TOWN OF HEMPSTEAD INDUSTRIAL DEVELOPMENT AGENCY

BOARD MEETING

March 30, 2017, 10:45 a.m.

Town Hall Pavilion, One Washington Street, Hempstead, New York

Agenda: Presentation and Consideration of an Inducement Resolution for Waterview Land Development LLC, Amended Authorizing Resolutions for FAD Henry, 2701 Associates, Raymour and Flanigan and Promenade at Central, Consideration of a Tenant Consent for 2701 Associates (50 Clinton Street, Hempstead) – Jung Hwan Soh (Dentist), Consideration and Approval of a tenant related compliance at 990 Stewart Avenue, Garden City – Office of Court Administration, Consideration of an amended Resolution consenting to a mortgage refinancing for 590-600 Realty Corp. (Increase from $46,000,000.00 to $50,262,000.00), Executive Directors Report, 2016 Compliance Review, Termination for Non-Compliance: Openlink Financial, LPF Realty and Gabrielli Inwood, Consideration and Adoption of the following: Mission Statement, Measurement Report, Operations and Accomplishments for 2016, Effectiveness of Internal Controls, Self-Evaluation Policy, Code of Ethics, Purchasing Guidelines, Property Disposition, Investment Policy and Guidelines, Consideration of a Resolution authorizing payment to Camoin and Associates for presentations January 19, 2017 and ratifying and confirming for balance of invoice from 2016., Consideration of a Resolution re-appointing the Agency’s Compliance Officer, Consideration and Adoption of a Resolution authorizing the renewal of the Agency’s membership with the New York State EDC, Update on Shor Yoshuv, Update on Circulo de la Hispanidad, Consideration and Adoption of the Minutes February 16, 2017, Financial Statements and Expenditure List – February 10, 2017 – March 22,2017, Consideration and Adoption of the Audited Financial Statement for 2016, Consideration and Adoption of the Annual Financial Statement for 2016 , Executive Session, Adjournment

Those in attendance: Arthur J. Nastre, Chairman

William Hendrick, Vice Chairman

Florestano Girardi, Treasurer

Eric C. Mallette, Secretary

John R. Ferretti, Member

Steven M. Raiser, Member

Also in attendance: John E. Ryan, Agency Counsel

William F. Weir, Nixon Peabody

Frederick E. Parola, Executive Director/CEO

Edie M. Longo, Deputy Executive Director/CFO

Lorraine Rhoads, Agency Administrator

Arlyn Eames, Deputy Financial Officer

Michael Lodato, Deputy Agency Administrator

Cheryl Petri, Office of the Supervisor

Excused: Gerilyn Smith, Member

Wayne T. Hall, Mayor, Village of Hempstead Member

Luis Figueroa, Deputy Mayor, Village of Hempstead Member

Stacey Hargraves, Village of Hempstead Member

Alan Heuson, Village of Hempstead Member

The meeting was called to order at 11:01 a.m. The Chairman declared a quorum was present.

The Chairman recused himself from the following matter.

Waterview Land Development LLC: Peter Curry (Farrell Fritz) and John Vitale made a presentation to the Board on a proposed project to be located at 80 Waterfront Boulevard. The buildings that were previously on the property were destroyed during Superstorm Sandy. The applicant intends to construct an approximately 100,000 square foot residential rental complex consisting of 26 one-bedroom and 60 two-bedroom apartments, with 10% set aside as “affordable workforce housing”. Construction is expected to last approximately 36 months. The company is seeking a 10 year PILOT Agreement, Sales Tax Exemption and Mortgage Recording Tax Exemption. The PILOT Agreement is still being developed. John Ferretti made a motion to preliminarily induce this project. This motion was seconded by Flo Girardi. All were in favor. Motion carried.

Arthur Nastre returned to meeting.

FAD Henry - Amended Authorizing Resolution: William Hendrick made a motion to adopt an Amended Authorizing Resolution for FAD Henry to comply with a new State Law as explained by Bill Weir, Nixon Peabody. The new law changes the Mortgage Recording Tax Exemption back to 1.05 % (to include the MTA tax) for the projects that closed or will close during the period of September 30, 2016 to June 30, 2017. In July, the Mortgage Recording Tax will be .75% (to exclude the MTA tax). This motion was seconded by John Ferretti. All were in favor. Motion carried.

2701 Associates - Amended Authorizing Resolution: William Hendrick made a motion to adopt an Amended Authorizing Resolution for 2701 Associates to comply with a new State Law as explained by Bill Weir, Nixon Peabody. The new law changes the Mortgage Recording Tax Exemption back to 1.05 % (to include the MTA tax) for the projects that closed or will close during the period of September 30, 2016 to June 30, 2017. In July, the Mortgage Recording Tax will be .75% (to exclude the MTA tax). This motion was seconded by Steven Raiser. All were in favor. Motion carried.

Raymour and Flanigan - Amended Authorizing Resolution: William Hendrick made a motion to adopt an Amended Authorizing Resolution for Raymour and Flanigan to comply with a new State Law as explained by Bill Weir, Nixon Peabody. The new law changes the Mortgage Recording Tax Exemption back to 1.05 % (to include the MTA tax) for the projects that closed or will close during the period of September 30, 2016 to June 30, 2017. In July, the Mortgage Recording Tax will be .75% (to exclude the MTA tax). This motion was seconded by Eric Mallette. All were in favor. Motion carried.

Promenade at Central - Amended Authorizing Resolution: Eric Mallette made a motion to adopt an Amended Authorizing Resolution for Promenade at Central to comply with a new State Law as explained by Bill Weir, Nixon Peabody. The new law changes the Mortgage Recording Tax Exemption back to 1.05 % (to include the MTA tax) for the projects that closed or will close during the period of September 30, 2016 to June 30, 2017. In July, the Mortgage Recording Tax will be .75% (to exclude the MTA tax). This motion was seconded by William Hendrick. All were in favor. Motion carried.

2701 Associates – Tenant Consent for Jung Hwan Soh (Dentist): William Hendrick made a motion to approve a Tenant Consent for Jung Hwan Soh, a dental office which will occupy 1,698 square feet of space at 50 Clinton Street in the Village of Hempstead. This motion was seconded by Flo Gerardi. All were in favor. Motion carried.

990 Stewart Avenue, Garden City – Office of Court Administration: William Hendrick made a motion to approve the insurance structure as outlined by John Ryan for the Office of Court Administration as a tenant at 990 Stewart Avenue. This motion was seconded by Eric Mallette. All were in favor. Motion carried.

590-600 Realty Corp – Mortgage Refinance: William Hendrick made a motion adopt an Amended Resolution consenting to the refinancing of the mortgage for 590-600 Realty Corp., increasing the amount from $46,000,000.00 to $50,262,000.00. This motion was seconded by John Ferretti. All were in favor. Motion carried.

Executive Directors Report: Fred Parola provided the Board with the Executive Directors Report. He reported that Starwood Hotels would not become an IDA project because they were unable to be designated a tourist destination. Mr. Parola also brought to the Board’s attention that the three potential Village of Hempstead projects would be subject to the approval of the Village of Hempstead Board members as well as the IDA Board.

2016 Compliance Review: Edie Longo provided the Board with an update on the status of project compliance for the 2016 Annual Report, which was finalized and audited. She brought three projects to the Board’s attention that were in non-compliance status, LPF Realty, Gabrielli Inwood and Openlink Financial. She also provided information to Members regarding several companies’ employment shortfalls and their corresponding letters of explanation. William Hendrick made a motion to table decisions on any action regarding employment shortfalls to the next meeting. This motion was seconded by Steven Raiser. All were in favor. Motion carried.

LPF Realty/5th Street LLC: Termination was requested by the company and therefore no Board action was necessary.

Steven Raiser recused himself from the following matter.

Gabrielli Inwood - Termination for Non-Compliance: Avery Mallon and John Reali addressed the Board on behalf of their client Gabrielli Inwood LLC regarding the issue of non-compliance. They explained that the failure to comply was due to an administrative oversight and they requested to be allowed to re-apply for IDA benefits. After a discussion between the attorneys and the Board, it was decided that the Board would consider a new application from the company. John Ryan and Fred Parola offered to minimalize the cost of re-applying to assist the company. William Hendrick made a motion to terminate Gabrielli Inwood LLC for failure to comply with reporting project information as requested by the Agency, as required by New York State, and as per their Lease Agreement. This motion was seconded by John Ferretti. All were in favor. Motion carried.

Steven Raiser returned to the meeting.

Openlink Financial - Termination for Non-Compliance: William Hendrick made a motion to terminate Openlink Financial for failure to comply with reporting project information as requested by the Agency, as required by New York State, and as per their Lease Agreement.

This motion was seconded by John Ferretti. All were in favor. Motion carried.

Mission Statement: William Hendrick made a motion to adopt the Agency’s Mission Statement, as adopted by the Governance Committee. This motion was seconded by John Ferretti. All were in favor. Motion carried.

Measurement Report: William Hendrick made a motion to adopt the Measurement Report, as adopted by the Governance Committee. This motion was seconded by Eric Mallette. All were in favor. Motion carried.

Operations and Accomplishments for 2016: Steven Raiser made a motion to adopt the Operations and Accomplishments for 2016, as adopted by the Governance Committee. This motion was seconded by William Hendrick. All were in favor. Motion carried.

Effectiveness of Internal Controls: William Hendrick made a motion to adopt the Effectiveness of Internal Controls, as adopted by the Finance and Investment Committee. This motion was seconded by Steven Raiser. All were in favor. Motion carried.

Self-Evaluation Policy: William Hendrick made a motion to adopt the Self-Evaluation Policy, as adopted by the Governance Committee. This motion was seconded by Steven Raiser. All were in favor. Motion carried.

Code of Ethics: William Hendrick made a motion adopt the Code of Ethics, as adopted by the Ethics Committee. This motion was seconded by Steven Raiser. All were in favor. Motion carried.

Purchasing Guidelines: William Hendrick made a motion adopt the Purchasing Guidelines, as adopted by the Audit Committee. This motion was seconded by Flo Girardi. All were in favor. Motion carried.

Property Disposition: William Hendrick made a motion adopt the Property Disposition Policy, as adopted by the Governance Committee. This motion was seconded by Steven Raiser. All were in favor. Motion carried.

Investment Policy and Guidelines: Eric Mallette made a motion adopt the Measurement Report, as adopted by the Finance and Investment Committee. This motion was seconded by William Hendrick. All were in favor. Motion carried.

Camoin and Associates: Flo Girardi made a motion adopt a resolution to pay Camoin and Associates for their presentation at the Informational Meeting on January 19, 2017 for an amount not to exceed $2,980.02 and for the balance for the second half of the analysis of the Valley Stream Green Acres and Green Acres Adjacent projects, for an amount not to exceed $6,485.00. This motion was seconded by Steven Raiser. All were in favor. Motion carried.

Contracting/Compliance Officer: William Hendrick made a motion to re-appoint Edie Longo as the Agency’s Contracting/Compliance Officer. This motion was seconded by John Ferretti. All were in favor. Motion carried.

NYSEDC Membership: Steven Raiser made a motion to renew the membership with the New York State Economic Development Council for 2017 for an amount not to exceed $1,250.00. This motion was seconded by Eric Mallette. All were in favor. Motion carried.

Update Sh’orYoshuv: Bill Weir explained to the Board that after a long period of being in covenant default, then going to a payment default, that Sh’or Yoshuv are negotiating a resolution of their Bond default issues. William Hendrick made a motion to adopt a Resolution to amend the indenture and bonds to allow for a new interest rate and restructuring of payment terms. This motion was seconded by Steven Raiser. All were in favor. Motion carried.

Update Circulo de la Hispanidad: Bill Weir updated the Board. No action was taken.

Minutes: Steven Raiser made a motion to adopt the Minutes of February 16, 2017. This motion was seconded by John Ferretti. All were in favor. Motion carried.

Report of the Treasurer: The Board was provided with the Financial Statements and Expenditure List for February 10, 2017 – March 22, 2017.

Audited Financial Statement for 2016: Steven Raiser made a motion to adopt the Audited Financial Statement for 2016, as prepared and presented by Sheehan and Company. This motion was seconded by John Ferretti. All were in favor. Motion carried.

Annual Financial Statement for 2016: Steven Raiser made a motion to adopt the Annual Financial Statement for 2016, as prepared by Edie Longo and Arlyn Eames and audited by Sheehan and Company. This motion was seconded by John Ferretti. All were in favor. Motion carried.

With all business concluded, Eric Mallette made a motion to adjourn the meeting at 12:20 p.m.

This motion was seconded by Steven Raiser. All were in favor. Motion carried.

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Eric C. Mallette, Secretary

April 27, 2017