

**TOWN OF NORTH HEMPSTEAD
BOARD MEETING**

AGENDA



November 18, 2021

7:00 PM

PUBLIC HEARINGS:

1. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 2 OF THE TOWN CODE ENTITLED "ADMINISTRATION AND ENFORCEMENT."

Synopsis: The purpose of the proposed local law is to make amendments to the tree removal permit requirements in Town Code Section 2-9(T) relative to the preservation of trees on private property.

2. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 20A OF THE TOWN CODE ENTITLED "ENVIRONMENTAL PLANNING AND CONTROL OF TREES."

Synopsis: The purpose of the proposed local law is to make amendments to the Town's tree code relative to the preservation of trees on public and private property.

3. A PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE TOWN'S TREE POLICY PURSUANT TO SECTION 20A-4 OF THE TOWN CODE.

Synopsis: The purpose of the public hearing is to consider amendments to the Town's Tree Policy, which governs the removal of trees from a public right-of-way and Town-owned public places.

4. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 2 OF THE TOWN CODE ENTITLED "ADMINISTRATION AND ENFORCEMENT."

Synopsis: The proposed local law would incorporate the requirement that applicants for a Town of North Hempstead plumber's license or electrician's license furnish proof of legal authorization to work in the United States.

5. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 2 OF THE TOWN CODE ENTITLED "ADMINISTRATION AND ENFORCEMENT."

Synopsis: The proposed local law will extend the suspension of section 2-9 N (7) of the Town Code with respect to tent permits until June 30, 2022.

6. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 28 OF THE TOWN CODE ENTITLED "HOUSING, REHABILITATION AND PROPERTY MAINTENANCE CODE."

Synopsis: The proposed local law would amend the property maintenance code to require the removal of vines, including ivy, on commercial properties to prevent it from encroaching or growing upon any adjoining or neighboring property.

7. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 48 OF THE TOWN CODE ENTITLED "SIDEWALKS."

Synopsis: The proposed local law will extend the suspension of the Town Code provisions limiting the number of sidewalk sale permits that may be issued for any given location during a 12 month period and temporarily waive the fees for a sidewalk sale permit until June 30, 2022.

8. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE ENTITLED "ZONING."

Synopsis: The purpose of the local law is to further assist those establishments affected by the COVID-19 pandemic by extending the timeframe to continue allowing temporary outdoor seating and other temporary outdoor uses until June 30, 2022.

9. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING ARTICLE IX OF THE TOWN OF NORTH HEMPSTEAD UNIFORM TRAFFIC CODE ENTITLED "PORT WASHINGTON PUBLIC PARKING DISTRICT."

Synopsis: The proposed local law will temporarily convert a portion of commuter parking spaces in Lots 4, 5 and 7 into metered parking spaces from December 1, 2021 through March 31, 2022.

10. A PUBLIC HEARING TO CONSIDER THE APPLICATION OF TOWN METRO LLC FOR A SPECIAL USE PERMIT FOR THE PREMISES LOCATED AT 1-4 EXPRESSWAY PLAZA, ROSLYN HEIGHTS AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 7, BLOCK 5, LOTS 832, 833 & 835.

Synopsis: The proposed action is the construction of a multi-level, 1,251-space underground parking garage in conjunction with a 2-story, 160,696 s.f. office building on a 9.26-acre site.

11. A PUBLIC HEARING TO CONSIDER THE APPLICATION OF TOWN METRO LLC FOR SITE PLAN REVIEW FOR THE PREMISES LOCATED AT 1-4 EXPRESSWAY PLAZA, ROSLYN HEIGHTS AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 7, BLOCK 5, LOTS 832, 833 & 835.

Synopsis: The proposed action is the demolition of four 2-story office buildings with a combined floor area of 153,000 s.f. and the construction of a single 2-story, 160,696 s.f. office building on a 9.26-acre site.

12. A PUBLIC HEARING TO CONSIDER THE RESCISSION AND ADOPTION OF ORDINANCES AFFECTING MOREWOOD OAKS IN PORT WASHINGTON, NEW YORK.

Synopsis: The rescission and adoption of these ordinances will change the time frame of the presently posted parking restrictions on the north and south sides of Morewood Oaks and the west and east sides of Sands Point Road, in Port Washington.

13. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING BANK STREET IN PORT WASHINGTON, NEW YORK.

Synopsis: The adoption of this ordinance will establish a No Parking Anytime restriction on the east side of Bank Street in Port Washington.

14. A PUBLIC HEARING TO CONSIDER THE RESCISSION AND ADOPTION OF AN ORDINANCE AFFECTING CARLTON AVENUE IN PORT WASHINGTON, NEW YORK.

Synopsis: The rescission and adoption of this ordinance will change the time frame of the presently posted parking restriction on the east side of Carlton Avenue, on a small portion in front of the Carlton Bay Condominiums between Charles Street and Bayview Avenue, in Port Washington.

15. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING NORTH PLANDOME ROAD IN PORT WASHINGTON, NEW YORK.

Synopsis: The adoption of these ordinances will establish a Full Stop north bound and south bound on North Plandome Road, near its intersection with Beachway (south Beachway between Richards Road and Terrace Drive), in Port Washington. **Will be continued without a date.**

16. A PUBLIC HEARING TO CONSIDER THE RESCISSION OF AN ORDINANCE AFFECTING THIRD AVENUE IN GARDEN CITY PARK, NEW YORK.

Synopsis: The rescission of this ordinance will remove the presently posted reserved parking restriction on the east side of Third Avenue in Garden City Park.

RESOLUTIONS:

17. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER A LOCAL LAW AMENDING CHAPTER 27 OF THE TOWN CODE ENTITLED "HISTORIC LANDMARKS PRESERVATION."

Synopsis: The proposed local law would modify procedural requirements, eliminate duplicative and conflicting provisions, update certain outdated provisions and include a mechanism for the expedited review of certain common but minor exterior alterations, restorations and changes of material that do not have a substantial adverse impact on the historic character of a designated Historic Landmark or designated Historic Landmark District. Tentative hearing date is December 16, 2021.

18. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 57 OF THE TOWN CODE ENTITLED "TOWN FACILITIES."

Synopsis: The proposed local law would prohibit smoking or vaping of tobacco and cannabis on Town property, including town dock, town beaches and parks, Department of Public Works facilities and Town Hall

buildings, together with all of the driveways, parking areas and grounds surrounding the same. Tentative hearing date is December 16, 2021.

19. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 39 OF THE TOWN CODE ENTITLED "REGULATION OF TOWN PARKS, TOWN GARDENS AND TOWN DOCKS."

Synopsis: The proposed local law would prohibit smoking or vaping of tobacco and cannabis at all Town parks and facilities, Town gardens and Town docks. Tentative hearing date is December 16, 2021.

20. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE RESCISSION OF TOWN PARK ORDINANCE NO. 1 OF 2015.

Synopsis: The public hearing will consider the rescission of Ordinance 1 of 2015 which prohibited smoking of electronic cigarettes within Town parks and recreation facilities, except in certain designated areas, and reaffirmed the prohibition of smoking in parks and recreation facilities except in designated locations, in order to avoid a conflict with a proposed local law amending Chapter 57 of the Town Code entitled "Town Facilities" which would prohibit all smoking of tobacco and cannabis on Town property. Tentative hearing date is December 16, 2021.

21. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW TO OPT-OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION ESTABLISHMENTS WITHIN THE TOWN OF NORTH HEMPSTEAD AS AUTHORIZED UNDER CANNABIS LAW ARTICLE 4.

Synopsis: The proposed local law would provide for the Town to opt-out of allowing cannabis retail dispensaries and on-site consumption establishments in the Town of North Hempstead that would otherwise be allowed under NYS Cannabis Law Article 4. Tentative hearing date is December 16, 2021.

22. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE ENTITLED "ZONING."

Synopsis: The proposed local law would incorporate the cannabis opt-out provisions relating to recreational retail dispensaries and on-site consumption establishments into the zoning code of the Town of North Hempstead. Tentative hearing date is December 16, 2021.

23. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE ENTITLED "ZONING."

Synopsis: The proposed local law would amend standards for residential development in the New Cassel Urban Renewal Overlay District while still requiring compliance with the building and zoning standards applicable to the underlying zone in which the subject property is situated. Tentative hearing date is December 16, 2021.

24. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING FIFTH AVENUE IN PORT WASHINGTON, NEW YORK.

Synopsis: The adoption of this ordinance will establish a Full Stop eastbound on Fifth Avenue, at its intersection with Carlton Avenue, in Port Washington. Tentative hearing date is December 16, 2021.

25. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING BRYANT AVENUE AND NORTH FIRST STREET IN NEW HYDE PARK, NEW YORK.

Synopsis: The adoption of these ordinances will establish No Stopping Here to Corner restrictions on the north side of Bryant Avenue and the east and west sides of North First Street, at their intersection, in New Hyde Park. Tentative hearing date is December 16, 2021.

26. A RESOLUTION AUTHORIZING THE TOWN BOARD TO ACCEPT GIFTS TO THE TOWN PURSUANT TO TOWN LAW SECTION 64.
27. A RESOLUTION AUTHORIZING SUPPLEMENTAL BUDGET APPROPRIATIONS PURSUANT TO TOWN LAW SECTION 112.
28. A RESOLUTION AUTHORIZING THE RENEWAL OF THE TOWN'S TITLE VI POLICY AND SUBMITTAL OF SAID POLICY TO THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH GRANT FUNDING FOR PROJECT INDEPENDENCE.
29. A RESOLUTION AUTHORIZING THE PREPARATION AND SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION'S 2021 MUNICIPAL WASTE REDUCTION AND RECYCLING PROGRAM AND THE TAKING OF RELATED ACTION.
30. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH L.K. MCLEAN ASSOCIATES, P.C. FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO REPLACEMENT OF THE ROOFS AT THE ROSLYN PAPERMILL BUILDING AND GAZEBO IN GERRY PARK, ROSLYN, DPW PROJECT NO. 20-05.
31. A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH DE BRUIN ENGINEERING P.C. RELATED TO STREETScape IMPROVEMENTS ALONG MAIN STREET, PORT WASHINGTON, DPW PROJECT NO. 17-16.
32. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH UNITED RENTALS FOR THE RENTAL OF A COMPRESSOR AT HARBOR LINKS GOLF COURSE.
33. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE PORT WASHINGTON PUBLIC LIBRARY FOR A LITTLE FREE LIBRARY AT ALVAN PETRUS PARK.

34. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BLINK CHARGING COMPANY FOR ELECTRIC VEHICLE CHARGING STATIONS.
35. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE CHABAD OF PORT WASHINGTON FOR THE USE OF A PORTION OF A PORT WASHINGTON PUBLIC PARKING DISTRICT LOT FOR THE PLACEMENT OF A MENORAH.
36. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE CHABAD OF MANHASSET FOR A CHANUKAH CELEBRATION AT TOWN HALL.
37. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE UNITED STATES GEOLOGICAL SURVEY FOR GROUNDWATER WELL MONITORING THROUGHOUT THE PORT WASHINGTON PENINSULA.
38. A RESOLUTION AUTHORIZING THE EXECUTION OF A LOCAL DEVELOPMENT AND PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWN OF NORTH HEMPSTEAD AND THE TOWN OF NORTH HEMPSTEAD BUSINESS AND TOURISM DEVELOPMENT CORPORATION.
39. A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH FIREFLY ADMIN INC. FOR THE ADMINISTRATION OF THE PORT WASHINGTON FIRE DEPARTMENT LOSAP PROGRAM.
40. A RESOLUTION AUTHORIZING THE USE OF AN AGREEMENT BETWEEN THE COUNTY OF SUFFOLK AND PREMIER MECHANICAL SERVICES, INC. FOR AIR CONDITIONING REPAIRS, SERVICE AND NEW INSTALLATION.
41. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH ANKER'S ELECTRIC SERVICE, INC. FOR THE MAINTENANCE OF LIGHTING FOR ROADWAYS AND PARKS, DPW PROJECT NO. 16-14.
42. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH RISING TIDE WATERFRONT SOLUTIONS FOR ENGINEERING SERVICES RELATED TO THE CONSTRUCTION OF THE FIXED PIER AND FLOATING DOCK AT STEPPING STONES LIGHTHOUSE, DPW PROJECT NO. 17-02.
43. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH CORPORATE LOSS PREVENTION ASSOCIATES FOR SECURITY SERVICES (TNH062-2018).
44. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH ATLAS DIRECT MAILING FOR BULK MAIL PROCESSING (TNH095-2017).

45. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH FIRE COMMAND CO., INC. FOR FIRE EXTINGUISHERS, FIRE SUPPRESSION SYSTEMS AND SPRINKLER SYSTEMS SERVICES (TNH020-2018).
46. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH NORTH SHORE UNIVERSITY HOSPITAL FOR NURSING SERVICES (TNH055-2018).
47. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH ZE CREATIVE COMMUNICATIONS FOR PUBLIC RELATIONS SERVICES (TNH138-2019).
48. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH SUSTAINABLE STRATEGIES DC FOR FEDERAL AND STATE GRANT ADVOCACY SERVICES (TNH098-2018).
49. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH PKF O'CONNOR DAVIES FOR ANNUAL AUDIT SERVICES (TNH150-2018).
50. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH AKRF, INC. FOR ENVIRONMENTAL PLANNING SERVICES FOR THE NEW CASSEL COMMUNITY-WIDE BROWNFIELDS ASSESSMENT PROJECT.
51. A RESOLUTION AUTHORIZING PAYMENT TO MOVIES IN THE MOONLIGHT FOR THE RENTAL OF EQUIPMENT FOR A DRIVE-IN MOVIE.
52. A RESOLUTION AUTHORIZING THE PURCHASE FROM INSIGHT SOFTWARE OF SOFTWARE MAINTENANCE SERVICES FOR THE TOWN'S SPREADSHEET SERVER.
53. A RESOLUTION AMENDING THE TOWN OF NORTH HEMPSTEAD PARKS FEE SCHEDULE.
54. A RESOLUTION AMENDING THE TOWN OF NORTH HEMPSTEAD FEE SCHEDULE FOR PAYMENTS TO THE NORTH HEMPSTEAD TREE FUND.
55. A RESOLUTION AUTHORIZING APPOINTMENTS TO THE BOARD OF THE NORTH HEMPSTEAD HOUSING AUTHORITY.
56. A RESOLUTION AUTHORIZING THE APPOINTMENT OF MEMBERS TO THE TOWN WORKPLACE VIOLENCE PREVENTION HAZARD REDUCTION TEAM.
57. A RESOLUTION APPOINTING SILMARA MARCIANO AS AN EQUAL EMPLOYMENT OPPORTUNITY AND AMERICANS WITH DISABILITIES ACT OFFICER FOR THE TOWN OF NORTH HEMPSTEAD.
58. A RESOLUTION AMENDING RESOLUTION NO. 253-2018, ADOPTED MAY 8, 2018, AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN

AGREEMENT BETWEEN THE TOWN AND THE INCORPORATED VILLAGE OF PLANDOME MANOR FOR COOPERATIVE PURCHASING AND SERVICES.

59. A RESOLUTION AMENDING RESOLUTION NO. 535-2021, ADOPTED SEPTEMBER 30, 2021, AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH RESIDENTS FORWARD FOR THE PLACEMENT OF YARN ARMS AROUND TREES IN PORT WASHINGTON.
60. A RESOLUTION AMENDING RESOLUTION NO. 540-2021, ADOPTED SEPTEMBER 30, 2021, AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH TGI OFFICE AUTOMATION FOR THE REPLACEMENT AND ADDITION OF COPIERS THROUGHOUT THE TOWN.
61. A RESOLUTION AMENDING RESOLUTION NO. 593-2021, ADOPTED OCTOBER 21, 2021, AUTHORIZING THE AWARD OF A BID FOR MANORHAVEN PARK POOL REPAIRS, MANORHAVEN, NY, DPW PROJECT NO. 19-07.
62. A RESOLUTION ESTABLISHING A PANEL OF OUTSIDE LEGAL COUNSEL TO BE AVAILABLE TO THE OFFICE OF THE TOWN ATTORNEY.
63. A RESOLUTION RATIFYING THE PLACEMENT OF A VOLUNTEER FIREFIGHTERS' BENEFIT LAW LIABILITY POLICY.
64. A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE TOWN'S EMPLOYEE BENEFIT RESERVE FUNDS.
65. A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE TOWN'S RESERVE FUNDS.
66. A RESOLUTION AUTHORIZING THE SETTLEMENT OF A CLAIM MADE BY THE TOWN OF NORTH HEMPSTEAD AND AUTHORIZING THE COMPTROLLER OR DEPUTY COMPTROLLER TO ACCEPT PAYMENT THEREOF.
67. A RESOLUTION AUTHORIZING THE EMPLOYMENT, APPOINTMENT, TRANSFER, ADJUSTMENT, CORRECTION, CHANGE IN GRADE OR SALARY AND/OR TERMINATION OF EMPLOYEES AND/OR OFFICIALS IN VARIOUS DEPARTMENTS OF THE TOWN.
68. A RESOLUTION APPROVING THE ACTION OF THE ALERT ENGINE, HOOK, LADDER AND HOSE CO. NO. 1 INC., GREAT NECK, NEW YORK, IN REMOVING CHARLES JUDSON AND JOSE SEGOVIA FROM MEMEBERSHIP.
69. A RESOLUTION APPROVING THE ACTION OF THE ALBERTSON HOOK & LADDER, ENGINE & HOSE CO., NO. 1., INC., ALBERTSON, NEW YORK, IN ADDING TO MEMBERSHIP ABIGAIL WALTERS AND DYLAN CAMBRIA AND REMOVING MALEAHA ABBAS AND ANDREW LEE.
70. A RESOLUTION APPROVING THE ACTION OF THE PROTECTION ENGINE COMPANY 1, PORT WASHINGTON, NEW YORK IN ADDING TO MEMBERSHIP MARTA FONSECA TARTAR.

Councilperson Lurvey offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 624 - 2021

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING
CHAPTER 2 OF THE TOWN CODE ENTITLED "ADMINISTRATION AND
ENFORCEMENT."**

WHEREAS, the Town Board, as the legislative body of the Town of North Hempstead is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

WHEREAS, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend Chapter 2 of the Town Code entitled "Administration and Enforcement" in order to make amendments to the tree removal permit requirements in Town Code Section 2-9(T) relative to the preservation of trees on private property; and

WHEREAS, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Town Board for seven calendar days, exclusive of Sunday; and

WHEREAS, due notice was heretofore given of a public hearing to be held on November 18, 2021 via Zoom, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town's website and during regular business hours in the Office of the Town Clerk; and

WHEREAS, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on November 18, 2021 via Zoom, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, in accordance with the State Environmental Quality Review Act and the Act's implementing regulations (the "SEQRA Regulations") the Department of Planning and Environmental Protection has recommended that the adoption of the Local Law be determined to be a Type II Action pursuant to Section 617.5(c)(33) of the SEQRA Regulations and, as such, no further environmental review is required; and

WHEREAS, this Board deems it in the public interest to adopt the proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the "Secretary of State").

NOW, THEREFORE, BE IT

RESOLVED that the Town Board determines that the adoption of the Local Law is a Type II Action pursuant to Section 617.5(c)(33) of the SEQRA Regulations and, as such, no further environmental review is required; and be it further

RESOLVED that Local Law No. 21 of 2021 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 21 OF 2021**

**A LOCAL LAW AMENDING CHAPTER 2 OF THE TOWN CODE
ENTITLED “ADMINISTRATION AND ENFORCEMENT”**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the Town of North Hempstead to amend Chapter 2 of the Town Code entitled “Administration and Enforcement” to make amendments to the tree removal permit requirements in Town Code Section 2-9(T) relative to the preservation of trees on private property.

Section 2.

Chapter 2 of the Town Code is hereby amended as follows:

§ 2-9 Permit required; application.

T. Tree removal permits.

(1) No person, firm or corporation shall remove, **destroy or substantially alter the habitat of any tree to cause the death of** any tree or trees on private property, **or cause the same to be done,** without first obtaining a tree removal permit.

[Amended 6-19-2012 by L.L. No. 10-2012]

(a) If the removal of a tree(s) on private property is in connection with another activity for which a permit is required under § 2-9A of this Code, a tree removal application as described in this subsection is required. In this section a “tree” is defined as any ~~[living]~~ woody plant, **dead or alive,** which is six inches or more in diameter at a height of 4 ½ feet above the base of the trunk, including its root system and the environment within the area defined by the outermost limits of its branches.

(b) If the removal of a tree(s) on private property is not in connection with any other activity for which a permit is required under § 2-9A of this Code **and is located in the front yard of a parcel,** ~~[an applicant]~~ **the tree removal** is subject to the ~~[definitions and tree removal]~~ application **and replacement** requirements ~~[as described]~~ **set forth** in Chapter 20A.

(c) **Where terms are not defined in this section, then the words shall have the meaning as set forth in §20A-3.**

(2) If any such tree removal occurs within the six months prior to the filing of an application for a permit required by § 2-9A, the removal of a tree or trees is deemed to have taken place in connection with the permit required by § 2-9A. This subsection shall not apply to any tree removal that occurred within the six-month period prior to the effective date of this subsection.

(3) In addition to the information required by §2-9B of this Code, an application for a tree removal permit shall also include the following information:

- (a) The name and address of the applicant and status of legal entity.
- (b) The status of the applicant with respect to the land.
- (c) Written consent of the owner or owners of the land, if the applicant is not the owner or sole owner.
- (d) The location of the property, including the section, lot and block number and street address.
- (e) The reason tree removal is sought.
- (f) The condition of each tree with respect to disease and danger of falling.
- (g) A description of the size and type of each tree to be removed, including common name and/or botanical name.

(h) Photos of each tree to be removed.

(i) A diagram showing the proposed location of the required replanting. A copy of the Tree Standards and Specifications will be made available to the applicant.

~~(h)~~**(i)** Such other information as may be reasonably be required by the Building Commissioner to establish compliance with this section, including, but not limited to the following:

- [1] A signed statement from a New York State certified arborist indicating the health of the tree.
- [2] An erosion control plan.
- [3] ~~[Photos of each tree to be removed.]~~ **Reserved**
- [4] A survey noting the location of any structures or utilities endangered by the tree.
- [5] Alternative mitigation if the tree acts as a visual and/or noise barrier to a road or highway.
- [6] Proposed methods to ensure the protection of remaining trees. ~~[A copy of the Tree Standards and Specifications will be provided to the applicant.]~~
- [7] Flagging of each tree to be removed.

(4) In making the determination to grant or deny the application, the ~~[b]~~**B**uilding ~~[e]~~**C**ommissioner shall be guided by the following criteria:

- (a) The ability of the applicant to rearrange the layout of proposed structures to minimize the removal of trees.
- (b) The necessity of removal or alteration of the tree in question.
- (c) The condition of the tree with respect to disease and danger of falling. In the event that the diseased condition of the tree is not evident, the Building Commissioner maintains the right to require the applicant to submit proof from a New York State certified arborist.
- (d) The proximity of the tree to proposed or existing structures.

(e) Whether the tree endangers the usefulness of a public sewer or public utility.

(f) The significance of the tree in regard to:

[1] The size of the tree.

[2] The rarity of the species.

[3] The historical value of the tree.

[4] Whether the tree is included on the inventory of landmark trees and other significant trees in the Town.

(g) The effect of removal on:

[1] The character of the site with respect to vegetation management practices.

[2] Ecological systems

[3] The existing screening of any road or highway bordering the property in question.

[4] Erosion control from the parcel on which the tree is to be removed and its impact on adjacent parcels.

(h) Whether a denial of the permit will result in unnecessary hardship or severe financial loss to the applicant.

(5) Tree replacement guidelines. Each tree removed of a diameter of six inches or greater **shall be** subject to the tree replacement guidelines enumerated in this subsection. **Failure to comply with the tree replanting requirements set forth in this section shall constitute a separate and distinct offense hereunder.**

(a) ~~[Fifty percent of the total tree diameter removed must be replaced.]~~ **Replacement tree(s) must be a minimum diameter of 3 inches, measured at 4 1/2 feet in height above grade or above the root collar. Except as provided for in § 2-9(T)(5)(d):**

[1] Each tree removed having a diameter measuring between six inches to twenty-four inches shall require one replacement tree to be planted.

[2] Each tree removed having a diameter measuring greater than twenty-four inches to thirty inches shall require two replacement trees to be planted.

[3] Each tree removed having a diameter greater than thirty inches shall require three replacement trees to be planted.

(b) The tree(s) to be planted in replacement shall be located on the same parcel from which the tree(s) is proposed to be removed. **To the extent practicable, a tree removed in the front yard shall be replaced with a tree planted in the front yard.**

(c) ~~[The proposed location of the new tree(s) shall be approved by the Building Commissioner.]~~

~~[(d)]~~ The tree(s) to be planted in replacement shall be from a similar size class or from a larger size class as the tree(s) removed, **unless a smaller size class is determined to be more appropriate, as determined by the Building Commissioner.** Size classes are enumerated in the Tree Standards and Specifications to be promulgated by the **Town Board, subject to the advice of the [Building Commissioner] Tree Advisory Committee established pursuant to Chapter 20A.**

~~[(e)]~~ If the Building Commissioner determines that the site does not allow for the planting of the required number of trees, the Building Commissioner shall require the applicant to plant the maximum number of trees possible, with any remaining **requirement satisfied by the**

~~[trees to be replaced with shrubbery, provided the plant selection has met his prior approval, as a condition of a tree removal permit. If the site does not permit the planting of shrubs, the Building Commissioner shall require the applicant to] pay ment of an additional fee to the [Commissioner of] Building[s] **Department for each tree unable to be planted** in ~~[an]~~ **the** amount ~~[determined by the applicant and confirmed by the Commissioner to be equal to the estimated cost of the required number of trees and/or shrubs]~~ **set forth in § 20A-13. The fee shall be allocated to the Town's Tree Preservation Fund.**~~

~~[(f)]~~**e** All required tree plantings shall occur between April 1 and December 1 and 90 days after the tree removal.

~~(f)[1]~~ If plantings cannot occur within 90 days of the removal due to the above planting time restrictions, the Commissioner of Buildings ~~[may]~~ **shall** require the applicant to deposit a performance bond or a cash deposit in the form of a certified check with the Commissioner of Buildings in an amount which shall be determined by ~~[the applicant and confirmed by]~~ the Commissioner to be equal to the estimated cost of planting the required number of trees ~~[and/or shrubs]~~ and, if applicable, stabilizing the site. The term of said deposit or performance bond shall not exceed a period of six months, and the deposit or bond shall not be released until the plantings have been satisfactorily completed in accordance with the approved tree removal permit.

~~[(a)]~~ **11** In the event of a default, such bond or cash deposit shall be forfeited to the ~~[Town Parks Department for additional plantings in Town parks,]~~ **Building Department and the funds shall be applied to the Tree Preservation Fund.** ~~[and the applicant shall]~~ **If a permittee is** ~~[be]~~ found to be in violation of the conditions of the tree removal permit~~[-]~~, ~~[T]~~the Commissioner of Buildings shall determine the remedy of the violation; however, in no circumstances shall such forfeiture of the bond serve as a remedy of the violation.

~~[(b)]~~ **12** Upon satisfactory completion of the contemplated work in accordance with the application and this chapter, such bond or cash deposit shall be released by the Commissioner of Buildings. Satisfactory completion of the work shall be evidenced by the Commissioner of Buildings.

(6) A two year tree establishment bond will be required where trees have been removed on a parcel in conjunction with or to facilitate the construction of a new commercial building or residential dwelling in which tree replanting is required.

(a) The applicant shall deposit a two year tree establishment bond or a cash deposit in the form of a certified check with the Commissioner of Buildings after the Commissioner of Buildings approves the trees at the final inspection and prior to issuance of the certificate of occupancy. The bond or escrow amount shall be 100 percent of the total landscaping costs, but in no case shall be less than \$1,000 per required replacement tree. If a bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the State of New York and acceptable to the Town.

(b) Two years after the date of the bond or escrow account being provided, the Commissioner of Buildings shall inspect the site and make a determination of whether the required trees are viable, and if so, the Town may release the bond or escrow account upon approval by the Commissioner of Buildings. In the event of a default, such bond or cash deposit shall be forfeited to the Building Department and the funds shall be applied to the Tree Preservation Fund.

~~[(6)]~~**7** In the event the Building Commissioner denies a request for a tree removal permit, the applicant may appeal his decision to the Board of Zoning and Appeals pursuant to § 70-225M.

([7]8) No permit shall be issued for tree removal unless:

(a) The application is accompanied by plans for the development of the land from which such tree is to be removed and of any other land on the same tax lot or lots; or

(b) The application demonstrates a serious threat to public health and safety, which cannot be effectively eliminated by trimming the tree and can be solved by removal of such tree. If the stated serious threat to public health and safety concerns the health of the tree, the Building Commissioner may request a signed statement from a New York State certified arborist indicating the health of the tree.

(9) Display of permit. Any permit issued under Section 2-9(T) of this chapter shall be conspicuously displayed on the frontage of the premises for which it was issued so as to be easily visible from the nearest public street. The permit shall be posted at all times during the performance of the work and shall not be removed until such time as the authorized tree work has ended and the Building Department has issued a certificate of tree planting to close out the permit. A property owner or permit holder who fails to post a permit shall be deemed in violation of this chapter.

(10) Prior to land preparation or construction activity that could damage any tree on a property a protective barrier shall be placed around the tree. Such protective barrier shall remain in place until all construction activity is terminated. If the construction or development of a property results in damage to a tree on the property requiring its removal, such tree shall be subject to the provisions of this section. Minor tree damage shall be repaired in accordance with accepted tree surgery practice.

(11) The Building Commissioner shall issue a certificate of ~~completion~~ tree planting if it is found that the proposed tree removal and tree replacement has been completed substantially in accordance with the permit and the laws applicable thereto. A photo of each replacement tree that is planted shall be maintained in the certificate of tree planting file.

(12) No certificate of occupancy shall be issued by the Building Commissioner until all tree planting and associated restoration work shall be completed to the satisfaction of the Building Commissioner except that, where a certificate of occupancy is applied for between December 1 and April 1, the permit holder shall submit an agreement, in writing, on a form approved by the Town Attorney, to the Town signed by the permit holder to ensure compliance with all planting and restoration work to the satisfaction of the Building Commissioner on or before the first day of May next following the making of the agreement.

(13) Severability. If any clause, sentence, paragraph, section, word or part of this chapter is adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its operation to the clause, sentence, paragraph, section or part of this chapter directly involved in the controversy in which such judgment is rendered.

Section 3.

Chapter 2 of the Town Code is hereby amended as follows:

§ 2-75 Penalties for offenses.

[Amended 8-18-1987 by L.L. No. 12-1987]

A. Except as otherwise expressly provided, any person or persons, associations or corporation who shall violate any of the provisions of this chapter or fail to comply therewith or with any of the requirements thereof or who shall erect, construct, alter or repair or who has erected, constructed, altered or repaired a building or structure in violation of any statement or plan submitted and approved thereunder or of a permit or certificate issued thereunder shall be guilty of a violation punishable **as follows:** by a fine of not less than \$500 nor more than \$5,000 or imprisonment for not more than 15 days, or both such fine and imprisonment, **for a conviction of a first offense; by a fine of not less than \$5,000 nor more than \$10,000 or imprisonment for not more than 15 days, or both such fine and imprisonment, for a conviction of a second or subsequent offense.** The owner and/or tenant of a building, structure or premises or part thereof where anything in violation of this chapter shall be placed or shall exist and any architect, engineer, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation shall each be guilty of a separate offense and, upon conviction thereof, shall be dealt with as herein provided. The following minimum penalties **set forth below,** with the maximum penalty as set forth above, shall apply to **each** ~~[removal of a]~~ tree ~~[or trees]~~ **unlawfully removed** without having first obtained a tree removal permit and/or to the failure to replace trees as required.[:] **To the extent feasible, for enforcement purposes, the diameter of each tree unlawfully removed shall be measured at a height of 4 ½ feet above the base of the trunk, otherwise the measurement shall be taken at the stump. Where the diameter of a removed tree cannot be ascertained, the fine for each tree unlawfully removed shall be the same as the fine for a tree measuring 25 or greater inches in diameter.**

[Amended 8-21-1990 by L.L. No. 8-1990; 4-2-2002 by L.L. No. 4-2002; 10-18-2005 by L.L. No. 10-2005]

Tree Diameter	Minimum Fine <u>(first offense)</u>	<u>Minimum Fine</u> <u>(second or</u> <u>subsequent offense)</u>
(inches)	(per tree)	<u>(per tree)</u>
6 to 10	\$500	<u>\$5,500</u>
11 to 15	\$1,000	<u>\$6,000</u>
16 to 18	\$1,500	<u>\$6,500</u>
19 to 24	\$2,500	<u>\$7,500</u>
25 or greater	\$5,000	<u>\$10,000</u>

B. The imposition of the penalties herein prescribed shall not preclude the Town Counsel from instituting any appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to restrain, correct or abate a violation or to prevent an illegal act, conduct, business or use in or about any premises.

C. No oversight or dereliction of duty on the part of the ~~[Chief of]~~ Building Commissioner shall legalize the erecting, construction, alteration, removal, use or occupancy of a building or structure that does not conform to the provisions of the Building Code. [Amended 4-2-2002 by L.L. No. 4-2002]

Section 4.

This Local Law shall take effect immediately upon filing with the Secretary of State.

; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed, in the manner required by law, to file a copy of the Local Law with the Secretary of State, and to publish a notice of adoption of the Local Law, which notice shall be in substantially the following form:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on November 18, 2021 via Zoom, Local Law No. __ of 2021 was adopted. The Local Law amends Chapter 2 of the Town Code entitled “Administration and Enforcement” in order to make amendments to the tree removal permit requirements in Town Code Section 2-9(T) relative to the preservation of trees on private property.

Dated: Manhasset, New York

November 18, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: Councilperson Ferrara

cc: Town Attorney Town Clerk Planning Building

Councilperson Lurvey offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 625 - 2021

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 20A OF THE TOWN CODE ENTITLED "ENVIRONMENTAL PLANNING AND CONTROL OF TREES."

WHEREAS, the Town Board, as the legislative body of the Town of North Hempstead is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

WHEREAS, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend Chapter 20A of the Town Code entitled "Environmental Planning and Control of Trees" in order to make amendments to the Town's tree code relative to the preservation of trees on public and private property; and

WHEREAS, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Town Board for seven calendar days, exclusive of Sunday; and

WHEREAS, due notice was heretofore given of a public hearing to be held on November 18, 2021, via Zoom, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town's website and during regular business hours in the Office of the Town Clerk; and

WHEREAS, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on November 18, 2021 via Zoom, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, in accordance with the State Environmental Quality Review Act and the Act's implementing regulations (the "SEQRA Regulations") the Department of Planning and Environmental Protection has recommended that the adoption of the Local Law be determined to be a Type II Action pursuant to Section 617.5(c)(33) of the SEQRA Regulations and, as such, no further environmental review is required; and

WHEREAS, this Board deems it in the public interest to adopt the proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the "Secretary of State").

NOW, THEREFORE, BE IT

RESOLVED that the Town Board determines that the adoption of the Local Law is a Type II Action pursuant to Section 617.5(c)(33) of the SEQRA Regulations and, as such, no further environmental review is required; and be it further

RESOLVED that Local Law No. 22 of 2021 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 22 OF 2021**

**A LOCAL LAW AMENDING CHAPTER 20A OF THE TOWN CODE
ENTITLED “ENVIRONMENTAL PLANNING AND CONTROL OF TREES”**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the Town of North Hempstead to amend Chapter 20A of the Town Code entitled “Environmental Planning and Control of Trees” to make amendments to the Town’s tree code relative to the preservation of trees on public and private property; and to establish a Tree Preservation Fund and a Tree Advisory Committee to advise on the preservation of trees throughout the Town.

Section 2.

Chapter 20A of the Town Code is hereby amended as follows:

Chapter 20A Environmental Planning, Conservation and ~~[Control]~~ Care of Trees

§ 20A-1 Legislative policy.

It is hereby declared to be the legislative policy and intent of the Town Board of the Town of North Hempstead that the protection and ~~[maintenance]~~ nurturing of the ~~[physical]~~ natural environment, ~~[including land, water, air]~~ particularly trees ~~[and other physical features[,] within this Town are]~~ is of ~~[greatest concern to this legislative body and]~~ critical importance to the current and future residents of this municipality. ~~[It is further declared to be the intent of the Town Board that this concern can best be served by regulation and control emanating from this Town Board as set forth in this chapter.]~~

20-2A-2 Findings and intent.

[Amended 4-2-2002 by L.L. No. 5-2002]

A. The Town Board hereby finds and declares [Since it has been long recognized] that the preservation of existing trees within the Town is necessary to protect the health, safety and general welfare of the Town of North Hempstead because trees provide shade, screening and a natural habitat for the wildlife of our area, absorb air pollution and reduce levels of carbon dioxide, provide us with oxygen, help moderate climatic extremes and conserve energy, aid water absorption and retention, deter soil erosion and flooding, ~~[and]~~ offer a natural barrier to noise,

reduce visual pollution and add to the aesthetic quality of the community. Trees enhance property values and contribute to the significance of historic buildings, structures and places in the Town, and promote and safeguard the ecological, economic and aesthetic environment.

B. The Town Board further finds ~~[and]~~ that the ~~[wanton and indiscriminate destruction]~~ **reduction** of trees could ~~[decimate]~~ **impact** the scenic natural beauty of the area, disrupt the ecological balance in nature; cause erosion of topsoil; create flood hazards and erosion; reduce property values ~~[-resulting in the encouragement of substandard development]~~; and increase the cost of construction and maintenance of drainage systems through the increased flow and diversion of surface waters.~~.[5]~~

C. [t]The Town Board of the Town of North Hempstead hereby declares it in the public interest, convenience and necessity to enact regulations which will **preserve existing trees,** ~~[control]~~ **regulate** the removal **and substantial alteration** of ~~[or changes or damages to]~~ trees, **and require the planting of new trees** within the jurisdiction of the Town **so as to promote and achieve a net increase in the Town's tree canopy** to eliminate the aforesaid injurious effects of such tree removal **and substantial alteration** ~~[-changes or damages].~~

§ 20A-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT

Any property owner or his duly authorized agent, or any person claiming a legal interest in real property who makes an application under this chapter.

ARBORIST

A specialist in the planting and maintenance of trees ~~[certified by New York State]~~ **having achieved and holding a certification from the International Society of Arboriculture as an ISA Certified Arborist.**

[Added 4-2-2002 by L.L. No. 5-2002]

BORDER

The boundary line of the public right-of-way and the adjacent property owner.

DIAMETER

The measurement equaling the circular distance around a tree at a height of 4 1/2 feet above the base of the trunk divided by 3.14. The diameter of a multistem tree shall be the sum of the diameters of the trunks of each stem.

[Added 4-2-2002 by L.L. No. 5-2002]

FRONT YARD

An open and unoccupied space across the full width of a lot extending from the front line of the lot to the front line of the building or, if no building is present, the back line of the required front yard setback whichever is greater in distance and measured between the side property lines.

[Added 4-2-2002 by L.L. No. 5-2002]

HABIT

The natural growing characteristics of any tree, which includes branch spread and distribution, branch height above ground and root spread and distribution.

MINI-GROVE

A planting of six or more native trees in close proximity to each other on Town owned property or at such other locations as may be approved by the Town Board.

PERSON

Any individual, firm, partnership, association, corporation, company or organization of any kind, or agent thereof, but not including the Town, or any other governmental body or municipality or their agents, servants or employees, or a public utility.

PROPERTY OWNER

Any person or persons owning real property as shown by the Nassau County Clerk's records.

PUBLIC RIGHT-OF-WAY

Each street or highway, as the same is defined by the Highway Law of the State of New York, as from time to time amended, which is owned, controlled or otherwise subject to the jurisdiction of the Town.

SAPLING

Any ~~[living]~~ woody plant, **dead or alive**, which is three inches or more in diameter at a height of three feet above the base of the trunk, including its root system and the environment within the area defined by the outermost limits of its branches.

[Added 4-2-2002 by L.L. No. 5-2002]

SUBSTANTIAL ALTERATION

Any cutting, pruning, elevating or other alteration of the habit of a tree which impairs or endangers the life of such tree or destroys its natural symmetry and shall include, but is not limited to, heavy or unnecessary cutting of top branches (topping), cutting of major lower limbs (severe elevating) or drastic pruning or cutting of roots of trees without compensatory cutting of the crown of the tree, but shall not include New York State forestry standards, guidelines or ornamental procedures. **In any event, the removal of more than 25% of a tree's crown or limbs, or any cutting or trimming that would be deemed substantial by industry standards (ANSI), shall be a substantial alteration.**

TOWN

The Town of North Hempstead, County of Nassau, State of New York.

TOWN OFFICIAL

The official assigned to carry out the administration and enforcement as set forth in § 20A-4 of this chapter.

TREE

Any ~~[living]~~ woody plant, **dead or alive**, which is six inches or more in diameter at a height of 4 1/2 feet above the base of the trunk, including its root system and the environment within the area defined by the outermost limits of its branches.

[Amended 4-2-2002 by L.L. No. 5-2002]

TREE LAWNS

The portion of a public right-of-way not covered by pavement which lies between the border and the portion of the public right-of-way used for vehicular traffic.

TREE MASTER PLAN

A plan for maintaining, managing, enhancing, and growing the Town's tree resource and increasing the percentage of tree canopy cover over time. The Tree Master Plan shall include the following:

A. A vision statement, goals, objectives, strategies, annual work plan, annual budget, etc.

(i) The objectives shall include long-range planning to promote sustainability and regeneration, species diversity, growth and health of the tree inventory and tree canopy cover and an increase in native tree canopy cover.

(ii) The annual work plan shall apply community-wide and address the planting, maintenance and removal of trees, including recommendations regarding the following:

(a) The planting of native trees with a goal towards diversity of species that provide environmental benefits;

(b) A five-year plan to increase and restore the native tree canopy;

(c) Invasive species management protocols and limitations;

(d) Best practices related to public trees, including pruning, promoting good soil health and methods to protect tree roots and trunks;

(e) Collaboration with public utilities related to the trimming of public trees;

(f) Collaboration with not-for-profit organizations and private entities with respect to tree matters in the Town, including on private property; and

(g) The locations and plans for Mini-Groves throughout the Town;

§ 20A-4 **Authorization and** Enforcement.

A. Public right-of-way and Town-owned public places. The Town Board shall adopt a policy governing the planting and removal of trees and saplings in a public right-of-way and Town-owned public places. The policy shall be adopted and may be amended only after a public hearing is held by the Town Board. The policy shall include reasonable public notice of the removal of a tree(s) or sapling; shall be designed to minimize the need for the removal of trees or saplings other than for public safety or other public benefit; and shall include replanting obligations. The Town Board shall consider any recommendations made by the Tree Advisory Committee concerning the policy.

[A]B. Public rights-of-way. The Superintendent of Highways shall have the authority to promulgate rules and regulations governing the planting, maintenance, removal, fertilization, pruning and bracing of trees and saplings in public rights-of-way in accordance with the Town's tree policy and shall direct, regulate and [control] manage the planting, maintenance and removal of all trees and saplings growing now or hereafter in any public right-of-way.

~~[B]~~C. Town-owned public places. The Commissioner of Parks and Recreation shall have authority over the regulation of the planting, maintenance and removal of trees **and saplings** in Town-owned public places **in accordance with the Town's tree policy** so as to ensure safety and preserve the aesthetics of such public site. ~~[He]~~ **The Commissioner** shall have the authority and duty to supervise or inspect all work done.

~~[C. Public right-of-way and Town-owned public places. The Town Board shall adopt a policy governing the removal of trees from a public right-of-way and Town-owned public places. The policy shall be adopted and may be amended only after a public hearing is held by the Town Board. The policy shall include reasonable public notice of the removal of a tree(s) and shall be designed to minimize the need for the removal of trees other than for public safety or other public benefit. [Added 3-21-2006 by L.L. No. 4-2006]]~~

D. Private property. The Commissioner of Buildings shall have the authority over the regulation of the removal and replacement of trees in the front yards of private properties so as to ensure safety and preserve the aesthetics and character of a neighborhood. ~~[He]~~ **The Commissioner** shall have the authority and duty to supervise or inspect all work performed. [Added 4-2-2002 by L.L. No. 5-2002]

§ 20A-5 (Reserved)

§ 20A-5.1 Permit required; application; notice of completion for tree or sapling removal in tree lawn and public right-of-way.

[Amended 8-21-1990 by L.L. No. 9-1990; 4-2-2002 by L.L. No. 5-2002]

A. Tree lawn. No person shall remove, destroy or substantially alter the habit of any tree or sapling within any tree lawn, **or cause the same to be done**, nor plant, spray, fertilize, prune, remove, cut above ground or otherwise substantially alter the habit of any tree on any tree lawn unless:

(1) A permit is first obtained from the Superintendent of Highways in accordance with **the** requirements of this section;

(2) The work is undertaken in accordance with an approved landscape plan as part of an approved site plan or building permit application, provided that such a landscape plan is required as part of the site plan or building permit procedure; or

(3) The substantial alteration of habit is in accordance with the New York State forestry standards, guidelines or ornamental procedures.

B. Public right-of-way. Any person who applies for the removal of a tree or sapling in a public right-of-way shall post upon such tree **or sapling** a notice of the intent to remove the same. The notice shall be in the form of a sign provided by the Superintendent of Highways, and no permit ~~[may]~~ **shall** be issued until at least ~~[five]~~ **seven** ~~[working]~~ **calendar** days have elapsed from the time of posting as evidenced by the receipt of an affidavit of posting by the Superintendent of Highways.

C. The application for a permit shall be made on such form or forms as may be prescribed by the Superintendent of Highways and shall include:

(1) Name and address of the applicant; **status of legal entity; status of the applicant with respect to the land.**

(2) Purpose of proposed activity for which a permit is required.

- (3) Site of proposed activity, including the section, block and lot number of the property affected or adjacent to the tree.
- (4) An attached sketch or plan of the area showing all existing, heavily wooded areas on the site and showing the tree or sapling type and size range.
- (5) The nature of the proposed activity.

(6) The reason tree removal is sought.

(7) The condition of each tree with respect to disease and danger of falling.

(8) A description of the size and type of each tree to be removed, including common name and/or botanical name.

(9) Photos of each tree to be removed.

(10) Written consent of the owner or owners of the property adjacent to the tree, if the applicant is not the owner or sole owner of such property.

D. In making the determination to grant or deny the application, the Highway Superintendent shall be guided by the following criteria, as well as the Town of North Hempstead Tree Policy:

(1) The necessity of removal.

(2) The preservation and enhancement of the aesthetics of neighborhoods.

(3) The ecologic and aesthetic value of trees.

(4) The ability to replace trees that are removed.

(5) The significance of the tree for the neighborhood due to:

(a) The size of the tree;

(b) The rarity of the species;

(c) The historical value of the tree;

(d) Whether the tree is included on the inventory of landmark trees and other significant trees in the Town.

(6) The effect of removal on:

(a) The character of the site with respect to vegetation management practices.

(b) Ecological systems.

(c) Erosion control at the location in which the tree is to be removed and its impact on the surrounding area.

(d) The character of the neighborhood.

(7) The condition of the tree with respect to disease and danger of falling. In the event that the condition of the tree is not evident, the Highway Superintendent maintains the right to require the applicant to submit proof from a certified arborist.

(8) Whether the tree endangers the usefulness of a public sewer or utility.

(9) Whether denial of the permit or the replacement requirement will result in unnecessary hardship or severe financial loss to the applicant.

~~[D]~~**E.** Any permit granted shall contain a definite description of work allowed by the permit and ~~[shall contain]~~ a definite date of expiration. Any permit shall be void if its terms are violated or if the work is not completed on or before the expiration date, except that, for good cause shown, the Superintendent of Highways may extend the expiration date in cases where the work is substantially completed.

~~[E]~~**F.** Written notice of completion of the work allowed by the permit shall be given to the Superintendent of Highways within five ~~[working]~~ **business** days after completion.

[F]G. This section shall not apply in emergencies wherein the Town official determines that public health, safety or welfare **is immediately endangered** ~~[will be affected]~~.

[G]H. This section shall not apply to the removal of trees located on private property. The removal of such trees is governed by §§ 2-9T, 2-14E, 2-28C(13), 2-75, 70-220, 70-221, 70-222, 70-225M and § 20A-5.2.

§ 20A-5.2 Permit required; application; notice of completion for tree removal on private property.
[Added 4-2-2002 by L.L. No. 5-2002]

A. No person shall remove, destroy or substantially alter the habitat of any tree to cause the death of any tree which is ~~[10]~~ **six** inches or greater in diameter and located within a front yard, **or cause the same to be done,** unless a tree removal permit is first obtained from the Commissioner of Buildings and the action is not in connection with any other activity for which a permit is required under § 2-9A.

B. The application for a permit shall be made on such forms as may be prescribed by the Commissioner of Buildings and shall include:

- (1) Name and address of the applicant and status of legal entity.
- (2) The status of the applicant with respect to the land.
- (3) Written consent of the owner or owners of the land, if the applicant is not the owner or sole owner.
- (4) Description and purpose for the proposed activity for which a permit is required.
- (5) Location of proposed activity, including section, block and lot number and street address of the property(s) affected by or adjacent to the tree.
- (6) A plot plan of the front yard of the lot drawn to scale to include all existing buildings and trees within and adjacent to said area delineating all trees to be removed, preserved, or planted. The plot plan shall identify each tree proposed for removal or planting with diameter and type, including common name and/or botanical name.
- (7) Condition of the tree with respect to disease and danger of falling.
- (8) A diagram showing the proposed location of the required replanting. A copy of the Tree Standards and Specification will be made available to the applicant.**
- (9) Photos of each tree to be removed.**
- (10) A description of the size and type of each tree to be removed, including common name and/or botanical name.**

[8]**11** Such other information as may reasonably be required by the Building Commissioner to establish compliance with this section, including, but not limited to, the following:

- (a) A signed statement from a ~~[New York State]~~ certified arborist indicating the health of the tree.
- (b) An erosion control plan.
- (c) ~~[Photos of each tree to be removed.]~~ **Reserved.**
- (d) A survey noting the location of any existing structures and utilities endangered by the tree.
- (e) Alternative mitigation if the tree acts as a visual and/or noise barrier to a road or highway.
- (f) Proposed methods to ensure the protection of remaining trees. A copy of the Tree Standards and Specifications to be promulgated by the **Town Board, subject to the advice of the** ~~[Building Commissioner]~~ **Tree Advisory Committee,** will be ~~[provided]~~ **made available** to the applicant.
- (g) Flagging of each tree to be removed.

C. In making the determination to grant or deny the application, the Building Commissioner shall be guided by the following criteria:

- (1) The necessity of removal.
- (2) The preservation and enhancement of the aesthetics of neighborhoods.
- (3) The ecologic and aesthetic value of trees.
- (4) The ability to replace trees that are removed.
- (5) The significance of the tree for the neighborhood due to:
 - (a) The size of the tree;
 - (b) The rarity of the species; ~~and~~
 - (c) The historical value of the tree~~[-];~~

(d) Whether the tree is included on the inventory of landmark trees and other significant trees in the Town.

- (6) The effect of removal on:
 - (a) The character of the site with respect to vegetation management practices.
 - (b) Ecological systems.
 - (c) The screening of any road or highway bordering the property in question.
 - (d) Erosion control from the parcel on which the tree is to be removed and its impact on adjacent parcels.
 - (e) The character of the neighborhood.
- (7) The condition of the tree with respect to disease and danger of falling. In the event that the condition of the tree is not evident, the Commissioner of Buildings maintains the right to require the applicant to submit proof from a ~~[New York State]~~ certified arborist.

- (8) The proximity of the tree to existing structures.
- (9) Whether the tree endangers the usefulness of a public sewer or utility.
- (10) Whether denial of the permit or the replacement requirement will result in unnecessary hardship or severe financial loss to the applicant.

D. Any permit granted shall contain a description of work allowed by the permit and ~~[shall contain]~~ a date of expiration. Any permit shall be void if its terms are violated or if the work is not completed on or before the expiration date, except that, for good cause shown, the Commissioner of Buildings may extend the expiration date in cases where the work is substantially completed.

E. The Building Commissioner shall be given at least 24 hours' notice of the starting of work under a tree removal permit.

~~[E]~~**E.** Written notice of completion of the work allowed by the permit shall be given to the Building Commissioner within five working days after completion.

G. Display of permit. Any permit issued under this chapter shall be conspicuously displayed on the frontage of the premises for which it was issued so as to be easily visible from the nearest public street. The permit shall be posted at all times during the performance of the work and shall not be removed until such time as the authorized tree work has ended and the Building Department has issued a certificate of tree planting to close out the permit. A property owner or permit holder who fails to post a permit shall be deemed in violation of this chapter.

H. The Building Commissioner shall issue a certificate of tree planting if it is found that the proposed tree removal and tree replacement, and any payment required into the Tree Preservation Fund, has been completed substantially in accordance with the permit and the laws applicable thereto. A photo of each replacement tree that is planted shall be maintained in the certificate of tree planting file.

§ 20A-6 Removal of trees constituting a nuisance.

A. Public rights-of-way and Town-owned public places. If, in the opinion of the Town official, any tree on a public right-of-way or Town-owned public place constitutes a hazard to adjoining public rights-of-way or to persons using the adjoining public rights-of-way **and if such hazard cannot be effectively eliminated by trimming the tree or taking other precautionary steps available to the Town that will allow the tree to remain,** or if its roots are causing excessive damage to the curb, gutters or sidewalks **and such damage cannot be remedied without the removal of the tree,** or if **the tree or its roots** unduly interferes with any **public** sewer ~~[system]~~ **or house connection sewer** or public utility, the Town official may remove the tree or consent to its removal **in accordance with this chapter and the Town of North Hempstead Tree Policy. A permit shall be required for a tree removal under this section.**

B. Private property.

(1) If, in the opinion of the Superintendent of Highways, any tree on private property constitutes a danger to a public right-of-way, to the public or to public property or in any way endangers the usefulness of a public sewer or public utility, **the Superintendent** shall issue a notice to the property owner to remove such tree or substantially alter its habit within 10 days. Upon failure by the property owner to do the same, the Superintendent of Highways shall schedule a hearing, giving not

less than 10 days' notice, to allow the property owner an opportunity to show the work to be unnecessary.

(2) If, after the hearing, the Superintendent of Highways determines that removal or alteration of the habit of the tree is necessary, the property owner shall cause such work to be done within 10 days after receiving written notice of the results of the hearing. Upon the failure by the property owner to have such work performed, the Superintendent of Highways may cause such work to be done by the Town, and the total expense thereof shall be borne by the property owner. The expense so incurred shall be assessed by the Town Board on the real property on which the tree is located and shall constitute a lien on the real property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other charges.

(3) If the property owner is a nonresident, a notice to remove or alter the habit of a tree on his property mailed to his last known address shall be sufficient service thereof.

(4) Emergency tree removal on private property. In the event that any accident or natural disaster shall cause a tree(s) to be in danger of falling or otherwise be in such condition as to seriously endanger persons or property, the owner of such tree(s) shall immediately contact the Commissioner of Buildings describing the location of the tree(s), extent of the damage, and any emergency measures required to resolve the problem. Upon verbal approval by the Building Commissioner, the owner shall immediately remedy such situation and shall immediately take all such necessary steps to make said location safe and secure. Such owner must apply for a tree removal permit within 48 hours after such natural disaster or serious accident shall have ~~[developed]~~ **occurred**. [Added 4-2-2002 by L.L. No. 5-2002]

B. Private property sewer connection. If, in the opinion of the Commissioner of Buildings, any tree on a private property, including its root system, unduly interferes with any house sewer connection, the Commissioner of Buildings may consent to its removal upon application therefor.

§ 20A-7 Replacement of trees in tree lawn.
[Amended 3-11-1980 by L.L. No. 3-1980]

A. Removal by Superintendent of Highways. Whenever the Superintendent of Highways deems it necessary to remove, or cause to be removed, a tree or trees from a tree lawn in connection with the paving or repair of a sidewalk or the paving or widening of the portion of a public right-of-way used for vehicular traffic **or for any other reason**, the Town shall replant such trees or replace them **in accordance with the Town of North Hempstead Tree Policy** ~~[at the discretion of the Superintendent of Highways]~~.

B. Removal pursuant to permit. Whenever a person removes, or causes to be removed, a tree or trees from a tree lawn pursuant to § 20A-5.1 of this chapter, such person shall replant or replace such trees ~~[at the discretion of the Superintendent of Highways]~~ **in accordance with the Town's tree policy**. Such requirement ~~[by the Superintendent of Highways]~~ shall be a condition contained in any permit so issued, and the notice of completion filed by the permit holder pursuant to § 20A-5.1E shall establish that the permit holder has complied with this condition of the permit.

§ 20A-8 Public utilities.

A. Any person doing business as a public utility and subject to the jurisdiction of the New York State Public Service Commission and any duly constituted public agency authorized to provide

utility service shall notify the Superintendent of Highways of planned intent to work in any public right-of-way, where activity includes the removal or alteration of the habit of any tree, at least five ~~[working]~~ **business** days **prior** to commencing such work, whenever possible. The Superintendent of Highways shall review such notice and, where necessary, impose reasonable conditions and standards so as to promote the **preservation and good health of trees** ~~[intent of this subsection]~~.

B. ~~[Whenever possible]~~ **Except in emergencies wherein the public utility determines that public health, safety or welfare will be affected,** a public utility shall post a notice upon any tree in a public right-of-way at least five **business** days prior to the planned work, the form of which notice shall conform to § 20A-5.1B of this chapter.

C. Whenever a public utility removes, or causes to be removed, a tree or trees from a tree lawn, the public utility shall replant or replace such trees **in accordance with this chapter and the Town of North Hempstead Tree Policy** ~~[at the discretion of the Superintendent of Highways]~~. **All required plantings shall occur between April 1 and December 1 and within 90 days after the tree removal.**

[Added 3-11-1980 by L.L. No. 3-1980]

§ 20A-9 Replacement of trees in front yard of private property.

[Added 4-2-2002 by L.L. No. 5-2002]

Each tree removed of a diameter of ~~[40]~~ **six** inches or greater is subject to the tree replacement guidelines enumerated in this **chapter** ~~[section]~~ ~~[:]~~. **Failure to comply with the tree replanting requirements set forth in this section shall constitute a separate and distinct offense hereunder.**

A. ~~[Fifty percent of the total tree(s) diameter removed must be replaced]~~. **Replacement tree(s) must be a minimum diameter of 3 inches, measured at 4 1/2 feet in height above grade or above the root collar. Except as provided for in § 20A-9(D):**

(1) **Each tree removed having a diameter measuring between six inches to twenty-four inches shall require one replacement tree to be planted.**

(2) **Each tree removed having a diameter measuring greater than twenty-four inches to thirty inches shall require two replacement trees to be planted.**

(3) **Each tree removed having a diameter greater than thirty inches shall require three replacement trees to be planted.**

(4) **The following shall apply in determining the diameter of each tree unlawfully removed: the tree shall be measured at a height of 4 1/2 feet above the base of the trunk, otherwise the measurement shall be taken at the stump. Where the diameter of a removed tree cannot be ascertained, three replacement trees shall be required for replanting.**

B. The tree(s) to be planted in replacement shall be located in the front yard of the same parcel from which the tree(s) is proposed to be removed.

C. ~~[The proposed location(s) of the new tree(s) shall be approved by the Building Commissioner.]~~

~~[D:]~~ The tree(s) to be planted in replacement shall be from a similar size class or from a larger size class, **unless a smaller size class is determined to be more appropriate, as determined by the Building Commissioner.** Size classes are enumerated in the Tree Standards and Specifications to be promulgated by the **Town Board, subject to the advice of the** ~~[Building Commissioner]~~ **Tree Advisory Committee, established pursuant to Chapter 20A.**

~~[F]~~**D.** If the Building Commissioner determines that the front yard of the site does not allow for the planting of the required number of trees, the Building Commissioner shall require the applicant to plant the maximum number of trees possible, with ~~[the]~~ **any** remaining **requirement satisfied by the trees to be replaced with shrubbery, provided the plant selection has met his prior approval, as a condition of a tree removal permit.** If the site does not permit the planting of shrubs, the Building Commissioner shall require the applicant to] pay~~ment of~~ **an additional fee to the Building Department for each tree unable to be planted** to the [Commissioner of Buildings] in ~~[an]~~ **the** amount ~~[determined by the applicant and confirmed by the Commissioner to be equal to the estimated cost of the required number of trees and/or shrubs]~~ **set forth in the Town of North Hempstead Fee Schedule. The fee shall be allocated to the Town's Tree Preservation Fund in accordance with § 20A-13.**

~~[F]~~**E.** All required plantings shall occur between April 1 and December 1 and **within** 90 days after the tree removal.

~~[G]~~**E.** If plantings cannot occur within 90 days of the removal due to the above planting time restrictions specified in § 20A-9~~[F]~~**E**, the Commissioner of Buildings may require the applicant to deposit a performance bond or a cash deposit in the form of a certified check with the Commissioner of Buildings in an amount which shall be determined ~~[by the applicant and confirmed]~~ by the Commissioner to be equal to the estimated cost of planting the required number of trees ~~[and/or shrubs]~~ and, if applicable, stabilizing the site. The term of said deposit or performance bond shall not exceed a period of six months, and the deposit or bond shall not be released until the plantings have been satisfactorily completed in accordance with the approved tree removal permit.

(1) In the event of a default, such bond or cash deposit shall be forfeited to the Town **Building Department and the funds shall be applied to the Tree Preservation Fund.** ~~[Parks Department for additional plantings in Town parks, and the applicant shall be]~~ **If a permittee is** found to be in violation of the conditions of the tree removal permit~~[-F]~~, **the** Commissioner of Buildings shall determine the remedy of the violation; however, in no circumstances shall such forfeiture of the bond serve as a remedy of the violation.

(2) Upon satisfactory completion of the contemplated work in accordance with the application and this chapter, such bond or cash deposit shall be released by the Commissioner of Buildings. Satisfactory completion of the work shall be evidenced by the Commissioner of Buildings.

§ 20A-10 Abuse of trees.

A. Unless specifically authorized by the Superintendent of Highways, no person shall intentionally damage, cut, carve, **mutilate,** transplant, ~~or~~ remove, **injure or destroy** any tree on a public right-of-way, attach or maintain any rope, wire, nails, advertising posters or other contrivance to any tree in a public right-of-way, allow any gaseous, liquid or solid substance which is harmful to such trees to come in contact with them or set fire or permit any fire to burn when such fire or the heat therefrom will injure any portion of any tree in a public right-of-way, except that a notice to remove a tree may be posted on that tree pursuant to § 20A-5.1~~B~~**B** of this chapter. [Amended 3-11-1980 by L.L. No. 3-1980]

B. Whenever necessary and practical, in the opinion of the Superintendent of Highways, all trees in a public right-of-way or on Town-owned property within a radius of 10 feet of any excavation or construction performed by any person shall be guarded by a fence, frame or box of not less than four feet in height and eight feet square or at a distance in feet from the tree equal to the diameter of the tree. All dirt, debris, rubble or building or construction material shall be kept outside the enclosure.

C. No person shall deposit, place, store or maintain upon any Town-owned public place any stone, brick, sand, concrete or other materials which may impede the free passage of water, air and nutrients to the roots of any tree growing therein except by written permission of the [~~Commissioner of Parks and Recreation~~] **Superintendent of Highways or the Commissioner of the department having jurisdiction over the location.**

§ 20A-11 Tree removal permit fees for tree removal on private property.

[Added 4-2-2002 by L.L. No. 5-2002]

A. All **permit** fees prescribed in this section shall be collected by the Building [~~Commissioner~~] **Department**, and no permits shall be issued by the Building Commissioner until such fees have been paid.

B. The "estimated cost" herein referred to means the amount of money that would ordinarily be expended for healthy trees and shrubs.

C. For a permit for the removal of trees, the fee shall be in the amount indicated in the Town of North Hempstead Fee Schedule. [Amended 4-11-2006 by L.L. No. 5-2006]

§ 20A-12 Rebuttable Presumptions.

A. **There shall be a rebuttable presumption that the owner or occupant, on whose land any tree has been removed, cut down, destroyed or substantially altered without the necessary permit, is responsible for performing or allowing the act to occur, except on publicly-owned or maintained land, or other public right-of-way.**

B. **There shall be a rebuttable presumption that the person or business entity who removed, cut down, destroyed or substantially altered a tree without the necessary permit had the permission of the property owner or occupant of the land to perform such activity, except on publicly-owned or maintained land or other public right-of-way.**

§ 20A-13 Tree Preservation Fund

A. Establishment of Tree Preservation Fund. The Comptroller of the Town of North Hempstead is hereby directed to establish a separate line item under the Town's general fund which will be designated as the Tree Preservation Fund. All fees which are required pursuant to this chapter to be paid into said fund shall be delivered to the Town's Comptroller and segregated into a separate line item of the general fund. The money in the Tree Preservation Fund shall be used for the planting and maintaining of trees by the Town, as directed by the Town Board in consultation with the Tree Advisory Committee.

B. Purpose. The Tree Preservation Fund shall be a fund to receive in-lieu payments from applicants to satisfy tree replacement requirements as set forth in this chapter and § 2-9(T), which cannot be met on-site where the Building Commissioner determines that it is impracticable, impossible or not warranted based on site constraints or relevant site planning considerations, including but not limited to the location of utilities, underground or aboveground structures, paved surfaces, existing trees, topography or insufficient space. In addition, any public or private entities that wish to donate to the Town of North Hempstead to provide trees to be planted may donate to the Tree Preservation Fund for said purpose.

C. Applicability. The Tree Preservation Fund applies to all private properties seeking tree removal permits in the Town of North Hempstead pursuant to this chapter and § 2-9(T).

D. Use of funds.

(1) Payments and contributions to the Tree Preservation Fund shall be used for the sole purpose of planting and maintaining trees, including watering, fertilizing, pruning and trimming, and other applicable landscaping projects for public benefit. Funds should, if feasible, first be applied to projects within the closest proximity to where the tree removal has occurred.

(2) Funds in the Tree Preservation Fund shall be administered by the Town's Comptroller in consultation with the Tree Advisory Committee. Projects and fund allocation shall be approved by the Town Board.

(3) Proposed landscaping may include trees, shrubs, and other permanent plant materials. Planting and maintenance includes purchase, transportation, mulching, watering, fencing and labor associated with replacement plantings, and other applicable landscaping. The Tree Preservation Fund may be used to fund other associated project tasks including the installation of irrigation systems to support plantings, design, tree inventory, Tree Master Plan, tree boxes, tree grates (tree grates may only be installed following approval by the Tree Advisory Committee) and soil amendments that enhance and promote long-term sustainability of plantings. Public lands include parks, preserves, public open spaces, community and civic facilities, and land within public rights-of-way within the Town.

(4) The Town's Comptroller, in consultation with the Tree Advisory Committee, shall provide an annual report of the Tree Preservation Fund to include an itemized list of receipts and expenses, a list of projects completed, and the current balance remaining in the fund. The Annual Report shall also include a list of proposed projects and an estimated budget for the following year. The Annual Report shall be submitted to the Town Board annually by June 15 for review and approval.

E. Required Contribution.

(1) The Building Commissioner shall have the right to require, in lieu of replacement and replanting of a tree(s) that was removed on private property in connection with Section 2-9(T) and in the front yard of private property pursuant to Chapter 20A, the payment of a fee, in the amount indicated in the Town of North Hempstead Fee Schedule, which shall not be less than \$300 per tree. These funds will be paid into the Town of North Hempstead Tree Fund account, with the moneys used for the purposes set forth in this section.

(2) Payment into the Tree Preservation Fund shall be made prior to the issuance of any certificate of tree planting issued by the Building Department related to the tree removal.

§ 20A-14 Tree Advisory Committee.

A. The Town Board, by resolution, shall re-establish its Tree Advisory Committee for the Town of North Hempstead. Said Tree Advisory Committee members shall serve without compensation and at the pleasure of the Town Board. The Tree Advisory Committee shall be comprised of seven members of the public who live or work in the Town of North Hempstead, together with such Town Employees as the Town Board may designate. Each Member of the Town Board may appoint one member of the public to the committee. The Town Board shall designate the chair of the committee. All appointments are subject to confirmation by the Town Board. Members of the Tree Advisory Committee shall serve terms of three years, except for the first committee, where two terms shall be for three years; three terms shall be for two years; and two terms shall be for one year. Vacancies on the Committee shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of term of office shall be filled only for the remainder of the unexpired term.

Members shall be persons who have knowledge of trees and shrubs and their planting and maintenance, but professional forester or arborist experience shall not be required, except as provided for herein. In addition to any other members, a member of the Town Board and an ISA certified arborist shall serve on the Tree Advisory Committee. The members of the Tree Advisory Committee shall be publicly available and listed on the Town's website, together with their terms.

B. The Tree Advisory Committee shall meet at least quarterly, and more frequently when deemed necessary by the chair, for the following purposes:

(1) Prepare and issue a draft annual report to the Town Board by June 15 of each year.

(a) The draft annual report shall include the following:

(i) A summary of Town tree-related activities for the preceding year (including the number of the Town's tree plantings, tree related service requests and such other information as the Tree Advisory Committee shall reasonably deem necessary);

(ii) A community-wide Tree Master Plan recommending actions for the upcoming year;

(iii) An assessment and reporting on the Town's tree inventory and tree canopy cover beginning with the first year such information is available.

(b) The draft annual report, subject to any amendments by the Town Board, shall become the final annual report following adoption by the Town Board and shall be made available on the Town's website;

(2) Assure compliance with the requirements relating to the Town's designation as a Tree City USA;

(3) Assist the Comptroller in the preparation of the Annual Report of the Tree Preservation Fund as set forth in this chapter;

(4) Work with the Grants Coordinator to identify available sources of funding for activities of the Tree Advisory Committee and the Town related to trees;

(5) Develop and recommend to the Town Board modifications to the Tree Standards and Specifications, including recommendation for a "Right Tree, Right Place" policy, which may identify varieties and tree species suitable for planting in the Town, prioritizing native species and appropriate underwire trees, and identifying trees that are neither suitable nor desirable for planting in the Town. The Tree Advisory Committee may recommend through its representative from the Highway Department that the Town have the approved tree species planting list, and any amendments thereto, be reviewed by an independent certified arborist;

(6) Make recommendations to the Town Board concerning the following:

A. New or amended legislation and policies related to the maintenance, protection and enhancement of the trees in the Town;

B. An assessment plan to measure and map the Town's tree canopy cover and document it over time, which shall be included in the Tree Advisory Committee Annual Report when available;

C. A management plan to address ivy growth on trees in the public right-of-way and within parks;

D. Programs and projects relating to Town trees with the goal of increasing public awareness of the economic, health and environmental benefits of trees;

E. The maintenance, selection and planting of trees located within the curbside or public right-of-way or on Town owned property;

F. An assessment plan to measure and map the Town's inventory of street trees, landmark trees and other significant trees in the Town, which shall be provided to the Members of the Town Board, Highway Superintendent and Commissioner of Buildings, along with the reasons for such designation, as part of the Tree Advisory Committee Annual Report;

G. To recommend, in consultation with the Comptroller, the use of funds in the Tree Preservation Fund, for the purposes outlined in § 20A-13;

H. The ~~[addition or change in]~~ inclusion or modification of tree-related information and other resources on the Town's website.

(7) Meet with tree and other subject matter experts to further the objectives set forth in this code; and

(8) Perform such other duties as the Town Board may assign to the Tree Advisory Committee.

§ 20A-1[2]5 Penalties for offenses.

[Amended 8-21-1990 by L.L. No. 9-1990; 4-2-2002 by L.L. No. 5-2002; 12-8-2009 by L.L. No. 20-2009]

A. Any person who violates any of the provisions of this chapter shall be deemed guilty of a violation and shall be liable for a fine of not less than \$[15]350 nor more than \$[5]1,000 or imprisonment for not more than 15 days, or both, for conviction of a first offense; for conviction of a second **or subsequent** offense, both of which were committed within a period of five years, by a fine of not less than \$[3]600 nor more than \$[4]2,000 or imprisonment for not more than 15 days, or both. Each violation shall constitute a separate offense and is punishable accordingly.

B. Civil penalties. In addition, this chapter may be enforced by civil action, including an injunction, and any person who has violated or permitted a violation of this chapter may be directed by the Town to replace any trees removed, destroyed or substantially altered in violation of this chapter with new trees as required hereunder by this code.

C. Separate violations. The removal, destruction or substantial alteration of the habitat of each tree that is removed, destroyed or of which the habitat has been substantially altered, or the failure to replace as directed each tree hereunder required to be replaced, in violation of this chapter, shall constitute a separate violation pursuant to this chapter.

§ 20A-1[3]6 Severability.

If any clause, sentence, paragraph, section, word or part of this chapter is adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder of this chapter but shall be confined in its operation to the clause, sentence, paragraph, section or part of this chapter directly involved in the controversy in which such judgment is rendered.

§ 20A-1[4]7 When effective.

This chapter shall take effect immediately upon filing with the Secretary of State.

Section 3.

This Local Law shall take effect immediately upon filing with the Secretary of State.

; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed, in the manner required by law, to file a copy of the Local Law with the Secretary of State, and to publish a notice of adoption of the Local Law, which notice shall be in substantially the following form:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on November 18, 2021, Local Law No. __ of 2021 was adopted. The Local Law amends Chapter 20A of the Town Code entitled “Environmental Planning and Control of Trees” in order to make amendments to the Town’s tree code relative to the preservation of trees on public and private property.

Dated: Manhasset, New York

November 18, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: Councilperson Ferrara

cc: Town Attorney Town Clerk Planning Building

Councilperson Lurvey offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 626 - 2021

**A PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE TOWN'S TREE POLICY
PURSUANT TO SECTION 20A-4 OF THE TOWN CODE.**

WHEREAS, pursuant to Section 20A-4(C) of the Code of the Town of North Hempstead (the "Town Code"), the Town Board is authorized to adopt and amend the Town's policy governing the removal of trees from a public right-of-way and Town-owned public places following a public hearing; and

WHEREAS, pursuant to Resolution No. 384-2008, the Town Board adopted the Town's tree policy, which governs the removal of trees from a public right-of-way and Town-owned public places (the "Tree Policy"); and

WHEREAS, the Town Board wishes to amend the Tree Policy; and

WHEREAS, due notice has been heretofore given of a public hearing to be held on November 18, 2021, via Zoom, concerning the adoption of an amended Tree Policy; and

WHEREAS, the Town Board has carefully considered the proposed amended Tree Policy and conducted said hearing on November 18, 2021, with respect to said policy, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, the Town Board finds it is in the best interests of the Town to adopt the amended Tree Policy governing the removal of trees from a public right-of-way and Town-owned public places pursuant to Section 20A-4 of the Town Code.

NOW, THEREFORE, BE IT

RESOLVED that the Town Board does hereby adopts the amended Tree Policy governing the removal of trees from a public right-of-way and Town-owned public places pursuant to Section 20A-4 of the Town Code, which shall read as follows:

Town of North Hempstead Tree Policy

The Town Board is authorized pursuant to Section 20A-4 of the Town Code to adopt and amend the Town's Tree Removal Policy, which governs the removal of trees and saplings from a public right-of-way and Town-owned public places. This policy is intended to provide reasonable public notice of the removal of a tree(s), is designed to minimize the removal of trees other than for public safety

or other public benefit and sets forth replanting requirements. For purposes of this policy, use of the term “tree” shall also include “sapling”, as defined herein.

Under this policy, the Town has determined that it is necessary to have more than one process for tree removals undertaken by the Town, depending on the circumstances of the tree removal. A *Category 1 Tree Removal* will include trees that are to be removed in conjunction with a sidewalk, curb or other right-of-way project, regardless of size or scope of the project. A *Category 2 Tree Removal* will include all other tree removals by the Town from the public right-of-way, as well as removals from parks or other Town-owned property. Procedures related to a *Category 3 Tree Removal* or *Category 4 Tree Removal* shall be followed by the Town upon application from a private applicant seeking to remove a tree on a public right-of-way and/or private property pursuant to Town Code Chapter 20A.

As defined by the Town Code, a tree is “Any woody plant, dead or alive, which is six inches or more in diameter at a height of 4 1/2 feet above the base of the trunk, including its root system and the environment within the area defined by the outermost limits of its branches.”

A sapling is “Any woody plant, dead or alive, which is three inches or more in diameter at a height of three feet above the base of the trunk, including its root system and the environment within the area defined by the outermost limits of its branches.”

I. CATEGORY 1 TREE REMOVAL **Sidewalk, Curb Cut or Other Right-of-Way Work**

The Town is cognizant of the importance of trees for the environmental, health and aesthetic role that they play in our Township. As a matter of policy, the Town is committed to preserving existing trees when feasible during sidewalk projects.

The Town is aware of the sometimes inherent conflict in its efforts to preserve existing trees and maintain safe sidewalks and curbs. The Town further recognizes that during certain projects tree roots have caused uplifting and/or damage to sidewalks and/or roadside curbs. Trees will be removed only when necessary to ensure public health, safety and welfare of the constituents of the Town. Trees removed will be re-planted in accordance with the Tree Planting/Replanting Policy set forth in Section V below.

For these reasons the Town has established the following policy to address these ongoing conflicts:

1. Inspection of work

The Sidewalk District will inspect work areas to determine the following:

- (a) If a repair of the sidewalk(s) is necessary;
- (b) If a replacement of the sidewalk(s) is necessary;
- (c) If the sidewalk work can be completed without removal of the tree while maintaining safety standards;
- (d) If the sidewalk work requires the removal of a tree(s);
- (e) If a section(s) of curb needs to be replaced or repaired due to the sidewalk work; and

Items (c), (d) and (e) will be determined with the input of an arborist, either under the Town's employ or by a contractor procured by the Town through its procurement process and approved by the Town Board. The arborist shall also make recommendations about feasibility and location for tree re-plantings, which recommendation shall be set forth in a report. The Sidewalk District shall be guided by the arborist report. No action with respect to any tree, except in emergency circumstances, shall be taken until such arborist report is obtained.

2. Determination of final scope of work

Upon the completion of the inspection specified in Section 1, a final scope of work will be developed. Any action with respect to a tree proposed to be removed or included in the final scope of work shall be informed by the arborist report. Any tree removal recommendations contained in the final scope of work must specify, based on the arborist report, whether the tree must be removed or, in the alternative, can be safely left as is, or whether other steps, such as repositioning of the sidewalk, among other remedies, can be taken that will allow the tree to remain.

3. Notification of work

The Sidewalk District shall be responsible for providing notification of work to be undertaken when done in connection with a tree removal, to the following:

- (a) The Supervisor, the Councilmember for the area in which the work is to be undertaken and their legislative aide prior to the start of work.
- (b) For any tree to be removed, the following notice(s) shall be conspicuously posted on the tree no less than 7 calendar days prior to the removal of the tree. The notice(s) shall be oriented towards pedestrian and vehicular traffic wherever possible. The text of the notice shall be black lettering on a bright orange or similar color background:

NOTICE OF INTENT TO REMOVE THIS TREE

This tree shall be removed under the authority of the Town of North Hempstead in connection with a right-of-way project. An arborist report has been obtained by the Town with respect to this tree. A copy of the arborist report can be obtained by visiting [northhempsteadny.gov/ XXXXXXXX](http://northhempsteadny.gov/XXXXXXXX) OR by contacting 311 or (516) 869-6311.

- (c) The Highway Department, in conjunction with the IT Department or other relevant department, shall cause a copy of each tree removal notice to be placed on the Town's website.
- (d) A copy of the arborist report, subject to any required redactions, shall be placed on the Town's website within 3 business days of its receipt by the Highway Department. Except in cases of an emergency, the arborist report shall remain available on the website for at least 7 calendar days prior to the removal of the tree.
- (e) If a tree on a public right-of-way or Town-owned public place constitutes a hazard to adjoining public rights-of-way or to persons using the adjoining public rights-of-way and if such hazard cannot be effectively eliminated by trimming the tree or taking other precautionary steps available to the Town that will allow the tree to remain, the tree may be removed without public notice.
- (f) Whenever possible, the Highway Department shall take photographs prior to the tree being removed, records of which shall be retained in accordance with applicable law.

4. **Performance of work**

When necessary, the Sidewalk District shall coordinate sidewalk repair and/or replacement with Highway Department activity, including but not limited to tree and stump removal, etc. Both the tree removal and stump removal must occur prior to any sidewalk work occurring. The Town, its authorized contractor(s), or electrical utility (if the removal involves electrical wires) will complete the work identified.

5. **Completion of work**

The Sidewalk District will complete their work and notify the Highway Department of the property or properties that require tree plantings. The Highway Department will follow the replanting policy set forth in the Tree Planting/Replanting Policy (see Section V).

II. CATEGORY 2 TREE REMOVAL

All other tree removals performed by the Town

When the Superintendent of Highways, the Commissioner of Parks and Recreation, the Executive Director of SWMA/Commissioner of Solid Waste, the Commissioner of Administrative Services, or the Port Washington Public Parking District intends to have a Town tree removed from a public right of way, park or other Town owned property[1], or if the Executive Director of the Community Development Agency (CDA) intends to have a tree removed from CDA owned or administered property where a license agreement exists between the CDA and the Town establishing the property for public use, when such work is not done in conjunction with a *Category 1 Tree Removal* project referenced above, the following steps shall

[1] The provisions of this category shall not apply to the Town/SWMA landfill properties in Port Washington. Maintenance of the landfill is governed by a 1992 consent decree as well as a Town/SWMA DEC agreement. Lands surrounding the transfer station and around the retention basins, as well as Town/SWMA administration property remain subject to the provisions of this category.

be taken:

1) A notice of intent to remove such tree shall be conspicuously posted on the tree for a period of not less than 7 calendar days. The notice(s) shall be oriented towards pedestrian and vehicular traffic wherever possible. The text of the notice shall be black lettering on a bright orange or similar color background;

a. The Highway Department or other relevant Town department, in conjunction with the IT Department or other relevant department, shall cause a copy of each tree removal notice to be placed on the Town's website.

2) Simultaneously with the posting of such notice, notice by e-mail shall be given to the Supervisor, the Council Member in whose district the tree is located and 311;

a. Any resident may submit their email address and contact information to 311 and request that they be notified of a tree to be removed in their zip code.

3) The notice posted on the tree shall include the statement that any resident who would like to object to the removal of the tree shall call 311 on or before a date certain, which in no case shall be less than 7 calendar days from the date of posting;

4) 311 shall immediately notify both the Supervisor and the appropriate Council Member when an objection is received, including the name, address, telephone number and e-mail address of each such resident calling to object;

5) If an objection is received, either the Supervisor or the Council Member, following consultation with the relevant Town department, may request that an independent arborist be retained to inspect the tree and make recommendations as to whether the tree must be removed or, in the alternative, can be safely left as is, or whether trimming or other precautionary steps that are available to the Town can be taken that will allow the tree to remain;

6) If an independent arborist report is requested by either the Supervisor or Council Member, no action shall be taken until such report is provided to both. Following receipt of the report, unless the Supervisor and/or Council Member direct otherwise, the recommendation of the arborist shall be followed to the extent possible by the Department having jurisdiction;

(a) A copy of the arborist report, subject to any required redactions, shall be placed on the Town's website within 3 business days of its receipt by the Highway Department. However, once a final determination is made with respect to the subject tree pursuant to Subsection 6 above, the Highway Department or other relevant Town department shall act accordingly, and if removal is recommended, the Highway Department may proceed with such action.

7) The Town shall maintain a list of independent arborists who are approved by the Town Board and qualified to make a report when one is requested. In no event shall such arborist be hired to remove the tree;

8) If no objection is received, then the Department having jurisdiction shall be authorized to proceed with the tree removal;

9) If a tree on a public right-of-way or Town-owned public place constitutes a hazard to adjoining public rights-of-way or to persons using the adjoining public rights-of-way and if such hazard cannot be effectively eliminated by trimming the tree or taking other precautionary steps available to the Town that will allow the tree to remain, the tree may be removed without public notice. In such a case, the Supervisor and Council Member shall be notified in advance by e-mail or telephone, if possible. Whenever possible, photographs shall be taken by the Highway Department prior to the tree being removed; and

10) The Highway Department will follow the replanting policy set forth in the Tree Planting/Replanting Policy (see Section V).

III. CATEGORY 3 TREE REMOVAL

By a private applicant for tree removal on a public right-of-way pursuant to Town Code § 20A-5.1

A. When the Superintendent of Highways receives a permit application seeking to have a Town tree removed from a public right of way (not done in conjunction with a *Category 1 or Category 2 Tree Removal* and not related to a curb cut application), the following steps shall be taken:

(1) Simultaneously with the Superintendent of Highways providing the applicant with a notice of intent to remove such tree, the Superintendent of Highways shall notify by e-mail the Supervisor, the Council Member in whose district the tree is located and 311;

a. Any resident may submit their email address and contact information to 311 and request that they be notified of a tree to be removed in their zip code.

(2) The notice posted on the tree shall include the statement that any resident who would like to object to the removal of the tree shall call 311 on or before a date certain, which in no case shall be less than 7 calendar days from the date of posting. The notice(s) shall be oriented towards pedestrian and vehicular traffic wherever possible. The text of the notice shall be black lettering on a bright orange or similar color background;

a. The Highway Department, in conjunction with the IT Department or other relevant department, shall cause a copy of each tree removal notice to be placed on the Town's website.

(3) 311 shall immediately notify both the Supervisor and the appropriate Council Member when an objection is received, including the name, address, telephone number and e-mail address of each such resident calling to object;

(4) If an objection is received, either the Supervisor or the Council Member may request that an independent arborist be retained by the Town to inspect the tree and make recommendations as to whether the tree must be removed or, in the alternative, can be safely left as is, or whether trimming or other precautionary steps that are available to the Town can be taken that will allow the tree to remain;

(5) If an independent arborist report is requested by either the Supervisor or Council Member, no permit shall be issued by the Highway Department until such report is provided to both. Following receipt of the report, unless the Supervisor and/or Council Member direct otherwise, the recommendation of the arborist shall be followed by the Highway Department;

a. A copy of the arborist report, subject to any required redactions, shall be placed on the Town's website within 3 business days of its receipt by the Highway Department. However, once a final determination is made with respect to the subject tree pursuant to Subsection 5 above, the Highway Department shall act accordingly, and if removal is recommended, the Highway Department may proceed with issuing such tree removal permit.

(6) The Town shall maintain a list of independent arborists who are approved by the Town Board and qualified to make a report when one is requested. In no event shall the Town retain an arborist who has also been hired by the applicant to remove the tree;

(7) If no objection is received, then the Highway Department shall be authorized to proceed with issuing the tree removal permit; and

(8) The Highway Department will follow the replanting policy set forth in the Tree Planting/Replanting Policy (see Section V).

B. When the Superintendent of Highways receives a permit application seeking to have a Town tree removed from a public right of way in conjunction with a curb cut application, the Superintendent of Highways shall be guided by the following criteria in making the determination to grant or deny the application:

(1) The ability of the applicant to rearrange the layout of the proposed curb cut to minimize the removal of trees.

(2) The necessity of removal of the tree in question.

(3) The condition of the tree with respect to disease and danger of falling. In the event that the diseased condition of the tree is not evident, the Superintendent of Highways maintains the right to require the applicant to submit proof from a New York State certified arborist.

(4) The proximity of the tree to proposed or existing curb cut.

(5) The significance of the tree in regard to:

[a] The size of the tree.

[b] The rarity of the species.

[c] The historical value of the tree.

(6) The effect of removal on:

[a] The character of the location with respect to vegetation management practices.

[b] Ecological systems.

[c] The existing screening of any road or highway bordering the location in question.

[d] Erosion control from the location on which the tree is to be removed and its impact on adjacent parcels.

(7) Whether a denial of the permit will result in unnecessary hardship or severe financial loss to the applicant.

IV. CATEGORY 4 TREE REMOVAL

By a private applicant for tree removal on a public right-of-way or private property pursuant to Town Code Chapter 20A, *when tree roots infiltrate the house sewer connection.*

In reviewing an application for tree removal from a public right-of-way or private property in connection with an application for removal based on tree roots interfering with a house sewer connection, the Superintendent of Highways or the Commissioner of Buildings shall require the following prior to issuing a tree removal permit:

1) A paid invoice from a plumber or other drain cleaning service professional for work performed on the house sewer connection at the property resulting from damage caused by tree roots (from the tree sought to be removed) having infiltrated the house sewer connection causing damage.

V. PLANTING/REPLANTING POLICY

A. Any tree removed by the Town in the right-of-way or other Town property shall require the Highway Department or other relevant Town department to replant a tree in accordance with the following:

1) Town Property (not within the right-of-way)

To the extent practicable, any tree removed on Town property (not within the right-of-way) shall be replanted by the Department having jurisdiction within one year from the date of removal.

2) Right-of-Way (adjacent to private property)

The properties requiring a replacement tree(s) will be included in the nearest available scheduled planting schedule. The Highway Department will be responsible for maintaining a list of properties requiring tree(s) planting in the right-of-way. Properties requiring a tree planting shall not be removed from the list until such tree planting has occurred. The Highway Department shall keep a record confirming the date when such plantings occur. Such information for the preceding year shall be provided to the Tree Advisory Committee on or before May 1 of each year.

The Town shall procure replacement trees in accordance with its purchasing policy, consistent with the Tree Standards and Specifications to be approved by the Town Board, subject to the advice of the Tree Advisory Committee. Effective January 1, 2022, replacement tree(s) shall be a minimum diameter of 3 inches, measured at 4 1/2 feet in height.

Use of root barriers will be implemented where possible. Replacement tree(s) will be based on available stock and the most appropriate tree species for the location(s) with a focus on native, disease resistant, drought resistant, deep rooted species to ensure a long life and avoid future sidewalk lifts, if applicable. If, based on the recommendation of an arborist, a replacement tree is unable to be planted at said property due to physical restrictions or other site considerations in the utility strip/right-of way area, the Highway Department will review the Tree Planting Service Requests and choose the next-in-line service request (based on creation date) and plant the replacement tree at that location (if suitable for tree planting).

Educational material will be provided to the property owner(s) on tree watering and maintenance when the replacement tree(s) is planted.

3) Right-of-Way (adjacent to Town property)

If a tree is removed from a right-of-way adjacent to Town property, to the extent practicable, the tree shall be replaced in the right-of-way near the same location as the removed tree. If a replacement tree is unable to be planted in the right-of-way, then the replacement tree shall be planted, to the extent practicable, on the adjacent Town property. If a replacement tree is unable to be planted on the adjacent Town property, then the Town shall plant the replacement trees at another suitable location.

B. The above provisions notwithstanding, in any case where a property owner or utility (See Chapter 20A) seeks to plant or replant a tree in the Town's right-of-way, or is required to replant a tree in the Town's right-of-way pursuant to a tree removal permit, the following process shall be complied with:

1) The property owner or utility shall file a tree planting permit application with the Highway Department together with the requisite permit fee, prior to undertaking any tree planting.

2) If a property owner or utility procures a tree meeting the Town's tree planting specifications, the property owner or utility may arrange with the Highway Department for the planting of the tree in the adjacent right-of-way. No permit is required if the Town plants the tree.

C. Request a Tree Program

In addition to trees removed by the Town that require a tree replanting, the Town will also plant trees in the Town's right-of-way upon request from property owners. The Highway Department will determine the sufficiency of the location requested for the tree planting. Locations that are approved for a Town tree planting will be included on the replanting schedule and be handled in the same manner as the replanting policy described above.

VI. TREE STANDARDS AND SPECIFICATION; Preferred Street Trees and Prohibited Street Tree Species

(INTENTIONALLY OMITTED---TO BE INCLUDED ONCE ADOPTED BY TOWN BOARD, SUBJECT TO THE ADVICE OF THE TREE ADVISORY COMMITTEE ESTABLISHED PURSUANT TO CHAPTER 20A)

***This will include a "Right Tree, Right Place" policy and focus on native trees with a goal towards diversity of species.

VII. Effective Date

This policy shall become effective January 1, 2022.

RESOLVED that a copy of the Tree Policy shall be on file in the Office of the Town Clerk.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

PROPOSED RESOLUTION

******offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

RESOLUTION NO. - 2021

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING
CHAPTER 2 OF THE TOWN CODE ENTITLED "ADMINISTRATION AND
ENFORCEMENT."**

WHEREAS, the Town Board, as the legislative body of the Town of North Hempstead is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

WHEREAS, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend Chapter 2 of the Town Code entitled "Administration and Enforcement" in order to incorporate the requirement that applicants for a Town of North Hempstead plumber's license or electrician's license furnish proof of legal authorization to work in the United States; and

WHEREAS, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Town Board for seven calendar days, exclusive of Sunday; and

WHEREAS, due notice was heretofore given of a public hearing to be held on the 18th day of November, 2021, via Zoom, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town's website and during regular business hours in the Office of the Town Clerk; and

WHEREAS, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on November 18, 2021, via Zoom, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, this Board deems it in the public interest to adopt the proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the "Secretary of State").

NOW, THEREFORE, BE IT

RESOLVED that Local Law No. of 2021 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. OF 2021**

**A LOCAL LAW AMENDING CHAPTER 2 OF THE TOWN CODE ENTITLED
“ADMINISTRATION AND ENFORCEMENT”**

BE IT ENACTED by the Town Board of the Town of North Hempstead as follows:

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the Town of North Hempstead to amend Chapter 2 of the Town Code entitled “Administration and Enforcement” in order to incorporate the requirement that applicants for a Town of North Hempstead plumber’s license or electrician's license furnish proof of legal authorization to work in the United States.

Section 2.

Chapter 2 of the Town Code is hereby amended as follows:

§ 2-35 Examining Board of Plumbers

A. Appointment. Immediately upon the adoption of this ordinance a committee of three plumbers shall be appointed an Examining Board of Plumbers for the term of three years, two years and one year, respectively, and thereafter their successors shall be appointed annually for the full term of three years. Members of the Board shall be master or journeyman plumbers who shall have had not less than 10 years' practical experience in the plumbing trade. Each member of such Examining Board of Plumbers shall receive such compensation as the Town Board may determine for each day actually and necessarily spent in the work of this Board, not to exceed four in one calendar month.

B. Meetings. The Board shall meet at the call of the Chairman. Notice of a meeting of the Board shall be given by phone, email or by mailing notice of the time and place of the meeting, addressed to each member at his last post office address, at least five days before the time of such meeting.

C. Regulations. The Board shall make rules and regulations for the conduct of its business as an Examining Board.

D. Qualifications of plumbers. No person shall engage in the business of plumbing within the Town of North Hempstead until he or she shall obtain a certificate of competency or license from the Examining Board of Plumbers mentioned in Subsection A of this section.

E. Application for examination. Persons applying for a certificate to engage in the business of master or employing plumber shall file with the Board an application on such forms as may be prescribed by the Board, and shall furnish to the Board such information as it may require concerning the applicant's fitness and qualifications to receive a certificate. All applications must be under oath.

F. Each applicant shall be required to furnish vouchers from two persons, who shall sign under oath on forms prescribed by the Board, certifying to the time the applicant has been employed by them as journeyman plumber or the period of time they have known such applicant as master or employing plumber.

G. Any person desiring a master plumber's license shall apply, in writing, to the Examining Board of Plumbers, which Board shall arrange for an examination of such applicant.

H. The Board shall refuse to receive an application from any person who may be unlawfully engaged in business as a master or employing plumber.

I. All applications shall expire and be canceled after a period of one year if the applicant does not appear for examination or reexamination within that period.

J. Examination will be required for each applicant, with the exception of the following:

(1) Where the applicant, at the time of making the application, maintains a principal place of business within the County of Nassau and has been duly licensed as a master plumber by a municipality within the County of Nassau with whom the Town of North Hempstead has entered into a reciprocity agreement. Such applicant shall, however, file with the Board the required application, together with a certificate of competency and a certified copy of a currently valid master plumber's license. Upon approval of the application such applicant shall be considered a duly licensed master plumber within the Town of North Hempstead.

(2) Examination shall be waived for applicants who are currently a duly licensed master or employing plumber in any other municipality in the State of New York, and who submit a certified copy of a certificate of competency issued by the Examining Board of Plumbers in such municipality, and who maintain a principal place of business in such municipality, provided that such municipality has signified, in writing, its willingness to reciprocate in like manner with the Examining Board of Plumbers of the Town of North Hempstead. Such applicant shall receive a license only. No certificate of competency shall be issued to any applicants unless they have been examined by the Examining Board of Plumbers of the Town of North Hempstead.

K. Experience. No person shall be examined unless he or she shall have had at least five years' experience as a journeyman plumber and is able to furnish satisfactory evidence of such fact. **No application will be received from any person who does not furnish proof of the legal authorization to work in the United States.**

L. Examinations. The examination of the Board shall be in two parts, namely a practical test to determine the applicant's skill as a journeyman and a written examination. The written examination shall consist of questions and be planned to determine the applicant's fitness and qualifications to engage in the business of master or employing plumber.

M. The time of holding the examination shall be left to the discretion of the Board. Ample notice shall be given to the applicants.

N. Persons who pass the tests as prescribed by the Board shall be eligible to receive a certificate of competency as master or employing plumber. A person who fails in the practical test shall not be eligible for another test until the expiration of three months; should he or she fail in the second test, he or she will not be eligible for a third test until the expiration of six months; and failing in the third test, he or she will not be eligible for a fourth test until the expiration of one year. An applicant who fails in the written examinations shall not be eligible for reexamination until the expiration of one month; should he or she fail in the second examination, he or she will not be eligible for another examination until the expiration of three months; should he fail in the third examination, he or she will not be eligible for another examination until the expiration of six months; and should he or she fail in the fourth examination, he will not be eligible for another examination until the expiration of one year.

O. Fitness of applicant. Before issuing a certificate to engage in the business of master or employing plumber, the Board shall inquire into the applicant's fitness and qualifications for conducting such business and may require the applicant to submit under oath such evidence, in addition to the examinations and tests hereinbefore provided, as will satisfy the Board that he or she is a person of good repute, character and responsibility and otherwise qualified to engage in business as a master or employing plumber.

P. Fees. Each applicant for a master plumber's license, except as may be otherwise provided by reciprocity agreement with other municipalities within the County of Nassau, shall pay a fee in the amount indicated in the Town of North Hempstead Fee Schedule.

Q. Applications for renewal of licenses shall be filed during the month of December in the year in which the license expires with the Examining Board, together with such verification of the plumbing work performed under the authority of the prior license as the Board may require to determine the continuing competency of the licensee. Renewals shall be for periods of up to three years from January 1. The fee for license renewals shall be paid in accordance with the Town of North Hempstead Fee Schedule.

R. Any licensed plumber who has not secured a renewal by the first of March of each year following the year in which the license expires shall be required to make a new application and be reexamined and pay the fee shown in the Town of North Hempstead Fee Schedule for each such examination and license.

S. Duplicate certificates.

(1) In case a certificate of competency is lost by the holder thereof, the Board may issue a duplicate. In other cases, the Board shall issue a certificate of record stating that the records of the office show that a certificate was issued to a specific person. The charge for a duplicate certificate of competency or a certificate of record shall be the amount stated in the Town of North Hempstead Fee Schedule.

(2) In case the sticker required to be affixed to a vehicle operated by a licensed plumber in the course of business shall be lost by the holder thereof or in case additional stickers shall be required, the Board may issue duplicate or additional vehicle stickers for the fee shown in the Town of North Hempstead Fee Schedule.

T. Insurance. Every master plumber shall file with the Examining Board of Plumbers, before beginning operations under the license, a certificate of insurance as evidence of public liability insurance which shall contain amounts of \$100,000/\$300,000 bodily injury and not less than \$25,000 property damage. Such certificate of insurance shall be issued to the Town of North Hempstead and shall contain a provision that no policy cancellation or material modification to such policy shall be made except on at least 15 days' prior written notice by certified mail to the Town. The required insurance shall be obtained from an insurance company authorized to do business in the State of New York. In the event that the required insurance shall be canceled, not renewed or materially modified with the result that the required insurance is not in effect, the Town may direct the master plumber to suspend work.

U. Suspension and revocation of licenses.

(1) Subject to compliance with the requirements stated in Subsections U(2) and (3) below, the Commissioner of Buildings may revoke (or suspend for a period of up to one year) a certificate of competency or license granted under the provisions of this article for any of the following reasons:

- (a) Failure to file an application for a permit prior to the installation of plumbing work; or
- (b) Failure to take the required action called for upon receipt of a violation notice; or
- (c) Performance of plumbing work in violation of the requirements of this Chapter; or
- (d) Renting or lending a license to a third party; or [Amended 9-6-2018 by L.L. No. 7-2018]
- (e) Being convicted of a felony; or
- (f) Altering or defacing a certificate of inspection or approval; or
- (g) Filing an application to perform plumbing work for a person not licensed by the Town of North Hempstead.

(2) Any suspension or revocation pursuant to Subsection U(1) above may only be effected after a hearing by the Examining Board of Plumbers on the proposed suspension or revocation. The notice of hearing shall state the date, time and location of the hearing and the reasons [as stated in Subsection U(1) above] forming the basis for the proposed revocation or suspension. The notice of hearing shall be served either personally or by certified mail, return receipt requested, to the licensee's last known address at least 10 days prior to the hearing. The licensee shall have an opportunity to appear and be heard in relation to the proposed revocation or suspension, and may be represented by counsel. Minutes of the hearing shall be transcribed by a court reporter. The Commissioner of Buildings shall attend the hearing. The hearing shall be considered a "quasi-judicial proceeding" for purposes of Article 7 of the New York Public Officers Law.

(3) Within 10 days of the hearing, the Examining Board of Plumbers shall present the Commissioner of Buildings with its recommendations as to whether to suspend or revoke the certificate of competency or license. Upon receipt of the recommendations, the Commissioner of Buildings may either accept or reject the Examining Board of Plumbers' recommendations and revoke or suspend the certificate of competency or license. The revocation or suspension shall be effectuated by notice to the licensee by personal service or by certified mail, return receipt requested.

Section 3.

Chapter 2 of the Town Code is hereby amended as follows:

§2-66 Examination for issuance of license.

A. Application for examination. Persons applying for examination for a license to engage in the electrical business shall, before being examined, file with the Board an application on such form as may be prescribed by the Board, and shall furnish to the Board such information as it may require concerning the applicant's fitness and qualifications to receive a license as aforesaid. All applications must be under oath. Each applicant shall be required to furnish two vouchers, who shall sign under oath on forms prescribed by the Board certifying to the time the applicant has been employed by them as journeyman electrician, or the period of time they have known such applicant as master or employing electrician. Such vouchers at the time of signing applications must be lawfully engaged in the electrical business. All applications shall expire and be canceled after a period of one year from the date of the application if the applicant does not appear for examination or re-examination within that period.

B. Exceptions. Examination will be required for each applicant, with the exception of the following:

(1) Reciprocal license within the county.

(a) Where the applicant, at the time of making the application, maintains a principal place of business within the County of Nassau and has been duly licensed as a master electrician by a municipality within the County of Nassau with whom the Town of North Hempstead has entered into a reciprocity agreement, examination will be waived. Such applicant shall, however, file the required application, together with a certificate of competency, a certified copy of a currently valid master electrician's license, a certificate of insurance as required by § 2-68E and a fee in accordance with the Town of North Hempstead Fee Schedule with the Board. Upon approval of the application, such applicant shall be considered a duly licensed master electrician within the Town of North Hempstead. [Amended 4-11-2006 by L.L. No. 5-2006]

(b) If the applicant has no principal place of business at the time his application is under consideration, his residence shall be used.

(c) Renewal of a reciprocal electrician's license may be granted and obtained by submitting a copy of the renewal license from the party that issued the original license, together with a certificate of insurance as required by § 2-68E, plus a fee in the amount indicated in the Town of North Hempstead Fee Schedule. [Amended 4-11-2006 by L.L. No. 5-2006]

(2) Where the applicant is at the time of making the application a duly licensed master or employing electrician in any other municipality in the State of New York, and shall submit a certified copy of such license, and if he shall maintain his principal place of business in such municipality, examination will be waived, provided such municipality has signified in writing its willingness to reciprocate in like manner with the Examining Board of Electricians of the Town of North Hempstead. The fee, however, in such case shall be the same as for those requiring examination by the Examining Board of Electricians.

C. The examination of the Board shall be in two parts; namely, a practical test to determine the applicant's skill, and a written examination. The written examination shall consist of questions designed to determine the applicant's fitness and qualifications to engage in the business of master or employing electrician.

D. All examinations shall be written by the applicant and must be in English.

E. The time of holding the examination shall be left to the discretion of the Board. Ample notice shall be given to applicants.

F. Persons who pass the test as prescribed by the Board shall receive a certificate of competency as evidence of eligibility for the class of license for which such test is prescribed.

G. An applicant who fails to attain a minimum passing mark in the test shall not be eligible for another test until the expiration of 30 days.

H. **No application will be received from any person who does not furnish proof of the legal authorization to work in the United States.**

Section 4.

This Local Law shall take effect immediately upon filing with the Secretary of State.

; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed, in the manner required by law, to file a copy of the Local Law with the Secretary of State, and to publish a notice of adoption of the Local Law, which notice shall be in substantially the following form:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on November 18, 2021, Local Law No. __ of 2021 was adopted. The Local Law amends Chapter 2 of the Town Code entitled “Administration and Enforcement” in order to incorporate the requirement that applicants for a Town of North Hempstead plumber’s license or electrician's license furnish proof of legal authorization to work in the United States.

Dated: Manhasset, New York

November 18, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes:

Nays:

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 627 - 2021

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING
CHAPTER 2 OF THE TOWN CODE ENTITLED "ADMINISTRATION AND
ENFORCEMENT."**

WHEREAS, the Town Board, as the legislative body of the Town of North Hempstead, is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

WHEREAS, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend the Town Code by the adoption of a Local Law amending Chapter 2 of the Town Code entitled "Administration and Enforcement" in order to extend the suspension of Section 2-9 N (7) of the Town Code with respect to tent permits through June 30, 2022; and

WHEREAS, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Town Board for seven calendar days, exclusive of Sunday; and

WHEREAS, due notice has been heretofore given of a public hearing to be held on the 18th day of November, 2021 via Zoom concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town's website and during regular business hours in the Office of the Town Clerk; and

WHEREAS, the Town Board carefully considered the proposed Local Law during the aforesaid seven-day period, conducted said hearing on November 18, 2021 via Zoom, with respect to said Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, in accordance with the State Environmental Quality Review Act and the Act's implementing regulations (the "SEQRA Regulations") the Department of Planning and Environmental Protection has recommended that the adoption of the Local Law be determined to be a Type II Action pursuant to Section 617.5(c)(21) of the SEQRA Regulations and, as such, no further environmental review is required; and

WHEREAS, this Board deems it in the public interest to adopt said proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the "Secretary of State").

NOW, THEREFORE, BE IT

RESOLVED that the Town Board determines that the adoption of the Local Law is a Type II Action pursuant to Section 617.5(c)(21) of the SEQRA Regulations and, as such, no further environmental review is required; and be it further

RESOLVED that Local Law No. 23 of 2021 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 23 OF 2021**

**A LOCAL LAW AMENDING CHAPTER 2 OF THE TOWN CODE
ENTITLED “ADMINISTRATION AND ENFORCEMENT”**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent

The Board finds that it is in the best interest of the Town of North Hempstead to amend Chapter 2 of the Town Code entitled “Administration and Enforcement” in order to extend the suspension of section 2-9 N (7) of the Town Code with respect to tent permits through June 30, 2022.

Section 2.

Chapter 2 of the Town Code is hereby amended as follows:

§ 2-9 Permit required; application.

N. Minor structures; temporary buildings; tents. Temporary one-story frame buildings on lots whereon buildings are in the course of erection or on adjoining vacant lots, or sales or operating offices in connection with the development of subdivision of property, or platforms, stands, election booths and circus or exhibition tents, intended for temporary use only, may be erected upon permit issued by the Commissioner of Buildings, but not otherwise; but no such permit shall authorize the maintenance of such temporary building or other structure for a period exceeding six months from the date of said permit, unless said permit be renewed by the Commissioner of Buildings from time to time for consecutive periods not exceeding six months. Tents are permitted on a temporary basis under the following conditions.

- (1) The purpose for such tent is a permitted use in the zoning district.
- (2) The permit applicant submits plans describing the tent, its location on the property and provisions for vehicular parking.
- (3) The tent has such provisions for public health and safety as may be required by the circumstances.
- (4) The Nassau County Fire Marshal has approved the tent.

(5) The permit applicant submits an insurance certificate in the minimum amount of \$250,000 for bodily injury, naming the Town of North Hempstead as an additional insured for the duration of the tent.

(6) The permit applicant submits a consent to removal by the Town and a bond or cash deposit in an amount determined by the Commissioner of Buildings to cover the cost of removal of the tent, if the applicant fails to remove it upon expiration of the permit.

(7) A permit may be approved for a maximum of 15 days with an extension, subject to approval of the Commissioner of Buildings, for an additional 15 days.

(a) This subsection shall be and is suspended, upon the effective date hereof and continuing through ~~[December 31, 2024]~~ **June 30, 2022**, at which time this subsection shall revert to full force and effect. [Added 8-13-2020 by L.L. No. 6-2020; amended 4-22-2021 by L.L. No. 7-2021]

Section 3.

This Local Law shall take effect immediately upon filing with the Secretary of State.

; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed, in the manner required by law, to file a copy of said Local Law with the Secretary of State, and to publish a notice of adoption of said Local Law, which notice shall be in substantially the following form:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on November 18, 2021 via Zoom, Local Law No. of 2021 was adopted. The local law amends Chapter 2 of the Town Code entitled "Administration and Enforcement" in order to extend the suspension of section 2-9 N (7) of the Town Code with respect to tent permits through June 30, 2022.

Dated: Manhasset, New York

November 18, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 628 - 2021

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 28 OF THE TOWN CODE ENTITLED "HOUSING, REHABILITATION AND PROPERTY MAINTENANCE CODE."

WHEREAS, the Town Board, as the legislative body of the Town of North Hempstead, is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

WHEREAS, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend the Town Code by the adoption of a Local Law amending Chapter 28 of the Town Code entitled "Housing, Rehabilitation and Property Maintenance Code" in order to require the removal of vines, including ivy, on commercial properties to prevent it from encroaching or growing upon any adjoining or neighboring property; and

WHEREAS, due notice has been heretofore given of a public hearing to be held on the 18th day of November, 2021 via Zoom concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town's website and during regular business hours in the Office of the Town Clerk; and

WHEREAS, the Town Board carefully considered the proposed Local Law during the aforesaid seven-day period, conducted said hearing on November 18, 2021 via Zoom, with respect to said Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, in accordance with the State Environmental Quality Review Act and the Act's implementing regulations (the "SEQRA Regulations") the Department of Planning and Environmental Protection has recommended that the adoption of the Local Law be determined to be a Type II Action pursuant to Section 617.5(c)(33) of the SEQRA Regulations and, as such, no further environmental review is required; and

WHEREAS, this Board deems it in the public interest to adopt said proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the "Secretary of State").

NOW, THEREFORE, BE IT

RESOLVED that the Town Board determines that the adoption of the Local Law is a Type II Action pursuant to Section 617.5(c)(21) of the SEQRA Regulations and, as such, no further environmental review is required; and be it further

RESOLVED that Local Law No. 24 of 2021 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 24 OF 2021**

**A LOCAL LAW AMENDING CHAPTER 28 OF THE TOWN CODE ENTITLED
“HOUSING, REHABILITATION AND PROPERTY MAINTENANCE CODE”**

BE IT ENACTED by the Town Board of the Town of North Hempstead as follows:

Section 1. Legislative Intent.

It is the purpose and intent of the Town Board to amend Chapter 28 of the Town Code entitled “Housing, Rehabilitation and Property Maintenance Code” to require the removal of vines, including ivy, on commercial properties to prevent it from encroaching or growing upon any adjoining or neighboring property.

Section 2.

Chapter 28 of the Town Code is hereby amended as follows:

§ 28-22 Maintenance standards.

It shall be a violation of this chapter for any person, owner or occupant to create, cause, maintain or permit to continue any condition which is prohibited or otherwise inconsistent with the provisions of this section.

A. Open areas; parking spaces.

(1) Surface and subsurface water shall be appropriately drained to protect buildings and structures and to prevent the development of stagnant ponds. Gutters, culverts, catch basins, drain inlets, stormwater sewers, approved combined storm and sanitary sewers or other satisfactory drainage systems shall be utilized where necessary. No roof, surface or sanitary drainage shall create a structural, safety or health hazard by reason of construction, maintenance or manner of discharge.

(2) Fences, planting areas and other minor construction shall be maintained in a safe and substantial condition. Such maintenance shall include but not be limited to the replacement or removal of trees and shrubs which may die and/or otherwise be destroyed, and the replacement and/or repair of fences or other structures which may become in disrepair.

(3) Steps, walks, driveways, parking spaces and similar paved areas shall be in a proper state of repair, maintained so as to afford safe passage under normal use and weather conditions and shall be maintained free from hazardous conditions. Any holes or other hazards that may exist shall be filled or necessary repairs or replacement carried out.

(4) Yards, courts and vacant lots shall be kept clean and free of physical hazards, rodent harborage and infestation. They shall be maintained in a manner that will prevent dust or other particles from being blown about the neighborhood. Open wells, cesspools or cisterns shall be securely closed or barricaded from access to the public.

(5) All premises and immediate exterior property shall be maintained free from weeds or plant growth in excess of 10 inches. All noxious weeds are prohibited. Any trees or shrubs or portions thereof located on private property and constituting a hazard to persons or property shall be removed.

(6) A junked vehicle may not be parked, stored or left in the open. Unlicensed vehicles must be relocated to a completely enclosed location or otherwise removed from the property.

(7) That portion of the public right-of-way not covered by pavement or a similar surface and located between the portion of the right-of-way used for vehicular traffic and the boundary line of said right-of-way shall be maintained by the adjoining property owner. Such maintenance shall include but not be limited to the removal of litter, glass, paper and all other nonindigenous materials and the cutting of all weeds except trees, bushes and shrubs to a height of less than four inches. The requirements of this section shall be in addition to and not in lieu of the requirements of Chapter 48 of this Code.

(8) No person shall park any motor vehicle or boat in any front yard area except on driveways constructed and installed in compliance with the Town Code.

(9) The accumulation of any filth, dirt, ashes, junk, garbage, wastewater, raw sewage, sewage, wastepaper, dust, rubbish, sticks, stones, wood (including log piles exposed to the weather and elements), leaves, paper or paper boxes, iron, tin, nails, bottles or glass of any kind, old cars and parts thereof, discarded appliances such as refrigerators and the like is prohibited upon any premises.

(10) The exterior of the premises and all structures located on the premises shall be kept free of all nuisances and any hazards to the safety of occupants, pedestrians and other persons utilizing the premises and shall be free of unsanitary conditions.

(11) Approved methods of erosion control and stormwater retention shall be provided for on all properties and shall conform to the requirements of § 70-202.2. Where existing site conditions fail to control erosion and contain stormwater on site, appropriate corrective measures shall be taken.

B. Business units.

(1) Business units, as defined herein, shall at all times be maintained in compliance with the provisions of this code regulating open areas, parking spaces and buildings or structures.

(2) All garbage, crates, pallets, rubbish, refuse or debris shall be kept inside the building or buildings or on the premises in an acceptable enclosure and shall be regularly collected and removed from the premises. [Amended 3-8-2011 by L.L. No. 3-2011]

(3) Storage of shopping baskets, carts and wagons shall be in compliance with § 70-202.4 of the Town Code. [Amended 3-8-2011 by L.L. No. 3-2011]

(4) No mobile refrigeration unit shall be operated on the premises after the closing of the business conducted thereon unless such mobile refrigeration unit is electrically operated.

(5) No truck or other vehicle shall be loaded or unloaded outside the confines of the building or buildings on the premises, before 7:00 a.m. or after the business conducted on the premises has been closed to the public, in such manner as to cause excessive noise or disturbance to the adjoining properties. The loading and unloading area on the premises shall be enclosed at all times except where such area abuts a topographical barrier of such nature as to reduce the decibels of noise resulting from the loading or unloading activity. For the purposes of this section, a noise rating exceeding 25 decibels of average noise at the nearest residence to the premises shall be deemed excessive.

(6) All fences and planting areas installed on the premises **of a business unit** shall be maintained by the owner, ~~or~~ occupant **or person in control** of the property. Such maintenance shall include but not be limited to the **maintenance of trees and shrubs, the** replacement of trees and shrubs which may die and/or otherwise be destroyed, **the removal of vines, including ivy, to prevent it from encroaching or growing upon any adjoining or neighboring property or properties, including all public property and rights-of-way held by the Town,** and to the replacement and/or repair of fences which may become in disrepair. The owner or occupant shall, upon written notice of the Enforcement Officer, **maintain or** replace any shrubbery and/or trees, **take such measures as are reasonably expected to prevent such vines, including ivy, from invading or growing onto adjoining or neighboring properties,** and/or replace or repair any fence installed on the premises.

(7) All required parking spaces must be adequately marked or striped as per the building permit, building and/or zoning ordinance or Board of Zoning and Appeals decision.

(8) No exterior storage of industrial or commercial materials, or other materials, or trucks or trailers is permitted in required parking spaces.

(9) Restaurants and other eating facilities shall have garbage containers sufficient in number for all of their solid waste and shall maintain them in satisfactory condition.

(10) A refrigerated garbage locker shall be required within any restaurant, bar and grill or retail food use. There shall be no outdoor storage of putrescible waste generated by any food use at any time. The applicant shall arrange for indoor carry-out/pickup with a licensed sanitation collector and shall forward a copy of the contract to the Building Official prior to the issuance of a certificate of occupancy. Terms used in this subsection that are not defined by this chapter shall have the meanings ascribed to them by § 70-231 of the Town Code. [Added 1-29-2019 by L.L. No. 4-2019]

C. Buildings and structures.

(1) All exterior exposed surfaces not inherently resistant to deterioration shall be repaired, coated, treated or sealed to protect them from deterioration or weathering. Said surfaces, having once been coated with any finish such as paint, varnish, lacquer, etc., must be continuously maintained and recoated as necessary to keep uniformity of color and texture. Such surface shall be recoated in a workmanlike manner.

(2) Floors, walls, ceilings, stairs, furnishings and fixtures of buildings shall be maintained in a clean, safe and sanitary condition. Every floor, exterior wall, roof and porch, or appurtenance thereto, shall be maintained in a manner so as to prevent collapse of the same or injury to the occupants of the building or to the public.

- (3) The foundation walls of every building shall be maintained in good repair and shall be structurally sound. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
- (4) Exterior walls, roofs and all openings around doors, windows, chimneys and other parts of a building shall be so maintained as to keep water from entering the building and to prevent undue heat loss from occupied areas. Materials which have been damaged or show evidence of dry rot or other deterioration shall be repaired or replaced and refinished in a workmanlike manner. Exterior walls, roofs and other parts of the building shall be free from holes, breaks, rotting material and loose and unsecured objects and material and improperly secured objects and material. Such objects or materials shall be removed, repaired or replaced.
- (5) The owner of a vacated building shall take such steps and perform such acts as may be required of him from time to time to ensure that the building and its adjoining yards remain safe and secure and do not present a hazard to adjoining property or to the public. All openings shall be provided with painted exterior-grade plywood closures, securely fastened.
- (6) Buildings and structures shall be maintained in such condition so that they shall not become an unoccupied hazard as defined in this code.
- (7) All signs, awnings and lighting systems shall be maintained in a completely operable, clean, nondeteriorated and safe condition.
- (8) All decorative pools and similar devices shall be maintained free of litter and operated as intended. Should the maintenance costs of such devices prove unacceptable, the device shall be removed.
- (9) Fuel-burning or heat-producing equipment shall be installed and maintained so that the emissions or discharge into the atmosphere of smoke, dust particles, odors or other products of combustion will not create a nuisance or be detrimental to the health, comfort, safety or property of any person.
- (10) Chimneys, flues and their supports shall be installed and maintained so as to be structurally safe, durable, smoke-tight, noncombustible and capable of withstanding the action of flue gases without softening, cracking or corroding.
- (11) Air-conditioning units which are over any public opening shall have condensation piped away from the entranceway of same.
- (12) Electrical fixtures, devices, wiring and systems shall be maintained in safe working condition, keeping in mind energy conservation, and shall be turned off when not in use, so as not to be a potential source of ignition of combustible material or an electric hazard or shock, and shall be properly connected to a reasonable and adequate source of electrical power.
- (13) All plumbing fixtures, sanitary facilities, plumbing appliances and plumbing equipment shall be properly maintained in good working condition.
- (14) If a sign is removed from the exterior of a building or structure, the area that was covered by the removed sign and now left exposed, even if a new sign is installed, shall be cleaned and maintained so that the exterior of the building or structure shall have a uniform color and texture.

(15) Any building or structure which is structurally unsound, unsanitary or which has become unsafe by reason of the elements, age, general deterioration, inadequate maintenance, dilapidation, obsolescence or abandonment, or which is otherwise dangerous to human life, shall be prohibited upon any premises.

Section 3.

This Local Law shall take effect immediately upon filing with the Secretary of State.

; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed, in the manner required by law, to file a copy of said Local Law with the Secretary of State, and to publish a notice of adoption of said Local Law, which notice shall be in substantially the following form:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on November 18, 2021 via Zoom, Local Law No. of 2021 was adopted. The local law amends Chapter 28 of the Town Code entitled "Housing, Rehabilitation and Property Maintenance Code" in order to require the removal of vines, including ivy, on commercial properties to prevent it from encroaching or growing upon any adjoining or neighboring property.

Dated: Manhasset, New York

November 18, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 629 - 2021

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 48 OF THE TOWN CODE ENTITLED "SIDEWALKS."

WHEREAS, the Town Board, as the legislative body of the Town of North Hempstead, is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

WHEREAS, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend the Town Code by the adoption of a Local Law amending Chapter 48 of the Town Code entitled "Sidewalks" in order to extend the suspension of the Town Code provisions limiting the number of sidewalk sale permits that may be issued for any given location during a 12 month period and temporarily waive the fees for a sidewalk sale permit through June 30, 2022; and

WHEREAS, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Town Board for seven calendar days, exclusive of Sunday; and

WHEREAS, due notice has been heretofore given of a public hearing to be held on the 18th day of November, 2021 via Zoom concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town's website and during regular business hours in the Office of the Town Clerk; and

WHEREAS, the Town Board carefully considered the proposed Local Law during the aforesaid seven-day period, conducted said hearing on November 18, 2021 via Zoom, with respect to said Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, in accordance with the State Environmental Quality Review Act and the Act's implementing regulations (the "SEQRA Regulations") the Department of Planning and Environmental Protection has recommended that the adoption of the Local Law be determined to be a Type II Action pursuant to Section 617.5(c)(21) of the SEQRA Regulations and, as such, no further environmental review is required; and

WHEREAS, this Board deems it in the public interest to adopt said proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the "Secretary of State").

NOW, THEREFORE, BE IT

RESOLVED that the Town Board determines that the adoption of the Local Law is a Type II Action pursuant to Section 617.5(c)(33) of the SEQRA Regulations and, as such, no further environmental review is required; and be it further

RESOLVED that Local Law No. 25 of 2021 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 25 OF 2021**

**A LOCAL LAW AMENDING CHAPTER 48 OF THE TOWN CODE
ENTITLED "SIDEWALKS"**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent

The Board finds that it is in the best interest of the Town of North Hempstead to amend Chapter 48 of the Town Code entitled "Sidewalks" in order to extend the suspension of the Town Code provisions limiting the number of sidewalk sale permits that may be issued for any given location during a 12 month period and temporarily waive the fees for a sidewalk sale permit through June 30, 2022.

Section 2.

Chapter 48 of the Town Code is hereby amended as follows:

§48-11 Obstructing walks; sidewalk sales.

A. No person, firm, association or corporation who is owner, occupant or lessee of any premises abutting on any street, road, highway or parkway in the unincorporated area of the Town of North Hempstead, Nassau County, New York, shall place, keep, permit or suffer to be kept on any sidewalk in front of, adjoining or adjacent to such premises any goods, wares, merchandise, boxes, barrels, display signs or material things of any kind or description or in any manner obstruct any such sidewalk or in any manner obstruct or interfere with the use of any such sidewalk without first obtaining a permit from the Town Clerk under this section; provided, however, that nothing contained in this section shall prevent persons from placing goods, wares, merchandise or household furniture on the sidewalk temporarily while loading or unloading the same, provided that it be done without unnecessary delay and provided that such goods, wares or merchandise are not allowed or permitted to remain on such sidewalk within the prohibited area for a period longer than one hour.

B. Applications for a permit to conduct a sidewalk sale shall be submitted to the Town Clerk, and no person shall conduct a sidewalk sale without having first obtained such permit from the Town Clerk. The Town Clerk shall issue a permit for a sidewalk sale only to a chamber of commerce, Business Improvement District or to the majority of the merchants on a street wishing to participate in a sidewalk sale. A sidewalk sale permit shall not be issued to an individual merchant. Such application shall be submitted to the Town Clerk not less than 30 days nor more than 180 days prior to the first day of such sale.

C. The sidewalk sale permit shall be issued in the name of the sponsoring organization or in the name of all of the merchants who applied therefor and shall contain the date(s) and times of the sale. No permit shall be valid for more than three consecutive days. No more than five sidewalk sale permits may be issued for any location within any twelve-month period.

(1) The limitations on duration and number of permits in this subsection shall be and are suspended, upon the effective date hereof and continuing through [~~December 31, 2021~~] **June 30, 2022**, at which time this subsection shall revert in its entirety to full force and effect. [Added 9-3-2020 by L.L. No. 8 -2020; amended 4-22-2021 by L.L. No. 9-2021]

D. A sidewalk sale permit shall be subject to the following provisions:

(1) No sale shall be conducted between the hours of 7:00 p.m. and 8:00 a.m. the following day, and no merchandise, booths, tables or display cases shall be left on the site of the sale between such hours, even if the sale may continue the following day;

(2) No person shall erect booths, tables or display merchandise in such a manner so as to block pedestrian or vehicular traffic;

(3) There must be a minimum of two feet of clear sidewalk space between any merchandise, booth, table or display case and the street at all times;

(4) The applicant shall be responsible to ensure that any litter generated as a result of the sidewalk sale is properly removed;

(5) The applicant shall comply with such other conditions as the Town Clerk may require as necessary for public safety or to protect public improvements, including but not limited to the posting of no-parking signs, traffic cones or barricades; and

(6) No participant in a sidewalk sale shall cause or permit any loud or offensive noise from his person or from any device, instruments or equipment for the purpose of attracting attention to any goods or services for sale or distribution.

E. The fee for a sidewalk sale permit shall be \$100, plus \$25 for each additional day after the first day allowed by the permit.

(1) The fees set forth in this subsection shall be and are suspended, upon the effective date hereof and continuing through [~~December 31, 2021~~] **June 30, 2022**, at which time this subsection shall revert in its entirety to full force and effect.

[Added 9-3-2020 by L.L. No. 8-2020; amended 4-22-2021 by L.L. No. 9-2021]

F. No motor vehicle shall park, stop or stand upon or otherwise obstruct any sidewalk, driveway apron or handicapped access ramp within the unincorporated area of the Town of North Hempstead.

Section 3.

This Local Law shall take effect immediately upon filing with the Secretary of State.

; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed, in the manner required by law, to file a copy of said Local Law with the Secretary of State, and to publish a notice of adoption of said Local Law, which notice shall be in substantially the following form:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on November 18, 2021 via Zoom, Local Law No. of 2021 was adopted. The local law amends Chapter 48 of the Town Code entitled "Sidewalks" in order to extend the suspension of the Town Code provisions limiting the number of sidewalk sale permits that may be issued for any given location during a 12 month period and temporarily waive the fees for a sidewalk sale permit through June 30, 2022.

Dated: Manhasset, New York

November 18, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 630 - 2021

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE ENTITLED "ZONING."

WHEREAS, the Town Board, as the legislative body of the Town of North Hempstead is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

WHEREAS, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend Chapter 70 of the Town Code entitled "Zoning" in order to further assist those establishments affected by the COVID-19 pandemic by extending the timeframe to continue allowing temporary outdoor seating and other temporary outdoor uses until June 30, 2022; and

WHEREAS, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Town Board for seven calendar days, exclusive of Sunday; and

WHEREAS, due notice was heretofore given of a public hearing to be held on November 18, 2021 via Zoom, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town's website and during regular business hours in the Office of the Town Clerk; and

WHEREAS, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on November 18, 2021 via Zoom, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, in accordance with the State Environmental Quality Review Act and the Act's implementing regulations (the "SEQRA Regulations") the Department of Planning and Environmental Protection has recommended that the adoption of the Local Law be determined to be a Type II Action pursuant to Section 617.5(c)(21) and Section 617.5(c)(33) of the SEQRA Regulations and, as such, no further environmental review is required; and

WHEREAS, this Board deems it in the public interest to adopt the proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the "Secretary of State").

NOW, THEREFORE, BE IT

RESOLVED that the Town Board determines that the adoption of the Local Law is a Type II Action pursuant to Section 617.5(c)(21) and Section 617.5(c)(33) of the SEQRA Regulations and, as such, no further environmental review is required; and be it further

RESOLVED that Local Law No. 26 of 2021 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 26 OF 2021**

**A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE
ENTITLED “ZONING”**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the Town of North Hempstead to amend Chapter 70 of the Town Code entitled “Zoning” in order to further assist those establishments affected by the COVID-19 pandemic by extending the timeframe to continue allowing temporary outdoor seating and other temporary outdoor uses.

Section 2.

Section 70-103.1 of the Town Code of the Town of North Hempstead is hereby amended to read as follows:

§ 70-103.1 COVID-19 outdoor accommodations; temporary suspension of off-street parking requirements for certain restaurants and food service establishments.

[Added 6-18-2020 by L.L. No. 5-2020]

A. Purpose. The provisions of this section are designed to temporarily allow restaurants and food service establishments an additional way to expand their operations outdoors during ~~the time frame in which such establishments are subject to reduced interior occupancy or density restrictions arising from~~ **and as a result of** the COVID-19 pandemic; and to protect the public health, safety, and general welfare of the community.

B. Notwithstanding any provision in Chapter 70 of the Town Code to the contrary, restaurants and food service establishments may expand their seating areas by up to 50% of the previously approved floor area devoted to seating without providing additional parking spaces, subject to compliance with the provisions of this section.

C. No restaurant or food service establishment shall temporarily expand seating capacity under § 70-103.1 of the Town Code without first filing with the Building Commissioner an application for such temporary expanded seating capacity and obtaining a permit. To obtain a permit under this section, an applicant shall not be required to seek an amended site plan approval from the Town Board or an amended conditional use permit from the Zoning Board of Appeals.

D. Temporary expanded seating capacity areas are not required to be located within the original confines of the establishment, but must comply with applicable public assembly, accessibility and fire safety regulations.

E. Subject to the provisions of this section, temporary expanded seating capacity areas may be established entirely within the property boundaries, upon a sidewalk, within a parking lane, within a parking lot, or in a courtyard. An eligible restaurant or food service establishment may utilize one or more of the aforementioned locations as a temporary expanded seating area. This section of the Town Code only permits temporary expanded seating capacity areas in the locations referenced

herein. Nothing in this section shall be construed to permit outdoor dining and service of beverages, including alcohol, in any other area, including rooftops and roofs. [Amended 8-13-2020 by L.L. No. 7-2020]

F. A permit for a temporary expanded seating capacity area shall only be authorized where it is determined that the use will not create a hazard, a sight distance obstruction for motor vehicle operators, nor unduly impede pedestrian traffic. The Building Commissioner shall determine when a hazardous condition exists.

G. Application for permit.

(1) Such application shall be made to the Building Commissioner on a form provided by him and shall contain a sworn statement that provides the following information:

(a) A site plan showing the location of service and arrangement of tables and chairs;

(b) The required certificate of insurance, if applicable;

(c) Where applicable, a permit from the New York State Liquor Authority;

(d) A statement affirming that the applicant shall comply with all requirements set forth in this section; and

(e) A copy of this section signed by the applicant as recognition and acceptance of all of its terms.

(2) The Building Commissioner may require an applicant to provide such other information as may reasonably be required to establish compliance with the provisions of this section and other applicable building codes, ordinances and regulations.

H. Upon submission of a completed application, and a determination of compliance by the Building Department following a review of the application, the Building Commissioner shall issue a permit for a temporary expanded seating capacity area in one or more of the locations authorized in this section.

I. The following regulations are applicable to all temporary expanded seating capacity areas:

(1) Where necessary, wind screens shall be provided to contain any loose objects that may otherwise be carried off site by the wind.

(2) All food and beverages shall be dispensed from the interior of the establishment. There shall be no outdoor bar or service counter.

(3) Alcohol may only be served in conjunction with food that is otherwise available for purchase without alcohol. All businesses serving alcoholic beverages must be in compliance with all state laws and regulations, including those of the New York State Liquor Authority. Copies of permits shall be provided to the Town prior to service of alcoholic beverages.

(4) Except within a mixed-use zoning district or approved mixed-use development, no temporary expanded seating capacity area shall be established within 50 feet of a residential property.

(5) Where necessary, sun shade may be provided either by individual umbrellas or an area-wide canopy.

(6) Restaurants and food service establishments shall take all reasonable steps to control littering and shall dispose of all trash as otherwise required and shall keep the sidewalk, parking lot area, or other areas used for outdoor seating clean and free of litter, debris and putrescible waste.

(7) Putrescible waste must be contained in a refrigerated compartment within the interior of the restaurant or food service establishment for future disposal.

(8) Restaurants and food service establishments with temporary expanded seating capacity areas shall take all steps necessary to maintain safety and to immediately remedy any unsafe situation.

(9) A Town Building Inspector or Code Enforcement Officer may temporarily suspend a permit for a temporary expanded seating capacity area, at any time, due to violations of this section, threats to public safety, disorderly conduct, noise, disruption of other business operations or violations of other Town codes or other laws or regulations. The Building Inspector or Code Enforcement Officer may choose, but is not obligated, to reinstate a temporary expanded seating capacity area permit if he or she is satisfied that all violations have been remedied. An affected restaurant or food service establishment may appeal a decision to suspend a temporary expanded seating capacity area permit

to the Town Board, which shall conduct an evidentiary hearing to determine whether to reinstate the permit or continue the suspension for a stated period of time.

(10) Applicants shall provide a site plan for the premises for which the permit is requested showing all structures thereon, a sketch showing the proposed number of tables and chairs and the area to be used for temporary expanded seating capacity with a proposed seating plan for same.

(11) Service at any temporary expanded seating capacity area shall be permitted no later than 10:00 p.m. on Sunday through Thursday and 11:00 p.m. on Friday and Saturday. Tables and chairs and menu signs must be removed from the sidewalk no later than 10:30 p.m. on Sunday through Thursday and 11:30 p.m. on Friday and Saturday. Tables and chairs and menu signs cannot be set up earlier than 1/2 hour before service begins.

(12) Smoking or vaping is not permitted in any outdoor dining areas.

(13) The premises on which the temporary expanded seating capacity service is to be offered must have a valid certificate of occupancy and a public assembly license or place of assembly license, as applicable.

(14) There shall be no sound amplification or public address system permitted in any temporary expanded seating capacity area. The installation, use or maintenance of radios, speakers, televisions or like apparatus and live entertainment shall be prohibited in any temporary expanded seating capacity areas.

(15) Definitions. For the purposes of this section, the following words and phrases are defined as follows: [Added 8-13-2020 by L.L. No. 7-2020]

BARRIER

An object, natural or man-made, other than a bollard, which is used to obstruct the passage of motor vehicles and separate pedestrian and vehicular traffic. Natural objects may include large trees or boulders.

BOLLARD

A vertical post designed and used to obstruct the passage of motor vehicles and separate pedestrian and vehicular traffic.

PLATFORM

A flooring material, usually constructed of a wood or composite decking materials, which is flush mounted to the roadway surface so that tables and chairs are not placed directly onto the pavement.

VEHICLE IMPACT PROTECTION DEVICE

A device that is designed, engineered, and sited so as to effectively separate areas of pedestrian and vehicular travel and prevent automobiles from encroaching into areas which are solely intended for pedestrian use and travel; vehicle impact protection devices shall be comprised of bollards or barriers,

J. Outdoor sidewalk seating.

(1) Notwithstanding the provisions of Chapter 48 of the Town Code to the contrary, the Building Department may issue a temporary expanded seating capacity area permit for outdoor sidewalk seating in conjunction with a restaurant or food service establishment, subject to compliance with this § 70-103.1.

(2) The applicant shall provide for a pedestrian access area on the public sidewalk, measured from the inside of the curb where it meets the sidewalk, of at least 60 inches' clearance; tables and chairs and other objects, such as menu signs, shall be kept out of the pedestrian access area. Clearance for the pedestrian access area must be around obstacles such as signs, benches, garbage cans, accessibility ramps, driveway access and other impediments. Employees may temporarily be within the pedestrian access area while performing their duties, such as serving, but may not place objects, such as tray stands, in the pedestrian access area. However, employees shall at all times yield to pedestrians within the pedestrian access area.

(a) Notwithstanding the above, on a Town roadway with an existing parking lane, an applicant may utilize the parking lane as a pedestrian walkway, provided that the applicant provides a vehicle impact protection device or steel barricade on all three sides of the parking lane and provides ramp

access for ADA compliance, which can be made of nonpermanent materials. [Added 8-13-2020 by L.L. No. 7-2020]

(3) The applicant shall provide a certificate of insurance with liability limits of at least \$2,000,000 per occurrence and which names the Town of North Hempstead as an additional insured who will be notified by the insurance company or agent in the event of a lapse of coverage. This insurance is required to remain in effect for the duration of the outdoor sidewalk seating activities and to cover claims arising out of said activities. The Town must be notified in the event of any threatened or actual lapse in insurance coverage. Any such lapse in coverage shall automatically revoke the permit authorizing a temporary expanded seating area for outdoor sidewalk seating. In any event, the applicant shall be liable for all claims arising out of the operation of a temporary expanded seating area for outdoor sidewalk seating and shall defend, indemnify and hold the Town harmless from and against any such claims.

(4) Notwithstanding the provisions of § 70-197, permittees under this section may display menu signs only within the time frames set forth in § 70-103.1I(11) and only as authorized by the Building Department. The Building Department is hereby authorized and directed to establish a preapproved menu sign form, including size and display specifications, which permittees may display without obtaining a sign permit.

(5) Sidewalk service may be provided in front of up to two adjoining businesses, i.e., one on either side of the permittees' premises, with the permission of those businesses and their landlords. Permission shall be given in writing, a copy of which shall be given to the Building Department before sidewalk service in front of an adjoining premises is provided. Permission may be withdrawn by the adjoining business or landlord at any time. The business or landlord withdrawing permission shall notify the Town, in writing, within two business days of the withdrawal. Any adjoining business and landlord that gives such permission shall be covered by the permittees' insurance in the same way the Town is and at no less a coverage level. Confirmation of such coverage and notice of any lapse, etc., shall be provided to the Town in the same manner as such notice is made to the Town regarding coverage extended to the Town. Copies of all such notices shall also be given to the permitting businesses and landlords.

(6) Notwithstanding any provisions of this section, outdoor sidewalk seating shall be in all respects compliant with all applicable provisions of the Americans with Disability Act of 1990, as amended from time to time.

K. Outdoor parking lane seating. [Added 8-13-2020 by L.L. No. 7-2020]

(1) Notwithstanding any traffic ordinance or local law to the contrary, the Building Department may issue a temporary expanded seating capacity area permit for outdoor parking lane seating in conjunction with a restaurant or food service establishment, subject to compliance with this § 70-103.1.

(2) The applicant shall comply with the following:

(a) Provide a vehicle impact protection device on all three sides of the seating perimeter located in the roadway to separate seating from the travel lane. The vehicle impact protection device must be at least 18 inches in width and 30 inches to 36 inches in height (excluding plantings) on all three sides. All vehicle impact protection devices shall be engineered and determined to be in compliance with ASTM Publication F3016.

(b) Parking lane seating may not exceed the length of the business frontage, except as authorized herein.

(c) Ensure visibility of patrons and vehicle impact protection devices at night by clearly marking such devices with yellow high-intensity retro-reflective tape or reflectors.

(d) Provide ramp access for ADA compliance, which can be made of nonpermanent materials.

(e) Seating or vehicle impact protection devices shall not be located within 15 feet of a fire hydrant, or within eight feet of a crosswalk, or within a No Stopping Anytime or No Standing Anytime zone, bike lane, bus lane/stop, or taxi stand.

(f) No outdoor lighting shall be installed in a manner that will impair passing traffic.

- (g) Tables and chairs must be removed or secured in place when not in operation.
- (h) All applicable building and fire codes shall be complied with.
- (i) Notwithstanding any provision of this code to the contrary, no liquid petroleum gas heating device shall be located within the outdoor parking lane seating area. [Added 11-19-2020 by L.L. No. 17-2020]

(3) The applicant may comply with the following:

(a) Vehicle impact protection devices may be left in place within a metered zone, alternate side parking, or No Parking Anytime zone, provided that tables and chairs are removed or secured when not in operation.

(b) Where seating is authorized along a curb, install a platform behind the required vehicle impact protection devices to flush height with curb to facilitate ADA compliance, prevent the curb from becoming a tripping hazard, and allow drainage to underpass seating. Such platforms shall not block rain water drainage getting to the curb or flowing along the curb. Such platforms shall not obstruct access to or ventilation of utility covers. Installation of any platform within a parking lane shall be in compliance with the New York State Building Code relative to structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements.

(4) The applicant shall provide a certificate of insurance with liability limits of at least \$2,000,000 per occurrence and which names the Town of North Hempstead as an additional insured who will be notified by the insurance company or agent in the event of a lapse of coverage. This insurance is required to remain in effect for the duration of the outdoor parking lane seating activities and to cover claims arising out of said activities. The Town must be notified in the event of any threatened or actual lapse in insurance coverage. Any such lapse in coverage shall automatically revoke the permit authorizing a temporary expanded seating area for outdoor parking lane seating. In any event, the applicant shall be liable for all claims arising out of the operation of a temporary expanded seating area for outdoor parking lane seating and shall defend, indemnify and hold the Town harmless from and against any such claims.

(5) Notwithstanding the provisions of § 70-197, permittees under this section may display menu signs only within the time frames set forth in § 70-103.11(11) and only as authorized by the Building Department. The Building Department is hereby authorized and directed to establish a preapproved menu sign form, including size and display specifications, which permittees may display without obtaining a sign permit.

(6) Parking lane seating service may be provided in front of up to two adjoining businesses, i.e., one on either side of the permittees' premises, with the permission of those businesses and their landlords. Permission shall be given in writing, a copy of which shall be given to the Building Department before parking lane seating service in front of an adjoining premises is provided. Permission may be withdrawn by the adjoining business or landlord at any time. The business or landlord withdrawing permission shall notify the Town, in writing, within two business days of the withdrawal. Any adjoining business and landlord that gives such permission shall be covered by the permittees' insurance in the same way the Town is and at no less a coverage level. Confirmation of such coverage and notice of any lapse, etc., shall be provided to the Town in the same manner as such notice is made to the Town regarding coverage extended to the Town. Copies of all such notices shall also be given to the permitting businesses and landlords.

(7) Notwithstanding any provisions of this section, outdoor parking lane seating shall be in all respects compliant with all applicable provisions of the Americans with Disability Act of 1990, as amended from time to time.

L. Outdoor seating in parking lot areas.

(1) Outdoor seating within parking lots shall conform to the following:

(a) Seating areas must be protected by a barricade, bollard or other vehicle impact protection device. A minimum distance of eight feet must be maintained between the seating area and the closest vehicular parking stall or access lane.

(b) Paved surfaces in parking lot areas must be kept in a clean and sanitary condition.

- (2) (Reserved)
- (3) Vehicle impact protection devices required.
 - (a) Vehicle impact protection devices shall be required to protect a temporary expanded seating capacity area located within a parking lot.
 - (b) Performance standard. All vehicle impact protection devices shall be engineered and determined to be in compliance with ASTM Publication F3016.
 - (c) Location.
 - [1] Vehicle impact protection devices shall be located:
 - [a] Between any area designated for parking spaces and the beginning of the adjacent, converted parking area to be used as the outdoor seating area; and
 - [b] To the extent practicable, between the means of egress from the restaurant or food service establishment and the designated outdoor seating area.
 - [2] Barriers and bollards may be offset and staggered in terms of relative distance to provide protection.
- (4) No temporary expanded seating capacity area located within a parking lot shall occupy, encroach or impede into any New York State required accessible spaces or fire lanes.
- (5) All platforms and ground coverings shall provide for accessibility. Notwithstanding any provisions of this section, outdoor parking lot seating shall be in all respects compliant with all applicable provisions of the Americans with Disability Act of 1990, as amended from time to time. Ramps and wheelchair edge protection shall be provided where required.
- (6) Installation of any platform within a parking area shall be in compliance with the New York State Building Code relative to structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements.
- (7) The Town may request a parking analysis to ensure that adequate parking for the location is provided.

M. Outdoor seating in courtyard areas or within property boundaries.

- (1) Courtyard areas and locations within the boundaries of the property may be used as a temporary expanded seating capacity area, provided the written permission of the owner of the property on which tables and chairs are placed is obtained and the requirements of this section are complied with and an unobstructed pedestrian access area of at least 60 inches is maintained and there is no obstruction of ingress and egress points.
- (2) All platforms and ground coverings shall provide for accessibility. Notwithstanding any provisions of this section, outdoor courtyard seating shall be in all respects compliant with all applicable provisions of the Americans with Disability Act of 1990, as amended from time to time. Ramps and wheelchair edge protection shall be provided where required.

N. Canopies and tents; table umbrellas.

- (1) Installation of a canopy or tent shall be in compliance with the New York State Fire Code and the Nassau County Fire Ordinance. Proof of approval from the Nassau County Fire Marshal shall be provided to the Building Department prior to issuance of a permit under this section.
- (2) Installation of individual table umbrellas shall be in compliance with the New York State Fire Code.

- (3) In accordance with the New York State Fire Code, temporary tents or canopies shall not be erected for a period of more than 180 days within a twelve-month period on a single premises.

[Added 11-19-2020 by L.L. No. 17-2020]

- (4) A separate temporary tent permit shall be required prior to the installation or erection of a tent or canopy in accordance with § 2-9N of the Town Code. [Added 11-19-2020 by L.L. No. 17-2020]

O. Outdoor heaters. The use of liquefied petroleum gas (propane) or any other outdoor heating equipment, and the storage of liquid petroleum gas containers, shall be in compliance with the New York State Fire Code and the Nassau County Fire Ordinance. The New York State Fire Code and the Nassau County Fire Ordinance requirements related to temporary outdoor heating shall be set forth in the permit application provided by the Building Department. Proof of approval from the Nassau

County. Fire Marshal shall be provided to the Building Department prior to issuance of a permit under this section. [Added 11-19-2020 by L.L. No. 17-2020]

P. Permit revocation. The Building Commissioner shall have the authority to revoke any permits issued pursuant to this section in the following instances:

- (1) Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based.
- (2) Where he finds that the permit was issued in error and should not have been issued in accordance with the applicable law.
- (3) Where he finds that the expanded seating capacity authorized under the permit is not executed in accordance with the provisions of the application, plans or specifications.
- (4) Where the person to whom a permit has been issued fails or refuses to comply with a stop order issued by the Building Commissioner.

Q. Any temporary expanded seating capacity area permit issued under this section shall terminate on ~~[December]~~ **June** 3~~[4]~~**0**, 202~~[4]~~**2**. All items located within the temporary expanded seating capacity area shall be removed no later than 10 days from the aforementioned termination date [Amended 11-19-2020 by L.L. No. 17-2020; 4-22-2021 by L.L. No. 6-2021]

Section 3.

Section 70-103.2 of the Town Code of the Town of North Hempstead is hereby amended to read as follows:

§ 70-103.2 COVID-19 outdoor accommodations; temporary suspension of off-street parking requirements for certain uses. [Added 9-24-2020 by L.L. No. 13-2020]

A. Purpose. The provisions of this section are designed to temporarily allow certain places of public assembly or places of assembly uses (exclusive of restaurant uses), including gyms, fitness centers and religious institutions, and certain personal service uses, including barbershops, hair salons, personal care services, and similar uses, an additional way to expand their operations outdoors during, ~~[the time frame in which such establishments are subject to reduced interior occupancy or density restrictions arising from]~~ **and as a result of,** the COVID-19 pandemic; and to protect the public health, safety, and general welfare of the community.

B. Notwithstanding any provision in Chapter 70 of the Town Code to the contrary, the uses described in § 70-103.2A may expand their operating areas by up to 50% of the previously approved floor area devoted to such use without providing additional parking spaces, subject to compliance with the provisions of this section.

C. No use described in § 70-103.2A shall temporarily expand its capacity outdoors under § 70-103.2 of the Town Code without first filing with the Building Commissioner an application for such temporary expanded outdoor use and obtaining a permit. To obtain a permit under this section, an applicant shall not be required to seek an amended site plan approval from the Town Board or an amended conditional use permit from the Zoning Board of Appeals.

D. Temporary expanded outdoor use areas are not required to be located within the original confines of the establishment, but must comply with applicable public assembly, accessibility and fire safety regulations.

E. Subject to the provisions of this section, temporary expanded outdoor use areas may be established entirely within the property boundaries, within a parking lot, or in a courtyard. An eligible business may utilize one or more of the aforementioned locations as a temporary expanded outdoor use area. This section of the Town Code only permits temporary expanded outdoor use areas in the locations referenced herein.

F. A permit for a temporary expanded outdoor use area shall only be authorized where it is determined that the use will not create a hazard, a sight distance obstruction for motor vehicle

operators, nor unduly impede pedestrian traffic. The Building Commissioner shall determine when a hazardous condition exists.

G. Application for permit.

(1) Such application shall be made to the Building Commissioner on a form provided by him and shall contain a sworn statement that provides the following information:

- (a) A site plan showing the location of the use or service area;
- (b) The required certificate of insurance, if applicable;
- (c) A statement affirming that the applicant shall comply with all requirements set forth in this section; and

(d) A copy of this section signed by the applicant as recognition and acceptance of all of its terms.

(2) The Building Commissioner may require an applicant to provide such other information as may reasonably be required to establish compliance with the provisions of this section and other applicable building codes, ordinances and regulations.

H. Upon submission of a completed application, and a determination of compliance by the Building Department following a review of the application, the Building Commissioner shall issue a permit for a temporary expanded outdoor use area in one or more of the locations authorized in this section.

I. The following regulations are applicable to all temporary expanded outdoor use areas:

(1) Except within a mixed-use zoning district or approved mixed-use development, no temporary expanded outdoor use area shall be established within 50 feet of a residential property.

(2) Where necessary, sun shade may be provided either by individual umbrellas or an area-wide canopy.

(3) Businesses shall take all reasonable steps to control littering and shall dispose of all trash as otherwise required and shall keep the sidewalk, parking lot area, or other areas clean and free of litter, debris and putrescible waste.

(4) Businesses with temporary expanded outdoor use areas shall take all steps necessary to maintain safety and to immediately remedy any unsafe situation. It is the permit holder's responsibility to be aware of severe weather and remove or secure any temporary objects.

(5) A Town Building Inspector or Code Enforcement Officer may temporarily suspend a permit for a temporary expanded outdoor use area, at any time, due to violations of this section, threats to public safety, disorderly conduct, noise, disruption of other business operations or violations of other Town codes or other laws or regulations. The Building Inspector or Code Enforcement Officer may choose, but is not obligated, to reinstate a temporary expanded outdoor use area permit if he or she is satisfied that all violations have been remedied. An affected business may appeal a decision to suspend a temporary expanded outdoor use area permit to the Town Board, which shall conduct an evidentiary hearing to determine whether to reinstate the permit or continue the suspension for a stated period of time.

(6) Applicants shall provide a site plan for the premises for which the permit is requested showing all structures thereon and a sketch showing the proposed area of use.

(7) Use of any temporary expanded outdoor use area shall be permitted on weekdays and Saturdays between the hours of 7:00 a.m. and 9:00 p.m., and on Sundays between the hours of 8:00 a.m. and 8:00 p.m.

(8) Outdoor lighting shall be installed in accordance with Chapter 70 of the Town Code.

(9) The premises on which the temporary expanded outdoor use area is to be offered must have a valid certificate of occupancy and a public assembly license or place of assembly license, as applicable.

(10) There shall be no sound amplification or public address system permitted in any temporary expanded outdoor use area. The installation, use or maintenance of radios, speakers, televisions or like apparatus and live entertainment shall be prohibited in any temporary expanded outdoor use area.

(11) Definitions. For the purposes of this section, the following words and phrases are defined as follows:

BARRIER

An object, natural or man-made, other than a bollard, which is used to obstruct the passage of motor vehicles and separate pedestrian and vehicular traffic. Natural objects may include large trees or boulders.

BOLLARD

A vertical post designed and used to obstruct the passage of motor vehicles and separate pedestrian and vehicular traffic.

PLATFORM

A flooring material, usually constructed of wood or composite decking materials, which is flush mounted to the roadway surface so that tables and chairs are not placed directly onto the pavement.

VEHICLE IMPACT PROTECTION DEVICE

A device that is designed, engineered, and sited so as to effectively separate areas of pedestrian and vehicular travel and prevent automobiles from encroaching into areas which are solely intended for pedestrian use and travel; vehicle impact protection devices shall be comprised of bollards or barriers.

J. Use of parking lot areas.

(1) Temporary expanded outdoor use areas within parking lots shall conform to the following:

(a) Such areas must be protected by a barricade, bollard or other vehicle impact protection device. A minimum distance of eight feet must be maintained between the area of use and the closest vehicular parking stall or access lane.

(b) Paved surfaces in parking lot areas must be kept in a clean and sanitary condition.

(2) Vehicle impact protection devices required.

(a) Vehicle impact protection devices shall be required to protect a temporary expanded outdoor use area located within a parking lot.

(b) Performance standard. All vehicle impact protection devices shall be engineered and determined to be in compliance with ASTM Publication F3016.

(c) Location. Vehicle impact protection devices shall be located between any area designated for parking spaces and the beginning of the adjacent, converted parking area to be used as the outdoor use area. Barriers and bollards may be offset and staggered in terms of relative distance to provide protection.

(d) Barricades, bollards or other vehicle impact protection devices shall be equipped with reflectorized tape or other reflector devices adequate to warn others of its presence during night hours.

(3) No temporary expanded outdoor use area located within a parking lot shall occupy, encroach or impede into any New York State required accessible spaces or fire lanes.

(4) All platforms and ground coverings shall provide for accessibility. Notwithstanding any provisions of this section, outdoor parking lot uses shall be in all respects compliant with all applicable provisions of the Americans with Disability Act of 1990, as amended from time to time. Ramps and wheelchair edge protection shall be provided where required.

(5) Installation of any platform within a parking area shall be in compliance with the New York State Building Code relative to structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements.

(6) The Town may request a parking analysis to ensure that adequate parking for the location is provided.

K. Outdoor uses in courtyard areas or within property boundaries.

(1) Courtyard areas and locations within the boundaries of the property may be used as a temporary expanded outdoor use area, provided the written permission of the owner of the property on which the use is to be conducted is obtained and the requirements of this section are complied

with and an unobstructed pedestrian access area of at least 60 inches is maintained and there is no obstruction of ingress and egress points.

(2) All platforms and ground coverings shall provide for accessibility. Notwithstanding any provisions of this section, outdoor courtyard use areas shall be in all respects compliant with all applicable provisions of the Americans with Disability Act of 1990, as amended from time to time. Ramps and wheelchair edge protection shall be provided where required.

L. Canopies and tents; table umbrellas.

(1) Installation of a canopy or tent shall be in compliance with the New York State Fire Code and the Nassau County Fire Ordinance. Proof of approval from the Nassau County Fire Marshal shall be provided to the Building Department prior to issuance of a permit under this section.

(2) Installation of individual table umbrellas shall be in compliance with the New York State Fire Code.

(3) In accordance with the New York State Fire Code, temporary tents or canopies shall not be erected for a period of more than 180 days within a twelve-month period on a single premises.

[Added 11-19-2020 by L.L. No. 17-2020]

(4) A separate temporary tent permit shall be required prior to the installation or erection of a tent or canopy in accordance with § 2-9N of the Town Code. [Added 11-19-2020 by L.L. No. 17-2020]

M. Outdoor heaters. The use of liquefied petroleum gas (propane) or any other outdoor heating equipment, and the storage of liquid petroleum gas containers shall be in compliance with the New York State Fire Code and the Nassau County Fire Ordinance. The New York State Fire Code and the Nassau County Fire Ordinance requirements related to temporary outdoor heating shall be set forth in the permit application provided by the Building Department. Proof of approval from the Nassau County Fire Marshal shall be provided to the Building Department prior to issuance of a permit under this section. [Added 11-19-2020 by L.L. No. 17-2020]

N. Permit revocation. The Building Commissioner shall have the authority to revoke any permits issued pursuant to this section in the following instances:

(1) Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based.

(2) Where he finds that the permit was issued in error and should not have been issued in accordance with the applicable law.

(3) Where he finds that the expanded outdoor use area authorized under the permit is not executed in accordance with the provisions of the application, plans or specifications.

(4) Where the person to whom a permit has been issued fails or refuses to comply with a stop order issued by the Building Commissioner.

O. Any temporary expanded outdoor use area permit issued under this section shall terminate on ~~December~~ **June** 3~~1~~**0**, 202~~1~~**2**. All items located within the temporary expanded outdoor use area shall be removed no later than 10 days from the aforementioned termination date. [Amended 4-22-2021 by L.L. No. 6-2021]

Section 4.

This Local Law shall take effect immediately upon filing with the Secretary of State.

; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed, in the manner required by law, to file a copy of the Local Law with the Secretary of State, and to publish a notice of adoption of the Local Law, which notice shall be in substantially the following form:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on November 18, 2021 via Zoom, Local Law No. __ of 2021 was adopted. The Local Law amends Chapter 70 of the Town Code entitled “Zoning” in order to further assist those establishments affected by the COVID-19 pandemic by extending the timeframe to continue allowing temporary outdoor seating and other temporary outdoor uses until June 30, 2022.

Dated: Manhasset, New York

November 18, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Town Clerk Planning Building

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 631 - 2021

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING
ARTICLE IX OF THE TOWN OF NORTH HEMPSTEAD UNIFORM TRAFFIC CODE
ENTITLED “PORT WASHINGTON PUBLIC PARKING DISTRICT.”**

WHEREAS, the Town Board, as the legislative body of the Town of North Hempstead is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

WHEREAS, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend Chapter 83 of the Town Uniform Traffic Code entitled “Off-Street Parking Areas” in order to make amendments to convert certain commuter parking spaces into metered shopper parking spaces from December 1, 2021, through March 31, 2022; and

WHEREAS, the proposed Local Law, in final form, has been on the desks or tables of all the members of the Town Board for seven calendar days, exclusive of Sunday; and

WHEREAS, due notice was heretofore given of a public hearing to be held on November 18, 2021, via Zoom, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town’s website and during regular business hours in the Office of the Town Clerk; and

WHEREAS, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on November 18, 2021, via Zoom, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, this Board deems it in the public interest to adopt the proposed Local Law, to be effective immediately upon filing with the Secretary of State of the State of New York (the “Secretary of State”).

NOW, THEREFORE, BE IT

RESOLVED that Local Law No. 27 of 2021 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 27 OF 2021**

**A LOCAL LAW AMENDING CHAPTER 83 OF THE TOWN UNIFORM TRAFFIC CODE
ENTITLED “OFF-STREET PARKING AREAS”**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the Town of North Hempstead to amend Chapter 83 of the Town Uniform Traffic Code entitled “Off-street parking areas” to change the metered parking hours to 9:00am through 6:00pm, and convert certain commuter parking spaces to metered shopper parking spaces from December 1, 2021, to March 31, 2022.

Section 2.

Chapter 83 of the Town Code is hereby amended as follows:

D. Shopper parking. [Amended 4-21-2015 by L.L. No. 4-2015]

(1) The use of all parking spaces designated as shopper parking shall be regulated by a parking meter, the fee for which shall be set by resolution of the Board of Commissioners and shall be nonrefundable. This fee shall be in effect from [~~8~~] 9:00 a.m. to [~~5~~] 6:00 p.m. Monday through Friday, except holidays. [Amended 4-19-2016 by L.L. No. 5-2016]

(2) The maximum period of time a vehicle may be parked in a space designated for shopper parking shall be two hours, except that in Area Number Six and Area Number 10, the maximum period of time a vehicle may be parked in such a space shall be eight hours, and in Area Number Five, the maximum period of time a vehicle may be parked in such a space shall be five hours.

(3) The following parking spaces in the Port Washington Public Parking District are to be converted from commuter parking spaces to metered shopper parking spaces from the time period December 1, 2021 to March 31, 2022.

a. Lot 4 shall have 17 spaces converted to shopper parking spaces with a three-hour parking limit payable via the Muni-Meter already located in the lot. The 17 spaces shall be designated by the Commissioner of Public Safety.

b. Lot 5 shall have 28 spaces converted to shopper parking spaces with a five-hour parking limit payable via the Muni-Meter already located in the lot. The spaces shall be designated by the Commissioner of Public Safety.

c. Lot 7 shall have the entire lot consisting of 190 spaces converted to shopper parking spaces on Saturdays only payable via the Passport App.

Section 3.

This Local Law shall take effect immediately upon filing with the Secretary of State.

; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed, in the manner required by law, to file a copy of the Local Law with the Secretary of State, and to publish a notice of adoption of the Local Law, which notice shall be in substantially the following form:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on November 18, 2021, Local Law No. __ of 2021, was adopted. The Local Law amends Chapter 83 of the Town Uniform Traffic Code entitled "Off-Street Parking Areas" in order to convert certain commuter parking spaces into metered shopper parking spaces from December 1, 2021, through March 31, 2022.

Dated: Manhasset, New York

November 18, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Town Clerk Public Safety

Councilperson Zuckerman offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 632 - 2021

A PUBLIC HEARING TO CONSIDER THE APPLICATION OF TOWN METRO LLC FOR A SPECIAL USE PERMIT FOR THE PREMISES LOCATED AT 1-4 EXPRESSWAY PLAZA, ROSLYN HEIGHTS AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 7, BLOCK 5, LOTS 832, 833 & 835.

WHEREAS, Town Metro LLC, (the "Applicant") is seeking to construct a multi-level, 1,251-space underground parking garage in conjunction with a two-story 160,696 s.f. office building on a 9.26 acre site at the property located at 1-4 Expressway Plaza, Roslyn Heights, New York, and identified on the Nassau County Land and Tax Map as Section 7, Block 5, Lots 832, 833 & 835 (the "Application"); and

WHEREAS, it has been determined that the Application requires a special permit approved by the Board of the Town of North Hempstead (the "Town") pursuant to Town Code §70-203(U), using the standards set forth in Town Code §225(B)(1) (the "Special Use Permit"); and

WHEREAS, all necessary reports, recommendations, and comments on the Project have been filed with this Board by the Commissioner of Building Safety, Inspection and Enforcement (the "Building Commissioner") of the Town pursuant to Town Code §29A-5(B); and

WHEREAS, the Town Clerk, pursuant to and in accordance with the Town Code, has published notice of a public hearing scheduled for November 18, 2021 for the site plan review (the "Public Hearing"), as authorized and directed by the Town Board pursuant to Resolution No. 585-2021, adopted on October 21, 2021; and

WHEREAS, the Applicant, in the manner required by Town Code § 70-240(C), has furnished proof of service of notice of the Public Hearing to the affected property owners within a 300-foot radius of the Premises, and filed an affidavit as to the mailing of such notices as required thereunder; and

WHEREAS, on the same date as this Resolution, the Town Board has adopted a Resolution approving a site plan for the Premises that includes the improvements and activities contemplated in this Application; and

WHEREAS, the Application does not require any variances or other relief from the Town of North Hempstead Board of Zoning Appeals; and

WHEREAS, pursuant to General Municipal Law § 239-m, the Nassau County Planning Commission (the “Commission”) was furnished with copies of the site plan and the Full Environmental Assessment Form Part 1, (the “FEAF”); and

WHEREAS, pursuant to Resolution No. 10446-21, adopted October 7, 2021, the Nassau County Planning Commission recommended local determination; and

WHEREAS, the Planning Department has reviewed the Application and tentatively recommends approval of same; and

WHEREAS, pursuant to the standards set forth in Town Code '70-225(B)(1), the use of the Premises is consistent with the purposes of zoning as set forth in the Town Law of the State of New York and the retail and commercial uses permitted within the Business A zoning district in which the Premises are found; and

WHEREAS, it is required that a “lead agency” be established to review the Action pursuant to the rules and regulations for implementation of the New York State Environmental Quality Review Act 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, this Board, through action of the Planning Department pursuant to Code §20-4, has established itself as lead agency and wishes to render a determination of significance pursuant to the SEQRA Regulations; and

WHEREAS, this Board has reviewed the recommendation of the Planning Department, dated October 14, 2021, that a Negative Declaration be issued determining that the Action constitutes an “unlisted” action pursuant to Section 617.2 (a) of the SEQRA Regulations, and has further determined that the Action will not result in any significant adverse impacts on the environment based upon the analysis set forth in the FEAF; and

WHEREAS, this Board has carefully considered the Application, testimony and other relevant evidence at the Public Hearing held on November 18, 2021 via Zoom, and afforded all interested persons the opportunity to be heard; and

WHEREAS, this Board now wishes to render a decision on this Application.

NOW, THEREFORE, BE IT

RESOLVED that the Town Board declares itself “lead agency” under the SEQRA Regulations for the Action; and be it further

RESOLVED that the Board hereby adopts the Planning Department’s recommendation and determines that the Action is an “unlisted action” which will not result in any significant adverse impact on the environment, based upon the analysis set forth in the FEAF, and upon the testimony and reports adduced at the Public Hearing; and be it further

RESOLVED that, pursuant to Town Code §70-203(U), and the standards set forth in Town Code §225(B)(1), the Application is hereby granted and the Permit is hereby approved; and be it further

RESOLVED that a copy of this resolution shall be filed with the Town Clerk and the Building Commissioner, pursuant to Town Code §70-225, is hereby authorized and directed to issue a

building permit: (1) upon compliance with the application requirements as set forth in the Town Code; and (2) upon any other conditions or requirements imposed by any other governmental entity having jurisdiction over the Premises, except as herein above set forth, and to take such other action as may be necessary to effectuate the foregoing.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Councilperson Zuckerman offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 633 - 2021

A PUBLIC HEARING TO CONSIDER THE APPLICATION OF TOWN METRO LLC FOR SITE PLAN REVIEW FOR THE PREMISES LOCATED AT 1-4 EXPRESSWAY PLAZA, ROSLYN HEIGHTS AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 7, BLOCK 5, LOTS 832, 833 & 835.

WHEREAS, Town Metro LLC (the “Applicant”) has applied (the “Application”) to the Town to demolish four (4) two-story office buildings with a combined floor area of 153,000 s.f. and construct a 160,696 s.f. single two-story office building on a 9.26-acre site located at 1-4 Expressway Plaza, Roslyn Heights, New York, and identified on the Nassau County Land and Tax Map as Section 7, Block 5, Lots 832, 833 & 835 (the “Premises”); and

WHEREAS, it has been determined that the Application is subject to site plan review pursuant to § 70-219 of the Code of the Town of North Hempstead (the “Town Code”); and

WHEREAS, all necessary reports, recommendations, and comments on the Project have been filed with this Board by the Commissioner of Planning and the Environment (the “Planning Commissioner”) of the Town of North Hempstead (the “Town”) pursuant to Town Code § 70-219 (A)(2); and

WHEREAS, the Town Clerk, pursuant to and in accordance with Town Code §§ 70-219(F)(1) and 70-240(A), has published notice of a public hearing scheduled for November 18, 2021 via Zoom for the site plan review (the “Public Hearing”), as authorized and directed by the Town Board pursuant to Resolution No. 586-2021, adopted on October 21, 2021; and

WHEREAS, the Applicant has furnished proof of service of notice of the Public Hearing to the affected property owners within a 300-foot radius of the Premises as required by § 70-219(F)(2) of the Town Code, and filed an affidavit as to the mailing of such notices as required thereunder; and

WHEREAS, the Application does not require any variances or other relief from the Town of North Hempstead Board of Zoning Appeals; and

WHEREAS, pursuant to General Municipal Law § 239-m, the Nassau County Planning Commission (the “Commission”) was furnished with copies of the site plan and the Full Environmental Assessment Form Part 1, (the “FEAF”); and

WHEREAS, pursuant to Resolution No. 10446-21, adopted October 7, 2021, the Nassau County Planning Commission recommended local determination; and

WHEREAS, the Planning Department has reviewed the Application and tentatively recommends approval of same; and

WHEREAS, it is required that a “lead agency” be established to review the Action pursuant to the rules and regulations for implementation of the New York State Environmental Quality Review Act 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, this Board, through action of the Planning Department pursuant to Code §20-4, has established itself as lead agency and wishes to render a determination of significance pursuant to the SEQRA Regulations; and

WHEREAS, this Board has reviewed the recommendation of the Planning Department, dated October 14, 2021, and has determined that the Action constitutes an “unlisted” action pursuant to Section 617.2 (al) of the SEQRA Regulations, and has further determined that the Action will not result in any significant adverse impacts on the environment based upon the analysis set forth in the FEAF; and

WHEREAS, this Board has carefully considered the Application, testimony and other relevant evidence at the Public Hearing held on November 18, 2021 via Zoom, and afforded all interested persons the opportunity to be heard; and

WHEREAS, this Board now wishes to render a decision on this Application.

NOW, THEREFORE, BE IT

RESOLVED that the Board hereby adopts the Planning Department’s recommendation and determines that the Action is an “unlisted action” which will not result in any significant adverse impact on the environment, based upon the analysis set forth in the FEAF, and upon the testimony and reports adduced at the Public Hearing; and be it further

RESOLVED that this Board finds that the Application and site plan are in compliance with Chapter 70 of the Town Code, and this Board further finds that the site plan is consistent with the spirit and intent of Town Code § 70-219; and be it further

RESOLVED that, pursuant to Town Code § 70-219(B), the site plan is hereby approved; and be it further

RESOLVED that a copy of this approval shall be filed with the Commissioner of Building Safety, Inspection and Enforcement (the “Building Commissioner”), and the Building Commissioner is hereby authorized and directed to issue a building permit, upon compliance with the building permit application requirements as set forth in the Town Code, and any other conditions or requirements imposed by any other governmental entity having jurisdiction over the property, and to take such other action as may be necessary to effectuate the foregoing.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

ORDINANCE NO. 35 - 2021

**A PUBLIC HEARING TO CONSIDER THE RESCISSION AND ADOPTION OF
ORDINANCES AFFECTING MOREWOOD OAKS IN PORT WASHINGTON, NEW
YORK.**

Section I. All motor or other vehicles of any kind shall comply with the following regulations:

PROPOSAL:

RESCIND:

1. T.O. #12-1981

Adopted June 23, 1981

MOREWOOD OAKS – NORTH SIDE – NO STOPPING – 8 A.M. TO 4 P.M. - SCHOOL DAYS

From the east curbline of Sands Point Road, east for a distance of 130 feet

2. T.O. #64-1967

Adopted July 11, 1967

MOREWOOD OAKS – SOUTH SIDE – NO PARKING OR STANDING – 8 A.M. TO 4 P.M. –
MONDAY THRU FRIDAY

From the intersection of Sands Point Road, east for a distance of seven hundred ninety-two (792) feet.

3. T.O. #13-2003

Adopted April 01, 2003

MOREWOOD OAKS – NORTH SIDE – NO STOPPING – 8:00 A.M. TO 4:00 P.M. – SCHOOL
DAYS

From a point 320 feet west of a point opposite the most westerly curb line of Morewood Oaks, West, for a distance of 115 feet.

4. T.O. #14-1956

Adopted April 03, 1956

SANDS POINT ROAD – BOTH SIDES – NO PARKING DURING SCHOOL HOURS

From a Manorhaven Boulevard West to the Sands Point Village Line.

ADOPT:

1. MOREWOOD OAKS – NORTH SIDE – NO STOPPING ANYTIME

From the east curbline of Sands Point Road, east for a distance of 130 feet

2. MOREWOOD OAKS – SOUTH SIDE – NO PARKING ANYTIME

From the intersection of Sands Point Road, east for a distance of seven hundred ninety-two (792) feet.

3. MOREWOOD OAKS – NORTH SIDE – NO PARKING – 7:00 A.M. TO 4:00 P.M. –
SCHOOL DAYS

From a point 320 feet west of a point opposite the most westerly curb line of Morewood Oaks, West, for a distance of 115 feet.

4. SANDS POINT ROAD – WEST SIDE – NO PARKING – 7:00 A.M. TO 4:00 P.M.

From a Manorhaven Boulevard West to the Sands Point Village Line.

5. SANDS POINT ROAD – EAST SIDE – NO STOPPING ANYTIME

From a Manorhaven Boulevard West to the Sands Point Village Line.

Section 2. All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.

Section 3. PENALTIES: “A violation of this ordinance shall be punishable by a fine, or when applicable, by imprisonment, not in the excess of the amount set forth in the Vehicle and Traffic Law of the State of New York, or by both such fine and imprisonment, plus any surcharge payable to other governmental entities, and late payment, if applicable.

Section 4. This ordinance shall take effect ten days from the date of its publication and posting pursuant to Section 133 of the Town Law of the State of New York.

Section 5. This ordinance shall be incorporated in the Uniform Traffic Code of the Town of North Hempstead.

Dated: Manhasset, New York

November 18, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

ORDINANCE NO. 36 - 2021

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE
AFFECTING BANK STREET IN PORT WASHINGTON, NEW YORK.**

Section 1. All motor or other vehicles of any kind shall comply with the following regulations:

PROPOSAL:

ADOPT:

1. BANK STREET – EAST SIDE – NO PARKING ANYTIME

From a point 307 feet south of the south curb line of Main Street, south for a distance of 25 feet.

Section 2. All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.

Section 3. PENALTIES: “A violation of this ordinance shall be punishable by a fine, or when applicable, by imprisonment, not in the excess of the amount set forth in the Vehicle and Traffic Law of the State of New York, or by both such fine and imprisonment, plus any surcharge payable to other governmental entities, and late payment, if applicable.

Section 4. This ordinance shall take effect ten days from the date of its publication and posting pursuant to Section 133 of the Town Law of the State of New York.

Section 5. This ordinance shall be incorporated in the Uniform Traffic Code of the Town of North Hempstead.

Dated: Manhasset, New York

November 18, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

ORDINANCE NO. 37 - 2021

A PUBLIC HEARING TO CONSIDER THE RESCISSION AND ADOPTION OF AN ORDINANCE AFFECTING CARLTON AVENUE IN PORT WASHINGTON, NEW YORK.

Section 1. All motor or other vehicles of any kind shall comply with the following regulations:

PROPOSAL:

RESCIND:

1. T.O. #48-2002

Adopted September 10, 2002

CARLTON AVENUE – EAST SIDE – THREE HOUR PARKING

From a point 233 feet north of the north curblineline of Bayview Avenue, north for a distance of 110 feet.

ADOPT:

1. CARLTON AVENUE – EAST SIDE – THREE HOUR PARKING – 8:00 A.M. TO 4:00 P.M. EXCEPT SATURDAY, SUNDAY AND HOLIDAYS

From a point 233 feet north of the north curblineline of Bayview Avenue, north for a distance of 110 feet.

Section 2. All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.

Section 3. PENALTIES: “A violation of this ordinance shall be punishable by a fine, or when applicable, by imprisonment, not in the excess of the amount set forth in the Vehicle and Traffic Law of the State of New York, or by both such fine and imprisonment, plus any surcharge payable to other governmental entities, and late payment, if applicable.

Section 4. This ordinance shall take effect ten days from the date of its publication and posting pursuant to Section 133 of the Town Law of the State of New York.

Section 5. This ordinance shall be incorporated in the Uniform Traffic Code of the Town of North Hempstead.

Dated: Manhasset, New York

November 18, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

PROPOSED RESOLUTION

****** offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:**

RESOLUTION NO. - 2021

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING
NORTH PLANDOME ROAD IN PORT WASHINGTON, NEW YORK.**

NO RESOLUTION.

Councilperson Ferrara offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 634 - 2021

**A PUBLIC HEARING TO CONSIDER THE RESCISSION OF AN ORDINANCE
AFFECTING THIRD AVENUE IN GARDEN CITY PARK, NEW YORK.**

WHEREAS, the Town Board (the “Board”) of the Town of North Hempstead has held a public hearing to consider enacting an ordinance (the “Ordinance”), pursuant to Section 1660 of the Vehicle and Traffic Law, to rescind a reserved parking space on the east side of Third Avenue from a point 227 feet north of the north curblane of Dennis Street, north, for a distance of 22 feet and;

WHEREAS, all interested persons were afforded an opportunity to be heard concerning the proposed ordinance; and

WHEREAS, this Board deems it in the public interest to adopt the Ordinance.

NOW, THEREFORE, BE IT

RESOLVED that the ordinance to rescind a reserved parking space on the east side of Third Avenue from a point 227 feet north of the north curblane of Dennis Street, north, for a distance of 22 feet pursuant to section 1660 of the Vehicle and Traffic Law of the State of New York is adopted by this Board, the Ordinance being more particularly described in the Notice of Adoption (the “Notice”); and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed to publish the Notice as required by law in substantially the following form:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that the Town Board of the Town of North Hempstead at a regular public meeting of the Board held on the 18th day of November 2021 at 7:00 P.M., via Zoom, duly adopted an ordinance rescinding a reserved parking space, pursuant to the authority contained in Section 1660 of the Vehicle and Traffic Law.

PLEASE TAKE FURTHER NOTICE that the ordinance shall read as follows:

**ORDINANCE AFFECTING THIRD AVENUE IN
GARDEN CITY PARK, NEW YORK**

1. Section 5 of the ordinance establishing handicapped spaces adopted July 21, 1987 and amended September 15, 1987, February 7, 1989, April 3, 1990, July 17, 1990, November 20, 1990, December 4, 1990, February 19, 1991, October 8, 1991, April 29, 1992, August 11, 1992, April 13, 1993, May 3, 1994, November 22, 1994, April 25, 1995, August 29, 1995, August 27, 1996, November 12, 1996, December 17, 1996, March 4, 1997, May 6, 1997, June 10, 1997, July 15, 1997, March 24, 1998, November 17, 1998, March 2, 1999, June 8, 1999, October 20, 1999, June 27, 2000, August 29, 2000, September 19, 2000, November 14, 2000, February 13, 2001, March 6, 2001, March 27, 2001, May 15, 2001, August 21, 2001, October 16, 2001, November 13, 2001, January 29, 2002, March 12, 2002, April 2, 2002, June 4, 2002, October 1, 2002, November 19, 2002, December 10, 2002, February 11, 2003, April 22, 2003, October 21, 2003, January 6, 2004, March 9, 2004, May 11, 2004, June 29, 2004, August 31, 2004, January 25, 2005, June 14, 2005, July 19, 2005, October 18, 2005, November 15, 2005, January 3, 2006, January 24, 2006, March 21, 2006, May 2, 2006, January 2, 2007, March 6, 2007, April 17, 2007, June 19, 2007, August 14, 2007, September 25, 2007, December 11, 2007, January 29, 2008, May 6, 2008, June 17, 2008, July 29, 2008, August 19, 2008, September 9, 2008, January 6, 2009, January 27, 2009, May 19, 2009, June 23, 2009, July 14, 2009, August 4, 2009, August 25, 2009, October 20, 2009, December 8, 2009, January 26, 2010, October 5, 2010 and December 14, 2010, January 25, 2011, March 8, 2011, June 14, 2011, July 12, 2011, September 27, 2011, December 13, 2011, May 8, 2012, June 19, 2012, July 10, 2012 August 21, 2012, November 20, 2012, December 11, 2012, January 8, 2013, February 19, 2013, March 12, 2013, April 23, 2013, May 14, 2013, June 4, 2013, September 10, 2013, December 10, 2013, February 25, 2014, April 1, 2014, June 10, 2014, December 9, 2014, March 31, 2015, May 12, 2015, July 14, 2015, August 25, 2015, October 20, 2015, November 17, 2015, November 17, 2015, December 15, 2015 and January 26, 2016, February 23, 2016, April 19, 2016, May 10, 2016, June 7, 2016, July 12, 2016, August 9, 2016, September 13, 2016, September 27, 2016, October 25, 2016 and December 13, 2016, January 31, 2017, February 28, 2017, April 4, 2017, April 25, 2017, and July 18, 2017, September 7, 2017, September 26, 2017, November 14, 2017, January 30, 2018, February 27, 2018, September 6, 2018, September 27, 2018, October 25, 2018, November 20, 2018, December 18, 2018, January 29, 2019, February 28, 2019, March 19, 2019, April 30, 2019, June 18, 2019, September 5, 2019, November 19, 2019, July 23, 2020, September 3, 2020, September 24, October 22, 2020, May 20, 2021, August 5, 2021 and October 21, 2021 is further amended by adding thereto a new subdivision as follows:

“123” on the east side of Third Avenue from a point 227 feet north of the north curblineline of Dennis Street, north, for a distance of 22 feet is rescinded.

2. This Ordinance shall take effect ten (10) days after publication of the Notice of Adoption by the Town Clerk pursuant to Section 133 of the Town Law of the State of New York.

Dated: Manhasset, New York

November 18, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Comptroller Traffic Safety Public Safety

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 635 - 2021

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER A LOCAL LAW AMENDING CHAPTER 27 OF THE TOWN CODE ENTITLED "HISTORIC LANDMARKS PRESERVATION."

WHEREAS, the Town Board, as the legislative body of the Town of North Hempstead is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

WHEREAS, this Board wishes to set a date for a public hearing to consider the adoption of a Local Law amending Chapter 27 of the Town Code entitled "Historic Landmarks Preservation" in order to modify procedural requirements, eliminate duplicative and conflicting provisions, update certain outdated provisions and to include a mechanism for the expedited review of certain common but minor exterior alterations, restorations and changes of material that do not have a substantial adverse impact on the historic character of a designated Historic Landmark or designated Historic Landmark District.

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by this Board on the 16th day of December, 2021, at 7:00 P.M. via Zoom, for the purpose of considering the adoption of a Local Law amending Chapter 27 of the Town Code entitled "Historic Landmarks Preservation" in order to modify procedural requirements, eliminate duplicative and conflicting provisions, update certain outdated provisions and to include a mechanism for the expedited review of certain common but minor exterior alterations, restorations and changes of material that do not have a substantial adverse impact on the historic character of a designated Historic Landmark or designated Historic Landmark District; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed to publish a notice of the hearing, as required by law, which notice shall be in substantially the following form:

NOTICE OF HEARING

PLEASE TAKE NOTICE that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead on December 16, 2021 at 7:00 P.M. via Zoom, to consider the adoption of a Local Law amending Chapter 27 of the Town Code entitled "Historic Landmarks Preservation" in order to modify procedural requirements,

eliminate duplicative and conflicting provisions, update certain outdated provisions and to include a mechanism for the expedited review of certain common but minor exterior alterations, restorations and changes of material that do not have a substantial adverse impact on the historic character of a designated Historic Landmark or designated Historic Landmark District.

PLEASE TAKE FURTHER NOTICE that all interested persons shall have an opportunity to be heard concerning the Local Law at the public hearing.

PLEASE TAKE FURTHER NOTICE that the full text of the proposed Local Law will be available on the Town's website and on file in the Office of the Town Clerk prior to the hearing and may be examined during regular business hours.

PLEASE TAKE FURTHER NOTICE, that effective immediately, pursuant to a recent change in New York State's Open Meetings Law, and based on the ongoing COVID-19 pandemic, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, Town Board hearings and meetings will be held virtually via videoconferencing, as permitted by the NYS Open Meetings Law. The Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meeting can visit: northhempsteadny.gov/townboardlive. If a resident has a comment related to an item on the agenda, they can email: comments@northhempsteadny.gov. Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit northhempsteadny.gov/townboardlive on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

Dated: Manhasset, New York

November 18, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Town Clerk

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 636 - 2021

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 57 OF THE TOWN CODE ENTITLED "TOWN FACILITIES."

WHEREAS, the Town Board, as the legislative body of the Town of North Hempstead is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

WHEREAS, this Board wishes to set a date for a public hearing to consider the adoption of a Local Law amending Chapter 57 of the Town Code entitled "Town Facilities" in order to prohibit smoking or vaping of tobacco and cannabis on Town property, including but not limited to, town dock, animal shelter, town beaches, parks and other recreational facilities, Department of Public Works facilities and Town Hall buildings, together with all of the driveways, parking areas and grounds surrounding the same.

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by this Board on the 16th day of December, 2021, at 7:00 P.M. via Zoom, for the purpose of considering the adoption of a Local Law amending Chapter 57 of the Town Code entitled "Town Facilities" in order to prohibit smoking or vaping of tobacco and cannabis on Town property, including but not limited to, town dock, town beaches and parks, Department of Public Works facilities and Town Hall buildings, together with all of the driveways, parking areas and grounds surrounding the same; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed to publish a notice of the hearing, as required by law, which notice shall be in substantially the following form:

NOTICE OF HEARING

PLEASE TAKE NOTICE that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead on December 16, 2021 at 7:00 P.M. via Zoom, to consider the adoption of a Local Law amending Chapter 57 of the Town Code entitled "Town Facilities" in order to prohibit smoking or vaping of tobacco and cannabis on Town property, including but not limited to, town dock, town beaches and parks, Department of Public Works facilities and Town Hall buildings, together with all of the driveways, parking areas and grounds surrounding the same.

PLEASE TAKE FURTHER NOTICE that all interested persons shall have an opportunity to be heard concerning the Local Law at the public hearing.

PLEASE TAKE FURTHER NOTICE that the full text of the proposed Local Law will be available on the Town's website and on file in the Office of the Town Clerk prior to the hearing and may be examined during regular business hours.

PLEASE TAKE FURTHER NOTICE, that effective immediately, pursuant to a recent change in New York State's Open Meetings Law, and based on the ongoing COVID-19 pandemic, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, Town Board hearings and meetings will be held virtually via videoconferencing, as permitted by the NYS Open Meetings Law. The Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meeting can visit: northhempsteadny.gov/townboardlive. If a resident has a comment related to an item on the agenda, they can email: comments@northhempsteadny.gov. Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit northhempsteadny.gov/townboardlive on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

Dated: Manhasset, New York

November 18, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Town Clerk

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 637 - 2021

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 39 OF THE TOWN CODE ENTITLED "REGULATION OF TOWN PARKS, TOWN GARDENS AND TOWN DOCKS."

WHEREAS, the Town Board, as the legislative body of the Town of North Hempstead is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

WHEREAS, this Board wishes to set a date for a public hearing to consider the adoption of a Local Law amending Chapter 39 of the Town Code entitled "Regulation of Town Parks, Town Gardens and Town Docks" in order to prohibit smoking or vaping of tobacco and cannabis at all Town parks and facilities, Town gardens and Town docks.

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by this Board on the 16th day of December, 2021, at 7:00 P.M. via Zoom, for the purpose of considering the adoption of a Local Law amending Chapter 39 of the Town Code entitled "Regulation of Town Parks, Town Gardens and Town Docks" in order to prohibit smoking or vaping of tobacco and cannabis at all Town parks and facilities, Town gardens and Town docks; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed to publish a notice of the hearing, as required by law, which notice shall be in substantially the following form:

NOTICE OF HEARING

PLEASE TAKE NOTICE that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead on December 16, 2021 at 7:00 P.M. via Zoom, to consider the adoption of a Local Law amending Chapter 39 of the Town Code entitled "Regulation of Town Parks, Town Gardens and Town Docks" in order to prohibit smoking or vaping of tobacco and cannabis at all Town parks and facilities, Town gardens and Town docks.

PLEASE TAKE FURTHER NOTICE that all interested persons shall have an opportunity to be heard concerning the Local Law at the public hearing.

PLEASE TAKE FURTHER NOTICE that the full text of the proposed Local Law will be available on the Town's website and on file in the Office of the Town Clerk prior to the hearing and may be examined during regular business hours.

PLEASE TAKE FURTHER NOTICE, that effective immediately, pursuant to a recent change in New York State's Open Meetings Law, and based on the ongoing COVID-19 pandemic, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, Town Board hearings and meetings will be held virtually via videoconferencing, as permitted by the NYS Open Meetings Law. The Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meeting can visit: northhempsteadny.gov/townboardlive. If a resident has a comment related to an item on the agenda, they can email: comments@northhempsteadny.gov. Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit northhempsteadny.gov/townboardlive on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

Dated: Manhasset, New York

November 18, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Town Clerk

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 638 - 2021

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE RESCISSION OF TOWN PARK ORDINANCE NO. 1 OF 2015.

WHEREAS, the Town Board of the Town of North Hempstead is empowered to repeal ordinances, rules and regulations pursuant to the provisions of Section 130 of the New York Town Law; and

WHEREAS, this Board wishes to set a date for a public hearing to consider the rescission of Town Park Ordinance No. 1 of 2015 which prohibited the smoking of electronic cigarettes within Town parks and recreation facilities, except in areas that have been designated as smoking areas, and reaffirmed the prohibition of smoking in parks and recreation facilities, except in designated locations.

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by this Board on the 16th day of December, 2021, at 7:00 P.M. via Zoom, for the purpose of considering the rescission of Town Park Ordinance No. 1 of 2015 which prohibited the smoking of electronic cigarettes within Town parks and recreation facilities, except in areas that have been designated as smoking areas, and reaffirmed the prohibition of smoking in parks and recreation facilities, except in designated locations; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed to publish a notice of the hearing, as required by law, which notice shall be in substantially the following form:

NOTICE OF HEARING

PLEASE TAKE NOTICE that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead on December 16, 2021 at 7:00 P.M. via Zoom, to consider the rescission of Town Park Ordinance No. 1 of 2015 which prohibited the smoking of electronic cigarettes within Town parks and recreation facilities, except in areas that have been designated as smoking areas, and reaffirmed the prohibition of smoking in parks and recreation facilities, except in designated locations.

PLEASE TAKE FURTHER NOTICE that all interested persons shall have an opportunity to be heard concerning the rescission of Town Park Ordinance No. 1 of 2015 at the public hearing.

PLEASE TAKE FURTHER NOTICE that the full text of the Ordinance proposed to be rescinded will be available on the Town's website and on file in the Office of the Town Clerk prior to the hearing and may be examined during regular business hours.

PLEASE TAKE FURTHER NOTICE, that effective immediately, pursuant to a recent change in New York State's Open Meetings Law, and based on the ongoing COVID-19 pandemic, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, Town Board hearings and meetings will be held virtually via videoconferencing, as permitted by the NYS Open Meetings Law. The Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meeting can visit: northhempsteadny.gov/townboardlive. If a resident has a comment related to an item on the agenda, they can email: comments@northhempsteadny.gov. Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit northhempsteadny.gov/townboardlive on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

Dated: Manhasset, New York

November 18, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Town Clerk

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 639 - 2021

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW TO OPT-OUT OF ALLOWING CANNABIS RETAIL DISPENSARIES AND ON-SITE CONSUMPTION ESTABLISHMENTS WITHIN THE TOWN OF NORTH HEMPSTEAD AS AUTHORIZED UNDER CANNABIS LAW ARTICLE 4.

WHEREAS, pursuant to §131 of the New York State Marihuana Regulation and Taxation Act (the “Cannabis Law”), the provisions of Article 4 of the Cannabis Law which authorizes retail dispensaries and on-site consumption sites, shall not apply to a town which on or before December 31, 2021 adopts a local law, subject to permissive referendum governed by §24 of the Municipal Home Rule Law, requesting that the Cannabis Control Board prohibit the establishment of such retail dispensary licenses and/or on-site consumption licenses within the jurisdiction of the town; and

WHEREAS, Cannabis Law §131 provides that municipalities that do not adopt such a local law by December 31, 2021 are prohibited from subsequently doing so; and

WHEREAS, the Town Board of the Town of North Hempstead (the “Town”) wishes to set a date for a public hearing to consider the adoption of a Local Law to opt-out of allowing cannabis retail dispensaries and on-site consumption establishments within the Town as authorized under Cannabis Law Article 4.

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by this Board on the 16th day of December, 2021, at 7:00 P.M. via Zoom, for the purpose of considering the adoption of a Local Law to opt-out of allowing cannabis retail dispensaries and on-site consumption establishments within the Town as authorized under Cannabis Law Article 4; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed to publish a notice of the hearing, as required by law, which notice shall be in substantially the following form:

NOTICE OF HEARING

PLEASE TAKE NOTICE that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead on December 16, 2021 at 7:00 P.M. via Zoom, to consider the adoption of a Local Law to opt-out of allowing

cannabis retail dispensaries and on-site consumption establishments within the Town as authorized under Cannabis Law Article 4.

PLEASE TAKE FURTHER NOTICE that all interested persons shall have an opportunity to be heard concerning the Local Law at the public hearing.

PLEASE TAKE FURTHER NOTICE that the full text of the proposed Local Law will be available on the Town's website and on file in the Office of the Town Clerk prior to the hearing and may be examined during regular business hours.

PLEASE TAKE FURTHER NOTICE, that effective immediately, pursuant to a recent change in New York State's Open Meetings Law, and based on the ongoing COVID-19 pandemic, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, Town Board hearings and meetings will be held virtually via videoconferencing, as permitted by the NYS Open Meetings Law. The Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meeting can visit: northhempsteadny.gov/townboardlive. If a resident has a comment related to an item on the agenda, they can email: comments@northhempsteadny.gov. Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit northhempsteadny.gov/townboardlive on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

Dated: Manhasset, New York

November 18, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Town Clerk

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 640 - 2021

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE ENTITLED "ZONING."

WHEREAS, the Town Board, as the legislative body of the Town of North Hempstead is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

WHEREAS, this Board wishes to set a date for a public hearing to consider the adoption of a Local Law amending Chapter 70 of the Town Code entitled "Zoning" in order to incorporate the cannabis opt-out provisions relating to retail dispensaries and on-site consumption sites.

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by this Board on the 16th day of December, 2021, at 7:00 P.M. via Zoom, for the purpose of considering the adoption of a Local Law amending Chapter 70 of the Town Code entitled "Zoning" in order to incorporate the cannabis opt-out provisions relating to retail dispensaries and on-site consumption sites; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed to publish a notice of the hearing, as required by law, which notice shall be in substantially the following form:

NOTICE OF HEARING

PLEASE TAKE NOTICE that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead on December 16, 2021 at 7:00 P.M. via Zoom, to consider the adoption of a Local Law amending Chapter 70 of the Town Code entitled "Zoning" in order to incorporate the cannabis opt-out provisions relating to retail dispensaries and on-site consumption sites.

PLEASE TAKE FURTHER NOTICE that all interested persons shall have an opportunity to be heard concerning the Local Law at the public hearing.

PLEASE TAKE FURTHER NOTICE that the full text of the proposed Local Law will be available on the Town's website and on file in the Office of the Town Clerk prior to the hearing and may be examined during regular business hours.

PLEASE TAKE FURTHER NOTICE, that effective immediately, pursuant to a recent change in New York State's Open Meetings Law, and based on the ongoing COVID-19 pandemic, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, Town Board hearings and meetings will be held virtually via videoconferencing, as permitted by the NYS Open Meetings Law. The Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meeting can visit: northhempsteadny.gov/townboardlive. If a resident has a comment related to an item on the agenda, they can email: comments@northhempsteadny.gov. Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit northhempsteadny.gov/townboardlive on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

Dated: Manhasset, New York

November 18, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Town Clerk

Councilperson Russell offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 641 - 2021

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 70 OF THE TOWN CODE ENTITLED "ZONING."

WHEREAS, the Town Board, as the legislative body of the Town of North Hempstead is empowered to amend the Town Code pursuant to the provisions of Article 9 of the New York State Constitution, the Town Law, and the Municipal Home Rule Law; and

WHEREAS, this Board wishes to set a date for a public hearing to consider the adoption of a Local Law amending Chapter 70 of the Town Code entitled "Zoning" in order to amend standards for residential development in the New Cassel Urban Renewal Overlay District while still requiring compliance with the building and zoning standards applicable to the underlying zone in which the subject property is situated.

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by this Board on the 16th day of December, 2021, at 7:00 P.M. via Zoom, for the purpose of considering the adoption of a Local Law amending Chapter 70 of the Town Code entitled "Zoning" in order to amend standards for residential development in the New Cassel Urban Renewal Overlay District while still requiring compliance with the building and zoning standards applicable to the underlying zone in which the subject property is situated; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed to publish a notice of the hearing, as required by law, which notice shall be in substantially the following form:

NOTICE OF HEARING

PLEASE TAKE NOTICE that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead on December 16, 2021 at 7:00 P.M. via Zoom, to consider the adoption of a Local Law amending Chapter 70 of the Town Code entitled "Zoning" in order to amend standards for residential development in the New Cassel Urban Renewal Overlay District while still requiring compliance with the building and zoning standards applicable to the underlying zone in which the subject property is situated.

PLEASE TAKE FURTHER NOTICE that all interested persons shall have an opportunity to be heard concerning the Local Law at the public hearing.

PLEASE TAKE FURTHER NOTICE that the full text of the proposed Local Law will be available on the Town's website and on file in the Office of the Town Clerk prior to the hearing and may be examined during regular business hours.

PLEASE TAKE FURTHER NOTICE, that effective immediately, pursuant to a recent change in New York State's Open Meetings Law, and based on the ongoing COVID-19 pandemic, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, Town Board hearings and meetings will be held virtually via videoconferencing, as permitted by the NYS Open Meetings Law. The Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meeting can visit: northhempsteadny.gov/townboardlive. If a resident has a comment related to an item on the agenda, they can email: comments@northhempsteadny.gov. Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit northhempsteadny.gov/townboardlive on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

Dated: Manhasset, New York

November 18, 2021

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
WAYNE H. WINK, JR.
TOWN CLERK**

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Town Clerk

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 642 - 2021

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE
ADOPTION OF AN ORDINANCE AFFECTING FIFTH AVENUE IN PORT
WASHINGTON, NEW YORK.**

WHEREAS, a recommendation has been made for the rescission and adoption of an ordinance affecting Fifth Avenue, Port Washington, New York

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by the Town Board of the Town of North Hempstead on the 16th day of December 2021, at 7:00 o'clock in the evening for the purpose of considering the adoption of the following ordinance:

PROPOSAL:

ADOPT:

1. FIFTH AVENUE – CARLTON AVENUE – FULL STOP

All Traffic eastbound on Fifth Avenue shall come to a Full Stop at its intersection with Carlton Avenue.

RESOLVED that such ordinance when adopted will rescind all ordinances or regulations heretofore adopted in conflict therewith, and be it further

RESOLVED that the Town Clerk be and hereby is directed to affect the required publishing and posting of the hearing.

Dated: November 18, 2021

Manhasset, New York

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Public Safety Comptroller Traffic Safety

Councilperson Seeman offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 643 - 2021

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING BRYANT AVENUE AND NORTH FIRST STREET IN NEW HYDE PARK, NEW YORK.

WHEREAS, a recommendation has been made for the rescission and adoption of an ordinance affecting Fifth Avenue, Port Washington, New York

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by the Town Board of the Town of North Hempstead on the 16th day of December 2021, at 7:00 o'clock in the evening for the purpose of considering the adoption of the following ordinance:

PROPOSAL:

ADOPT:

1. BRYANT AVENUE – NORTH SIDE – NO STOPPING HERE TO CORNER
From the east curbline of North First Street, east for a distance of 25 feet.
2. BRYANT AVENUE – NORTH SIDE – NO STOPPING HERE TO CORNER
From the west curbline of North First Street, west for a distance of 23 feet.
3. NORTH FIRST STREET – EAST SIDE – NO STOPPING HERE TO CORNER
From the north curbline of Bryant Avenue, north for a distance of 30 feet.
4. NORTH FIRST STREET – WEST SIDE – NO STOPPING HERE TO CORNER
From the north curbline of Bryant Avenue, north for a distance of 53 feet.

RESOLVED that such ordinance when adopted will rescind all ordinances or regulations heretofore adopted in conflict therewith, and be it further

RESOLVED that the Town Clerk be and hereby is directed to affect the required publishing and posting of the hearing.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 644 - 2021

A RESOLUTION AUTHORIZING THE TOWN BOARD TO ACCEPT GIFTS TO THE TOWN PURSUANT TO TOWN LAW SECTION 64.

WHEREAS, the Kaywood Family have generously offered, as a gift, \$1,800 for the purchase of a commemorative bench at Town Dock; and

WHEREAS, Karen Lowenthal has generously offered, as a gift, \$1,200 for the purchase of a commemorative bench at Clark Botanic Garden, in honor of John and Marion Lowenthal, through the Fanny Dwight Clark Memorial Garden, Inc.; and

WHEREAS, this Board wishes to accept the Gifts described in this Resolution (the “Gifts”) in accordance with Town Law Section 64.

NOW, THEREFORE, BE IT

RESOLVED that this Board hereby gratefully accepts the Gifts.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney

Comptroller

Parks and Recreation

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 645 - 2021

**A RESOLUTION AUTHORIZING SUPPLEMENTAL BUDGET APPROPRIATIONS
PURSUANT TO TOWN LAW SECTION 112.**

WHEREAS, pursuant to Town Law § 112, the Town Board (“the Board”) of the Town of North Hempstead (“the Town”) has the authority to make supplemental appropriations under certain circumstances; and

WHEREAS, the Office of the Comptroller has requested that the Town Board authorize supplemental appropriations in year 2021 (the “Supplemental Appropriations”), as follows:

1. \$4,652.73 to be recorded to revenue line SM017.2801 with the offsetting expense to be recorded to expense code SM017.1300 for overtime spent on replacing the stairwell at the 9/11 memorial site at Manhasset Valley Park; and
2. \$13,303.78 to be recorded to revenue line SM017.2801 with the offsetting expense to be recorded to expense code SM017.4760 for the tipping fees related to work completed at the 9/11 memorial site at Manhasset Valley Park; and
3. \$346.42 to be recorded to revenue line A.2801 with the offsetting expense to increase A.01.1622.1300 for overtime spent on staff being on-site for the installation of a gas water heater at Town Hall 2; and
4. \$30,000 to be recorded to revenue line A.2001 with the offsetting expense to increase A.05.7111.4890 for bus/shuttle services for the LuminoCity event at Whitney Pond Park; and
5. \$1,800.00 to be recorded in revenue line A.2705 with the offsetting expense for these appropriations to be recorded to expense code A.05.7184.4753 which will be used to procure a commemorative bench at the Town Dock with the remainder, if any, to be used to support the Department of Parks and Recreation.

WHEREAS, the Board wishes to authorize the Supplemental Appropriations.

NOW, THEREFORE, BE IT

RESOLVED that this Board hereby authorizes the Supplemental Appropriations in year 2021 as requested by the Comptroller; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to undertake the Supplemental Appropriations.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney

Comptroller

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 646 - 2021

A RESOLUTION AUTHORIZING THE RENEWAL OF THE TOWN'S TITLE VI POLICY AND SUBMITTAL OF SAID POLICY TO THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION IN ACCORDANCE WITH GRANT FUNDING FOR PROJECT INDEPENDENCE.

WHEREAS, in furtherance of ensuring compliance with the Civil Rights Act of 1964 and achieving the goal of preventing discrimination on the basis of race, color, and national origin, the Town of North Hempstead (the "Town") adopted a Title VI policy (the "Policy") pursuant to Resolution No. 346-2011; and

WHEREAS, in accordance with the requirements of receiving federal grant funding for Project Independence, the Town is to submit the Policy to the New York State Department of Transportation ("DOT") for review and re-approval every three (3) years; and

WHEREAS, throughout the years, the Town has submitted the Policy to the DOT for review and re-approval, with the last approval dated December 16, 2018; and

WHEREAS, the Town Board finds it is in the best interest of the Town to renew said Policy and submit the Policy to the DOT for review and re-approval in accordance with the grant funding guidelines for Project Independence.

NOW, THEREFORE, BE IT

RESOLVED that the Town Board does hereby renew the Policy, a copy of which is attached hereto as Exhibit A; and be it further

RESOLVED that the Policy is hereby submitted to the DOT for review and re-approval; and be it further

RESOLVED that copies of said Policy shall be on file in the Office of the Town Attorney.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Comptroller Finance



TOWN OF NORTH HEMPSTEAD TITLE VI POLICY

I. TITLE VI NONDISCRIMINATION STATEMENT

The Town of North Hempstead ("Town") seeks to ensure full compliance with Title VI of the Civil Rights Act of 1964; 49 CFR, Part 21; and related statutes and regulations to the end that no person shall be excluded from participation in or be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance from the U.S. Department of Transportation on the grounds of race, color, or national origin.

Toward this end, it is the Town's objective to:

- A. Ensure that the level and quality of transportation service is provided without regard to race, color, or national origin;
- B. Identify and address, as appropriate, disproportionately high and adverse effects of programs and activities on minority populations and low-income populations;
- C. Promote the full and fair participation of all affected populations in transportation decision making;
- D. Prevent the denial, reduction, or delay in benefits related to programs and activities that benefit minority populations or low-income populations;
- E. Ensure meaningful access to programs and activities by persons with limited English proficiency.

The responsibility for carrying out the Town's commitment to this program has been delegated to the Title VI Coordinator by the Town Board and is responsible for the day-to-day operations of this Program.

The Town Attorney's Office shall maintain overall authority for enforcement of the Town's Title VI policies instituted and carried out by the Town. The Town Attorney shall exercise all powers delegated by the Supervisor, including, but not limited to, the receipt, acknowledgement, investigation, review, final disposition, and reporting of Title VI complaints. However, all managers, supervisors and employees share in the responsibility for making the Town's Title VI Program a success.

Additional information concerning the Town's Title VI obligations and the complaint procedure can be found on the Town's web site www.northhempsteadny.gov or by calling (516) 869-6311.

II. COMPLAINT PROCEDURES

a. PURPOSE

This complaint procedure is designed to provide guidance on the identification, reporting and investigation of complaints asserting claims arising under Title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations “Title VI”. Title VI prohibits discrimination on the basis of race, color, and national origin, and provides that no person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination under any federally-funded program or activity, including the services and other transit-related benefits provided by the Town. Title VI does not cover employment-related discrimination complaints arising under Title VII of the Civil Rights Act of 1964 and other statutes, which are governed by Policy/Code entitled Equal Employment Opportunity Policy (EEO)/ Anti-Discrimination Law.

b. SCOPE

This procedure applies to all Town departments responsible for receiving, identifying, reporting, processing, and resolving complaints of discrimination asserted under Title VI.

c. DEFINITIONS

1. Administrative Closure: A complaint that is closed without an investigation.
2. Complainant: An individual who files a Title VI complaint.
3. Discrimination: Any act or any failure to act, which has the effect of excluding or denying a person from participation in benefits, or has otherwise subjected a person to unequal treatment under any program or activity, including transit services and other benefits, because of race, color, or national origin.
4. Title VI Complaint: A written complaint alleging a violation of Title VI made by a Complainant, usually a customer, and filed with the Town Attorney’s office. Only complaints alleging discrimination in transit services and benefits provided by the Town on the basis of race, color, or national origin will be considered Title VI complaints for purposes of this Policy.
5. Title VI Program: The system of requirements, procedures, and actions adopted by the Town, and approved by the Federal Transit Administration (FTA), which are deemed necessary and appropriate to comply with Title VI.

d. RESPONSIBILITIES

1. Town Attorney’s office- Maintains overall authority for enforcement of the Town’s Title VI policies instituted and carried out by the Town Attorney’s office. The Town Attorney shall exercise all powers delegated by the Supervisor, including,

but not limited to, the receipt, acknowledgement, investigation, review, final disposition, and reporting of Title VI complaints.

2. Title VI Coordinator: Reports to the Town Attorney and is responsible for the coordination, development, implementation, and monitoring and training of and for the Town's Title VI Program. The Coordinator will reside in the Department of Finance.
3. Town Responsibilities: Any department, division, or office may receive a complaint alleging what might arguably be construed as a Title VI violation. For those complaints it receives, the department or division is responsible for responding in the same fashion as it would respond to any other service-related complaint. However, if the complaint appears to allege a Title VI violation, the receiving department should also notify the Complainant of his or her right to follow up by filing a written Title VI complaint. With respect to each such response, the receiving department should advise the Complainant of the following:

"The Town is committed to ensuring that no person is excluded from participation in, or denied the benefits of, its services on the basis of race, color or national origin as protected by Title VI of the Civil Rights Act of 1964 ("Title VI"). If you believe you have been subjected to discrimination under Title VI, you may file a written complaint with the Town Attorney's office at 220 Plandome Road, Manhasset, NY 11030".

The department or division shall report all complaints it receives that might arguably be construed as asserting allegations of Title VI discrimination to the Town Attorney's office within a reasonable time after receiving such complaint.

e. PROCEDURES

1. How to File a Title VI Complaint (using the Title VI complaint form)

Title VI complaints must be filed within 180 days of the most recent allegation of discrimination. The complaint must include the following information:

- A written statement of facts supporting the allegation of discrimination, including the date of the alleged discrimination, the location and the names, addresses, and telephone numbers of any witnesses;
- The Complainant's name, address, telephone number, electronic mail address or other method of communicating with the Complainant;
- The type of discrimination alleged, i.e., race, color, or national origin;
- The name or other identifying information of the individual alleged to have engaged in the discrimination;
- The transit service or other benefit that the Complainant was allegedly denied.

A complaint must be filed in writing with the Town as follows:

Town Attorney's Office
Town of North Hempstead
220 Plandome Road
Manhasset, NY 11030

An individual who alleges a violation of Title VI either by telephone or e-mail will be advised that such a complaint must be made in writing to the Town Attorney's office.

For assistance to complainants, a sample Complaint Form is included for filing a Title VI complaint with the Town.

2. Assignment of Title VI Complaint Number

All complaints alleging race, color, or national origin discrimination in a service or benefit provided by the Town should be immediately assigned a complaint number by the Town Attorney's office. However, only when a written complaint is received should the Town Attorney's office assign a Title VI complaint number.

3. Acknowledgement of the Complaint

The Town Attorney's office should send written confirmation to the Complainant within a reasonable time, advising the Complainant that the Town has received the complaint and is reviewing its allegations.

4. Processing the Complaint

The Town Attorney's office should provide appropriate assistance to Complainants, including those persons with disabilities, or who speak a language other than English, or who may need assistance in submitting their complaints to the appropriate department.

In instances where additional information is needed for assessment or investigation of the complaint, the Town Attorney's office shall contact the Complainant in writing within a reasonable time. The Town Attorney's office should explain in the letter to the Complainant that the failure to provide the requested information by a certain date may result in the administrative closure of the complaint.

5. Complaint Investigation

The Town Attorney's office should prepare a draft written response or, if appropriate, administratively close the complaint. The Town Attorney's office should use best efforts to respond to Title VI complaints within 60 working days of its receipt of such complaints. The Town Attorney's office will send a final written response to the Complainant and advise the Complainant of his or her right to file a complaint externally.

6. External Redress

In addition to the complaint process within the Town, a Complainant may file a Title VI complaint with the U.S. Department of Transportation, Federal Transit Administration, Office of Civil Rights, One Bowling Green, Room 429, New York, NY 10004-1415.

7. Freedom from Reprisal or Interference

Reprisal against or interference with a Complainant's right to file a Title VI complaint, testify, assist, or participate in any manner in an investigation constitutes a violation of the Town's Title VI Program.

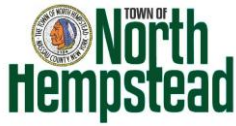
8. Title VI Training

The Coordinator is responsible for the coordination of Title VI Awareness Training. Personnel in Town departments who manage and supervise the handling of customer complaints will periodically attend such Title VI Awareness Training.

9. Monitoring and Reporting

The Coordinator shall monitor the implementation of the Title VI complaint procedure and shall annually develop a report of alleged Title VI complaints and the disposition of such complaints. The Coordinator will also ensure that the public is made aware of the avenues for filing Title VI complaints.

Approved by North Hempstead Town Board on May 24, 2011/Resolution #346-2011



TOWN OF NORTH HEMPSTEAD (THE TOWN)

TITLE VI COMPLAINT FORM

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of **race, color, or national origin** in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that “no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

The Environmental Justice component of Title VI guarantees fair treatment for all people and provides for the Town, to identify and address, as appropriate, disproportionately high and adverse effects of its programs, policies, and activities on minority and low-income populations, such as undertaking reasonable steps to ensure that Limited English Proficiency (LEP) persons have meaningful access to the programs, services, and information the Town provides.

The Town works to ensure nondiscriminatory transportation in support of our mission to provide effective and efficient management and delivery of public, specialized, and coordinated transportation services in North Hempstead. The Town’s Title VI Coordinator is responsible for civil rights compliance and monitoring to ensure non-discriminatory provision of transit services and programs.

Complaint No.: _____

Complainant’s Name _____

Home Number: _____ Email Address: _____

Work Number: _____

Address: _____

City: _____ Zip Code: _____

List type of discrimination (please check all that apply):

Race ()

National Origin ()

Color ()

Other _____

Please indicate your race/color, if it is a basis of your complaint: _____

Please describe your national origin, if it is a basis of your complaint: _____

Location where incident occurred: _____

Time and date of incident: _____

Name/Position title of the person who allegedly subjected you to Title VI discrimination:

Briefly describe the incident (use a separate sheet, if necessary): _____

Did anyone else witness the incident? Yes () No ()

List witnesses (Use a separate sheet, if necessary):

Name: _____

Address: _____

Telephone No.: _____

Name: _____

Address: _____

Telephone No.: _____

Have you or the person identified in section 6 filed this complaint with any other federal, state, or local agency; or with any federal or state court? _____ Yes _____ No

If yes, check all that apply:

_____ Federal agency _____ Federal court _____ State agency _____ State court

_____ Local agency

Please provide information about a contact person at the agency/court where the complaint was filed.

Name _____

Address _____

City, State, and Zip Code _____

Telephone Number _____

Please sign below. You may attach any written materials or other information that you think is relevant to your complaint.

Signature

Date

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 647 - 2021

A RESOLUTION AUTHORIZING THE PREPARATION AND SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION'S 2021 MUNICIPAL WASTE REDUCTION AND RECYCLING PROGRAM AND THE TAKING OF RELATED ACTION.

WHEREAS, the Town Board (the "Board") of the Town of North Hempstead (the "Town") desires to reduce municipal waste and encourage recycling through the Town (the "Project"); and,

WHEREAS, the Grants Coordinator has recommended that the Town submit an application to the New York State Department of Environmental Conservation's 2021 Municipal Waste Reduction and Recycling Program (the "Application") for a grant in the amount of Twenty-Three Thousand Two Hundred Ninety and 00/100 Dollars (\$23,290.00) (the "Grant") to assist the Town in hiring a recycling coordinator and printing educational material; and

WHEREAS, the Grant requires a matching contribution of Twenty-Three Thousand Two Hundred Ninety and 00/100 Dollars (\$23,290.00) by the Town; and

WHEREAS, this Board wishes to authorize the preparation and submission of the Application.

NOW, THEREFORE, BE IT

RESOLVED that the Board hereby authorizes the preparation of the Application for the Grant and its submission to the New York State Department of Environmental Conservation; and be it further

RESOLVED that the Board hereby authorizes the Supervisor to execute any and all contracts, project agreements and other instruments or documents required in connection with the awarding and receipt of the Grant ("Contract Documents"), file the Contract Documents in the Office of the Town Clerk, submit Project documentation, and take such other action as may be reasonably required to undertake and complete the Project and receive the Grant; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Contract Documents in connection with the Project and the Grant.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Councilperson Lurvey offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 648 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH L.K. MCLEAN ASSOCIATES, P.C. FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO REPLACEMENT OF THE ROOFS AT THE ROSLYN PAPERMILL BUILDING AND GAZEBO IN GERRY PARK, ROSLYN, DPW PROJECT NO. 20-05.

WHEREAS, the Town of North Hempstead (the “Town”) requires the retention of an engineering consulting firm to provide professional engineering services related to the replacement of the existing roofs at the Roslyn Papermill Building and Gazebo at Gerry Park in Roslyn, NY, DPW Project No. 20-05 (the “Services”); and

WHEREAS, the Acting Commissioner of the Department of Public Works (the “Acting Commissioner”) has recommended that the Town enter into an agreement with L.K. McLean Associates, P.C., 437 South Country Road, Brookhaven, New York 11719, to provide the Services in consideration of an amount not to exceed Nineteen Thousand Four Hundred Sixty and 00/100 Dollars (\$19,460.00) (the “Agreement”); and

WHEREAS, the Acting Commissioner has requested that this Board authorize the Agreement.

NOW, THEREFORE, BE IT

RESOLVED that the Agreement be and hereby is authorized; and be it further

RESOLVED that the Supervisor be and hereby is authorized to execute, on behalf of the Town, the Agreement, a copy of which Agreement which shall be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Agreement and to take such further action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Services upon receipt of duly executed Agreement and certified claims therefor.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Comptroller DPW

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 649 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH DE BRUIN ENGINEERING P.C. RELATED TO STREETScape IMPROVEMENTS ALONG MAIN STREET, PORT WASHINGTON, DPW PROJECT NO. 17-16.

WHEREAS, the Town of North Hempstead (the “Town”) requires the retention of an engineering consulting firm to provide professional engineering services, including construction drawings and field inspections, related to streetscape improvements along Main Street, Port Washington, NY, DPW Project No. 17-16 (the “Services”); and

WHEREAS, the Acting Commissioner of the Department of Public Works (the “Acting Commissioner”) has recommended that the Town enter into an agreement with de Bruin Engineering, P.C., 1400 Old Country Road, Suite 106, Westbury, New York 11590, to provide the Services in consideration of an amount not to exceed Nineteen Thousand Five Hundred and 00/100 Dollars (\$19,500.00) (the “Agreement”); and

WHEREAS, the Acting Commissioner has requested that this Board authorize the Agreement.

NOW, THEREFORE, BE IT

RESOLVED that the Agreement be and hereby is authorized; and be it further

RESOLVED that the Supervisor be and hereby is authorized to execute, on behalf of the Town, the Agreement, a copy of which Agreement which shall be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Agreement and to take such further action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Services upon receipt of duly executed Agreement and certified claims therefor.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Comptroller DPW

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 650 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH UNITED RENTALS FOR THE RENTAL OF A COMPRESSOR AT HARBOR LINKS GOLF COURSE.

WHEREAS, the Town requires the rental of a compressor at Harbor Links Golf Course in Port Washington (the “Services”); and

WHEREAS, the Director of Purchasing (the “Director”) solicited two quotes for the Services, in accordance with the Town’s Procurement Policy; and

WHEREAS, United Rentals, 250 Orchard Road, East Patchogue, New York 11772 (the “Contractor”) submitted the lowest quote, proposing to perform the Services for a sum not to exceed Three Thousand Two Hundred and 00/100 Dollars (\$3,200.00) (the “Contract Amount”); and

WHEREAS, the Director has requested that the Board authorize the Town enter into an Agreement with the Contractor to perform the Services for the Contract Amount (the “Agreement”); and

WHEREAS, this Board wishes to authorize the execution of the Agreement.

NOW, THEREFORE, BE IT

RESOLVED that the Agreement be and hereby is authorized; and be it further

RESOLVED that the Supervisor is authorized to execute the Agreement, and a copy of the Agreement shall be on file in the Office of the Town Clerk, and take such further action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Agreement, and take such further action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs thereof upon receipt of duly executed Agreement and certified claims therefor.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Admin Services Comptroller

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 651 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE PORT WASHINGTON PUBLIC LIBRARY FOR A LITTLE FREE LIBRARY AT ALVAN PETRUS PARK.

WHEREAS, the Town of North Hempstead (the “Town”) owns certain real property known as Alvan Petrus Park located in Port Washington, New York (the “Premises”); and

WHEREAS, the Port Washington Public Library, One Library Drive, Port Washington, New York 11050 (the “Licensee”) has requested that the Town allow it to place a Little Free Library at the entrance of the Premises for use by residents (the “Use”); and

WHEREAS, the Acting Commissioner of the Town of North Hempstead’s Department of Parks and Recreation has recommended that the Town grant the Licensee a license for the Use (the “License”) and authorize the execution of an agreement with the Licensee for the License (the “License Agreement”); and

WHEREAS, this Board wishes to authorize the License Agreement.

NOW, THEREFORE, BE IT

RESOLVED that the License Agreement be and hereby is authorized; and be it further

RESOLVED that the Supervisor be and is hereby authorized to execute on behalf of the Town, the License Agreement, a copy of which will be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and is hereby authorized and directed to negotiate and supervise the execution of the License Agreement; and be it further

RESOLVED that the Supervisor is authorized take such other action as may be necessary to effectuate the foregoing.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Comptroller Public Safety

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 652 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BLINK CHARGING COMPANY FOR ELECTRIC VEHICLE CHARGING STATIONS.

WHEREAS, the Town of North Hempstead desires to make electric vehicle charging stations available to its residents; and

WHEREAS, the Director of Purchasing (the “Director”) issued a Request for Proposals (the “RFP”) for electric vehicle or plug-in hybrid electric vehicle charging stations and related services, in accordance with the Town’s Procurement Policy; and

WHEREAS, following the review and analysis of proposals submitted in response to the RFP, a Town review committee has recommended that the Town grant a license to Blink Charging Co., 605 Lincoln Road, 5th Floor, Miami Beach, Florida 33139 (the “Licensee”) to install, develop and operate electric vehicle charging stations in locations around the Town for a term of five (5) years in consideration of payment to the Town of 25% percent of the adjusted gross revenues from charging proceeds received by the Licensee for Level 2 charging and 5% percent of the adjusted gross revenues from charging proceeds received by the Licensee for DC fast charging (the “License”) (the “Agreement”); and

WHEREAS, the Director has requested that this Board authorize the Agreement.

NOW, THEREFORE, BE IT

RESOLVED that the Agreement be and hereby is authorized; and be it further

RESOLVED that the Supervisor be and hereby is authorized to execute, on behalf of the Town, the Agreement, a copy of which Agreement which shall be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Agreement and to take such further action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Services upon receipt of duly executed Agreement and certified claims therefor.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Comptroller Parks

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 653 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE CHABAD OF PORT WASHINGTON FOR THE USE OF A PORTION OF A PORT WASHINGTON PUBLIC PARKING DISTRICT LOT FOR THE PLACEMENT OF A MENORAH.

WHEREAS, the Port Washington Public Parking District (the “District”) owns certain real property known as Lot 1 and located close to Main Street in Port Washington, New York (the “Premises”); and

WHEREAS, Chabad of Port Washington, 80 Shore Road, Port Washington, New York 11050 (the “Licensee”) has requested a license for the placement of a menorah, cones, lift and electrical wiring which will occupy approximately 3-4 parking spaces within the Premises between November 28, 2021 and December 7, 2021 (the “Use”); and

WHEREAS, the Commissioner of the Town of North Hempstead’s Department of Public Safety has recommended that the Town grant the Licensee a license for the Use (the “License”) and authorize the execution of an agreement with the Licensee for the License (the “License Agreement”); and

WHEREAS, this Board wishes to authorize the License Agreement.

NOW, THEREFORE, BE IT

RESOLVED that the License Agreement be and hereby is authorized; and be it further

RESOLVED that the Supervisor be and is hereby authorized to execute on behalf of the Town, the License Agreement, a copy of which will be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and is hereby authorized and directed to negotiate and supervise the execution of the License Agreement; and be it further

RESOLVED that the Supervisor is authorized take such other action as may be necessary to effectuate the foregoing.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Comptroller Public Safety

Councilperson Lurvey offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 654 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE CHABAD OF MANHASSET FOR A CHANUKAH CELEBRATION AT TOWN HALL.

WHEREAS, the Chabad of Manhasset, 80 Shore Road, Port Washington, New York 11050 (the “Chabad”) graciously provides the Town with a menorah that is placed in front of Town Hall and lit each night of Chanukah; and

WHEREAS, the Chabad (the “Licensee”) has requested a license for the lighting of the menorah with torches and having a Fire Show on December 5, 2021, the last night of the Chanukah holiday (the “Use”); and

WHEREAS, the Commissioner of the Town of North Hempstead’s Department of Community Services has recommended that the Town grant the Licensee a license for the Use (the “License”) and authorize the execution of an agreement with the Licensee for the License (the “License Agreement”); and

WHEREAS, this Board wishes to authorize the License Agreement.

NOW, THEREFORE, BE IT

RESOLVED that the License Agreement be and hereby is authorized; and be it further

RESOLVED that the Supervisor be and is hereby authorized to execute on behalf of the Town, the License Agreement, a copy of which will be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and is hereby authorized and directed to negotiate and supervise the execution of the License Agreement; and be it further

RESOLVED that the Supervisor is authorized take such other action as may be necessary to effectuate the foregoing.

Dated: Manhasset, New York

November 18, 2020

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Comptroller Public Safety

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 655 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE UNITED STATES GEOLOGICAL SURVEY FOR GROUNDWATER WELL MONITORING THROUGHOUT THE PORT WASHINGTON PENINSULA.

WHEREAS, the Town Board (the “Board”) of the Town of North Hempstead (the “Town”), is committed to environmental conservation; and

WHEREAS, the Town desires to complete annual groundwater testing throughout the Port Washington Peninsula, as part of the Nassau County groundwater monitoring network, in order to monitor possible salt water intrusion into the aquifers (the “Project”); and

WHEREAS, in order to facilitate completion of the Project, the Grants Coordinator (the “Coordinator”) has recommended that the Town enter into agreement with the United States Department of the Interior U.S. Geological Survey (“USGS”) for a term beginning retroactively on October 1, 2021 and terminating on September 30, 2022, in consideration of an amount not to exceed Five Thousand Nine Hundred and 00/100 Dollars (\$5,900.00) (the “Agreement”); and

WHEREAS, as part of the terms of the Agreement, USGS will provide a grant in the amount of One Thousand Two Hundred and 00/100 Dollars (\$1,200.00) (the “Grant”) to the Town towards the cost of the Project and the Town will be responsible for the remainder, an amount not to exceed Four Thousand Seven Hundred and 00/100 Dollars (\$4,700.00); and

WHEREAS, this Board finds it to be in the best interests of the Town to authorize the Agreement and accept the Grant.

NOW, THEREFORE, BE IT

RESOLVED that the Agreement be and hereby is authorized; and be it further

RESOLVED that the Town is authorized to accept the Grant; and be it further

RESOLVED that the Supervisor be and hereby is authorized to execute, on behalf of the Town, the Agreement, a copy of which Agreement which shall be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Agreement and to take such further action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Services upon receipt of duly executed Agreement and certified claims therefor.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Comptroller

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 656 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF A LOCAL DEVELOPMENT AND PROFESSIONAL SERVICES AGREEMENT BETWEEN THE TOWN OF NORTH HEMPSTEAD AND THE TOWN OF NORTH HEMPSTEAD BUSINESS AND TOURISM DEVELOPMENT CORPORATION.

WHEREAS, pursuant to Resolution No. 388-2004, duly adopted by the Town Board at its meeting held on August 31, 2004, the formation and organization of the Town of North Hempstead (the “Town”) Business and Tourism Development Corporation (the “BTDC”) was authorized to further the public purposes of reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities, instructing and tutoring individuals to improve or develop their capabilities for such jobs, carrying on scientific research for the purpose of aiding the Town by attracting new industry to the community or area or by encouraging the development of, or retention of industry in the Town, and lessening the burden of government and acting in the public interest (the “Local Development Services”); and

WHEREAS, the Town desires to enter into an agreement with the BTDC to provide the Local Development Services to the Town for a term commencing January 1, 2022 and ending December 31, 2022 in consideration of the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00) (the “Agreement”); and

WHEREAS, the Board finds it in the best interests of the Town to enter into the Agreement with the BTDC.

NOW, THEREFORE, BE IT

RESOLVED that the Agreement be and hereby is authorized; and be it further

RESOLVED that the Supervisor be and hereby is authorized to execute, on behalf of the Town, the Agreement, a copy of which Agreement which shall be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Agreement and to take such further action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Services upon receipt of duly executed Agreement and certified claims therefor.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 657 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH FIREFLY ADMIN INC. FOR THE ADMINISTRATION OF THE PORT WASHINGTON FIRE DEPARTMENT LOSAP PROGRAM.

WHEREAS, the Town of North Hempstead (the “Town”) is a joint sponsor of the Port Washington Fire Department Length of Service Award Program established pursuant to Article 11-A of the General Municipal Law (the “Port Washington Fire Department LOSAP”); and

WHEREAS, Firefly Admin Inc. (“Firefly”), 6 Brunswick Road, Suite #8, Troy, NY 12180 currently provides actuarial and administrative services for the Port Washington Fire Department LOSAP; and

WHEREAS, based on the performance of Firefly in the administration of the Port Washington Fire Department LOSAP, the Town Attorney’s Office recommends the continued retention of Firefly to provide third party professional services (including actuarial services, trustee support, consulting, compliance support and external reporting assistance) for the Port Washington Fire Department LOSAP (the “Services”); and

WHEREAS, the Services would be provided in consideration of an amount not to exceed Twenty Thousand and 00/100 Dollars (\$20,000.00) per year to cover the Town’s portion of the shared expenses and the GASB 73 disclosure reporting fee, for a two-year term beginning January 1, 2022 through December 31, 2023 (the “Agreement”); and

WHEREAS, this Board finds it to be in the best interests of the Town to authorize the Agreement.

NOW, THEREFORE, BE IT

RESOLVED that the Agreement be and is hereby authorized; and be it further

RESOLVED that the Supervisor be and hereby is authorized to execute the Agreement on behalf of the Town, which Agreement shall be on file with the Office of the Town Clerk, and to take such other action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and oversee the execution of the Agreement, and to take such other action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Services upon receipt of the duly executed Agreement and certified claims therefore.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney

Comptroller

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 658 - 2021

A RESOLUTION AUTHORIZING THE USE OF AN AGREEMENT BETWEEN THE COUNTY OF SUFFOLK AND PREMIER MECHANICAL SERVICES, INC. FOR AIR CONDITIONING REPAIRS, SERVICE AND NEW INSTALLATION.

WHEREAS, the Town of North Hempstead (the “Town”) requires the services of a contractor to perform air conditioning repairs, service and new installations (the “Services”); and

WHEREAS, the County of Suffolk awarded contract ACRI101921-P entitled “Air Conditioning Repairs, Service and New Installation” (the “Agreement”) to Premier Mechanical Services, Inc., 1493 Church Street, Holbrook, New York 11741 (the “Contractor”); and

WHEREAS, under New York General Municipal Law §103(16), the Town is authorized to contract for services through municipal or quasi-municipal entities in the State of New York; and

WHEREAS, the Board wishes to authorize the use of the Agreement for its duration, inclusive of any extensions.

NOW, THEREFORE, BE IT

RESOLVED that the use of the Agreement be and is hereby authorized; and be it further

RESOLVED that the Supervisor be and hereby is authorized to execute any documentation and to take such other action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and oversee the execution of the documentation, and to take such other action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Services upon receipt of the Agreement and certified claims therefore.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney

Comptroller

Purchasing

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 659 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH ANKER'S ELECTRIC SERVICE, INC. FOR THE MAINTENANCE OF LIGHTING FOR ROADWAYS AND PARKS, DPW PROJECT NO. 16-14.

WHEREAS, pursuant to resolutions duly adopted by this Board, the Town entered into and amended an agreement with Anker's Electric Service, Inc., 10 South 5th Street, Locust Valley, New York 11560 (the "Contractor"), for the maintenance of lighting for roadways and parks, DPW Project No. 16-14 (the "Original Agreement"); and

WHEREAS, the term of the Original Agreement expires on December 31, 2021; and

WHEREAS, the Original Agreement provided for the option to renew the Original Agreement for two (2) one (1) year periods (the "Options"); and

WHEREAS, the Acting Commissioner of the Department of Public Works (the "Acting Commissioner") has recommended that the Town exercise the second Option to extend the term of the Original Agreement for a period of one (1) year such that the Original Agreement shall terminate on December 31, 2022 (the "Amendment"); and

WHEREAS, the Town Board finds it in the best interests of the Town to authorize the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Amendment be and hereby is authorized; and be it further

RESOLVED the Supervisor is authorized to execute, on behalf of the Town, the Amendment, all as more particularly set forth in a copy of the Amendment, which shall be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Amendment; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Amendment upon receipt of duly executed Amendment and certified claims therefor.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Comptroller DPW

Councilperson Lurvey offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 660 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH RISING TIDE WATERFRONT SOLUTIONS FOR ENGINEERING SERVICES RELATED TO THE CONSTRUCTION OF THE FIXED PIER AND FLOATING DOCK AT STEPPING STONES LIGHTHOUSE, DPW PROJECT NO. 17-02.

WHEREAS, pursuant to a resolution duly adopted by this Board, the Town entered into an agreement, as previously amended, with Rising Tide Waterfront Solutions-An Engineering Company, PLLC, 80 Killians Road, Suite 280, Massapequa, NY 11758 (the “Contractor”), to provide engineering services related to the construction of a fixed pier and floating dock at Stepping Stones Lighthouse, DPW Project No. 17-02 (the “Original Agreement”); and

WHEREAS, the Acting Commissioner of the Department of Public Works has recommended that the Town amend the Original Agreement with the Contractor to authorize revisions to design plans, a pile and pedestal survey, preparation of revised bid documents, bid phase services and part-time construction administration, thereby increasing the contract amount under the Original Agreement by Twenty-Five Thousand and 00/100 Dollars (\$25,000.00) (the “Amendment”); and

WHEREAS, the Town Board finds it in the best interests of the Town to authorize the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Amendment be and hereby is authorized; and be it further

RESOLVED the Supervisor is authorized to execute, on behalf of the Town, the Amendment, all as more particularly set forth in a copy of the Amendment, which shall be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Amendment; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Amendment upon receipt of duly executed Amendment and certified claims therefor.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney DPW Comptroller

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 661 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH CORPORATE LOSS PREVENTION ASSOCIATES FOR SECURITY SERVICES (TNH062-2018).

WHEREAS, pursuant to a resolution, duly adopted by this Board, the Town entered into an agreement with Corporate Loss Prevention Associates, 2635 Pettit Avenue, Bellmore, New York 11710 (the “Contractor”), to provide security services (the “Original Agreement”); and

WHEREAS, the Original Agreement contained the option to renew the Original Agreement for two (2) additional one (1) year periods with the same terms and conditions, including price (the “Options”); and

WHEREAS the Director of Purchasing (the “Director”) has recommended that the Town exercise the first Option to renew the Original Agreement for an additional one (1) year period commencing on January 1, 2022 and December 31, 2022 (the “Amendment”); and

WHEREAS, the Town Board finds it in the best interests of the Town to authorize the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Amendment be and hereby is authorized; and be it further

RESOLVED the Supervisor is authorized to execute, on behalf of the Town, the Amendment, all as more particularly set forth in a copy of the Amendment, which shall be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Amendment; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Amendment upon receipt of duly executed Amendment and certified claims therefor.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Purchasing Comptroller

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 662 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH ATLAS DIRECT MAILING FOR BULK MAIL PROCESSING (TNH095-2017).

WHEREAS, pursuant to a resolution, duly adopted by this Board, the Town entered into an agreement with Atlas Direct Mailing, 92 Magnolia Avenue, Westbury, New York 11590 (the “Contractor”), to provide bulk mail processing services (the “Original Agreement”); and

WHEREAS, the Original Agreement contained the option to renew the Original Agreement for two (2) additional one (1) year periods with the same terms and conditions, including price (the “Options”); and

WHEREAS the Director of Purchasing (the “Director”) has recommended that the Town exercise the second Option to renew the Original Agreement for an additional one (1) year period commencing on December 19, 2021 and December 18, 2022 (the “Amendment”); and

WHEREAS, the Town Board finds it in the best interests of the Town to authorize the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Amendment be and hereby is authorized; and be it further

RESOLVED the Supervisor is authorized to execute, on behalf of the Town, the Amendment, all as more particularly set forth in a copy of the Amendment, which shall be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Amendment; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Amendment upon receipt of duly executed Amendment and certified claims therefor.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Purchasing Comptroller

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 663 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH FIRE COMMAND CO., INC. FOR FIRE EXTINGUISHERS, FIRE SUPPRESSION SYSTEMS AND SPRINKLER SYSTEMS SERVICES (TNH020-2018).

WHEREAS, pursuant to a resolution, duly adopted by this Board, the Town entered into an agreement with Fire Command Co., Inc., 475 Long Beach Blvd., Long Beach, NY 11561 for fire extinguishers and fire suppression sprinkler services (the “Original Agreement”); and

WHEREAS, the Original Agreement contained the option to renew the Original Agreement for one (1) additional one (1) year period with the same terms and conditions, including price (the “Option”); and

WHEREAS, the Director of Purchasing (the “Director”), has recommended that the Town exercise the Option to renew the Original Agreement for an additional one (1) year period commencing on January 1, 2022 and ending December 31, 2022 (the “Amendment”); and

WHEREAS, the Town Board finds it in the best interests of the Town to authorize the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Amendment be and hereby is authorized; and be it further

RESOLVED that the Supervisor is authorized to execute, on behalf of the Town, the Amendment, all as more particularly set forth in a copy of the Amendment, which shall be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Amendment; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Amendment upon receipt of duly executed Amendment and certified claims therefor.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Purchasing Administrative Services

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 664 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH NORTH SHORE UNIVERSITY HOSPITAL FOR NURSING SERVICES (TNH055-2018).

WHEREAS, pursuant to a resolution, duly adopted by this Board, the Town entered into an agreement with North Shore University Hospital 300 Community Drive, Manhasset, NY 11030 for nursing services (the “Original Agreement”); and

WHEREAS, the Original Agreement contained the option to renew the Original Agreement for two (2) additional one (1) year periods with the same terms and conditions (the “Options”); and

WHEREAS the Director of Purchasing (the “Director”) has recommended that the Town exercise the first Option to renew the Original Agreement for an additional one (1) year period commencing on January 1, 2022 and ending December 31, 2022 (the “Amendment”); and

WHEREAS, the Town Board finds it in the best interests of the Town to authorize the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Amendment be and hereby is authorized; and be it further

RESOLVED that the Supervisor be and hereby is authorized to execute, on behalf of the Town, the Amendment, all as more particularly set forth in a copy of the Amendment, which shall be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Amendment; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Amendment upon receipt of duly executed Amendment and certified claims therefor.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Purchasing Administrative Services

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 665 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH ZE CREATIVE COMMUNICATIONS FOR PUBLIC RELATIONS SERVICES (TNH138-2019).

WHEREAS, pursuant to a resolution duly adopted by this Board, the Town entered into an agreement with Ze Creative Communications, 5 Bond Street, Great Neck, NY 11021, for public relations services (the “Original Agreement”); and

WHEREAS, the Original Agreement contained an option to renew the Original Agreement for two (2) additional one (1) year periods with the same terms and conditions, including price (the “Options”); and

WHEREAS, the Director of Purchasing (the “Director”) has recommended that the Town exercise the second Option to renew the Original Agreement for an additional one (1) year period commencing January 1, 2022 and ending December 31, 2022 (the “Amendment”); and

WHEREAS, the Town Board finds it in the best interests of the Town to authorize the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Amendment be and hereby is authorized; and be it further

RESOLVED the Supervisor is authorized and directed to execute, on behalf of the Town, the Amendment, all as more particularly set forth in a copy of the Amendment, which shall be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Amendment; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Amendment upon receipt of duly executed Amendment and certified claims therefor.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Comptroller

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 666 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH SUSTAINABLE STRATEGIES DC FOR FEDERAL AND STATE GRANT ADVOCACY SERVICES (TNH098-2018).

WHEREAS, pursuant to a resolution, duly adopted by this Board, the Town entered into an agreement with Sustainable Strategies DC, 500 New Jersey Avenue, NW, Suite 600, Washington, DC 20001 (the “Contractor”) for Federal and State grant advocacy services (the “Original Agreement”); and

WHEREAS, the Original Agreement contained the option to renew the Original Agreement for two (2) additional one (1) year periods with the same terms and conditions, including price (the “Options”); and

WHEREAS, has recommended that the Town exercise the first Option to amend the Original Agreement for an additional one (1) year period commencing on January 1, 2022 and ending December 31, 2022 (the “Amendment”); and

WHEREAS, this Board wishes to authorize the Amendment as requested by the Director.

NOW, THEREFORE, BE IT

RESOLVED that the Amendment be and hereby is authorized; and be it further

RESOLVED that the Supervisor is authorized to execute, on behalf of the Town, the Amendment, all as more particularly set forth in a copy of the Amendment, which shall be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Amendment; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Amendment upon receipt of duly executed Amendment and certified claims therefor.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Purchasing Administrative Services

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 667 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH PKF O'CONNOR DAVIES FOR ANNUAL AUDIT SERVICES (TNH150-2018).

WHEREAS, pursuant to a duly adopted resolution, the Town entered into an agreement with PKF O'Connor Davies, 500 Mamaroneck Ave, Suite 301, Harrison, NY 10528 (the "Contractor") to provide annual audit services; and

WHEREAS, the Original Agreement contained the option to renew the Original Agreement for two (2) additional one (1) year periods with the same terms and conditions (the "Options"); and

WHEREAS, the Director of Purchasing (the "Director"), has recommended that the Town exercise the first Option to renew the Original Agreement for an additional one (1) year period commencing January 1, 2022 to provide audit services for the fiscal year ending December 31, 2021 (the "Amendment"); and

WHEREAS, this Board wishes to authorize the Amendment as requested by the Director.

NOW, THEREFORE, BE IT

RESOLVED that the Amendment be and hereby is authorized; and be it further

RESOLVED that the Supervisor is authorized to execute, on behalf of the Town, the Amendment, all as more particularly set forth in a copy of the Amendment, which shall be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Amendment; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Amendment upon receipt of duly executed Amendment and certified claims therefor.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Purchasing Administrative Services

Councilperson Russell offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 668 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH AKRF, INC. FOR ENVIRONMENTAL PLANNING SERVICES FOR THE NEW CASSEL COMMUNITY-WIDE BROWNFIELDS ASSESSMENT PROJECT.

WHEREAS, pursuant to a resolution duly adopted by this Board, the Town of North Hempstead (the “Town”) entered into an agreement with AKRF, Inc., 1695 Church Street, Holbrook, NY 11741 (the “Contractor”) to provide environmental planning services for the New Cassel Community-Wide Brownfields Assessment Project (the “Original Agreement”); and

WHEREAS, the Commissioner of Planning and Environmental Protection has recommended that the Town amend the Original Agreement with the Contractor to authorize the reallocation of funds between contract tasks in the Original Agreement, as necessitated by impacts from the Covid-19 health emergency which affected the ability to perform community outreach (the “Amendment”); and

WHEREAS, all other terms under the Original Agreement, including the contract amount of Two Hundred Ninety-Five Thousand and 00/100 Dollars (\$295,000.00) will remain the same; and

WHEREAS, the Town Board finds it in the best interests of the Town to authorize the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Amendment be and is hereby authorized; and be it further

RESOLVED that the Supervisor is authorized to execute the Amendment on behalf of the Town, which Amendment shall be on file with the Office of the Town Clerk, and to take such other action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and oversee the execution of the Amendment, and to take such other action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Comptroller be, and hereby is, authorized and directed to pay the costs of the Amendment upon receipt of a duly executed Amendment and certified claims therefor.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Comptroller Purchasing

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 669 - 2021

A RESOLUTION AUTHORIZING PAYMENT TO MOVIES IN THE MOONLIGHT FOR THE RENTAL OF EQUIPMENT FOR A DRIVE-IN MOVIE.

WHEREAS, the Town of North Hempstead Department of Parks and Recreation (the “Department”) required equipment for the showing of a drive-in movie on August 27, 2021 (the “Services”); and

WHEREAS, the Department requested the Services from Movies in the Moonlight, 200 S Oakwood Road, Laurel New York 11948, (the “Contractor”) the vendor with whom the Town had contracted for the Services (the “Agreement”); and

WHEREAS, the Contractor was on route to the event when the Town cancelled the event due to inclement weather at 4:30 pm; and

WHEREAS, the Agreement provides that no cancellation fee is due where an event is cancelled before 2:00 pm but is silent as to the payment of a late cancellation fee; and

WHEREAS, the Contractor is seeking partial payment from the Town for the late cancellation; and

WHEREAS, the Commissioner of the Department has recommended that, as the Contractor was on route to the site and prepared to perform the services but was unable to complete its performance of the Services due to the Town’s cancellation of the event, the Town Board authorize payment for the Services for an amount not to exceed Seven Hundred Twenty-Five and 00/100 Dollars (\$725.00) (the “Payment”); and

WHEREAS, this Board finds it to be in the best interest of the Town to authorize the Payment.

NOW, THEREFORE, BE IT

RESOLVED that the Payment to the Contractor is hereby authorized; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to make the Payment upon receipt of certified claims therefor.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Comptroller Parks and Recreation

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 670 - 2021

A RESOLUTION AUTHORIZING THE PURCHASE FROM INSIGHT SOFTWARE OF SOFTWARE MAINTENANCE SERVICES FOR THE TOWN'S SPREADSHEET SERVER.

WHEREAS, the Department of Information Technology and Telecommunication (the “Department”) requires annual software maintenance for spreadsheet server software (the “Services”); and

WHEREAS, the Director of Purchasing has recommended that the Town purchase the Services from Insight Software, 8529 Six Forks Road, Suite 400, Raleigh, North Carolina, 2761 for a term of one (1) year in consideration of an amount not to exceed Eight Thousand Fifty-Eight and 45/100 Dollars (\$8,058.45) (the “Purchase”); and

WHEREAS, this Board finds it to be in the best interest of the Town to authorize the Purchase.

NOW, THEREFORE, BE IT

RESOLVED that the Purchase be and is hereby authorized; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Purchase upon receipt of certified claims therefore.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney

Comptroller

DoITT

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 671 - 2021

A RESOLUTION AMENDING THE TOWN OF NORTH HEMPSTEAD PARKS FEE SCHEDULE.

WHEREAS, the Town Board of the Town of North Hempstead (“Town Board”) is empowered pursuant to § 39-23 of the Town Code, upon recommendation of the Commissioner of Parks and Recreation (the “Commissioner”), to set the fees and charges for use of facilities and services in Town parks; and

WHEREAS, the Town Board adopted a schedule of fees for the use of Town facilities and services, including certain facilities at various Town parks (the “Fee Schedule”); and

WHEREAS, the Board wishes to amend the Schedule to eliminate, add and adjust certain room rental fees as set forth in Exhibit A attached hereto (the “Amendment”); and

WHEREAS, the Town Board desires to authorize the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Fee Schedule shall be amended to reflect the Amendment; and be it further

RESOLVED that except as herein modified, the Fee Schedule shall remain unchanged and in full force and effect.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Fee Type	Current Amount	Reccomended Amt.
Administrative Fees		
Processing	\$20	Eliminate
Permit	\$50	\$25
Kitchen	\$100	Eliminate
Deposit (refundable)		20% of rental fee
Small Room (<60 person capacity at all facilities)	Cost per Hour	Cost per Hour
Government	N/A	\$0
Resident	\$50	\$50
Non Resident/Corporate	N/A	\$100
North Hempstead Based Non Profit/Civic/Chamber	\$20	\$5
Education/PTA/Student Groups/Scouting Groups	\$5	\$5
Political Rate	N/A	\$50
Large Room (>60 person capacity at all facilities)	Cost per Hour	Cost per Hour
Government	N/A	\$0
Resident	\$100	\$100
Non Resident/Corporate	N/A	\$200
North Hempstead Based Non Profit/Civic/Chamber	\$40	\$10
Education/PTA/Student Groups/Scouting Groups	\$10	\$10
Political Rate	N/A	\$100
YWC Gym	Cost per Hour	Cost per Hour
Resident Half	\$100	\$100
Non Resident/Corporate Half	N/A	\$200
North Hempstead Based Non Profit/Civic/Chamber Half	N/A	\$10
Education/PTA/Student Groups/Scouting Groups Half	N/A	\$10
Government Half	N/A	\$0
Political Half	N/A	\$100
Resident Full	\$300	\$200
Non Resident/Corporate Full	N/A	\$400
North Hempstead Based Non Profit/Civic/Chamber Full	N/A	\$20
Education/PTA/Student Groups/Scouting Groups Full	N/A	\$20
Government Full	N/A	\$0
Political Full	N/A	\$200

Councilperson Lurvey offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 672 - 2021

A RESOLUTION AMENDING THE TOWN OF NORTH HEMPSTEAD FEE SCHEDULE FOR PAYMENTS TO THE NORTH HEMPSTEAD TREE FUND.

WHEREAS, the Town Board of the Town of North Hempstead (the “Board”) has heretofore established a schedule of fees for use by the Office of the Town Clerk (the “Schedule”); and

WHEREAS, the Board wishes to amend the Schedule to establish a fee pursuant to Chapter 20A of the Town Code for payments into the Tree Fund account in lieu of replacement requirements; and

WHEREAS, the fee shall be Three Hundred and 00/100 Dollars (\$300.00) per tree which shall be paid into the Town of North Hempstead Tree Fund Account and used for the sole purpose of planting and maintaining trees, including watering, fertilizing, pruning, trimming and other applicable landscaping projects for the public benefit (the “Amendment”); and

WHEREAS, the Town Board desires to authorize the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Amendment is hereby authorized and established, and that said Amendment shall take effect immediately.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: Councilperson Ferrara

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 673 - 2021

A RESOLUTION AUTHORIZING APPOINTMENTS TO THE BOARD OF THE NORTH HEMPSTEAD HOUSING AUTHORITY.

WHEREAS, the Town Board is authorized, pursuant to §30 of the Public Housing Law, to appoint members to the North Hempstead Housing Authority (the “Authority”); and

WHEREAS, the terms of the appointments of the following members will expire as of the dates stated below

<u>Name and Address</u>	<u>Address</u>	<u>Expiration of Term</u>
Matthew Cuomo	402 Andrews Road East Williston, NY 11596	November 30, 2021
Traci S. Caines	170 New York Avenue Westbury, NY 11590	March 25, 2022

WHEREAS, the Supervisor of the Town of North Hempstead (the “Town”) has recommended the following reappointments

<u>Name and Address</u>	<u>Start of Term</u>	<u>Expiration of Term</u>
Matthew Cuomo 402 Andrews Road East Williston, NY 11596	December 1, 2021	November 30, 2026
Traci S. Caines 170 New York Avenue Westbury, NY 11590	March 26, 2022	March 25, 2027

; and

WHEREAS, the Town Board finds the members listed above to be individuals well qualified to continue to serve as a members of the Authority, and believes that their reappointment will further the purposes of the Authority and the welfare of the residents of the Town.

NOW, THEREFORE, BE IT

RESOLVED that the persons listed above are each reappointed as members of the North Hempstead Housing Authority for the terms specified above; and be it further

RESOLVED that the Town Clerk is directed to file a certified copy of this resolution with the Commissioner of Housing and Community Renewal of the State of New York.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 674 - 2021

**A RESOLUTION AUTHORIZING THE APPOINTMENT OF MEMBERS TO THE TOWN
WORKPLACE VIOLENCE PREVENTION HAZARD REDUCTION TEAM.**

WHEREAS, the Town Board of the Town of North Hempstead (the "Board") has heretofore authorized the adoption of a workplace violence prevention policy (the "Policy"), which authorized the establishment of a Hazard Reduction Team (the "Team"); and

WHEREAS, the Board has heretofore appointed members to the Team; and

WHEREAS, the Supervisor has recommended the following appointments to the Team: Silmaria Marciano to replace Steven Somma; Pat Saccoccia to replace Nicolas Lawson, both of whom shall serve at the pleasure of the Board (the "Appointments"); and

WHEREAS, this Board wishes to authorize the Appointments, as recommended by the Supervisor.

NOW, THEREFORE, BE IT

RESOLVED that the Appointments to the Team, as recommended by the Supervisor are hereby confirmed; and be it further

RESOLVED that the Department of Human Resources shall maintain on file an updated list of appointed members of the Team.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Human Resources

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 675 - 2021

A RESOLUTION APPOINTING SILMARA MARCIANO AS AN EQUAL EMPLOYMENT OPPORTUNITY AND AMERICANS WITH DISABILITIES ACT OFFICER FOR THE TOWN OF NORTH HEMPSTEAD.

WHEREAS, the Town of North Hempstead has previously appointed Estefany Garay, Paula Uhl and Stephen Mazza to the positions of Equal Employment Opportunity (EEO) and Americans with Disabilities Act (ADA) Officers for the Town of North Hempstead; and

WHEREAS, the Town Board wishes to establish an additional position of EEO and ADA Officer for the Town of North Hempstead; and

WHEREAS, this Board wishes to appoint Silmara Marciano to the additional EEO and ADA Officer position.

NOW, THEREFORE, BE IT

RESOLVED that an additional EEO and ADA Officer position for the Town of North Hempstead be and hereby is established; and be it further

RESOLVED that Silmara Marciano be and hereby is appointed to serve as the additional EEO and ADA Officer.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 676 - 2021

A RESOLUTION AMENDING RESOLUTION NO. 253-2018, ADOPTED MAY 8, 2018, AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT BETWEEN THE TOWN AND THE INCORPORATED VILLAGE OF PLANDOME MANOR FOR COOPERATIVE PURCHASING AND SERVICES.

WHEREAS, pursuant to Resolution No. 253-2018, duly adopted on May 8, 2018 (the “Resolution”), the Town Board authorized the execution of an amendment to an agreement between the Town and the Incorporated Village of Plandome Manor (the “Village”) for cooperative purchasing and services (the “IMA”); and

WHEREAS, from time to time, it becomes necessary to undertake certain public work which lies within the boundaries of both the Town of North Hempstead (the “Town”) and the Village; and

WHEREAS, it has been requested that the Resolution be amended to clarify that the Town is authorized to execute separate agreements with the Village pursuant to the IMA to share the cost of the necessary public work, which may be undertaken by a Town contractor on behalf of the Town (the “Amendment”); and

WHEREAS, this Board finds it to be in the best interest of the Town to authorize the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Resolution be and hereby is amended to reflect the Amendment; and be it further

RESOLVED that the Board hereby authorizes the Supervisor to execute any and all documents necessary to effectuate the foregoing; and be it further

RESOLVED that the Town Attorney is hereby authorized and directed to negotiate and supervise the execution of any documentation, and to take such related action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Comptroller be, and hereby is, authorized and directed to pay the costs thereof upon receipt of duly certified and executed claims thereof.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 677 - 2021

A RESOLUTION AMENDING RESOLUTION NO. 535-2021, ADOPTED SEPTEMBER 30, 2021, AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH RESIDENTS FORWARD FOR THE PLACEMENT OF YARN ARMS AROUND TREES IN PORT WASHINGTON.

WHEREAS, pursuant to Resolution No. 535-2021, duly adopted on September 30, 2021, the Town Board authorized the execution of a license agreement with Residents Forward, PO Box 864, Port Washington, New York 11050 (the “Licensee”) granting the Licensee a License to place yarn arms around approximately fifty (50) trees in Port Washington from April 1, 2022 through April 30, 2022 (the “License”) to raise awareness of Earth Day (the “Resolution”); and

WHEREAS, it has been requested that the Resolution be amended to authorize the License Agreement to commence on March 26, 2022 and terminate on May 5, 2022 to allow the Licensee additional time for the placement and removal of the yarn arms (the “Amendment”); and

WHEREAS, this Board finds it to be in the best interest of the Town to authorize the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Resolution be and hereby is amended to reflect the Amendment; and be it further

RESOLVED that the Board hereby authorizes the Supervisor to execute any and all documents necessary to effectuate the foregoing; and be it further

RESOLVED that the Town Attorney is hereby authorized and directed to negotiate and supervise the execution of any documentation, and to take such related action as may be necessary to effectuate the foregoing.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 678 - 2021

A RESOLUTION AMENDING RESOLUTION NO. 540-2021, ADOPTED SEPTEMBER 30, 2021, AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH TGI OFFICE AUTOMATION FOR THE REPLACEMENT AND ADDITION OF COPIERS THROUGHOUT THE TOWN.

WHEREAS, pursuant to Resolution No. 540-2021, duly adopted on September 30, 2021, the Town Board authorized the execution of an amendment to an agreement with TGI Office Automation, 1860 Walt Whitman Road, Melville, NY 11474 (the “Contractor”) for copier leases, repairs and maintenance to replace leased copiers throughout the Town and to include the lease of an additional copier for the Department of Parks and Recreation as set forth in an attached exhibit (the “Resolution”); and

WHEREAS, one of the replacement copiers shown on the exhibit is no longer available; and

WHEREAS, an additional copier was requested for a new location in the Parks Department; and

WHEREAS, it has been requested that the Resolution be amended to authorize the substitution of a different copier model for the copier that is unavailable, and to authorize the lease of an additional copier, as shown on the Exhibit attached hereto (the “Amendment”); and

WHEREAS, this Board finds it to be in the best interest of the Town to authorize the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Resolution be and hereby is amended to reflect the Amendment; and be it further

RESOLVED that the Board hereby authorizes the Supervisor to execute any and all documents necessary to effectuate the foregoing; and be it further

RESOLVED that the Town Attorney is hereby authorized and directed to negotiate and supervise the execution of any documentation, and to take such related action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Comptroller be, and hereby is, authorized and directed to pay the costs thereof upon receipt of duly certified and executed claims thereof.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney

COPIER LIST

Lanier - Model	ID	Department	Street	Town	Contract Exp date	New Model	Per Month
MP C3004	108341	Planning Dept. - 2nd Floor	210 Plandome Rd	Manhasset	\$686 EXP 05/2020	IM C3000	\$110
MP C3004	108342	SWMA - Scalehouse	999 West Shore Rd	Port Washington		IM C3000	\$110
MP C3004EX	108470	Supervisors Suite - 2nd Floor	220 Plandome Rd	Manhasset		IM C3000	\$110
MP C4504	108585	Town Clerk - Registrar's Office - 1st Floor	200 Plandome Rd	Manhasset		IM C4500	\$130
MP C4504	108653	BZA - 2nd Floor	210 Plandome Rd	Manhasset		IM C4500	\$130
Lanier MPC 3504ex	113883	Building - Inspectors - 2nd Floor	200 Plandome Rd	Manhasset	\$370 Exp 10/2020	IM C3500	\$120
Lanier MP C2503	113888	Building - illegal Housing - 2nd Floor	200 Plandome Rd	Manhasset		IM C2500	\$90
Lanier MPC 3004ex	113918	Building Intake - 1st Floor	176 Plandome Rd	Manhasset		IM C3000	\$110
Lanier MPC 2504ex	122128	311 Call Center - Lower Level	141 Garden St	Westbury	\$2420 EXP 07/2021	IM C2500	\$90
Lanier MPC 6004ex	122132	Town Attorney - 1st Floor	220 Plandome Rd	Manhasset		IM C6000	\$185
Lanier MPC6004ex	122133	Tax Office - 1st Floor	200 Plandome Rd	Manhasset		IM C6000	\$185
Lanier MPC 4504ex	122143	Public Works - 2nd Floor	285 Denton Ave	New Hyde Park		IM C4500	\$130
Lanier MPC 4504ex	122144	Harbor Links - Main Office	1 West Fairway Dr	Port Washington		IM C4500	\$130
Lanier MPC 4504ex	122145	Tully Park - 1st Floor	1801 Evergreen Ave	New Hyde Park		IM C4500	\$130
Lanier MPC 6004ex	122146	Town Clerk's Office - 1st Floor	200 Plandome Rd	Manhasset		IM C6000	\$185
Lanier MPC 4504ex	122147	Purchasing Dept. - Basement	220 Plandome Rd	Manhasset		IM C4500	\$130
Lanier MPC 4504ex	122152	Town Board - 2nd Floor	220 Plandome Rd	Manhasset		IM C4500	\$130
Lanier MPC 6004ex	122153	Community Services / DOSA	1601 Marcus Ave	New Hyde Park		IM C6000	\$185
Lanier MPC 3004ex	124783	Harbor Links - Clubhouse	1 West Fairway Dr	Port Washington		IM C3000	\$110
Lanier MPC 4504ex	124784	SWMA - Main Office	802 West Shore Rd	Port Washington		IM C4500	\$130
Lanier MPC 4504ex	124788	Tully Park - 2nd Floor	1801 Evergreen Ave	New Hyde Park		IM C4500	\$130
Lanier MPC 3004ex	124790	Supervisors Office - Executive Offices - 2nd Floor	220 Plandome Rd	Manhasset		IM C3000	\$110
Lanier MPC 3004ex	124792	Clinton G. Martin Park	1601 Marcus Ave	New Hyde Park		IM C3000	\$110
Lanier MPC 3004ex	124793	Yes We Can Community Center - Main Office - 1st Flr	141 Garden St	Westbury		IM C3000	\$110
Lanier MPC3004ex	124794	Code Enforcement	51 Orchard St	Roslyn Heights		IM C3000	\$110
Lanier MPC 4504ex	124795	Human Resources - 1st Floor	220 Plandome Rd	Manhasset		IM C 4500	\$130
MP C2004ex	121792		700 W Shore Road	Port Washington	\$75.00 3/2021	IM C2500	\$90
New Copier		Parks	North Hempstead Beach Park		new	MP 402SPF	\$40
New Copier		Parks	North Hempstead Beach Park		new	MP 402SPF	\$40
						Total	\$3,500

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 679 - 2021

A RESOLUTION AMENDING RESOLUTION NO. 593-2021, ADOPTED OCTOBER 21, 2021, AUTHORIZING THE AWARD OF A BID FOR MANORHAVEN PARK POOL REPAIRS, MANORHAVEN, NY, DPW PROJECT NO. 19-07.

WHEREAS, pursuant to Resolution No. 593-2021, duly adopted on October 21, 2021 (the "Resolution"), the Town Board authorized the award of a bid to Norberto Construction Inc. for Manorhaven Park Pool Repairs, Manorhaven, NY, DPW Project No. 19-07 at its corrected bid price of One Million Eight Hundred Seventy-Five Thousand Eight Hundred and 00/100 Dollars (\$1,875,800.00); and

WHEREAS, the Resolution incorrectly referred to the contractor as "Noberto" Construction Inc.; and

WHEREAS, the Acting Commissioner of the Department of Public Works has requested that the Resolution be amended to include the bid price of the add alternate of a stainless steel perimeter gutter, thereby increasing the contract amount to Two Million Four Hundred Fifty Seven Thousand Eight Hundred and 00/100 Dollars (\$2,457,800.00) and to correct the name of the contractor to Norberto Construction Inc. (the Amendments); and

WHEREAS, this Board finds it to be in the best interest of the Town to authorize the Amendments.

NOW, THEREFORE, BE IT

RESOLVED that the Resolution be and hereby is amended to reflect the Amendments; and be it further

RESOLVED that the Board hereby authorizes the Supervisor to execute any and all documents necessary to effectuate the foregoing; and be it further

RESOLVED that the Town Attorney is hereby authorized and directed to negotiate and supervise the execution of any documentation, and to take such related action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Comptroller be, and hereby is, authorized and directed to pay the costs thereof upon receipt of duly certified and executed claims thereof.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 680 - 2021

A RESOLUTION ESTABLISHING A PANEL OF OUTSIDE LEGAL COUNSEL TO BE AVAILABLE TO THE OFFICE OF THE TOWN ATTORNEY.

WHEREAS, from time to time, the Office of the Town Attorney (the “Office”) may require the services of outside counsel on a variety of legal matters; and

WHEREAS, the Office has received responses to a request for proposals issued by the Town and has evaluated such responses; and

WHEREAS, the Office has requested that this Board assign the firms listed in Schedule A to a panel of outside legal counsel that the Town may utilize in the event their services are needed (the “Panel”); and

WHEREAS, the Board finds it in the best interests of the Town to create the Panel.

NOW, THEREFORE, BE IT

RESOLVED that the Board hereby establishes the Panel; and be it further

RESOLVED that any proposed agreement with a member of the Panel shall be subject to review and approval of this Board.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Comptroller

	TNH189-2021-Legal Services				
					Harris Beach PLLC
		Ahmuty Demers & McManus	Berkman Henoch	Bond Schoeneck & King	The Omni
		200 I.U. Willets Road	100 Garden City Plaza-3rd FL	1010 Frankling avenue - Suite 200	333 Earle Ovington Blvd - Suite 901
		Albertson, NY 11507	Garden City, NY 11530	Garden City, NY 11530	Uniondale, NY 11553
		516-294-1803	(516) 222-6200	(516) 267-6328	(516) 880-8484
		Philip J. McManus	Joseph E. Macy, Esq.	Richard S. Finkel, Esq.	Keith M. Corbett
Cat. No.	Description of legal Services	philip.Mcmanus@admlaw.com	j.Macy@BHPP.com	rfinkel@bsk.com	kcorbett@harrisbeach.com
1	Federal and State Court litigation, including but not limited to those alleging civil	X	X	X	X
2	Commercial litigation, including but not limited to breach of contract claims, construction	X	X	X	X
3	Personal injury matters	X	X		X
4	Municipal law matters, including but not limited to Article 78 proceedings, declaratory		X	X	X
5	Labor and employment matters, including employee discipline, arbitration pursuant to the applicable collective bargaining agreement, matters before the Public Employment Relations Board and handling allegations of			X	X
6	Real estate matters, including negotiation of complex transactions and litigation to enforce property rights on behalf of the Town		X	X	X
7	Representing the Town before regulatory agencies such as the Environmental Protection Agency, the Department of Environmental Conservation and the Nassau County Health Department;		X	X	X
8	Contract matters, including but not limited to the negotiation and preparation of agreements such as project labor agreements, cable or fiber optic franchise agreements, lease agreements for cellular facilities located on Town properties, software, IT and data management agreements			X	X
9	Collections matters				X
10	General advisory services related to matters listed above or other matters related to Town business	X	X	X	X
11	Other matters as may be required by the Town	X	X	X	X
	Purchasing Notes	Local Vendor	Local vendor	Local vendor	Local Vendor
	Rates	Partner: \$235	\$250	Partner: \$275	Attorneys \$275
		Senior Assoc: \$215	Costs as listed in RFP	Associate: \$225	Paralegals: \$100
		Junior Assoc: \$200		Flat rate Option for Employment	
		Paralegals \$100		Matters \$3000/month	Costs as listed in RFP
		Costs as listed in RFP		Costs as listed in RFP	

	TNH189-2021-Legal Services			
		Ingerman Smith LLP	Jaspan Schlesinger LLP	Mark Cuthbertson, Esq.
		150 Motor Parkway - Suite 400	300 Garden City Plaza - 5th FL	434 New York Avenue
		Hauppauge, NY 11788	Garden City, NY 11530	Huntington, NY 11743
		(631) 261-8834	(516) 393-8290	(631) 351-3501
		Mary Anne Sadowski	Simone M. Freeman	Mark Cuthbertson
Cat. No.	Description of legal Services	msadowski@ingermansmith.com	sfreeman@jaspanllp.com	mcuthbertson@cuthbertsonlaw.com
1	Federal and State Court litigation, including but not limited to those alleging civil	X	X	X
2	Commercial litigation, including but not limited to breach of contract claims, construction	X	X	X
3	Personal injury matters	X	X	X
4	Municipal law matters, including but not limited to Article 78 proceedings, declaratory	X	X	X
5	Labor and employment matters, including employee discipline, arbitration pursuant to the applicable collective bargaining agreement, matters before the Public Employment Relations Board and handling allegations of	X	X	X
6	Real estate matters, including negotiation of complex transactions and litigation to enforce property rights on behalf of the Town	X	X	X
7	Representing the Town before regulatory agencies such as the Environmental Protection Agency, the Department of Environmental Conservation and the Nassau County Health Department;	X	X	
8	Contract matters, including but not limited to the negotiation and preparation of agreements such as project labor agreements, cable or fiber optic franchise agreements, lease agreements for cellular facilities located on Town properties, software, IT and data management agreements	X	X	
9	Collections matters	X	X	
10	General advisory services related to matters listed above or other matters related to Town business	X	X	X
11	Other matters as may be required by the Town	X	X	X
	Purchasing Notes	Local Vendor		
	Rates	Attorneys \$270	Attorneys \$250	\$250.00 for Attorneys
		Associaes: \$240	Paralegals: \$120	\$100.00 for paralegals
		Paralegals/law Clerks: \$150	Costs as listed in RFP	Costs as listed in RFP
		Costs as listed in RFP		

	TNH189-2021-Legal Services			
		MMP S		RMF
		Milber Makris Plousadis & Seiden, LLP	Quatela Chimeri PLLC	Ruskin Moscou Faltischek P.C.
		1000 Woodbury Road - Suite 402	888 Veterans Memorial Highway - Suite 530	East Tower 15th FL - 1425 RXR Plaza
		woodbury, NY 11797	Hauppauge, NY 11788	Uniondale, NY 11556
		(516) 712-4000	(631) 652-6122	(516) 663-6600
		Harry Makris	Joseph A. Quatela, Esq.	Christopher Murray, Esq.
Cat. No.	Description of legal Services	hmakris@milbermakris.com	jaq@qclaw.com	emurray@rmfpc.com
1	Federal and State Court litigation, including but not limited to those alleging civil	X	X	X
2	Commercial litigation, including but not limited to breach of contract claims, construction	X	X	
3	Personal injury matters	X	X	
4	Municipal law matters, including but not limited to Article 78 proceedings, declaratory	X	X	X
5	Labor and employment matters, including employee discipline, arbitration pursuant to the applicable collective bargaining agreement, matters before the Public Employment Relations Board and handling allegations of	X	X	X
6	Real estate matters, including negotiation of complex transactions and litigation to enforce property rights on behalf of the Town	X	X	X
7	Representing the Town before regulatory agencies such as the Environmental Protection Agency, the Department of Environmental Conservation and the Nassau County Health Department;	X		X
8	Contract matters, including but not limited to the negotiation and preparation of agreements such as project labor agreements, cable or fiber optic franchise agreements, lease agreements for cellular facilities located on Town properties, software, IT and data management agreements			
9	Collections matters			
10	General advisory services related to matters listed above or other matters related to Town business	X	X	X
11	Other matters as may be required by the Town	X	X	X
	Purchasing Notes	Local Vendor		Local Vendor
	Rates	\$190.00 for Attorneys \$75.00 for paralegals	\$255 - Partners/Of Counsel \$205 - Associates	\$275 - Partners \$225 - Associates
		Costs as listed in RFP	\$90.00 - Paralegals/law clerks Costs as listed in RFP	\$100.00 - Paralegals/law clerks Costs as listed in RFP

	TNH189-2021-Legal Services				
		Sahn Ward Braff Koblenz PLLC			
		The Omni	Sokoloff Stern LLP	West Group Law PLLC	Whiteman Osterman & Hanna LLP
		333 Earle Ovington Blvd - Suite 601	179 Westbury Avenue	81 Main Street - Suite 510	One Commerce Plaza
		Aarde woodbury, NY. NI1	Carle Place, NY 11514	White Plains, NY 10601	Albany, NY 12260
		(516) 228-1300	(516) 334-4500	(914) 898-2400	(518) 487-7600
		Michael H. Sahn	Steven C. Stern	Teno A. West	Thomas A. Shepardson, Esq.
Cat. No.	Description of legal Services	msahn@sahnward.com	sstern@sokoloffstern.com	twest@westgrouplaw.com	tshepardson@woh.com
1	Federal and State Court litigation, including but not limited to those alleging civil	X	X	X	X
2	Commercial litigation, including but not limited to breach of contract claims, construction	X	X	X	X
3	Personal injury matters	X	X		X
4	Municipal law matters, including but not limited to Article 78 proceedings, declaratory	X	X	X	X
5	Labor and employment matters, including employee discipline, arbitration pursuant to the applicable collective bargaining agreement, matters before the Public Employment Relations Board and handling allegations of	X	X	X	X
6	Real estate matters, including negotiation of complex transactions and litigation to enforce property rights on behalf of the Town	X	X	X	X
7	Representing the Town before regulatory agencies such as the Environmental Protection Agency, the Department of Environmental Conservation and the Nassau County Health Department;	X	X	X	X
8	Contract matters, including but not limited to the negotiation and preparation of agreements such as project labor agreements, cable or fiber optic franchise agreements, lease agreements for cellular facilities located on Town properties, software, IT and data management agreements			X	X
9	Collections matters				
10	General advisory services related to matters listed above or other matters related to Town business	X	X	X	X
11	Other matters as may be required by the Town	X	X	X	X
	Purchasing Notes	Local Vendor	Local Vendor		
	Rates	\$265 - Attorney	\$225 - Partners	\$225 -Partners	\$275 - Partners and Associates
		Costs as listed in RFP	\$200 - Associates	Costs as listed in RFP	Costs as listed in RFP
			\$100 - Paralegal		
			Costs as listed in RFP		

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 681 - 2021

A RESOLUTION RATIFYING THE PLACEMENT OF A VOLUNTEER FIREFIGHTERS' BENEFIT LAW LIABILITY POLICY.

WHEREAS, pursuant to the Volunteer Firefighters' Benefit Law, the Town provides coverage to certain volunteer firefighters that become injured during the line of duty; and

WHEREAS, the Town of North Hempstead's current insurance policy for Volunteer Firefighter Benefit Law coverage expired on July 1, 2021; and

WHEREAS, the Town received favorable pricing and coverage quotations for a Volunteer Firefighter Benefit Law policy from New York State Public Entities Safety Group for the period of July 1, 2021 through June 30, 2022; and

WHEREAS, the Town's insurance broker has recommended placement of the policy as quoted; and

WHEREAS, the Town's insurance broker has placed the policy.

NOW, THEREFORE, BE IT

RESOLVED that the Town Board ratifies the placement of the Volunteer Firefighter Benefit Law policy with New York State Public Entities Safety Group for the period of July 1, 2021 through June 30, 2022; and be it further

RESOLVED that the Supervisor, Comptroller, Commissioner of Human Resources and Town Attorney are hereby authorized to take such other action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs hereof upon receipt of duly executed and certified claims therefor.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Supervisor Comptroller

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 682 - 2021

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE TOWN'S EMPLOYEE BENEFIT RESERVE FUNDS.

WHEREAS, the Town Board (the “Board”) of the Town of North Hempstead (the “Town”) has heretofore established Employee Benefit Accrued Liability Reserve Funds (the “Funds”), pursuant to applicable law, for payment of unused and unpaid sick, personal, holiday and vacation time, and any other forms of payment for accrued but unliquidated time earned by and payable to Town employees upon termination of service; and

WHEREAS, the Town has available funds in the Funds; and

WHEREAS, the Board desires to transfer monies from the Funds to various personnel lines in the Highway Fund in the amount of \$68,854.58 and Part Town Fund in the amount of \$28,353.30, to then be utilized to cover separation pay in the third quarter of 2021; and

WHEREAS, after careful consideration, the Board finds it in the best interests of the Town to transfer monies from the Funds to the Highway Fund and Part Town Fund as outlined above (the “Transfers”).

NOW, THEREFORE, BE IT

RESOLVED that the Board hereby authorizes the Transfers from the Funds to the Highway Fund and Part Town Fund as outlined above; and be it further

RESOLVED that the Offices of the Town Attorney and Comptroller are hereby directed to take such action as may be necessary to effectuate the foregoing.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Comptroller

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 683 - 2021

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE TOWN'S RESERVE FUNDS.

WHEREAS, the Town Board (the “Board”) of the Town of North Hempstead (the “Town”) has heretofore established a General Fund Capital Projects Reserve Fund and a Part-Town Capital Projects Reserve Fund, pursuant to applicable law, for payment on various projects and related expenses; and

WHEREAS, the Town has available funds in the General Fund’s Capital Projects Reserve Fund (the “General Fund Reserve”); and

WHEREAS, the Board desires to transfer monies from the General Fund Reserve, in the amount of \$12,899.51, to various capital accounts for the purchase of small equipment for Harbor Links Golf Course; and

WHEREAS, the Town has available funds in the Part-Town Capital Projects Reserve Fund (the “Part-Town Reserve”); and

WHEREAS, the Board desires to transfer monies from the Part-Town Reserve, in the amount of \$28,314.00, to various capital accounts for professional services associated with the set-up of Citizen Serve; and

WHEREAS, after careful consideration, the Board finds it in the best interests of the Town to transfer monies from the General Fund Reserve and the Part-Town Reserve to the accounts as outlined above (collectively the “Transfers”).

NOW, THEREFORE, BE IT

RESOLVED that the Board hereby authorizes the Transfers from the General Fund Reserve and the Part-Town Reserve to the accounts as outlined above; and be it further

RESOLVED that the Offices of the Town Attorney and Comptroller are hereby directed to take such action as may be necessary to effectuate the foregoing.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Comptroller

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 684 - 2021

A RESOLUTION AUTHORIZING THE SETTLEMENT OF A CLAIM MADE BY THE TOWN OF NORTH HEMPSTEAD AND AUTHORIZING THE COMPTROLLER OR DEPUTY COMPTROLLER TO ACCEPT PAYMENT THEREOF.

WHEREAS, the Town Attorney has requested the approval of the Town Board to enter Settlement Agreements in order to settle certain claims made on behalf of the Town for the reasons set forth in memorandum to the Board on file in the Office of the Town Attorney; and

WHEREAS, after careful consideration, the Board finds it in the best interests of the Town to enter into the proposed Settlement Agreements.

NOW, THEREFORE, BE IT

RESOLVED that the settlement and acceptance of payment of the following claim, in the amount set forth herein, be and the same are approved by this Board in all respects:

<u>Claimant</u>	<u>File No.</u>	<u>Amount</u>
TONH v. Najib Labib (Geico)	COL-21-0001	\$5,547.23

; and be it further

RESOLVED that the Supervisor is authorized to execute the necessary settlement documents, on behalf of the Town, the Comptroller is authorized to accept payment for same and the Town Attorney may take further action as may be necessary to effectuate the foregoing.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Town Attorney Comptroller

Supervisor Bosworth offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 685 - 2021

A RESOLUTION AUTHORIZING THE EMPLOYMENT, APPOINTMENT, TRANSFER, ADJUSTMENT, CORRECTION, CHANGE IN GRADE OR SALARY AND/OR TERMINATION OF EMPLOYEES AND/OR OFFICIALS IN VARIOUS DEPARTMENTS OF THE TOWN.

WHEREAS, the approval of this Board has been requested for the employment, appointment, transfer, adjustment, correction, change in grade or salary and/or termination of certain individuals, employees and/or officials in various departments of the Town of North Hempstead (the "Town") as more particularly set forth in a memorandum on file in the Office of the Commissioner of Human Resources; and

WHEREAS, the Board believes it is in the best interests of the Town to approve the request.

NOW, THEREFORE, BE IT

RESOLVED that the following employments, appointments, transfers, adjustments, corrections, changes in grade or salary, and/or terminations are hereby adopted and approved:

ALL APPOINTMENTS PENDING COMPLETION OF PAPERWORK AND CIVIL SERVICE APPROVAL

SEE EXHIBIT A

;and be it further

RESOLVED that the above listed employments, appointments, transfers, adjustments, corrections, and/or changes in grade or salary are hereby appointed to the respective positions at a rate of compensation shown next to their names; and be it further

RESOLVED that the appointments and employments are subject to the satisfactory completion of a physical examination by a physician; and be it further

RESOLVED that the term of appointment and employment of any person to an exempt position shall be at the pleasure of the Town Board; and be it further

RESOLVED that the effective date of the foregoing employments, appointments, transfers, adjustments, corrections, and/or changes in grade or salary of said individuals, employees and/or

officials in the various departments of the Town shall be that date certified by the Commissioner of Finance; and be it further

RESOLVED that the foregoing appointments, employments and terminations are subject to the rules and regulations of the Nassau County Civil Service Commission and New York State Civil Service Law.

Dated: Manhasset, New York

November 18, 2021

The vote of the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

Please note that all appointments are pending completion of paperwork and Nassau County Civil Service approval.

Type	Department Name	Employee Name	Employee Title	Employee Rate	Grade/Step	Current Dept #	New Dept #	Current Budget Code #
New Hire FT	DOITT	Jaimie Ye	Info Tech Specialist 2	\$2,579.602 bi-weekly / \$67,070 annually	Grade 21, Step 1	N/A	121700	N/A
New Hire FT	Comptroller's Office	Monica Fajardo	Administrative Assistant	\$2,453.42 bi-weekly / \$63,789 annually	Grade 20, Step 1	N/A	121800	N/A
New Hire FT	Department of Highways	Patrick Fullshire	Auto Servicer	\$24.83 hourly / \$51,656 annually	Grade 13, Step 1	N/A	307000	N/A
Part-Time to Full-Time	Department of Highways	Joshau Skidmore	Laborer 1 PT to FT	\$14.00 hourly to \$22.38 hourly / \$46,450 annually	PT to Grade 9, Step 1	971000	311000	DA.07.5225.1200
New Hire PT	Department of Parks and Recreation - Yes We Can Community Center	Matthew Colalella	Recreation Aide	\$18.00 hourly	N/A	N/A	933300	N/A
Part-time Location Change	Department of Parks and Recreation - Manorhaven to Tully	Kathryn Cristofano	Attendant	\$15.00 hourly	N/A	931000	930000	A.05.7182.1200
Part-time Location Change	Department of Parks and Recreation - Harbor Hills to Tully	Christina Jonas	Lifeguard 1	\$19.75 hourly	N/A	981000	930000	SP152.1200
Merit Raise	Department of Parks and Recreation - CGM	Antonio Montemiglio	Groundskeeper 1	\$76,569 ann/\$36.65 hr to \$77,264 ann/\$37.15 hr	Grade 17, Step 6.5 to Grade 17, Step 8	410000	N/A	SP154.1000
Merit Raise	Department of Public Safety - Parking Enforcement	Noreen Murphy	Parking Meter Servicer	\$27.65 hourly / \$57,508 annually to \$28.41 hourly / \$59,101 annually	Grade 13, Step 6.5 to Grade 13, Step 8	211700	N/A	B.06.3120.1000
Merit Raise	Department of Public Safety - Code Enforcement	Pam Rodney	Public Safety Officer 1	\$26.63 hourly / \$55,386 annually to \$27.32 hourly / \$56,818 annually	Grade 10, Step 9 to Grade 10, Step 10.5	210400	N/A	B.06.3625.1000
Merit Raise	Department of Parks and Recreation - Parks Public Safety	Richard Wyatt	Public Safety Officer 1	\$30.22 hourly / \$62,865 annually to \$30.51 hourly / \$63,460 annually	Grade 10, Step 11.5 to Grade 10, Step 13	122700	N/A	A.05.7200.1000
Title Change, Grade, Step and Salary Change	Highways Department	Justin Wisniewski	Equipment Operator 1 to Equipment Operator 2	\$25.35 hourly / \$52,719 annually to \$26.41 hourly / \$54,931 annually	Grade 13, Step 2 to Grade 15, Step 1	311000	N/A	DA.07.5117.1000
Resignation PT	Comptroller's Office	Kim Leviton-Kramer	Clerk Typist 1 PT	\$45.00 hourly	N/A	924000	N/A	A.03.1315.1200
Resignation FT	Comptroller's Office	Mary Ann Iannone	Administrative Assistant	\$2,453.42 bi-weekly / \$63,789 annually	Grade 20, Step 1	121800	N/A	A.03.1315.1000
Retirement FT	Department of Administrative Services	Thomas Dikeman	Stores Clerk	\$3,418.60 bi-weekly / \$88,884 annually	Grade 16, Step 31.5	120400	N/A	A.01.1670.1000
Termination PT	311 Call Center	Ruth Vincent	Attendant/311 Call Rep	\$16.00 hourly	N/A	903100	N/A	A.30.1480.1200
Termination PT	Department of Parks and Recreation - Broadway	Jumari Rhodes	Laborer 1 PT	\$15.50 hourly	N/A	935000	N/A	A.05.7111.1200

Councilperson Lurvey offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 686 - 2021

A RESOLUTION APPROVING THE ACTION OF THE ALERT ENGINE, HOOK, LADDER AND HOSE CO. NO. 1 INC., GREAT NECK, NEW YORK, IN REMOVING CHARLES JUDSON AND JOSE SEGOVIA FROM MEMEBERSHIP.

WHEREAS, the Alert Engine, Hook, Ladder and Hose Co. No. 1, Inc., Great Neck, New York, has advised of removing from membership Charles Judson and Jose Segovia.

NOW, THEREFORE, BE IT

RESOLVED that the action of Alert Engine, Hook, Ladder and Hose Co. No. 1, Inc., 555 Middle Neck Rd., Great Neck, NY 11023 in removing from membership Charles Judson and Jose Segovia and the same hereby are approved and the Town Clerk directed to record his name in the Minutes of the Town Board.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Alert Engine Town Attorney Comptroller

Councilperson Zuckerman offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 687 - 2021

A RESOLUTION APPROVING THE ACTION OF THE ALBERTSON HOOK & LADDER, ENGINE & HOSE CO., NO. 1., INC., ALBERTSON, NEW YORK, IN ADDING TO MEMBERSHIP ABIGAIL WALTERS AND DYLAN CAMBRIA AND REMOVING MALEAHA ABBAS AND ANDREW LEE.

WHEREAS, the Albertson Hook & Ladder, Engine & Hose Co., No. 1, Inc., Albertson, New York, has advised of adding to membership Abigail Walters and Dylan Cambria and removing Maleaha Abbas and Andrew Lee from membership.

NOW, THEREFORE, BE IT

RESOLVED that the action of Albertson Hook & Ladder, Engine & Hose Co., No. 1, Inc., 100 I.U. Willets Road, Albertson, NY 11507 in adding to membership Abigail Walters, 55 Coventry Ave, Albertson, NY 11507, and Dylan Cambria, 153 Coventry Ave, Albertson, NY, 11507, and removing Maleaha Abbas and Andrew Lee from membership, and the same hereby are approved and the Town Clerk directed to record their names in the Minutes of the Town Board.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Albertson Hook & Ladder Town Attorney Comptroller

Councilperson Dalimonte offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

RESOLUTION NO. 688 - 2021

**A RESOLUTION APPROVING THE ACTION OF THE PROTECTION ENGINE
COMPANY 1, PORT WASHINGTON, NEW YORK IN ADDING TO MEMBERSHIP
MARTA FONSECA TARTAR.**

WHEREAS, the Protection Engine Company 1, 14 S. Washington Street, Port Washington, New York, 11050 has advised of adding to membership Marta Fonseca Tartar.

NOW, THEREFORE, BE IT

RESOLVED that the action of the Protection Engine Company 1, 14 S. Washington Street, Port Washington, New York, 11050, had advised of adding Marta Fonseca Tartar of 433Main St, #109, Port Washington, NY 11050 to membership, and the same hereby is approved and the Town Clerk directed to record the name in the Minutes of the Town Board.

Dated: Manhasset, New York

November 18, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Ferrara, Councilperson Lurvey, Councilperson Russell, Councilperson Seeman, Councilperson Zuckerman, Supervisor Bosworth

Nays: None

cc: Protection Engine Company 1 Town Attorney Comptroller