applications.

11 So when we worry about  
12 employees, there are 150 people in  
13 less than a half mile from our  
14 building that walked in looking for  
15 jobs. This community needs these  
16 jobs. This company needs this  
17 community. They are a match mate.  
18 To try to infer anything from any  
19 list we give you that we're at 41  
20 percent or 48 percent is not going  
21 to be just for this community or the  
22 employees that need jobs.

23 For us to get 150 applications  
24 in three weeks, and I will provide  
25 you with that. We have them in our

1  
2 plant. I will send the stack over  
3 with the payroll records and  
4 addresses so you can see.

5 This community can use this and  
6 if FDR can get this PILOT program  
7 and continue to grow, we can improve  
8 the economy of this community, which  
9 is what our goal is.

10 MS. CHAMBERS: If I may, two of  
11 the workers are here and just a  
12 testament to the fact that what FDR  
13 is trying to do is strip its  
14 long-time employees, and these are  
15 Village of Hempstead residents, of  
16 their health insurance, pension  
17 benefits and their labor rights and  
18 it's a shame.

19 MR. ARDITO: Mr. Luneburg, to  
20 your last point, is FDR able to  
21 complete the projects that you  
22 anticipate with respect to these  
23 PILOTS if you were not to obtain the  
24 relief from this Agency?

25 MR. LUNEBURG: I don't want to

1  
2 say yes or no. I don't know. It  
3 would not be fair for me to say no  
4 as an attempt to try to coerce you  
5 and it would not be fair for me to  
6 say yes without truly looking at the  
7 financial implications of that. I  
8 don't know. I'm hoping we don't get  
9 to that because there are certain  
10 commitments we have made based upon  
11 giving this to us back in February  
12 so we are kind of in the dark.

13 MR. ARDITO: When you say  
14 commitments, what do you mean?

15 MR. CURRY: Negotiations that  
16 make orders to buy machinery. So  
17 nothing has been bought yet, but  
18 these are all --

19 CHAIRMAN GERARDI: No other  
20 questions?

21 (No further questions from  
22 Board members.)

23 CHAIRMAN GERARDI: I'm going to  
24 move for the Board to close the  
25 meeting.



1  
2 MR. RYAN: Subject to the  
3 receipt of the documentation that  
4 has been requested.

5 CHAIRMAN GERARDI: Thank you,  
6 Mr. Ryan.

7 MR. CURRY: Thank you members  
8 of the Board for your consideration  
9 today.

10 MR. PAROLA: We need a motion  
11 to close.

12 MS. GUZMAN: Can I --

13 CHAIRMAN GERARDI: It's not a  
14 public hearing but we can. I'm  
15 going to let you speak. If we can  
16 please just keep it brief because if  
17 I'm opening up for you to speak I  
18 think our good friend --

19 MS. GOOSBY: I am Dorothy  
20 Goosby, Senior Counsel, Town of  
21 Hempstead.

22 I heard one thing that you said  
23 that there are some parts of  
24 Hempstead that's in Uniondale.  
25 Hempstead Village is 11550. This is

1  
2 my district. I live in Hempstead.  
3 It's part of my district. Uniondale  
4 is part of my district. Freeport,  
5 half of it, all of Uniondale, and I  
6 don't have anyone who lives in  
7 Uniondale in the Village of  
8 Hempstead so that can't be true.

9 MS. GUERRA: I think what I was  
10 referring to is some of the people  
11 that live in Uniondale can vote in  
12 Village elections.

13 MS. GOOSBY: Really? No way.  
14 No, you can't. Only the people who  
15 live in the Village of Hempstead and  
16 that's 11550. You may be referring  
17 to the fact that some of the  
18 children that live in Hempstead go  
19 to Uniondale schools because they  
20 are on that line for school, but it  
21 does not have anything to do with  
22 the election.

23 MS. GUERRA: I'm sorry,  
24 Counselwoman. Thank you for  
25 correcting me.

1  
2 MS. GOOSBY: That's okay. I  
3 just want to make sure.

4 I live in the Village of  
5 Hempstead so it's important to me  
6 that we have jobs for the people who  
7 live in the Village of Hempstead,  
8 not in the Town Hempstead. Town of  
9 Hempstead is entirely different.  
10 This is a big town. We know that.  
11 I want to make sure that the people  
12 who work there -- He said he had 150  
13 applications? I don't know where  
14 those 150 are going since you have  
15 your full number. Are they opening  
16 the plant so they're going to hire  
17 more people? What do they mean? I  
18 don't understand that.

19 CHAIRMAN GERARDI: They claimed  
20 in their application that they have  
21 250 employees and they plan on  
22 having 250 next year and 250 the  
23 year after. That was stated in  
24 their application.

25 MS. GOOSBY: I'm also concerned

1  
2 about people losing their benefits.  
3 That's a big concern for me. Why  
4 were these people fired because they  
5 went on strike? That is something  
6 that we need to do and I'm concerned  
7 about that. I'm concerned about  
8 granting them anything from this  
9 Town until you get everything noted  
10 that they have done. We really need  
11 to go through this and make sure  
12 that it's proper and it's really  
13 legal what they are doing.

14 I have a feeling but I really  
15 don't know. I really want to be  
16 sure of that. I would ask you to  
17 give them some time to bring to you  
18 what they have and that it's people  
19 that live in the Village of  
20 Hempstead. We want to make sure  
21 they live in the Village of  
22 Hempstead. And I want to know how  
23 many people are actually Union  
24 people and who are not and how they  
25 classify those. I'd really

1  
2 appreciate that. That would be a  
3 great service for the Village of  
4 Hempstead because, you know, most of  
5 the Village of Hempstead is already  
6 full of PILOTS so we want to make  
7 sure that they are legal ones and  
8 they are acceptable.

9 I appreciate you allowing me to  
10 speak. Thank you.

11 MR. MARSH: Thank you, Senior  
12 Counselwoman.

13 CHAIRMAN GERARDI: Ms. Garry,  
14 please, it's not a public hearing  
15 but we opened it up. If you would  
16 just be brief, we'll give you a  
17 couple of minutes.

18 MS. GARRY: Katherine Garry. I  
19 live in the Town of Hempstead. You  
20 claim that the issue of integrity of  
21 the company that you're giving  
22 benefits is not an issue. I think  
23 that's incorrect. I think that if  
24 you look at your application and  
25 things that they have designed, they

1  
2 are supposed to be a high-standing  
3 type of corporation in order to  
4 receive these benefits to obey the  
5 law and to act in good faith and to  
6 act with integrity, so that is an  
7 issue, and I take issue with the  
8 fact that you indicated that that  
9 was not an issue.

10 I also want to state that in my  
11 opinion when a company is engaged in  
12 litigation and being charged with  
13 illegal activities that that is an  
14 issue for this Board because again,  
15 the issue of integrity and acting in  
16 good faith is part of the process  
17 that the IDA should be committed  
18 to -- I believe it's required to be  
19 committed to. Thank you.

20 CHAIRMAN GERARDI: Thank you.  
21 Mayor.

22 MR. DON RYAN: Don Ryan, Mayor  
23 of the Village of Hempstead.

24 Of course we're excited by  
25 businesses that are willing to

1  
2 invest in our community,  
3 particularly when they hire  
4 residents of the Village of  
5 Hempstead.

6 That having been said, there  
7 are a couple of issues that have  
8 come up that I need to hear answers  
9 for and I look to this Board to  
10 supply such.

11 For example, was it true and  
12 indeed that they may have moved out  
13 of Suffolk County and used that as  
14 some sort of leverage in order to  
15 get the encouragement from the  
16 Village to maintain the PILOT that  
17 they applied for. We don't want to  
18 lose the 250 people that work there,  
19 and that brings us to the second  
20 part.

21 Are there 250 and what  
22 percentage of those are Village of  
23 Hempstead residents? Once that's  
24 cleared up and the other issue is  
25 discovered and that comes forth,

1  
2 certainly we would be very  
3 comfortable in making a decision in  
4 the Village's standpoint as to which  
5 direction we would like to go.

6 This is the largest employee of  
7 the Village and they have been here  
8 for 27 years, so they have our  
9 attention and you certainly need to  
10 come up with the right answer  
11 hopefully and we look forward to  
12 that. Thank you.

13 CHAIRMAN GERARDI: With that, I  
14 would like to make a motion to close  
15 the meeting.

16 MR. ARDITO: Second.

17 CHAIRMAN GERARDI: Second by  
18 Mr. Ardito.

19 (Motion by all.)

20 CHAIRMAN GERARDI: Meeting is  
21 adjourned.

22 (Time noted: 10:00 a.m.)  
23  
24  
25

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## CERTIFICATION

I, DOLLY FEVOLA, a Notary Public in  
and for the State of New York, do hereby certify:

THAT the within transcript is a true record  
of my stenographic notes.

I further certify that I am not related,  
either by blood or marriage, to any of the parties  
to this action; and

THAT I am in no way interested in  
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 19th day of March, 2018.

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DOLLY FEVOLA