

INCORPORATED VILLAGE OF GARDEN CITY
BOARD OF TRUSTEES MEETING
VIA ZOOM
MAY 28, 2020

PRESENT:

Mayor Theresa A. Trouvé
Trustee Robert A. Bolebruch
Trustee Stephen S. Makrinos
Trustee John M. Delany
Trustee Louis M. Minuto
Trustee Mark A. Hyer
Trustee Colleen E. Foley
Trustee Brian C. Daughney
Ralph V. Suozzi, Village Administrator
Karen M. Altman, Village Clerk
Joseph DiFrancisco, Superintendent, Department of Public Works
Giuseppe Giovanniello, Superintendent of Building Department
Peter A. Bee, Village Counsel
Ariel Ronneburger, Counsel
A.T. Levin, Counsel
Robert Benrubi, Village Consultant
Anthony LaPinta, Fair Housing Compliance Officer

MAYOR TROUVÉ:

Good afternoon and welcome. Our meeting will now come to order. Please join me in the Pledge of Allegiance. The principal item of business today is consideration of certain correspondence from Nassau County dated May 4, 2020 whether to continue or not continue participation in the Nassau County Urban Consortium. The Village has engaged Special Counsel on issues relating to this and I understand that a representative from the law firm Cullen and Dykman would like to briefly address the Board on this matter. Is the representative in attendance at this meeting?

ARIEL RONNEBURGER:

Hi, this is Ariel Ronneburger, I'm a partner at Cullen and Dykman. Just briefly by way of background the Final Judgment in the MHANY Management Matter against the Village required the Village to join the Nassau County Consortium if County did not sell the Social Services Site within a specified period of time. The County did not sell the Social Services Site and in accordance with the final judgement the Village entered into a cooperation agreement with Nassau County to join the Consortium on or about April 16, 2015. The Village's official membership in the Consortium began on September 1, 2016. The Final Judgment requires that the Village participate in good faith in Consortium activities, the requirements with regard to the Consortium in the Final Judgment were originally set to expire on April 22, 2019 but the court extended that to September 1, 2020 in 2016. On or about May 4 the Village received a letter from the County which advised the Village of its opportunity to terminate the existing cooperation agreement for the next qualification period which begins October 1, 2020. The question before the Board today is now whether to terminate the Cooperation Agreement and thus end its membership in the Consortium for the next qualification period. To be clear, if the Board should decide to terminate the Cooperation Agreement the Village would still remain a member of the Consortium through September 30, 2020 which is beyond the requirements of the judgment currently. If the Board wishes to terminate the Cooperation Agreement as of the next qualification period, the letter from the County as well as the relevant notice from Housing and Urban Development requires the Village to notify the County of its intent to terminate the Agreement in writing by June 7, 2020. If the Board does choose to terminate the Cooperation Agreement we have circulated a draft resolution for the Board's consideration which would permit the Village to notify the County of its intent to terminate the Agreement in accordance with the letter received on or about May 4. If the Board does not wish to terminate the Cooperation Agreement, it does not need to take any action and its membership will be automatically renewed for the next three-year qualification period beginning on October 1, 2020.

MAYOR TROUVÉ: Thank you.

ARIEL RONNEBURGER: Thank you, Mayor.

MAYOR TROUVÉ: Is Mr. LaPinta present? If not, we can move on.

ANTHONY LAPINTA: Yes, I am present, I'm here.

MAYOR TROUVÉ: Mr. LaPinta, do you wish to speak?

ANTHONY LAPINTA: Yes, first off, I'm well aware of the circumstances here, having lived through this for close to the pasta five years now. I think your determination that the judgment requirements extend to September is accurate, my only concern, or one of my concerns is that you have at least one viable project going on in your Village right now, 555 Stewart Avenue, and last I was aware a second project that I don't think is as far developed as Stewart Avenue is. Being that you are currently members of the Nassau County Consortium there would be certain funding available for that particular project. If the Village would terminate their involvement and participation in the Consortium in September, available funds for that project and any other project would not be available. There's kind of a long history here with that 555 development, there was some financial issues that the original developer had encountered requiring him to bring in other partners that set the project back in terms of timing, so there's a history here of financial problems with that project. That project is, dare to say, very important to everybody because it would be the first and only new development in your jurisdiction that would have affordable housing to the MHANY Judgment and your subsequent Fair Housing Law that the Trustees enacted. I just wanted to make that concern clear to you and known to you. I would hope that you would extend your participation in the Consortium far beyond September. There is at least one very good reason to do that with this project and available funding for that project, I think there are other many good reasons that your participation in the Consortium should extend and I would ask that you would consider doing that far beyond, well I would ask that you continue the cycle that would extend for a three year period and for all those good reasons I would ask that you consider that.

ARIEL RONNEBURGER: Tony, just to address that one point, this is Ariel Ronneburger. A developer can still seek home funds by applying directly to the County, the municipality does not need to be a member of the Consortium to be able to seek home funds from the County.

ANTHONY LAPINTA: I'm not certain of that, Ariel, in fact I've been told differently. You have part of your team, a very experienced member, Mr. Benrubi, if he'd like to chime in on that issue. I've been told specifically that that's not the case and that your participation in the Consortium would be able to yield additional funding for that project.

ROBERT BENRUBI: Tony, Ariel is correct. All home fund applications for Nassau County go directly to the County and I actually had a conversation today with Theresa Dukes, who works with Kevin Crean running the home program and she actually told me yes, if any municipality leaves the Consortium developers are still able to access home dollars. Now [inaudible] is another issue, but CDBG funds really aren't used by developers in these projects. So home dollars, IDA funding, those are still available to developers whether or not their project is in a village or municipality that's in the Consortium.

ANTHONY LAPINTA: It's your position, Mr. Benrubi, that there really would be no benefit financially for the Village to continue their participation that would yield to any benefit of any developer including 555?

ROBERT BENRUBI: It's my position that there would not be an impact on a developer that's seeking home dollars, IDA financing in the 555 Project.

ANHTONY LAPINTA: Let me change it a bit, let me just broaden it beyond financial benefits. Is it your opinion that there would be no benefit whatsoever to any potential developer including the 555 if the Village would pull out of the Consortium?

ROBERT BENRUBI: Yes, that is my opinion.

ANTHONY LAPINTA: Sure of that?

ROBERT BENRUBI: It's my opinion that Garden City's pulling out would not adversely affect the development.

ANTHONY LAPINTA: So there's no benefit then in your opinion for 555 developers or any others that could benefit from the Village's participation in the Consortium? That's my question. Any benefit, in other words, the Village's participation in the Consortium, could that benefit 555 or any other development that could facilitate fair housing development in the Village?

ROBERT BENRUBI: Well from my understanding of the 555 Development and what's being proposed, then no. Garden City's participation in the Consortium is not necessarily a benefit. Since there were other projects and I can't say whether another proposed project, you know might, but . . .

ANTHONY LAPINTA: But under what circumstances might they benefit, is really, and why is that inclusive in the 555-potential benefit, why is 555 not a potential benefit and others could be?

ROBERT BENRUBI: Well because in some circumstances CDBG, block grant money can be used in things like having a crew cut for instance done, it's in the scope of an entire project, and its intent would be kind of de minimums, but I mean that's why. There are some limited circumstances where public facilities infrastructure dollars may be used depending on where a project is but that's very rare.

ANTHONY LAPINTA: But you're saying with certainty that those CDBG funds would not be available to the 555 people.

ROBERT BENRUBI: As far as I know, as far as from what I understand of that project, yes.

ANTHONY LAPINTA: As it exists right now, that could change though.

ROBERT BENRUBI: I don't see where it could change, it's not in a area that is a low-mod income area as far as public facilities go, it's not a publicly known site, so I just don't see CDBG being used for that, for 555.

ANTHONY LAPINTA: My concern here obviously, it would be a shame that your pulling out of Consortium would negatively affect 555 or any potential development that's being contemplated, that's my worry here.

TRUSTEE DAUGHNEY: Didn't this project already get approved by IDA?

TRUSTEE DELANY: Tom Levin and Ariel do you agree with Mr. Benrubi funding would be available from Nassau County if we do not continue with the Consortium?

A.T. LEVIN: Yes, that's my understanding that, that's correct.

ARIEL RONNENBERGER: That is my understanding as well.

TRUSTEE DELANY: Thank you.

TRUSTEE DAUGHNEY: Did this project get IDA approval already from Nassau County?

A.T. LEVIN: I don't know the answer to that. The Village wasn't involved in the IDA funding process and the application I know was going there, I don't know what the status of that application is with the County or with the IDA.

TRUSTEE DAUGHNEY: I'm pretty sure it got approved. Months ago when we had March public hearings that was the complaint from the public, that they had been approved by the IDA.

MAYOR TROUVÉ: Is there any other commentary?

TRUSTEE HYER: [inaudible]

KAREN ALTMAN: Microphone.

TRUSTEE HYER: [inaudible]

PETER BEE: [inaudible]

MAYOR TROUVÉ: Can I have a motion that we will be terminating from the Consortium? May I have the motion?

TRUSTEE DELANY: I make that motion.

MAYOR TROUVÉ: I move the adoption of the motion drafted by Cullen and Dykman terminating our participation in the Consortium. May I have a second?

TRUSTEE DAUGHNEY: I second.

MAYOR TROUVÉ: Trustee Daughney. Any further discussion? Hearing no further discussion, all in favor, AYE. Anyone opposed? At this time, the motion passed. May I have a motion for an Executive Session for the advice of counsel. May I have a motion?

TRUSTEE DAUGHNEY: I make that motion.

MAYOR TROUVÉ: And a second?

TRUSTEE BOLEBRUCH: I second.

MAYOR TROUVÉ: Deputy Mayor Bolebruch. All in favor, AYE. Any opposed? The meeting has ended.