

Public Meeting of the Community Development Agency was held in the Municipal Building, 14 Baker Street, Patchogue, New York, on November 3, 2009.

1. Meeting was called to order at 4:30 p.m. by Chair Joseph E. Keyes, Jr., also present were Members David Reese, Lori Devlin and Francis Buscemi. Also attending was, Executive Director Marian H. Russo. Chair Keyes, Jr. declared a quorum.
2. Minutes:
  - i. Minutes of October 1, 2009 meeting were presented by M. Russo. Motion by D. Reese and F. Buscemi to approve minutes, motion carried.
3. Executive Director Report
  - i. M. Russo presented invoices to the Board for approval to be paid upon Board approval.

Brief discussion ensued.

M. Russo stated that her goal was to limit how much time the engineer needs to attend meeting for the design portion of the Roe Walkway project. Also, she would like to have the project out to bid by January.

Discussion ensued.

Motion by D. Reese and F. Buscemi to approve the following invoices for the Bandshell, \$388.50, Roe Walkway \$1,289.00 and \$5,750.90 and Shorefront Park Bathroom Rehabilitation \$6,736.50, motion was carried.

4. Artspace Project - report by M. Russo

M. Russo stated that Andrew Hyman, Esq. was on his way and asked the Board to hold the resolution of approving the transfer of 10 Terry Street to the Village of Patchogue later in the meeting.

Chair Keyes agreed to hold resolution.

5. Public Improvement Projects - report by M. Russo

- i. Bandshell Improvements Project.  
M. Russo stated that the Board had met with the sound engineer, Porter Falcon to discuss some suggestions on how we could address the sound issues within the Bandshell.
- ii. Shorefront Park Bathroom Project - Report by M.Russo.  
M. Russo stated that she prepared a resolution for the Board as indicated in a letter from J.R. Holzmacher's office that the lowest responsible bidder was Bayview Custom Construction, Inc. in the amount of \$122,153.00. M. Russo recommended to award the bid to Bayview Custom Construction, Inc. based on the correspondence from J.R. Holzmacher's office.

Also, M. Russo stated that the resolution stated that the Executive Director or an officer could sign the contract.

Chair Keyes asked the Board to adopt the following resolution; To award the bid for the Rehabilitation of Shorefront Park Bathrooms to Bayview Custom Construction, Inc. in the amount of \$122,153.00; and it is further resolved, the Executive Director of the Agency and any other officer thereof is hereby authorized to execute the contract with Bayview Custom Construction, Inc. Motion by D. Reese and F. Buscemi, carried unanimously.

iii. Roe Walkway - report by M. Russo.

M. Russo stated that there was nothing else to report other than what was mentioned earlier.

6. Section 8 - report by M. Russo

i. Utilization Report - report by M. Russo

M. Russo stated that the utilization report shows that we were doing very well on our utilization of funds. M. Russo stated that our goal was to expend at least 95% of our funds or be at a 95% lease up rate.

Discussion ensued.

ii. SEMAP - report by M. Russo

M. Russo stated that we were still having a problem with our transmission to HUD with our housing quality standards date of inspections. Also discussed the problem with the technical support of HAPPY software. M. Russo stated that we found what the issue was.

iii. Termination Proceedings - report by M. Russo

M. Russo stated that we will be holding a termination proceeding on Monday at 9:00 a.m. M. Russo stated that a participant had someone living with her and did not report it.

Discussion ensued.

M. Russo stated that there was another participant that was terminated for failure to recertify and she did not request an informal hearing.

Discussion ensued.

Chair Keyes stated that at this time we will be going back in the agenda for the report on the Artspace project.

4. Artspace Project

Andrew Hyman, Esq., apologized for his lateness. A. Hyman stated that there should be with the agenda a resolution for the disposition by the CDA to the Village of Patchogue of 10 Terry Street, Patchogue.

Discussion ensued.

A. Hyman asked the Board if there were any questions. There was none.

Chair Keyes asked if there was a Member that would present the resolution.

Member Devlin presented the following Resolution and moved for its adoption. The Resolution was seconded by Member Reese and was adopted by the vote set forth below.

**RESOLUTION NO. \_\_ (2009)**

**A RESOLUTION AUTHORIZING THE DISPOSITION TO THE VILLAGE OF PATCHOGUE, FOR DEVELOPMENT OF A FIVE STORY BUILDING AS LIVE/WORK SPACE FOR ARTISTS AND RETAIL SPACE, ON REAL PROPERTY LOCATED AT 10 TERRY STREET, IDENTIFIED ON THE SUFFOLK COUNTY LAND AND TAX MAP AS DISTRICT 0200, SECTION 13, BLOCK 6, LOT 39, AND THE TAKING OF RELATED ACTION.**

**WHEREAS**, the Village of Patchogue Community Development Agency (the "Agency") is the owner of certain real property located at 10 Terry Street, Patchogue, New York, identified on Suffolk County Land and Tax Map (the "Map") as District 0200, Section 13, Block 6, Lot 39 (the "Premises"); and

**WHEREAS**, the Premises are located within the Revised South Ocean Avenue Community Improvement Area (the "Area") as identified in the Village of Patchogue (the

“Village”) Revised South Ocean Avenue Community Improvement Plan (the “Plan”), prepared in March 1988 and adopted by the Village Board of Trustees (the “Board”) at its meeting held on July 25, 1988 and renewed and expanded at its meeting of October 12, 1998; and

**WHEREAS**, the Agency wishes to sell the Premises to the Village, and the Village wishes to purchase the Premises from the Agency, for the purpose of assembling four parcels of real property to construct Artspace Patchogue, a five-story building with 45 affordable artist live/work spaces on the upper floors and retail space at street level (the “Project” or the “Action”); and

**WHEREAS**, construction of the Project would effectuate the purposes of the Plan by upgrading and improving the edges of the Area, stimulating increased employment, retail and service establishments in the Area, enhancing the physical appearance of the Area, and encouraging compatible mixed-use development; and

**WHEREAS**, the sale of the Premises by the Agency to the Village to effectuate the Plan (the “Proposed Property Disposition”) in exchange for payment of (i) if a Community Capital Assistance Program grant in the sum of a \$250,000 (the “Grant”) by and through the Dormitory Authority of the State of New York is awarded to the Village, the sum of \$119,000 plus attorney’s fees incurred by the Agency in connection with the Proposed Property Disposition (“Attorney’s Fees”), or (ii) if the Grant is not awarded, the sum of Attorney’s Fees (subparagraphs (i) or (ii) are hereinafter referred to, alternatively, as the “Consideration”) is authorized as an appropriate method of disposition of property pursuant to General Municipal Law §556 (4); and

**WHEREAS**, the Agency is subject to the Public Authorities Accountability Act of 2005 (the “Act”), which permits the disposal of property by negotiation without publicly advertising for bids if the action is otherwise authorized by law; and

**WHEREAS**, pursuant to Section 20 of the Act, the members of the Agency (the “Members”), by resolution, have adopted Agency Guidelines for the Disposition of Property (the “Guidelines”); and

**WHEREAS**, insofar as the Proposed Property Disposition is to a municipal corporation for valuable consideration to effectuate the purposes of the Plan pursuant to General Municipal Law §556 (4), and is in accordance with the Agency’s Guidelines for Property Disposition, the Proposed Property Disposition complies with Section 20 of the Act; and

**WHEREAS**, it is required that the Action be reviewed pursuant to the rules and regulations for implementation of the New York State Environmental Quality Review Act (“SEQRA”) as set forth in Title 6, Part 617.6 (b) of the Official Compilation of Codes, Rules, and Regulations of the State of New York (“SEQRA Regulations”); and

**WHEREAS**, by Resolution No. 23-2009, adopted at its meeting held on January 28, 2009, the Board established the Village as lead agency, and determined that the Action would not have an adverse impact upon the environment pursuant to the SEQRA Regulations, thereby completing the SEQRA review process ; and

**WHEREAS**, Agency staff recommends the Proposed Property Disposition (the “Staff Recommendation”); and

**WHEREAS**, the Members wish to authorize and adopt the Staff Recommendation.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Members hereby authorize and adopt the Staff Recommendation, namely, the sale of the Premises by the Agency to the Village for the Consideration; and it is further

**RESOLVED**, that the Executive Director of the Agency and any other officer thereof is hereby authorized to execute such instruments and documents and to take such other action as may be necessary to carry out the foregoing, including, without limitation, providing to the New York State Authority Budget Office a written explanation of the circumstances involving the disposition of the Premises to the Village prior to the scheduled date of the Proposed Property Disposition. Ayes: 4, Nays: 0, Abstentions: 0

7. Community Development Block Grant Fiscal Year 2010 budget - presented by M. Russo

M. Russo presented the proposed CDBG Fiscal year 2010 budget as follows; Administration \$24,420, Housing Code Enforcement \$36,900, Housing Counselor \$15,000, Oak Street Sidewalks \$130,680 and Bandshell sound and security project \$15,000, for a total budget of \$222,000.

F. Buscemi and D. Reese made a motion to approve the CDBG Fiscal Year 2010 budget as follows; Administration \$24,420, Housing Code Enforcement \$36,900, Housing Counselor \$15,000, Oak Street Sidewalks \$130,680 and Bandshell sound and security project \$15,000, for a total budget of \$222,000. Motion was carried unanimously.

8. Other Business

- i. M. Russo informed the Board when the Village's Holiday Party was.
- ii. M. Russo stated that the next meeting was December 3, 2009.
- iii. L. Devlin stated that there was a lot going on with the Arts Council and informed the Members that there was a new art gallery on Saturday at 4:00 p.m. where Mosaica is located.
- iv. M. Russo stated that there was going to be a vigil for Marcelo Lucero on Saturday at 6:00 p.m. and there was going to be a procession up to the Congregational Church. M. Russo stated that at Sunday there would be an interface service at St. Francis De Sales at 4:30 p.m.
- v. D. Reese asked the Board if they could meet 15 minutes earlier at the next scheduled meeting to have a Governance Committee meeting.

9. Adjournment – Motion by L. Devlin and F. Buscemi to adjourn, motion carried. Meeting adjourned at 5:15 pm.

Respectfully submitted,

Marian H. Russo, Executive Director