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**TOWN OF NORTH HEMPSTEAD
TOWN BOARD PUBLIC HEARING**

Town Hall

February 17, 2022 7:06 P.M.

COUNCIL MEMBERS PRESENT:

JENNIFER DESENA - Supervisor

ROBERT J. TROIANO - District 1 Councilman

PETER J. ZUCKERMAN - District 2 Councilman

DENNIS J. WALSH - District 3 Councilman

VERONICA A. LURVEY - District 4 Councilwoman

DAVID A. ADHAMI - District 5 Councilman

MARIANN DALIMONTE - District 6 Councilwoman

ALSO PRESENT:

RAGINI SRIVASTAVA - Town Clerk

MARGARET MALITO - Deputy Town Clerk

JOHN CHIARA, ESQ., -Town Attorney

MICHAEL LEVINE- PLANNING COMMISSIONER

PROCEEDINGS

SUPERVISOR DESENA: Okay. Good evening, everybody. I'd like to call the meeting to order. Welcome to the North Hempstead, February 17th, board meeting. And if we could all please stand and face the flag and put our right hand over our hearts.

(Pledge of Allegiance.)

SUPERVISOR DESENA: Okay. Madam Clerk, would you please call the roll. Thank you.

CLERK SRIVASTAVA: Good evening. Town of North Hempstead board meeting, Thursday, February 17, 2022. Councilman Troiano.

COUNCILMAN TROIANO: Present.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Here.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Here.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Here.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Here.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Here.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Here.

CLERK SRIVASTAVA: Thank you.

SUPERVISOR DESENA: Okay. Before we begin tonight, I have to start off with some sad news as the town has lost a member of its family recently. Tom O'Reilly was an employee of the town for over 46 years. And unfortunately, he recently passed away at the age of 78 after battling some illness. So I ask that we please keep his wife, Carol, and his children and grandchildren in your prayers. And if we could have just a moment of silence for Tom.

(Moment of Silence.)

SUPERVISOR DESENA: Okay. Thank you. Next, as this is our only February town board meeting, I want to acknowledge Black History Month and fill you in on some of the ways that town will be celebrating. I want to thank the Parks and Community Services departments staff for creating some wonderful programs to celebrate Black History Month. And I invite you all to join us this Saturday at the Yes, We Can Community Center in Westbury. We'll have a full day of health and wellness sessions starting at 9:00 a.m. and continuing through 4:00 p.m. More information for this event is on our website or call 311. Also, please stay tuned for details about a Black History Month celebration on February 28th at the Yes, We Can Community Center. And I want to thank Senator Anna Kaplan for hosting a Facebook Live event last night honoring our

local trailblazers. Of course, I have to mention the town's own Viviana Russell, a former council member, who was honored last night during this event. Congratulations to Veronica.

COUNCILWOMAN DALIMONTE: Viviana.

COUNCILWOMAN LURVEY: Sorry. You too. I do try to follow in her footsteps.

SUPERVISOR DESENA: To Viviana. Viviana was the first African-American woman to serve as a town council member and did so from 2009 to 2021. I didn't have the chance to serve with Council member Russell, but I know she was and continues to be a wonderful advocate for the community. And I thank Council Members Troiano and Lurvey and Dalimonte for attending that program last night. I also want to thank and recognize Leslie Davis, president the --

UNIDENTIFIED MALE SPEAKER: It's Roberts.

SUPERVISOR DESENA: -- president of the NAACP Of Westbury, for all that she does to help and educate. Other local trailblazers that were honored include veteran Michael Hardy, the late pastor Victor Joe Lewis, New York State Lieutenant Governor Brian Benjamin, and many more that would take too long to list tonight. Several students from the Town of North Hempstead were also honored and I'll be reaching out to them with my own congratulations. I want to echo some of the sentiments expressed in the program that Black history is American history. And Black history is every day of the year, not just this month. And I urge everyone to volunteer and support our communities and kids. So now we will have 30 minutes for public comment before we start our agenda. And we will keep it to 30 minutes. If there are more people who'd like to speak after the 30 minutes, you're welcome to do so after we complete the agenda.

(Whereupon, the following was off the record.)

(Whereupon, the regular Board agenda commenced.)

SUPERVISOR DESENA: Okay. Thank you. We're gonna go -- if anyone still would like to speak, you can -- we'll have open comment, public comment again at the end of our agenda. But we're going to try and get into it now. Before we begin, there are a couple of items to address. First, Item No. 3 on the agenda has been withdrawn by the applicant. So we will be calling that hearing and adjourning it with no action taken. Next, I've been asked to strike No. 30 from the agenda. And next, I'd like to address No. 38 on the agenda, which is a plan to create a -- to create highly partisan council districts in the Town of North Hempstead. This --

COUNCILWOMAN LURVEY: Are we going -- are we going out of order?

COUNCILWOMAN DALIMONTE: Should we do that? Are we going out of order?

MALE SPEAKER: One, two, three, four, five.

COUNCILWOMAN DALIMONTE: Usually like --

SUPERVISOR DESENA: Well, I'm going to -- I want to --

COUNCILWOMAN LURVEY: There are a lot of people here for the public hearing.

SUPERVISOR DESENA: Well, that's the item that was struck. That's the hearing next.

COUNCILWOMAN LURVEY: Right.

SUPERVISOR DESENA: Right.

COUNCILWOMAN LURVEY: But if you're gonna speak about 38, then we're gonna go on to

38?

SUPERVISOR DESENA: Well, I'm going -- would like to -- I'd just like to continue. I'm going to speak about 38.

COUNCILMAN TROIANO: I'm sorry, I just didn't follow that discussion. I'm sorry. So we're taking it out of order?

SUPERVISOR DESENA: 38 is not on this agenda properly, so I'm going to also strike 38 from the agenda.

COUNCILMAN TROIANO: You're gonna strike 38.

SUPERVISOR DESENA: This is -- well, just as I was asked to strike No. 30. I'm going to strike No. 38, as the supervisor.

COUNCILWOMAN LURVEY: I'm sorry, but I think that's an item that I put on the agenda, so I don't know that -- I would like to ask the town attorney if that is proper procedure.

SUPERVISOR DESENA: Well, I have seen Supervisor Bosworth and Supervisor Kaiman strike items from this agenda for many years. I don't think I've seen council people object to that. I am the chair of the board and control the agenda. This is an item that will radically --

COUNCILMAN ZUCKERMAN: Let's get an answer from the town attorney, please.

SUPERVISOR DESENA: Well, why don't I explain my rationale before we get his --

COUNCILMAN ZUCKERMAN: Yeah, please.

SUPERVISOR DESENA: We have -- we have time to get an opinion from the attorney. This is an item that will radically alter policy and precedent that was established and adopted by Supervisor Kaiman and the town board when this issue came up in 2012. Back in 2012, the former supervisor and former majority council members, fought for a plan that gave each council member one appointment to to a redistricting commission and Supervisor Kaiman received three selections for a total of nine. The reason given at the time for the supervisor receiving three selections instead of one, is that the supervisor represents the entirety of the town, all six districts, and having three appointments makes sure the supervisor would have the ability to give the appropriate guidance and support to the committee. Now, ten years later and under the plan proposed by Councilwoman Lurvey, the previous commission would be thrown out and a new commission would be established that would be nearly identical except it eliminates two-thirds of the supervisors appointments. And by eliminating two-thirds of the supervisors appointments, we are left with a seven member commission of which the majority council members appointments would control. So I must ask, why remove two-thirds of the supervisors' nominees? What's changed from ten years ago? Because I haven't been able to get a straight answer yet from anyone involved in this. The town created a commission ten years ago to handle this issue and there is a framework in place of how to go about it. So why are we drastically altering it? As far as I can tell, the only thing that has changed is that I am the one sitting in this chair after the residents of North Hempstead elected me as supervisor. It's been clear over the past 45 days that I'm not your pick for supervisor and that is fine, we're all entitled to our opinions. But that doesn't change the fact that I am the supervisor and I am entitled to what has been established under previous precedent. There's been no rationale given for these radical changes. I was never asked for my input regarding this plan before it was presented. It was simply presented in the form of a memo from Councilwoman Lurvey, and as far as I know,

Councilman Walsh and Councilman Adhami were not given the opportunity to provide input either. There's been no transparency here with this plan and how it was formulated, and there has been no bipartisan cooperation. The sad truth is that this proposed plan seems to be politically motivated. We must not subvert the process to guarantee the outcome that you're looking for. This resolution is one more attempt to stack the deck and tightened control on town government for years to come. As far as I can tell, the previous commission is still the prevailing law of the land on the books. So to create another commission here tonight, not only seems like a redundancy, it also serves to perpetuate the public's negative perception of redistricting and how the process is dictated to partisan politics. So with that in mind, I'm striking resolution 38 from the agenda because the future of our 240,000 residents and those who represent them, is too important to rush through without considering everything. We have a redistricting commission policy in place and simply need to nominate nine new names to serve.

COUNCILWOMAN LURVEY: So I asked again, Mr. Town attorney, would you please let us know whether or not it is proper for the supervisor to strike this item.

MR. CHIARA: So striking is a procedure that has been used in this town board historically, but it's a motion that's been allowed to remove a resolution if it's on the consent of the entire board. If the entire board does not agree or consent to it, the supervisor nor any member of the town board can strike an item.

COUNCILWOMAN LURVEY: So the supervisor mentioned how things had worked under Supervisor Bosworth --

COUNCILWOMAN DALIMONTE: No.

COUNCILWOMAN LURVEY: -- under Supervisor Kaiman, I can say that under Supervisor Bosworth, the supervisor met with everyone whether she needed their votes or not. She made sure that everybody was on the same page. And I think that the current supervisor would do well to remember that, I have asked -- requested that we meet on February 3rd, on February 7th, on February 9th, and again on February 14th. So to say that there was no outreach, that there was no opportunity to get income -- to get input, is simply not true. There's no excuse for the supervisor to not work collaboratively with her colleagues on this. Her refusal to cooperate with her colleagues and continued obstruction is getting tiresome.

SUPERVISOR DESENA: Councilwoman Lurvey, we have sat at lunch together. We have sat at receptions in the evening together and this was never discussed. I have not seen any --

COUNCILWOMAN LURVEY: You could have easily brought it up.

SUPERVISOR DESENA: Excuse me. I did not see any responses to your e-mail to the entire board requesting a meeting.

COUNCILWOMAN LURVEY: Four e-mails.

SUPERVISOR DESENA: I did not see any responses from my council members to that. So it seems that whatever meetings you had with them privately and without my knowledge. So this is something that is important not to rush through. I ask that we get an opinion from the town attorney on the existing commission, the precedent that we have to follow and that we do this for the benefit of the taxpayers, for the benefit of the residents. I think that they would like us to take three weeks until the next meeting to properly consider this before we rush into it.

COUNCILWOMAN LURVEY: So - -

COUNCILMAN TROIANO: Let me just ask you, because, you know, you made the statement that there's been no consultation with you with Senate -- Councilwoman -- Senator may be prospective, I don't know, but Councilwomen Lurvey indicated that she's written you, I think four separate times and on no occasions did you respond to her.

SUPERVISOR DESENA: The last few e-mails indicated that this already had been decided. So it did not -- it did not --

COUNCILMAN TROIANO: The e-mails that I saw, asked, would you like to meet? And you never responded.

SUPERVISOR DESENA: And we did meet. And we did meet.

COUNCILMAN TROIANO: You didn't meet about this particular subject.

SUPERVISOR DESENA: Well, we did meet.

COUNCILMAN TROIANO: And I don't think being at a dinner, a reception --

COUNCILWOMAN LURVEY: And a social lunch.

COUNCILMAN TROIANO: --is the appropriate place to discuss something so important. I think -- I'm not sure why and maybe you can tell us why, you chose not to respond to four separate e-mails? Because, you know, people worry about the offices and I'm not sure I understand why you don't worry about e-mails and a lack of responses.

SUPERVISOR DESENA: Councilman, I meet with Veronica -- I met with Councilwoman Lurvey even today, we seen each other. We --

COUNCILMAN TROIANO: No, no.

SUPERVISOR DESENA: May I finish?

COUNCILMAN TROIANO: No. Can you answer --

SUPERVISOR DESENA: Please be quiet.

COUNCILMAN WALSH: Let her finish.

COUNCILMAN TROIANO: No. I'm asking -- I'm asking that respond to my question.

COUNCILMAN WALSH: You cut people off.

COUNCILMAN TROIANO: Why didn't you respond to the e-mails that she --

SUPERVISOR DESENA: I also -- Councilman Troiano, I also sent e-mails to Councilwoman Lurvey, so there were responses.

COUNCILWOMAN LURVEY: There were no responses on redistricting.

SUPERVISOR DESENA: Yes. There were responses. And --

COUNCILWOMAN LURVEY: There were responses. Okay. There were responses.

SUPERVISOR DESENA: Thank you.

COUNCILWOMAN LURVEY: I'm sorry. Yeah. There were responses.

UNKNOWN MALE: But you just said there were responses.

COUNCILWOMAN LURVEY: I just corrected myself.

COUNCILWOMAN DALIMONTE: Excuse me. You cannot do that or you're gonna be asked to leave.

COUNCILWOMAN LURVEY: And I just corrected myself. If you were sitting up here and you knew what pressure we were on, I immediately corrected myself, okay? All right.

UNKNOWN MALE: Okay.

COUNCILWOMAN LURVEY: Really? Are you really going to call me out on the fact that I misspoke?

COUNCILWOMAN DALIMONTE: Honestly, you should -- where's the --

COUNCILWOMAN LURVEY: Okay. Let's move on.

SUPERVISOR DESENA: I'm sorry.

COUNCILWOMAN LURVEY: Let's move on. no. No. No. Councilwoman. were -- respond. don't

SUPERVISOR DESENA: I'm sorry.

COUNCILMAN WALSH: No, no. no.

COUNCILWOMAN LURVEY: I did

COUNCILWOMAN DALIMONTE: Please,

COUNCILWOMAN LURVEY: There was a response --

COUNCILMAN WALSH: He doesn't have to leave.

COUNCILWOMAN DALIMONTE: Right.

COUNCILWOMAN LURVEY: -- but there wasn't -- but the Supervisor did not agree to any sort of meeting, did not respond to my request for a meeting.

SUPERVISOR DESENA: We had e-mail exchanges. It was clear that from the e-mail exchanges, but the decision had been made to go forward. I'm asking that we look at the precedent that we have from Supervisor Kaiman and the rationale, and that this town board agreed to that plan. And before we rush into this and continued discussions about how many e-mails were going back-and-forth that we looked at the benefit of the town and whether we have had proper input on this policy.

COUNCILWOMAN LURVEY: So the reason why items are put on the agenda two weeks before the town board meeting is so that everybody on the town council can see what items there are and can engage in a discussion. And sometimes that discussion results in amendments to the items. Sometimes those items are struck. Sometimes those items are continued. But when there is no engagement from the other side except to say, pull the agenda -- pull the item from the agenda, then there can be no discussion. And that is what I'm talking about. There was no response to my request for a meeting and a discussion.

SUPERVISOR DESENA: We have a situation where in the town -- in the town hall, the majority council people meet separately. This is something I've been wanting to change. I think this town board needs to meet together. I think that we could avoid a lot of these problems with e-mails and private decisions being made and some council people not feeling like they had input. And that is something that we certainly need to work on. To send an e-mail to an entire

board saying, let's meet on this. And then I saw no responses to it all, of course, I assumed that there had been no decision. And I do believe that the board should meet together on this to decide something this important. So I'm asking that this be withdrawn and that we consider this for the benefit of the taxpayers at our meeting of March 10th. And if we can get an opinion from the town attorney that resolves this sooner, we can have a meeting, we can call a meeting on two days notice and we can move forward with this. But there's too much at stake right now to be arguing about who responded what to an e-mail.

COUNCILWOMAN LURVEY: So - -

COUNCILMAN ADHAMI: In the interest of transparency here as well, I think if we could continue this matter, it would be best maybe even have a public work session where the public can come in and give their input as well. But I don't see the harm in continuing this matter for three weeks until the next meeting.

COUNCILWOMAN LURVEY: So the redistricting is an incredibly significant process, right?

SUPERVISOR DESENA: That's why we should do it, right?

COUNCILWOMAN LURVEY: Exactly. And we need to do it in a timely manner. It's so important and it's such a magnitude, this responsibility that we have on us, that we voted unanimously to give ourselves six months, right? Because the prior six months had run. Six months is not a lot of time. When you've been in government, you know that many things -- the tree code, for example, took over a year. During that time, during these six months, of which almost one month has passed since the last board meeting when this extension was put in place, we have to set up a commission which is what is on the agenda for tonight, setting up the commission. After that, we have to hire expert consultants. We have to hold public hearings. We have to respond to public comment. We have to perhaps ultimately, we have to perhaps amend whatever the suggestion of the districting is, and ultimately we have to finalize and approve a resolution. Basically, that is a lot to get done in six months and we get into the summer months. In my experience, this does not work in the summer months. People are gone, people are away on vacation. We want to get this done before, and we also want to leave some time for if things slip. If there's some reason to, you know, whatever, things come up. So to say that this is being rushed is not correct. This is being done in a timely matter so that we don't run out of time.

SUPERVISOR DESENA: And I'm not asking for the summer. I'm talking about three weeks until March 10th. And we need to know why did Supervisor Kaiman insist on having three picks and I'm not entitled to that same amount. What is the policy that this town board followed ten years ago and why are we not following it now for the benefit of the whole Town of North Hempstead?

COUNCILMAN ADAHMI: And that's exactly why they want to do it tonight so they can rush this through and do what you want to do. We can get this done by you August. And the supervisor just said --

COUNCILMAN TROIANO: I would --

COUNCILMAN ADAHMI: Please, Robert, I don't cut you off.

COUNCILMAN TROIANO: I'm sorry. I apologize.

COUNCILMAN WALSH: I've never cut you off.

COUNCILMAN TROIANO: I apologized.

COUNCILMAN ADHAMI: And So we have until August, but the supervisor said that we could call a meeting next week. So we could call a meeting next week. But, you know, we shouldn't rush this through. And we do have the time. So I think it should be struck tonight. Thank you, Rob. I'm sorry.

COUNCILMAN TROIANO: No problem. I mean, we're going to go to precedent, we might ask why Supervisor Newburger only had one appointee to the Commission. We might also go to testimony from Councilwoman --

COUNCILWOMAN LURVEY: De Giorgio.

COUNCILMAN ZUCKERMAN: De Giorgio.

COUNCILMAN TROIANO: --De Giorgio. Thank you. What she said about exactly what you're talking about. The supervisor only has one seat on the board. So I'm not sure why she/he needs to appoint three people to the redistricting committee and give each of the council people just one vote. So an argument, a strong argument can make is that you're one vote on this board. And that's how the government was established. When we went -- when the government was established. And the supervisor represents the entire town board but still only gets one vote -- I mean, the whole entire town, only gets one vote. There is really -- I don't understand the rationale of getting three votes. It's never been done that way before. And one more point, if I can just finish this one point. You said that the committee was formed ten years ago and that should be continued. This is in fact a temporary redistricting commission. That's the way it was done ten years ago. That's the way it was done 20 years ago. And that's the way it's being done now. There is no change.

SUPERVISOR DESENA: And this proposal calls it a non-partisan commission, but it's not non-partisan either.

COUNCILMAN TROIANO: Why isn't it?

SUPERVISOR DESENA: Because it is being done so that the majority will control the commission. Now --

COUNCILMAN WALSH: But if --

SUPERVISOR DESENA: No. I just want to address what you read that Councilwoman De Giorgio read was outvoted by this town board. They

COUNCILMAN TROIANO: It wasn't this town.

SUPERVISOR DESENA: Well, it was the democratic majority board under Supervisor Kaiman and they didn't even need his three votes because they would have had a majority. But he insisted on three votes so that he can make sure the whole town was represented. Now, this proposal doesn't even require --

COUNCILMAN TROIANO: You can't --

SUPERVISOR DESENA: Excuse me.

COUNCILMAN TROIANO: But you can't --

SUPERVISOR DESENA: I didn't finish.

COUNCILMAN TROIANO: But you can't --

SUPERVISOR DESENA: Can I finish?

COUNCILMAN TROIANO: No. I'm -- you can't speak for Supervisor Kaiman and say why he --

SUPERVISOR DESENA: Well, I read that whole transcript, so I know what he said. This proposal does not even require that each council person name someone from their district. So it is important to make sure that we have a well-rounded commission that's going to make these decisions that will affect voting and representation for ten years. I'm asking for three weeks for something that's going to affect the town for ten years.

COUNCILMAN ADHAMI: I don't see what the issue is with just simply putting this over to the next meeting where we can all discuss and -- what's the harm? I understand things have to get done. I'm willing to work late if things have to get done. I don't mind working late. I'm used to it. I'm not scared of it. You know, if we all have to put it in a little bit of extra time in, we should do it. I think we owe it to our constituents and I don't see the harm in three weeks. I really don't. And let us all meet.

COUNCILMAN TROIANO: And Councilman Adhami, I appreciate your willingness to work hard, but we've had this engagement before, on January 20th. This was submitted on February 3rd, I believe. It's now 14 days later, and this is the first time we've heard from you. So despite your willingness to work hard, it'd be nice to see you actually do the work and actually make some comments long prior to tonight.

SUPERVISOR DESENA: Okay. I don't think we need to insult each other. You know, at the last meeting when we needed an opinion, we asked for the town attorney to do that, and I think that's appropriate in this case. I think there are several questions that need to be addressed about the precedent and the existence of a prior commission.

COUNCILMAN ADHAMI: And Robert, I don't take cheap shots at you. I'm simply asking why not put this over for two weeks.

COUNCILMAN TROIANO: So I'm, you know -- I'm really sorry if you consider it to be a cheap shot. The point I'm trying to make is in the last two weeks, we could have addressed any concerns you had. But instead, you come here and make a point in front of all these people. But easily, you have my number, you can get me by e-mail, you could've comments during that period of time. That's how the Town council works. And as Councilwoman Lurvey said, there's a requirement that we submit resos 14 days prior to voting. Why is that? So council members can review it, can have consultation back-and-forth, and so when they come to vote, we can vote. And there's an opportunity for those resos that are submitted 14 days prior, to be amended prior to that. But why come -- this is the second time we've done this, Councilman Adhami --the second time we've done this where you've waited until the night of the vote and cried some foul. But I don't understand why do 14 days go by --

COUNCILMAN ADHAMI: I'm not crying foul. I'm --

SUPERVISOR DESENA: Council --all right.

COUNCILMAN ADHAMI: -- going back and forth.

COUNCILMAN TROIANO: So why can't we just move the business of the town the way it's

laid out? The resos are submitted, you have 14 days to review it, then you come and vote. It doesn't work where you submit it 14 days ahead of time, wait until the night of the vote, and they say I need more time.

SUPERVISOR DESENA: We did not wait until the night of the vote. We brought this up several days ago. I'm not sure if the town board considered the commission that was created in 2012. There is no sunset provision in that agreement and it is our precedent. I don't know if you considered that, and that is a legal question. Is that the controlling precedent? We need to answer the question, so we need to take three more weeks. And that's the right thing to do for the residents.

COUNCILMAN WALSH: And that's what we did the last meeting, by the way.

COUNCILWOMAN LURVEY: That's what we did.

COUNCILMAN WALSH: We had to wait for the attorney's decision. And tonight, Mr. McDonough said that he was incorrect in what he proposed, but we waited. And there's no reason why we shouldn't wait for this. And I don't believe that August is gonna come so fast that we can't get this done. And if it has to be one week and we can meet, and the supervisor can call a meeting, then we can do that also.

COUNCILWOMAN LURVEY: So there is no controlling precedent here. There is an one example of how it has been done in the past. And Councilman Troiano has shared a different example of how it has been done in the past. So the concept of controlling precedent does not apply here.

COUNCILMAN WALSH: But you're trying to control the appointees by having four people and three people and the supervisor --

COUNCILWOMAN LURVEY: I'm not controlling anybody's -- I'm not controlling --

COUNCILMAN WALSH: Well, that's how I see it, you know, and you can --

COUNCILWOMAN LURVEY: But Councilman Walsh, you appointed somebody and I'm not going to question who you appointed.

COUNCILMAN WALSH: Yeah. I appointed one person, you know.

COUNCILWOMAN LURVEY: And so did I.

COUNCILMAN WALSH: But the supervisor should get three people. I appointed one, you appointed one --

COUNCILWOMAN DALIMONTE: But why? You had one vote, she had one vote.

COUNCILMAN WALSH: Because --listen, it's pretty obvious --

SUPERVISOR DESENA: Because supervisor Kaiman got three votes and that is the more recent precedent. That is more recent, that is more controlling than May Newburger.

COUNCILWOMAN DALIMONTE: Supervisor

SUPERVISOR DESENA: I would just like to know the reason for taking away two of the three appointments that supervisor Kaiman had? What is the reason? Let's talk about the policy and the reason.

COUNCILMAN TROIANO: Because in a democratic country like ours is one-person, one

vote.

COUNCILWOMAN LURVEY: Right.

COUNCILMAN WALSH: How come it wasn't like that the last time?

COUNCILMAN TROIANO: I can't speak for the last one --

COUNCILWOMAN DALIMONTE: I can't speak for that.

COUNCILMAN TROIANO: -- I wasn't on the council.

COUNCILWOMAN DALIMONTE: But May Newburger was --

SUPERVISOR DESENA: Well, this board agreed on it.

COUNCILMAN WALSH: It's not --

SUPERVISOR DESENA: This board agreed on it --

COUNCILWOMAN DALIMONTE: Not this board. Not this board.

COUNCILMAN WALSH: The board.

COUNCILWOMAN DALIMONTE: I was not there.

COUNCILMAN WALSH: The board.

COUNCILWOMAN LURVEY: The board.

COUNCILMAN WALSH: We're not going to be here forever.

COUNCILWOMAN DALIMONTE: Correct. Correct.

COUNCILMAN WALSH: So the board.

COUNCILWOMAN DALIMONTE: The board.

SUPERVISOR DESENA: That's why we follow precedent.

COUNCILMAN WALSH: And that's what we go by, the board. Dina De Giorgio was overruled by the board. So the board gave them three -- gave the supervisor three votes, and this supervisor needs to get three votes also.

COUNCILWOMAN DALIMONTE: I'm sorry. I agree. One vote, one-person.

COUNCILMAN WALSH: You can agree on it if you like.

SUPERVISOR DESENA: Okay.

COUNCILWOMAN DALIMONTE: That's just -- that's my opinion.

COUNCILMAN WALSH: That's fine.

SUPERVISOR DESENA: We have some people who would like to comment.

UNIDENTIFIED MALE SPEAKER: Can we -- I'm sorry. Can I ask the --so just as a --

COUNCILWOMAN DALIMONTE: No, no, no.

UNIDENTIFIED MALE SPEAKER: --as a practical matter --

COUNCILWOMAN DALIMONTE: No. We're not on public comment yet.

UNIDENTIFIED FEMALE SPEAKER: It wasn't -- you'd actually -- it was the only thing I was going to speak about this evening and I gave her a card and my name wasn't called.

COUNCILWOMAN DALIMONTE: I know because we're not even -- we didn't even start the agenda yet. We're not taking a vote on this yet.

UNIDENTIFIED FEMALE SPEAKER: But mostly -- yeah, but for the rest of us out here, it's just a fight and it's not -- it's not substantively helpful, so I guess we wanted to help, but you can go on fighting if you want.

COUNCILMAN TROIANO: So town attorney, can I just ask you?

MR. CHIARA: I just said -- I'm sorry. I was going to say, it's a practical matter; this has not been called.

COUNCILMAN TROIANO: Right.

MR. CHIARA: No motion's can be made.

COUNCILMAN TROIANO: Right.

MR. CHIARA: So we're really in limbo state because there's a comment that can't be called in because it hasn't been called. So I would suggest, you know, if you're going to call this or you're going to do it out of order, you should call this matter if you're going to hear this matter and allow the normal procedure to happen.

COUNCILMAN TROIANO: All right.

MR. CHIARA: And then you can call a motion that you want to table it, to motion up, or whatever you're going to choose. But otherwise, right now we are in limbo and there's no where the board can move forward right now.

SUPERVISOR DESENA: Right. Well, I'm going to -- I'm moving to strike the item from the agenda. And the supervisor has the authority to strike -- has followed -- there has been precedent of allowing the supervisor to strike. And so unless there's case law that you can show me that says I cannot, then I'm moving to strike it.

COUNCILMAN TROIANO: I don't think it works that way, so --

COUNCILMAN WALSH: Hold on.

SUPERVISOR DESENA: I didn't --

COUNCILMAN TROIANO: Attorney Chiara --

SUPERVISOR DESENA: Excuse me. Councilman Troiano, I didn't recognize you. Let's listen to the attorney.

COUNCILMAN TROIANO: I don't think you control me, Supervisor DeSena.

SUPERVISOR DESENA: I am -- I do control -- I am the chair of the meeting, so I have to recognize you or else we'll all be yelling over each other.

COUNCILMAN TROIANO: So Attorney Chiara, let me just ask you. I believe that the -- I believe that the board must vote to agree to take items out of order?

MR. CHIARA: Yes. That is correct.

COUNCILMAN TROIANO: Okay. So you can't even strike yet because we're not even at that point yet.

SUPERVISOR DESENA: Well, Councilman Troiano, I was asked to strike item 30, which I believe came from you. So why was I asked that and allowed to strike that, but not this?

COUNCILMAN TROIANO: Because what happens is there was unanimous consent that was delivered to you prior to the meeting started. But if you want us to do it formally, we can do that. It's fine with me. We'll just get to that item, and I will move to strike and we can have a vote. That's not how it's typically done though. But nevertheless, we have to go in order of the agenda. And so you've taken it --you've taken 30 out, 38 out -- and put it to the front, and that's not permissible. Now if you want to -- you want to really have a showdown about this, let's call for a vote to take it out of order.

COUNCILWOMAN LURVEY: And if we do call for a vote to take it out of order, then I think the people who are here to speak should speak.

COUNCILWOMAN DALIMONTE: Yes.

COUNCILMAN WALSH: No.

SUPERVISOR DESENA: Okay. Would anyone like to speak on No. 38?

COUNCILMAN TROIANO: You haven't voted to move the order.

SUPERVISOR DESENA: I thought that's what Councilwoman Lurvey just said.

COUNCILMAN TROIANO: She said, if we vote to take it out of order. So make the motion if you'd like.

SUPERVISOR DESENA: Well, my motion is to strike -- is to strike this from the agenda.

COUNCILMAN TROIANO: Okay. We're just going to be in limbo as Mr. Chiara said.

COUNCILMAN WALSH: Yeah. Well --

COUNCILMAN TROIANO: That's not how you do this.

COUNCILMAN WALSH: We'll be in limbo until we have another meeting.

COUNCILWOMAN DALIMONTE: No.

COUNCILWOMAN LURVEY: No. I think we go to item one now then.

COUNCILMAN TROIANO: I think we do.

CLERK SRIVASTAVA: Item 1. A public meeting to consider the adoption of the local law amending Chapter 2 of the code entitled "Administration and Enforcement."

SUPERVISOR DESENA: Would anyone like to be heard on on this hearing?

CLERK SRIVASTAVA: No.

SUPERVISOR DESENA: Okay. Then I'd like to close the public hearing, offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

(No response.)

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 66 - 2022

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 2 OF THE 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 authorize the Commissioner of Public Safety, in addition to the Building Commissioner, to issue Stop Orders; 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 January 20, 2022, which hearing was continued to February 17, 2022, 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 February 17, 2022, 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. 2 of 2022 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 2 OF 2022**

**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 authorize the Commissioner of Public Safety, in addition to the Building Commissioner, to issue Stop Orders.

Section 2.

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

§ 2-15 Stop Orders.

[Amended 4-2-2002 by L.L. No. 4-2002; 5-21-2019 by L.L. No. 9-2019]

A. Whenever the Building Commissioner or Commissioner of Public Safety has reasonable grounds to believe that work on or in any building or structure is being performed in violation of the provisions of the applicable building laws, ordinances or regulations, or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued, or in an unsafe and dangerous manner, he shall notify the owner of the property, the owner's agent, the lessee of the property, the tenant of the property, or the person performing the work to suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person whom it is directed either by delivering it personally to him, or by posting the same upon a conspicuous portion of the building under construction and sending a copy of same by registered or certified mail.

B. Penalties for offenses. Any person, association, firm, or corporation which violates this section or assists in the violation of this section shall be guilty of a violation, punishable:

(1) By a fine of not less than \$1,000 and not exceeding \$5,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense.

(2) By a fine of not less than \$5,000 nor more than \$10,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the second offense.

(3) By a fine of not less than \$10,000 nor more than \$20,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the third or subsequent offense of a series of offenses, all of which were committed within a period of five years.

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 February 17, 2022, at Town Hall, 220 Plandome Road, Manhasset, New York, Local Law No. 2 of 2022 was adopted. The Local Law amends Chapter 2 of the Town Code entitled "Administration and Enforcement" in order to authorize the Commissioner of Public Safety, in addition to the Building Commissioner, to issue Stop Orders.

Dated: Manhasset, New York

February 17, 2022

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
RAGINI SRIVASTAVA
TOWN CLERK**

Dated: Manhasset, New York

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney Town Clerk Public Safety Building

STATE OF NEW YORK)
) SS. :
COUNTY OF NASSAU)

Henry Krukowski, being duly sworn, deposes and says that on the 4th day of January, 2022, he posted the attached Notice of Hearing to consider the adoption of a Local Law amending Chapter 2 of the Town Code entitled "Administration and Enforcement" in order to grant authority to the Commissioner of Public Safety, in addition to the Building Commissioner, to issue Stop Orders, at the following locations:

Town Clerk Bulletin Board

Manhasset Post Office

Great Neck Post Office

Port Washington Post Office

Greenvale Post Office

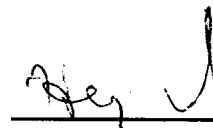
Roslyn Heights Post Office

Albertson Post Office

Carle Place Post Office

Westbury Post Office

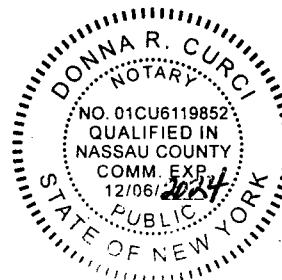
New Hyde Park Post Office


Henry Krukowski

Sworn to me this

4th day of January, 2022


Notary Public



NEWSDAY AFFIDAVIT OF PUBLICATION

TOWN OF NORTH HEMP TOWN CLERK
200 PLANDOME ROAD
MANHASSET, NY 11030-2326

STATE OF NEW YORK)

Legal Notice No. 0021698307

:SS.:

COUNTY OF ERIE)

The undersigned, being duly sworn, says that such person is a duly authorized custodian of records of Newsday LLC, the publisher of Newsday, a daily newspaper published in Melville, County of Suffolk, State of New York, and circulated in Nassau, Suffolk, and Queens Counties, and that the Legal Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

Thursday

January 06, 2022

Nassau

By: _____

Print Name: Jenise Britt

Authorized Designee of Newsday LLC, Publisher of Newsday

SWORN to before me this
6 Day of January, 2022.

Notary Public

TYSHAWN HARRISON
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01HA6186920
Qualified in Erie County
Commission Expires May 12, 2024

Ad Content

Legal Notice # 22698307

NOTICE OF HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of North Hempstead at Town Hall, 220 Plandome Road, Manhasset, New York, on the 20th day of January, 2022, at 7:00 P.M. to consider the adoption of a Local Law amending Chapter 2 of the Town Code entitled "Administration and Enforcement" in order to grant authority to the Commissioner of Public Safety, in addition to the Building Commissioner, to issue Stop Orders.

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 on 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.

Dated: Manhasset, New York
December 16, 2021

BY ORDER OF THE TOWN
BOARD OF
THE TOWN OF NORTH
HEMPSTEAD
RAGINI SRIVASTAVA
TOWN CLERK

NEWSDAY PROOF

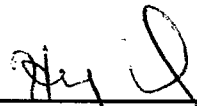
Ad Number: 0021698307

Advertiser: TOWN OF NORTH HEMP TOWN CLERK

STATE OF NEW YORK)
) SS. :
COUNTY OF NASSAU)

Henry Krukowski, being duly sworn, deposes and says that on the 22nd
day of February, 2022, he posted the attached Notice of Adoption of a Local Law amending
Chapter 2 of the Town Code entitled "Administration and Enforcement" at the following
locations:

Town Clerk Bulletin Board


Henry Krukowski

Sworn to me this

22nd day of February, 2022


Notary Public

DONNA R. CURCI
NOTARY PUBLIC-STATE OF NEW YORK
No. 01CU6119852
Qualified In Nassau County
My Commission Expires December 06, 2024

NEWSDAY AFFIDAVIT OF PUBLICATION

TOWN OF NORTH HEMP TOWN CLERK
200 PLANDOME ROAD
MANHASSET, NY 11030-2326

STATE OF NEW YORK)

Legal Notice No. 0021706984

:SS.:

COUNTY OF ERIE)

The undersigned, being duly sworn, says that such person is a duly authorized custodian of records of Newsday LLC, the publisher of Newsday, a daily newspaper published in Melville, County of Suffolk, State of New York, and circulated in Nassau, Suffolk, and Queens Counties, and that the Legal Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

Wednesday February 23, 2022 Nassau

By: _____

Print Name: Jenise Britt

Authorized Designee of Newsday LLC, Publisher of Newsday

SWORN to before me this
24 Day of February, 2022.

Notary Public

TYSHAWN HARRISON
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01HA6186920
Qualified in Erie County
Commission Expires May 12, 2024

Ad Content

Legal Notice # 0021706984
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 February 17, 2022, at Town Hall, 225 Plandome Road, Manhasset, New York, Local Law No. 2 of 2022 was adopted. The Local Law amends Chapter 2 of the Town Code entitled "Administration and Enforcement" in order to authorize the Commissioner of Public Safety, in addition to the Building Commissioner, to issue Stop Orders.
Dated: Manhasset, New York
February 17, 2022
BY ORDER OF THE TOWN
BOARD OF THE TOWN OF
NORTH HEMPSTEAD
RAGINI SRIVASTAVA
TOWN CLERK

NEWSDAY PROOF

Ad Number: 0021706984

Advertiser: TOWN OF NORTH HEMP TOWN CLERK

CLERK SRIVASTAVA: Item No. 2, a public hearing to consider the adoption of the local law amending Chapter 27 of the town code entitled "Historic landmarks Preservation."

COUNCILWOMAN DALIMONTE: Is there anyone wishing to be heard on this item? No?

UNIDENTIFIED MALE SPEAKER: I would.

COUNCILWOMAN DALIMONTE: I would like to -- oh, you want to be heard? I'm sorry.

MR. O'DONALD: Michael O'Donald, 50 Nugent Street, North New Hyde Park. Very historic -- I'm a firm believer in history, majored that in school. Historic sites. I know in the incorporated areas of North New Hyde Park, we have two. One is Lakeville Road at the juncture, Sylvia Lane. On the east side of Lakeville Road, was the residence of the first governor of the State of New York. They used to be assigned there many years ago. It was knocked down. Never replaced. There's also -- used to be a memorial on New Hyde Park Road 50 feet off a hillside, where the site of that airplane crash during World War II, where several pilots were killed preventing driving the plane into the residential area. The memorial was removed due to one of the homeowners objecting to it being there all those years. The State of New York gives, freely, these signs. They create them, they make them. But they have to have permission of the local government to have them installed. I'm requesting -- I will submit all the details that I've got from the New York State archives, who, what, when, where, and why to ask this town to include in the historic things, the markers that the State of New York gives out for nothing. The site of the first governor of the State of New York was given the land by the Town of Hempstead. We did not exist in those days. And commemorating those officers who gave their lives to the residents of of New Hyde Park. Comments?

COUNCILWOMAN DALIMONTE: So just so you know, this is right -- this landmark district is in reference to Port Washington and Roslyn Heights.

MR. O'DONALD: I realize that.

COUNCILWOMAN DALIMONTE: Okay. I didn't know if you did.

MR. O'DONALD: Because there's an over kill on it.

COUNCILWOMAN DALIMONTE: Right. So the supervisor, we have a town historian, I believe, that he could work with, which it reports to the supervisor that you could -- I don't -- who is our town historian? I don't even know.

COUNCILWOMAN LURVEY: I haven't seen him.

COUNCILWOMAN DALIMONTE: Yeah. So I guess we have a position we could fill as a town historian.

COUNCILWOMAN LURVEY: We have -- we have a historian, just don't remember his name.

MR. O'DONALD: We have a town -- we have a town historian.

COUNCILMAN TROIANO: It's on the record.

MR. O'DONALD: For a long time, Howard inaudible was the town historian.

COUNCILWOMAN DALIMONTE: I was not here when they -- okay.

MR. O'DONALD: Is Howard still there?

COUNCILMAN ADHAMI: He retired recently.

MR. O'DONALD: He was good. He was very knowledgeable.

UNIDENTIFIED FEMALE SPEAKER: Very knowledgeable.

COUNCILWOMAN LURVEY: So what we will do is we will get his name, his number for you, and you can meet with him regarding that.

MR. O'DONALD: Well, I also passed information that I have --

COUNCILWOMAN DALIMONTE: Okay. Pass the information.

MR. O'DONALD: -- onto my council member and we'll worked from there. This way it doesn't cost the town a penny. Get signs for nothing.

COUNCILWOMAN DALIMONTE: Okay.

MR. O'DONALD: The state's going to give it to you. Thank you.

COUNCILWOMAN DALIMONTE: Thank you. Before we take a vote, I just would really like to thank Mitch, Debbie, thank you for coming tonight, Debbie. And all the residents in Peter's district and my district that sent in comments. It really was --we worked as a team and we got this done. It took a long time, but we made sure that it was done right. And we made sure that the commissioner -- you know, the commissioners of this volunteer organization really were happy with everything. So I would like to just say thank you, Mitch. Thank you, Debbie, thank you Michael Levine for everything. So I would like to close the public hearing, offer the resolution, and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Yes.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: I would also like to thank everyone involved. This was a tremendous amount of work, and I certainly appreciate it. Aye.

CLERK SRIVASTAVA: Councilman Walsh

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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. 67 - 2022

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF 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, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend 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

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 scheduled for December 16, 2021, which hearing was continued to February 17, 2022, 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 February 17, 2022, 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 classified as 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. 3 of 2022 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 3 OF 2022**

**A LOCAL LAW AMENDING CHAPTER 27 OF THE TOWN CODE
ENTITLED "HISTORIC LANDMARKS PRESERVATION".**

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 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.

Section 2.

Chapter 27 of the Town Code is hereby amended as follows:

Article 1 General Provisions

§ 27-1 Findings and intent.

A. The Town Board hereby finds and declares that it is desirable to take measures to provide for the designation of historic landmarks and districts in furtherance of the following public purposes, which are found to promote the general health, safety and welfare of our residents:

(1) To preserve historic landmarks and districts within the Town in order to foster a greater stability in our neighborhoods, create an appreciation of our historical heritage and further the education of our future generations.

- (2) To provide for the protection, enhancement, preservation, perpetuation and use of those landmarks and districts which are illustrative of the growth and development of our ~~[n]~~Nation, our ~~[s]~~State and our Town and which are of particular historic or aesthetic value to the Town of North Hempstead.
- (3) To recognize and ~~[insure]~~ **ensure** the preservation of those elements of the Town's past which represent the many and varied architectural, artistic, technological, cultural, and/or historic achievements.
- (4) To promote the preservation of historic landmarks and districts as a means of providing appreciation and unique educational benefits by perpetuating the physical evidence of the Town's past.
- (5) To stabilize and improve property values of such historic landmarks and districts and otherwise promote their utilization.
- (6) To foster civic pride in those elements of the Town's past which create its unique character and set it apart from other communities.

B. It is the intent of this chapter to establish procedures and criteria to evaluate and preserve historic landmarks and districts deemed to be significant in the history of our Town and prevent the destruction, decay or incompatible alteration of those historic landmarks and districts.

§ 27-2 Definitions.

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

ALTERATION

Any act, ~~[or]~~ process **or work that** ~~[which]~~ changes ~~[one or more of]~~ the **exterior appearance, exterior architectural** ~~[or natural]~~ **features, or landscape features, as defined herein,** of a ~~[n historic]~~ landmark ~~[or a building or site located within an historic landmark district]~~, including ~~[but not limited to]~~ the ~~[replacement of roofing or siding materials, the erection, construction,]~~ restoration, renovation, reconstruction, **obstruction, addition to or** ~~[demolition in part or whole, the]~~ removal of **any part of such a landmark** ~~[such structure or alteration to the landscape or topography of a site. Alteration shall not include ordinary repair and maintenance of a building or landscape which does not change the building materials and/or the appearance of the subject property].~~

APPLICANT

Any individual, partnership, unincorporated association, corporation, or any other entity that submits an application for designation of a landmark or district or for a certificate of appropriateness.

BUILDING

A combination of materials, other than a structure, to form a construction that is safe and stable and adapted to permanent or continuous occupancy for public,

institutional, residence, business or storage purposes; the term "building" shall be construed as if followed by the words "or part thereof."

COMMISSION

The Town of North Hempstead Historic Landmarks Preservation Commission established pursuant to this chapter.

COMMISSIONER

The Commissioner of Building and Safety Inspection and Enforcement of the Town of North Hempstead.

CONSTRUCTION

Any act of erecting an addition to an existing structure, building, site, [or] object or the erection of a new principal or accessory structure on a lot or property.

DEMOLITION

Any act or process that destroys, in part or in whole, **a historic** landmark or a structure, building, site or object within a [a] historic landmark district.

DEPARTMENT

The Department of Building and Safety Inspection and Enforcement of the Town of North Hempstead.

~~[DISTRICT]~~

~~[An historic landmark district as defined in this chapter.]~~

EXTERIOR ARCHITECTURAL FEATURES

The **exterior** architectural style, design, general arrangement and components of all of the outer surfaces of any building, structure, site or object, including but not limited to the kind and texture of the building material and the type and style of all windows, window frames, shutters, doors, door frames, **roofing or siding materials**, lights, signs, fences, railings, porches, balconies, [swings] **pools**, ornamentation and other fixtures appurtenant to said building or structure or significant changes to the landscaping and/or topography of a site.

HISTORIC LANDMARK

A building, structure, site, [or] object or parcel of land designated pursuant to this chapter, which may or may not be located in a designated historic landmark district and which possesses one or more of the following characteristics:

- A. Is associated with persons or events of historic significance to the Town, region, [s]State or [n]Nation;
- B. Is illustrative of historic growth and development of the Town, region, [s]State or [n]Nation;
- C. Embodies distinctive characteristics of a type, period or method of construction;
- D. Contains unique architectural, archaeological, landscaping or artistic qualities.

HISTORIC LANDMARK DISTRICT

An area of the Town, designated pursuant to this chapter, which possesses the following characteristics:

- A. Has special character and/or special historic value; **and**
- B. Represents one or more periods or styles of art or architecture typical of one or more past eras; and
- C. Geographically is an identifiable portion of the Town[-]; **and**

D. Has a contiguous boundary.

~~[HISTORIC LANDMARK SITE]~~

~~[A parcel or part thereof on which is situated an historic landmark, and any abutting parcel or part thereof constituting part of the premises on which the landmark is situated and designated as an "historic landmark site" pursuant to this chapter. An historic landmark site may also be a parcel of land so designated due to its historic significance.]~~

HISTORIC SITE MAP

A map prepared and maintained by the Department of Planning and [Economic Development] **Environmental Protection** of the Town of North Hempstead on which the location of all designated historic landmarks and districts within the Town shall be identified.

LANDMARK

A~~[n]~~ historic landmark as defined in this chapter.

LANDSCAPE FEATURE

Any natural topographic feature or man-made landscape element.

NONCONTRIBUTING

A building, structure, site or object which is not an integral component of a historic district because it neither dates from a time period for which the district is significant nor represents an architectural type, period or method for which the district is significant.

OBJECT

A material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

PERSON

An individual, partnership, unincorporated association, corporation or any other entity or organization.

RELOCATION

Any change to the location of a building, structure or object on its site or removal to another site.

REPAIR **AND MAINTENANCE**

Any mechanical or physical change to a building, structure, site or object that is not construction, demolition, relocation or alteration, whether or not such change requires a building permit.

REPLACEMENT IN KIND

The act or process of replicating any historic exterior architectural feature to substitute for the existing and deteriorated or damaged architectural feature with like materials of similar quality as the original feature.

SITE

Includes the land and all buildings or structures thereon.

STRUCTURE

~~[Any assembly of materials forming a construction framed of component materials intended for occupancy or use, whether or not it is being actually used or occupied,]~~ **A combination of materials, other than a building, to form a construction that is safe and stable, including, among others, [including, but without limiting the generality of the foregoing.]: [buildings], gazebos, walls, sidewalks, signs, billboards, radio and television antennas, retaining walls, paving, [and] swimming pools, fences,**

fixed outdoor fireplaces, sheds and pergolas. The term "structure" shall be construed as if followed by the words "or part thereof."

STYLES OF ARCHITECTURE

A style recognized by any one of the following:

- A. National Register of Historic Places.
- B. Historic American Buildings Survey, Historic American Engineering Record[s], **Historic American Landscapes Survey**, United States Department of the Interior.
- C. Historic Preservation Field Services Bureau of the New York State Office of Parks, Recreation, and Historic Preservation.
- D. ~~[Nassau County Museum]~~ **New York City Landmarks Preservation Commission.**
- E. National Trust for Historic Preservation.
- F. Society of Architectural Historians.

TOWN

The unincorporated area within the Town of North Hempstead, New York.

Article II Historic Landmarks Preservation Commission

§ 27-3 Establishment, membership, terms, vacancies, compensation, ethics.

A. There is hereby established a[n] Historic Landmarks Preservation Commission for the Town of North Hempstead.

B. The Commission shall consist of seven members appointed by the Town Board, **all of whom shall be residents of the Town of North Hempstead at the time of his or her appointment and throughout the term of his or her appointment. This requirement may be waived by resolution of the Town Board for nonresidents with special expertise pertinent to the Commission. All Commission members shall have a demonstrated interest in or competence in or knowledge of historic preservation. The Town Historian shall serve as a permanent member of the Commission. At least one member shall be an attorney at law licensed by the State of New York. At least two members shall be architects licensed by the State of New York.**

C. ~~[All Commission members shall have a demonstrated interest in competence in or knowledge of historic preservation. The Town Historian shall serve as a permanent member of the Commission. At least one member shall be an attorney at law licensed by the State of New York. At least two members shall be architects licensed by the State of New York with experience in working with historic buildings.]~~ **Each member shall be appointed for a term of three years. All members may continue to hold office until their successors have been appointed and qualified. Whenever a vacancy occurs, the Town Board shall appoint a person with the requisite qualifications to fill the unexpired term of the former member. Each member shall serve for a term of three years.**

D. The Commissioner of Planning and ~~[Economic Development]~~ **Environmental Protection**, ~~[or a designee, shall be an ex officio nonvoting member of the Commission and]~~ **or a designee, shall serve as the Executive Secretary. The Executive Secretary shall not be a member of the Commission. The Executive Secretary shall provide for minutes of the proceedings of the Commission to be kept, including a record of the vote of each member upon every question, or if**

absent or failing to vote, indicating such fact, and shall maintain permanent records of all Commission meetings, hearings and proceedings and all correspondence of the Commission. The Executive Secretary shall provide for keeping a file of all records of the Commission, and such records shall be public records open to inspection at reasonable times and upon reasonable notice. The Commissioner of Planning and Environmental Protection shall **also** provide staff for the Commission for the purpose of: **i) conducting and/or coordinating studies and research and providing other material and information necessary for the Commission to exercise its powers and duties[-]; and ii) maintaining and periodically revising, at least every five years, a public listing of designated historical sites, buildings, structures, objects or districts and data about them, appropriately classified with respect to national, state or local significance.**

E. ~~[Each member shall serve for a term of three years, except for the first appointments to the Commission, of whom two shall serve for three years, two shall serve for two years and two shall serve for one year. All members shall continue to hold office until their successors have been appointed and qualified. Whenever a vacancy occurs, the Town Board shall appoint a person with the requisite qualifications to fill the unexpired term of the former member.]~~ **Reserved.**

F. The Supervisor shall annually designate one of the appointed members of the Commission to serve as its Chair. The Commission members shall annually designate a Vice Chair, who shall act as the Chair in the absence of the Chair. The Chair and the Vice Chair shall continue to serve in their positions until their successors shall have been appointed.

G. ~~[The Commissioner, or a designee, shall serve as the Executive Secretary. The Executive Secretary shall not be a member of the Commission. The Executive Secretary shall provide for minutes of the proceedings of the Commission to be kept, including a record of the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall maintain permanent records of all Commission meetings, hearings and proceedings and all correspondence of the Commission. The Executive Secretary shall provide for keeping a file of all records of the Commission, and such records shall be public records open to inspection at reasonable times and upon reasonable notice.]~~ **Reserved.**

H. The members of the Commission shall serve without compensation, but may be fully reimbursed for expenses incurred in the performance of their duties, provided the Town's budget shall include monies for such purpose.

I. The Commission shall set meeting dates and adopt such procedures pertaining to its duties as are necessary for it to properly perform its functions as set forth herein and as are consistent with the laws of the Town.

J. Four members shall constitute a quorum, and actions may be taken by a majority of members present and voting, except that the affirmative vote of at least four voting members shall be required to recommend designation of a[n] historic landmark or historic landmark district or to recommend rescission of such a designation.

K. Commission members shall be familiar with and shall be governed by Chapter 16A of the Code of the Town of North Hempstead, entitled "Ethics, Code of."

L. A member who misses two consecutive meetings without an excuse may, upon a recommendation adopted by a majority of the voting members of the Commission, be removed from office by the Town Board.

§ 27-4 Duties of Commission.

The Commission shall have the authority to:

A. Nominate and/or designate areas, buildings, structures, sites or objects as historic landmarks or historic landmark districts and prepare reports, studies and/or surveys related to consideration for designation.

B. Issue or deny certificates of appropriateness for designated historic landmarks or buildings, structures, sites or objects ~~[in]~~ **within** historic landmark districts.

C. ~~[Maintain and periodically revise, at least every five years, a public listing of designated historical sites, buildings, structures, objects or districts and data about them, appropriately classified with respect to national, state or local significance.]~~ **Reserved.**

D. Establish procedures for the identification and nomination of historic landmarks and districts.

E. Formulate recommendations concerning the establishment of an appropriate system of markers for historic landmarks and districts and/or architecturally significant buildings, structures, sites and objects within a~~[n]~~ historic landmark district.

F. Advise the owners of ~~[historic]~~ buildings, structures, sites or objects **that may have historic character** on the preservation of their properties and as to procedures for inclusion on the State and National Registers of Historic

Places **and/or designation by the Commission as a historic landmark.**

G. As ~~[defined]~~ **provided for** in this article, submit nominations to the State and National Registers of Historic Places.

H. Formulate recommendations concerning the preparation and publication of maps, brochures and descriptive material about the Town's historic and/or architectural features and resources.

I. Cooperate with and advise the Town Board, the Board of Zoning and Appeals and other Town departments regarding proposed zoning amendments, applications for variances or special use permits that affect proposed or designated historic landmarks and districts.

J. Recommend to the Town Board that the Town apply for and/or accept grants, private donations and other funds and recommend to the Town Board how such funds shall be appropriated.

K. Adopt **written** rules and regulations with respect to the duties granted herein, subject to the approval of the Town Board.

L. Submit a **periodic written** ~~[report]~~ **summary** ~~[on]~~ **of** its activities to the Town Board.

§ 27-5 Establishment of historic districts, sites and landmarks.

Historic landmarks and districts shall be designated as provided herein:

A. An application for the designation of a building, structure, site or object as a~~[n]~~ historic landmark or an area **as** a~~[n]~~ historic landmark district may be submitted to the Commission by any person **on a form or in a format supplied by the Town.** In addition, the Commission may, on its own motion, initiate such an application. The application ~~[shall be in writing and]~~ shall include the following:

(1) An application to designate a building, structure, site or object for preservation as a [n] historic landmark shall include:

(a) A concise description of the physical elements, age, architectural style, period and historical significance represented by the building, structure, site or object, including a consideration of design, scale, material, workmanship and spatial qualities, as relevant.

(b) A concise statement of how the building, structure, site or object meets the definition of "historic landmark" as defined in this chapter.

(c) Exterior photographs of the building, structure, site or object **in its entirety** and surrounding property and a site map illustrating the characteristics enumerated in the definition of "historic landmark" as provided in this chapter[; t]. **The area to be considered for landmarking shall be clearly defined in the site map. An aerial map showing the areas surrounding the proposed historic landmark shall be included with the application.**

(d) The name and address of the [subject property] owner(s) **of the building, structure, site or object. In the case of a building, structure or object, the owner of the real property, as shown in the records maintained by the Nassau County Clerk's Office, upon which the building, structure or object is situated, is presumed to be the owner of the building, structure or object.**

(e) The name, address and telephone number of the person who [submitted] **is submitting** the proposal and the person represented, if any.

(f) The relationship, if any, between the applicant(s) and the owner(s) of the [subject property] **structure, site or object.**

(g) If required by the Commission, architectural drawings, including scaled plans and elevations.

(h) Such other information as the Commission deems necessary.

(2) An application to designate an area for preservation as a [n] historic landmark district shall include:

(a) A concise statement of the physical elements which make the area a [n] historic landmark district and a description of all buildings, structures, sites or objects located within the proposed district, with special note of types, architectural styles and periods represented which would qualify for designation **as** a [n] historic landmark **district** under the chapter.

(b) A concise statement identifying other buildings, structures, sites or objects located within the proposed district that, while not qualifying under this chapter for designation as a [n] historic landmark, contribute to the overall visual enhancement of the proposed district or are within the boundaries of the proposed district but do not contribute to it.

(c) A concise statement of how the proposed district meets the definition of "historic landmark district" as prescribed by this chapter.

(d) A [sealed] map [showing] clearly depicting the boundaries of the proposed district and the locations of buildings, structures, sites or objects therein, with contributing properties noted as such.

(e) A justification of the boundaries of the proposed district.

(f) The street address and section, block and lot, as shown on the most recent tax roll, of every property within the proposed district and the owners of record thereof.

(g) The name, address and telephone number of the person who submitted the application and the person represented, if any.

(h) The relationship, if any, between the applicant(s) and any of the properties, buildings, sites, objects or structures within the proposed district.

(i) A photo or photos of the sides of all buildings, structures, sites or objects visible from the public right-of-way within the proposed historic landmark district by designated street address and section, block and lot.

(j) A written description of each building, structure, site or object which shall include the year of construction (if a building or structure), any applicable historic personage or event associated with the building, structure, site or object, if known, or any other information that will assist the Commission in its proceedings.

B. ~~[The Commission can choose to amend an application in any manner, including but not limited to, adding or deleting properties proposed for inclusion in an historic landmark district, or by limiting an application to the structure only and eliminating a site or outbuilding included in an application for an historic landmark. In the event the Commission amends an application, it shall adopt a written statement of the reasons for doing so, which shall be included as an addendum to the application.]~~ **Reserved.**

C. Public hearing and decision by the Commission.

(1) Upon ~~[a Commission decision to accept the]~~ **the submission of an** application, a public hearing shall be held by the Commission within 60 days. The Executive Secretary shall notify the Building Department, the **Department of Planning and Environmental Protection** ~~[Board of Zoning and Appeals]~~, **the Town Attorney's Office, the Town Clerk, the Town Board** and the applicant **of the pending application.**

(2) Notification.

(a) In the case of an application to designate a historic landmark,~~[T]~~the applicant shall ~~[notify the]~~ **provide notice of the hearing to property** owners of record ~~[of the subject property and other owners of record]~~ as they appear on the tax rolls of the Town, of property located within 300 feet of the **site,** ~~[boundary lines of the affected property, by certified mail, return receipt requested. Said notice shall be mailed]~~ **in the manner provided herein, and must file an affidavit as to the mailing of such notices in accordance with this section with the Executive Secretary not less than five days before the hearing.** ~~[N]~~Not less than 10 [days] nor more than 20 days ~~[prior to]~~ **before** the ~~[date of the]~~ hearing~~[-]~~, ~~[T]~~the applicant ~~[must submit an affidavit of mailing along with a copy of the notice and certified mail receipts postmarked by the U.S. Postal Service to the Executive Secretary at least five days before the public hearing]~~ **shall send, by first-class mail and by registered or certified mail, a notice to each affected owner as described above.** The Commission shall place a notice of the public hearing in an official newspaper of the Town, which circulates in the affected area **at least 10 days prior to the date of the public hearing.** All notices required herein shall state the nature of the application, including the location(s) of the affected property, and the date, time and place of public hearing. ~~[The notice shall be published at least 14 days prior to the date of the public hearing.]~~ If, prior to the close of the public hearing, the Commission shall determine

that there is a failure to comply with the notice provisions of this chapter, the public hearing may be recessed until there is compliance with these notice provisions.

(b) In the case of an application to establish a historic landmark district, the applicant shall notify the owners of record of each property within the proposed historic landmark district, as well as owners of record of property located within 300 feet of the boundary lines of the proposed historic landmark district, all as they appear on the tax rolls of the Town, in the manner provided herein, and must file an affidavit as to the mailing of such notices in accordance with this section with the Executive Secretary not less than five days before the hearing. Not less than 10 nor more than 20 days before the hearing, the applicant shall send, by first-class mail and by registered or certified mail, a notice to each affected owner as described above. The Commission shall place a notice of the public hearing in an official newspaper of the Town, which circulates in the affected area at least 10 days prior to the date of the public hearing. All notices required herein shall state the nature of the application, including the boundaries of the proposed historic landmark district, and the date, time and place of public hearing. If, prior to the close of the public hearing, the Commission shall determine that there is a failure to comply with the notice provisions of this chapter, the public hearing may be recessed until there is compliance with these notice provisions.

(c) Where an application to designate a historic landmark or to establish a historic landmark district is adjourned on the record to a date certain, the applicant must notice the new hearing date in the manner provided herein. Not less than 10 nor more than 20 days before the hearing, the applicant shall send, via first-class mail, a notice to each affected owner as specified in the above subsections (a) and (b). The applicant must file an affidavit as to the mailing of such notices in accordance with this subsection with the Executive Secretary not less than five days before the hearing. The Commission shall publish notice of the new hearing date in the local newspapers at least 10 days before the date of the new hearing in the same manner as the original notice.

(23) The Commission shall have [45] **60** days after the close of the public hearing to make its decision to deny or recommend approval of the application to the Town Board. Such decisions shall be made at a meeting of the Commission.

(4) The Commission can choose to amend an application in any manner, including but not limited to, adding or deleting properties proposed for inclusion in a historic landmark district, or by limiting an application to the structure only and eliminating a site or structure included in an application for a historic landmark. In the event the Commission amends an application, it shall adopt a written statement of the reasons for doing so, which shall be included as an addendum to the application as part of its submission to the Town Board pursuant to subsection 27-5.D below.

(35) If the Commission shall deny an application, the proceeding shall terminate, and the Commission shall not consider a new application for the same [site] **proposed historic landmark or proposed historic landmark district for one year thereafter.**

(46) The Executive Secretary shall file the written decision of the Commission with the Town Clerk, **the Town Attorney's Office,** the Building Department, **the Department**

of Planning and Environmental Protection, and the ~~[Board of Zoning and Appeals]~~ Town Board ~~[Councilmembers]~~ and shall mail a copy to the applicant and the owner[s] of the ~~[subject]~~ **affected** property[ies] within 10 business days after the decision of the Commission.

D. Submission to the Town Board.

(1) A Commission recommendation to designate a proposed historic landmark or **establish a proposed** historic landmark district shall be ~~[submitted]~~ **delivered by the Town Clerk** to the Town Board. The Town Board shall schedule a public hearing on the recommendation within 90 days after the filing of the Commission's decision with the Town Clerk. **The Executive Secretary shall notify the applicant of the date for the public hearing at which the Town Board will consider the recommendation, and the applicant shall provide notice of such hearing in accordance with subsection 27-5(C)(2) herein.** ~~[Notice of this public hearing shall be given by the applicant in accordance with the provisions of this chapter.]~~ **The Town Clerk shall publish notice of the public hearing in the local newspapers at least 10 days before the date the recommendation is to be considered by the Town Board.**

(2) The Town Board shall, within ~~[45]~~ **60** days after the close of the public hearing:

- (a) Accept the recommendation of the Commission;
- (b) Remand the recommendation of the Commission for further consideration or information with written findings of the Town Board in which it states specific concerns and its reasons for the remand; or
- (c) Reject the recommendation of the Commission.

~~[(3) The Town Board shall make a determination under the State Environmental Quality Review Act. If the Town Board issues a positive declaration, the person who submitted the application shall pay for all expenses incurred in the preparation of the environmental impact statement. In the event of a positive declaration by the Town Board, the time allowed for the Town Board to take action on a recommendation of the Commission shall be stayed until the State Environmental Quality Review Act process has been completed.]~~

E. Within 10 days of the Town Board's final action, the Town Clerk shall notify the Commission, the Building Department, the ~~[Board of Zoning and Appeals]~~ **Department of Planning and Environmental Protection**, the applicant, and the owner[s] of the ~~[subject]~~**affected** property[ies]. If the Town Board accepts the recommendation, the Town Clerk shall also notify the Nassau County ~~[Board of Assessors]~~ **Department of Assessment**.

§ 27-6 Rescission of historic landmark or historic landmark district designation.

A ~~[H]~~ historic landmark or historic landmark district designation may be rescinded by the Town Board as follows:

A. Upon a written recommendation from the Commission in which the Commission states that the historic landmark or historic landmark district no longer meets the eligibility criteria established in this chapter; and

B. After full compliance with all of the procedures and notice requirements in this article for the designation of a[n] historic landmark or historic landmark district.

§ 27-7 Limitations on activity regarding property proposed for historic landmark or historic landmark district designation.

No approval of a zone change, variance, conditional use permit, site plan, building permit demolition permit, sign permit or any other permit issued by the Town shall be granted by the Town for any property proposed as a ~~an~~ historic landmark or historic landmark district from the date of the filing of the application with the Commission until the final disposition of the application by the Commission or Town Board.

Article IV Construction, Alteration, Demolition and Removal
§ 27-8 Certificate of appropriateness.

A. Notwithstanding any other ordinance, code, rule or regulation concerning the issuance of a building permit, and whether or not a proposed activity requires a building permit, none of the following activities shall be commenced on a designated Historic Landmark or in a designated Historic Landmark District without the issuance of a certificate of appropriateness:

- (1) Any alteration, subject to the exclusions in section [L] K herein ~~[which causes any material change in appearance of any feature of a building, structure, site or object in a designated historic landmark district or of a designated historic landmark.]~~
- (2) Any ~~new~~ construction within a designated historic landmark district.
- (3) Any demolition or relocation of a building, structure, site or object in a designated historic landmark district or of a designated historic landmark.
- ~~[(4) Consideration by the Board of Zoning and Appeals of an application for a variance or conditional use permit.]~~

B. The certificate of appropriateness required by this article shall be in addition to and not in lieu of any building, sign or other permit or approval that may be required by any agency having jurisdiction or authority.

C. An application for a certificate of appropriateness shall be submitted to the Commission in such form and including such written information and such plans, elevations, drawings or other data as the Commission may require.

D. **Not less than 10 nor more than 20 days before** ~~[Prior to]~~ the Commission reviews~~ing~~ any application for a certificate of appropriateness, the applicant shall be required to notify the owners of record as they appear on the tax rolls of the Town of property located within 300 feet of the boundary lines of the subject property, by **first-class mail and by registered or** certified mail~~[, return receipt requested.]~~, **identifying the subject property, stating the nature of the application and the date, time and place for the hearing.** This notice shall **also** provide ~~[the substance of the application and]~~ the address designated by the Commission to which comments may be submitted to the Commission on the application. The applicant must submit an affidavit of mailing along with a copy of the notice and certified mail receipts postmarked by the U.S. Postal Service to the Executive Secretary **not less than five days before the hearing.** **The Commission shall publish notice of the public hearing for the certificate of appropriateness in the local newspapers at least 10 days before the hearing date. The notice shall state the nature of the application, including the location(s) of the affected property, and the date, time and place of public hearing.** **If, prior to the close of the public hearing, the Commission shall determine that there is a failure to comply with the notice provisions of this chapter, the public hearing may be recessed until there is compliance with these**

notice provisions. ~~[The Commission shall not act on any application until at least 30 days after the date of mailing of the notice.]~~

(1) Where an application for a certificate of appropriateness is adjourned on the record to a date certain, the applicant must notice the new hearing date in the manner provided herein. Not less than 10 nor more than 20 days before the hearing, the applicant shall send, via first-class mail, a notice to each affected owner as specified in this subsection D. The applicant must file an affidavit as to the mailing of such notices in accordance with this subsection with the Executive Secretary not less than five days before the hearing. The Commission shall publish notice of the new hearing date in the local newspapers at least 10 days before the date of the new hearing in the same manner as the original notice.

E. In reviewing an application for a certificate of appropriateness the Commission shall be limited to those portions of an application relating to the exterior architectural features.

F. The Commission shall determine whether the proposed change will be appropriate to the preservation of the historic landmark or historic landmark district in view of the purposes of this chapter. In exercising this power, the Commission shall:

(1) With respect to historic landmarks, consider, in addition to any other pertinent factors, the historical and architectural value, the general appropriateness of the proposed design arrangement, texture and material of component(s) or sign(s) involved and the relationship thereof to other buildings, structures, sites or objects in the immediate neighborhood.

(2) With respect to historic landmark districts, consider, in addition to any other pertinent factors and those set forth above, the visual relationship between the **building, structure, site or object that is the subject of the application** ~~[property]~~ in question and existing buildings, structures, sites or objects either immediately adjacent to or in the surrounding area and the character of the **historic landmark** district and the extent to which a new or altered building, structure, site or object would be harmonious with or incongruous to the historic and architectural qualities or distinctive aspects of the **historic landmark** district.

G. With respect to demolition or relocation in whole or in part of a historic landmark or a building, structure, site or object in a~~n~~ historic landmark district, the Commission shall consider whether:

(1) The **historic landmark or** building, structure, site or object is of such architectural or historic interest that its demolition or relocation would be to the detriment of the public interest;

(2) Retention of the building, structure, site or object would help preserve and protect a~~n~~ historic place or area of historic interest in the Town.

H. If the Commission approves an application which involves demolition or relocation of a~~n~~ historic landmark or **building, structure or object** or portions thereof within a~~n~~ historic landmark district, it shall find the building, ~~or~~ structure **or object** or portion thereof is in such condition that it is not feasible to preserve or restore it; or that relocation is appropriate to preserve the historic landmark or **building, structure or object**. The Commission shall take into consideration the economic feasibility of alternatives to the application, and balance the interest of the public in preserving the

building, [or] structure **or object** or portion thereof and the interest of the owner in its utilization. In the event the demolition or relocation is approved, the property shall be cleared and left in a manner which will have no adverse impact on any adjacent properties or present a public danger. **As an alternative to demolition, the Commission may permit a building, structure or object within a historic landmark district, or a building, structure or object designated as a historic landmark, to be moved to another site.**

I. In making its determination whether to approve an application for a certificate of appropriateness, the Commission shall apply **the standards set forth in the** United States Secretary of the Interior's Standards for Rehabilitation and the Illustrated Guidelines for Rehabilitating Historic Buildings issued by the National Park Service, except that for applications related to historic landmark districts, such should be considered only a guideline.

J. Where the Commission approves an application under circumstances where the permitted activity is likely to uncover or affect archaeological resources the Commission shall require reasonable efforts to identify, protect and preserve such resources. Where such protection and preservation is not feasible, the Commission shall nevertheless impose appropriate and reasonable conditions to insure that the archaeological resources are made accessible for a reasonable period of time to qualified persons.

~~[K. The Commission may permit a structure designated as an historic landmark, site, or located within an historic landmark district to be moved as an alternative to demolition.]~~

~~[L]~~**K.** Nothing in this chapter shall be construed to prevent **the following:**

(1) [e]Ordinary maintenance, [or] repair or replacement in kind with like materials of similar quality, of any place, site, structure, object or building designated as a[n] historic site, or any property located wholly or partially within the boundaries of a[n] historic landmark district; **or**

(2) The installation, replacement or relocation of ground-mounted generators or heating, ventilation and air conditioning (HVAC) units and appurtenances, provided that a permit is obtained from the Building Department and that such generators or HVAC units and appurtenances, shall be screened from adjoining lots and the public street by a completely planted visual barrier consisting of evergreen plantings to be a minimum of six inches above the top of the unit.

(a) All screening shall be maintained in a healthy condition. Any planting or landscaping which may become diseased, or die shall be removed and promptly replaced with plantings similar in size and type.

(b) The proposed use of fencing or other manmade screening to shield generators or HVAC units and appurtenances, is not exempt by this provision and shall require prior review by the Commission.

(c) Nothing in this section shall be construed as to permit the exterior installation, replacement or relocation of appurtenant ductwork to the façade of a building or structure **visible to the public** street without prior review by the Commission.

[M]L. New construction shall be consistent with the architectural styles, **massing, spacing and height of the structures** of historic value in a[n] historic landmark district. However, the Commission may approve the construction of buildings or

structures which have a dissimilar architectural style to that of a[~~n~~] historic landmark district, if the Commission determines that such new construction will be consistent with the goals of this chapter.

M. After conducting a hearing to consider an application described in this section, the Commission shall vote to either approve or deny the application. The Executive Secretary shall notify the applicant of the Commission's approval or denial. The Commission shall only approve an application if the proposed modification is compliant with the provisions and purposes of this Chapter.

~~[N. Approval.~~

~~(1) Notwithstanding any other provisions of this chapter, the Commission shall approve an application for a modification of a historic landmark if the applicant establishes that:~~

~~(a) The land or improvement in question cannot yield a reasonable return if the proposed action is denied;~~

~~(b) The hardship of the applicant is due to unique circumstances of the property and not because of the general nature of the neighborhood;~~

~~(c) The proposed action will not alter the essential character of the area; and~~

~~(d) The hardship is the result of the provisions of this chapter and not created by the action or omission of the applicant.~~

~~(2) To the extent possible, any approval granted on the above factors shall conform to the purposes of this chapter.]~~

§ 27-9 Procedure for review of applications and plan.

A. Applications for a building permit to construct, alter, move or demolish any place, designated as a[~~n~~] historic landmark [~~site~~] or located within a[~~n~~] historic landmark district, shall be made to the Department of Buildings pursuant to Chapter 2 of the Code of the Town of North Hempstead, except as provided hereafter. A location map and plan drawing shall be submitted with the application. The application shall identify the structure as either a designated historic landmark[, an historic site,] or a structure within a[~~n~~] historic landmark district, and shall include the following information:

(1) Name, address and telephone number of applicant;

(2) Location and photographs of the subject property and properties within the immediate vicinity;

(3) Elevation drawings of proposed changes, if any;

(4) Perspective drawings, including relationship to adjacent properties, if available;

(5) Samples of materials to be used;

(6) Where the proposal includes signs or lettering, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination, and a plan showing the sign's location on the property, and

(7) Any other information as requested by the [Building] Commissioner.

B. A completed building permit application filed with the Department of Buildings pursuant to section 27-9.A herein shall be subject to expedited review by the Department of Buildings. Upon completion of the Department of Buildings initial review, the Commissioner or his or her designee shall promptly cause a copy of the application and all supporting materials to be transferred to the Executive Secretary for review and compliance with this section and shall notify the applicant of the need to file an application for a certificate of appropriateness

or if applicable, an administrative certificate of appropriateness pursuant to subsection (G) herein, with the Commission.

C. Applications filed herein shall be subject to: (i) a hearing before the Commission pursuant to § 27-8 or (ii) expedited review pursuant to subsection (G) below.

[B]D. In the event that an application is approved, the Executive Secretary shall produce and sign a certificate of appropriateness consistent with the Commission's approval, or an administrative certificate of appropriateness consistent with the Expedited Review Committee's approval. Copies of the certificate of appropriateness or administrative certificate of appropriateness shall be provided by the Executive Secretary to the applicant and the Supervisor of Plan Examination in the Department of Buildings, together with any required back-up documentation. The Commissioner shall not issue a building permit until the Commission has issued a certificate of appropriateness or an administrative certificate of appropriateness. If the Commission denies a certificate of appropriateness, no building permit shall be issued.

G E. If the Commission issues a certificate of appropriateness or an administrative certificate of appropriateness, the Building Department shall continue its review of the application for a building permit in accordance with its usual procedures and standards and shall make its determination based on same.

F. Where a proposed activity on a designated Historic Landmark or in a designated Historic Landmark District does not require a building permit, the applicant may proceed to file an application with the Executive Secretary for a certificate of appropriateness or administrative certificate of appropriateness.

D G. Every owner or other person in charge of a landmark building, structure, site or object or a building, structure, site or object in a[n] historic landmark district shall keep in good and proper repair the property and all portions thereof which, if not so maintained, may cause or tend to cause the property to deteriorate, decay or become damaged or otherwise to fall into a state of disrepair.

H. Expedited Review; Administrative Certificate of Appropriateness

1. Certain 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 where applicable, and which conform to the Secretary of the Interior's Standards for Historic Preservation, may be approved on behalf of the Commission without a formal hearing and issued an Administrative Certificate of Appropriateness. Such approval shall be made by the Expedited Review Committee which shall be comprised of the Executive Secretary and two (2) members of the Commission, one of whom shall be an architect.

2. An applicant may apply in writing to the Executive Secretary requesting expedited review, which request shall include such supportive documentation as the Executive Secretary may require. The Executive Secretary shall review the request to determine whether the proposed action may have a substantial adverse impact on the historic character of a designated Historic Landmark or designated Historic Landmark District, and if it meets one of the following eligible activities:

- (a) Replacement of existing retaining walls with materials which are not Replacement-In-Kind;
 - (b) Replacement of existing roofing materials with materials which are not Replacement-In-Kind;
 - (c) Removal, installation or replacement of fences, excluding the installation or replacement of fences composed of vinyl, PVC or similar material;
 - (d) Removal of trees not in the Town's right-of-way, provided a certified arborist letter or multiple photos with a written explanation indicating imminent danger accompanies the request;
 - (e) The restoration of fire or storm damage not exempted from this Chapter pursuant to Section 27-10, with materials which are not Replacement-In-Kind. A material list shall be provided to the Plan Examiner and the Building Inspector in the Department to assure accuracy of the replacement materials.
 - (f) Awnings. Installation of new awning fabric, without signage, to be canvas or treated fabric on an existing awning frame.
 - (g) Installation of an above-ground swimming pool or free-standing hot tub.
 - (h) Alteration, construction, demolition or relocation of a Noncontributing building or structure, or part thereof, located within a historic district.
3. Within five (5) business days following receipt of an application for expedited review, the Executive Secretary shall: (a) review the application, together with the documentation supporting it; (b) render a preliminary written determination as to eligibility; and (c) forward the application, preliminary written eligibility determination, and all supporting documentation to the Expedited Review Committee for confirmation of eligibility and approval or denial of the application for an Administrative Certificate of Appropriateness.
4. The following items shall be considered by the Expedited Review Committee in making a determination when reviewing an application for an Administrative Certificate of Appropriateness:
- (a) Whether the application requires full review by the Commission for a Certificate of Appropriateness.
 - (b) Whether the application involves an emergency situation which has created a danger to health and/or safety that is preventing all or part of the building or structure from being occupied.
 - (c) Whether the application if granted could create a potential danger to persons, the building or structure or other surrounding buildings or structures.
5. The members of the Expedited Review Committee shall have five (5) business days to consider the application for an Administrative Certificate of Appropriateness and to make one of the following determinations: (a) approval of the application; (b) denial of the application; or (c) require full review by the Commission for a Certificate of Appropriateness. The applicant shall be promptly notified in writing by the Executive Secretary of the determination.
6. Where the two members of the Expedited Review Committee make recommendations contrary to one another, the application under consideration

shall be scheduled for full review by the Commission for a Certificate of Appropriateness.

7. Each application denied by expedited review shall be scheduled for full review by the Commission for a Certificate of Appropriateness.

8. For each application granted by expedited review, the Executive Secretary shall, within five (5) business days, draft an Administrative Certificate of Appropriateness for review and approval by the Chairman. A copy of the final Administrative Certificate of Appropriateness shall be forwarded to the applicant by the Executive Secretary.

9. The Executive Secretary shall provide written notice to the Commission of each application decided by expedited review.

§ 27-10 Exemptions.

This chapter shall not apply to actions undertaken by any person pursuant to an order issued pursuant to Chapter 2A of the Code of the Town of North Hempstead for the purpose of remedying conditions determined to be unsafe or dangerous to the life, health or property of any person. **Where feasible, the replacement of damaged materials shall be replacement in kind. Where replacement in kind materials are feasible but would cause a delay in remedying the conditions determined to be unsafe or dangerous, temporary measures to prevent further damage should be used if possible, provided these measures are reversible without damage to the building or structure. In complying with an order as described above, a copy of any compliance plan shall be provided to the Commission.**

§ 27-11 Publicly owned property.

Plans for the construction, [reconstruction], alteration or demolition of any structure **or object** or proposed structure which is owned by Nassau County, the Town of North Hempstead or any other local government, or is to be constructed upon property owned by Nassau County, the Town of North Hempstead, or any other local government; and is located on a[~~n~~] historic landmark or in a[~~n~~] historic landmark district shall, prior to final Town action approving or otherwise authorizing the use of such plans with respect to securing the performance of such work, be referred to the Commission by the governmental agency having responsibility for the preparation of such plans. Within 60 days after such referral, the Commission shall submit its recommendations thereon to the Town Board and the referring agency. Failure of the Commission to submit such recommendations within said 60 days shall be deemed approval by the Commission.

§ 27-12 Fees established.

[Amended 4-11-2006 by L.L. No. 5-2006]

Any application for designation of a[~~n~~] historic landmark **or historic landmark district** shall be submitted to the Executive Secretary and shall be accompanied by fees in the amount indicated in the Town of North Hempstead Fee Schedule. No fee shall be required for any application made by the Commission on its own motion.

§ 27-13 Penalties for offenses.

A. Any offense against any provision of this chapter, except a violation of Article IV, § 27-8A, shall be a violation punishable by a fine not to exceed \$250, or by imprisonment for a term not to exceed 15 days, or both such fine and imprisonment.

Each day's offense against this chapter shall constitute a separate and distinct violation.

B. A violation of Article IV, § 27-8A of this chapter shall be a misdemeanor, punishable by a fine of not ~~[more]~~ **less** than \$1,000 **nor more than \$5,000** or by imprisonment for a term not to exceed one year, or both such fine and imprisonment.

C. In addition to the penalties set forth in this section, the Town Attorney may institute appropriate proceedings to prevent, restrain, correct or abate a violation of this chapter.

§ 27-14 Appeals.

Those aggrieved by any decision of the Commission may appeal such decision to the Supreme Court in the State of New York pursuant to Article 78 of the Civil Practice Law and Rules, provided it is commenced within the governing statute of limitations.

§ 27-15 [14] 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, sentence, paragraph, section or part of this chapter directly involved in the controversy to which the judgment is rendered.

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 February 17, 2022 at Town Hall, 220 Plandome Road, Manhasset, New York, Local Law No. 3 of 2022 was adopted. The Local Law amends 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.

Dated: Manhasset, New York

February 17, 2022

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
RAGINI SRIVASTAVA
TOWN CLERK**

Dated: Manhasset, New York

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney Town Clerk

STATE OF NEW YORK)
) SS. :
COUNTY OF NASSAU)

Henry Krukowski, being duly sworn, deposes and says that on the 29th day of November, 2021, he posted the attached Notice of Hearing to consider the adoption of a Local Law amending Chapter 27 of the Town Code entitled "Historic Landmarks Preservation", at the following locations:

Town Clerk Bulletin Board

Manhasset Post Office

Great Neck Post Office

Port Washington Post Office

Greenvale Post Office

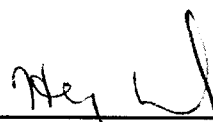
Roslyn Heights Post Office

Albertson Post Office

Carle Place Post Office

Westbury Post Office

New Hyde Park Post Office


Henry Krukowski

Sworn to me this

30th day of November, 2021


Notary Public

Brandon K Gimpelman
Notary Public, State of New York
No. 01GI6371819
Qualified in Nassau County
Commission expires March 5, 2022

NEWSDAY AFFIDAVIT OF PUBLICATION

TOWN OF NORTH HEMP TOWN CLERK
200 PLANDOME ROAD
MANHASSET, NY 11030-2326

STATE OF NEW YORK)

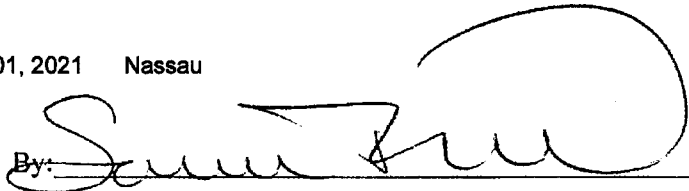
Legal Notice No. 0021692644

:SS.:

COUNTY OF ERIE)

The undersigned, being duly sworn, says that such person is a duly authorized custodian of records of Newsday LLC, the publisher of Newsday, a daily newspaper published in Melville, County of Suffolk, State of New York, and circulated in Nassau, Suffolk, and Queens Counties, and that the Legal Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

Wednesday December 01, 2021 Nassau

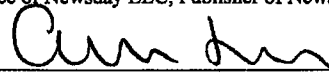
By: 

Print Name: Samantha Robinson

Authorized Designee of Newsday LLC, Publisher of Newsday

SWORN to before me this

⁶ Day of December, 2021.


Notary Public

CAROL SMITH
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01SM6350622
Qualified in Niagara County
Commission Expires November 14, 2024

Ad Content

Legal Notice # 21692644
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 22 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

NEWSDAY PROOF

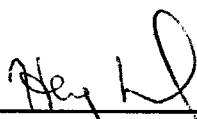
Ad Number: 0021692644

Advertiser: TOWN OF NORTH HEMP TOWN CLERK

STATE OF NEW YORK)
) SS. :
COUNTY OF NASSAU)

Henry Krukowski, being duly sworn, deposes and says that on the 22nd
day of February, 2022, he posted the attached Notice of Adoption of a Local Law amending
Chapter 27 of the Town Code entitled "Historic Landmarks Preservation" at the following
locations:

Town Clerk Bulletin Board


Henry Krukowski

Sworn to me this

22nd day of February, 2022


Notary Public

DONNA R. CURCI
NOTARY PUBLIC-STATE OF NEW YORK
No. 01CU6119852
Qualified in Nassau County
My Commission Expires December 06, 2024

NEWSDAY AFFIDAVIT OF PUBLICATION

TOWN OF NORTH HEMP TOWN CLERK
200 PLANDOME ROAD
MANHASSET, NY 11030-2326

STATE OF NEW YORK)

Legal Notice No. 0021706986

:SS.:

COUNTY OF ERIE)

The undersigned, being duly sworn, says that such person is a duly authorized custodian of records of Newsday LLC, the publisher of Newsday, a daily newspaper published in Melville, County of Suffolk, State of New York, and circulated in Nassau, Suffolk, and Queens Counties, and that the Legal Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

Wednesday February 23, 2022 Nassau

By: _____

Print Name: Jenise Britt

Authorized Designee of Newsday LLC, Publisher of Newsday

SWORN to before me this
24 Day of February, 2022.

Notary Public

TYSHAWN HARRISON
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01HA6186920
Qualified in Erie County
Commission Expires May 12, 2024

Ad Content

Legal Notice # 21706986
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 February 17, 2022 at Town Hall, 220 Plandome Road, Manhasset, New York Local Law No. 3 of 2022 was adopted. The Local Law amends 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.
Dated: Manhasset, New York
February 17, 2022
BY ORDER OF THE TOWN
BOARD OF THE TOWN OF
NORTH HEMPSTEAD
RAGINI SRIVASTAVA
TOWN CLERK

NEWSDAY PROOF

Ad Number: 0021706986

Advertiser: TOWN OF NORTH HEMP TOWN CLERK

CLERK SRIVASTAVA: Item No. 4 --Item No. 3, a public hearing to consider the application of Sitex Group for site plan review for the premises located at 1198 Prospective Avenue, Westbury and designated on the Nassau County land and tax map as Section 11, Lot E, Block 467.

MR. CHIARA: Okay. Earlier this morning, we received a letter from John C. Farrell, attorney for Sitex Group, the applicant, indicating their desire to withdraw this application at this time, no further reason was given.

SUPERVISOR DESENA: Okay. I move to postpone the hearing indefinitely because the application has been withdrawn.

CLERK SRIVASTAVA: Can I have the motion? Can I have the motion, please?

SUPERVISOR DESENA: I will second the motion.

COUNCILMAN ADHAMI: Second the motion.

SUPERVISOR DESENA: Oh, second it? Okay.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

CLERK SRIVASTAVA: Item No. 4, a public meeting to consider the application of Lakeville AH Realty LLC, for a special use permit to renovate a gasoline service station at the premises located at 1011 Lakeland Road, New Hyde Park, and designated on the Nassau County land and tax map as Section 8, Block 10, Lots 40 to 48.

MR. DIEGUEZ: All right. My name is Mike Dieguez, I'm a 47 year resident of New Hyde Park. And I've written the town board with some of my comments, but I don't know -- I want to give this out, it's the resolution that was passed by the prior board which affects this site. And in case you didn't, you forgot it or don't have it one hand, just pass that down. You may have gotten it or, you know, the way things or maybe you didn't get it. I don't know. Anyway, this -- I live across the street from this proposed facility. And for seven years we -- I already said who

I was. For seven years we've had an --

SUPERVISOR DESENA: I'm sorry. Can you -- let's hear from the applicant first to frame this, and then -- public comment.

MR. DIEGUEZ: Okay.

SUPERVISOR DESENA: Okay. I'm sorry.

MR. DIEGUEZ: No problem.

SUPERVISOR DESENA: Thank you.

MR. O'BRIEN: There we go. That works. Good evening -- good evening, Supervisor DeSena, honorable members of the board, Madam Clerk, counsel, commissioner. Kevin O'Brien from O'Brien Law PC, 462 Sagamore Avenue in East Williston. Here this evening representing the applicant with respect to this particular application. It involves an existing gasoline service station at 1011 Lakeville Road in New Hyde Park. Give the board a little bit of background in connection with this. Some people may be familiar with it, so I'll try to kind of give a little bit of a synopsis. So this is an existing service station, it's been operating as a service station for probably almost since I was born. Which is scary to say, like, about 60 plus years. When did that happen? So it's been operating as gasoline service station. Rules and regulations have changed since that time. And the Nassau County Fire Marshal's Office and Health Department requires the removal and replacement of underground gasoline storage tanks. The regulations that came up by the county legislature with respect to that. The application before the board, you know, we're seeking to continue to operate the location as a gasoline service station, operate self service and continue the operation. So that's what we're seeking essentially from this board. The history, or the somewhat recent history is there was a number of years ago, a rogue tenant, shall we say, at this location who was operating an illegal towing operation, not with compliance or consent to the town. I represented the property owner at that particular given time. We worked together with the town, it wasn't easy, to get that particular tenant out of the location, which we ultimately did. And then at that time, we had removed the underground gasoline storage tanks in accordance with the county regulations, and then we made applications to the town to operate and replace the underground tanks. We had received approval from the town board at that time on September 26 of 2017, for the removal and the replacement of their underground storage tanks, as well as to make renovations to the service station. The building itself was to stay the same. So as you've looked at the site plan that we have there, the building was going to remain the same. The pump islands were being reconfigured to a certain extent. There were four pump islands before, eight fueling positions, we've reduced it to three pump islands with six fueling positions, and a canopy over same. Town board approved that at that time. Filed the necessary building permanent applications. There were some bulk area variances that were necessary. We obtained Zoning Board of Appeals approval at that time on July 17, 2017. I believe I've submitted all these decisions as part of the application, but I have additional decisions which I can submit to the board as well. The service station was sold. And the problem in our business, quite frankly, in the service station business, by the time you get -- it's like a tiger chasing its tail. You know, there's so many agencies involved, there's the fire marshal, there's the Department of Health, there's the DEC, there's the town, multiple -- and then there's the county with respect if you're on a county roadway. So sometimes by the time you get your last permit, the first one expires and you've got to start the process all over again. So in this particular incidence, the property was sold, new property owner comes in seeking to put the

tanks in, the jurisdiction changed from the county fire marshal to the Department of Health under the auspices of the New York State DEC. So the fire marshal approvals were no longer valid, we had to apply to the Department of Health. We got those approvals in place. We thought we could continue the old approvals from the town, but when we submitted that, we were told by the town, you have to reapply all over again. So basically we're here, again, for the same relief, similar relief. But there's one little change that -- I believe I'm correct on this and perhaps the Commissioner could tell me if I'm not. But I think recognizing some of this, the town has changed some of the regulations wherein, your tank permits, you can now get it within three years where it expires within one year presently. So the prior town board resolution had indicated sort of a sunset on it in one year. And I think that's been, you know, I think that's been changed to three.

MR. LEVINE: Correct. We did two things. We made it so that it's now sequential so that you don't have to go back and renew your earlier permit. Once you reach the next milestone, a new clock starts.

MR. O'BRIEN: Okay.

MR. LEVINE: And yes, we did extend that time from one year to three years.

MR. O'BRIEN: Right.

MR. LEVINE: So that -- for things that are beyond the applicant's control, and in this case, the county changing their jurisdiction, we recognize that was beyond the applicant's control so you don't caught up in that.

MR. O'BRIEN: Right. And it's a tricky process. I got to be honest, you know, I've been doing this for, you know, quite some time. And he -- or even in this instance, the Town of North Hempstead requires town board approval in connection with the removal and replacement of underground storage tanks. So typically, we tried to coordinate that application for tanks with this application for any modification to the service station. But we weren't able to do that, so we would be back here -- that application was submitted, I believe somewhere around August of 2000 and -- I don't know if it's '19 or '20. But we were trying to get that to catch up to this. But, you know, so that's the process, That's the procedure. Once again, unless, you know, Commissioner Levine can tell me if I'm incorrect on that one. But we are trying to get that one together here as well. So the sum and substance, we haven't changed the --we haven't changed the building. We haven't changed the tanks, we haven't changed the pump islands, so all that remains. And I do understand that there were conditions even as part of the more recent Zoning Board of Appeals decision, and similar to the paths where they said all lighting on the premises will be directed away from residences. No non essential lighting, you know, was permitted on the premises. So there were conditions, we recognize those conditions, and we accept those conditions, you know, that they -- you know, that have been imposed on this particular piece of property. So with respect to them -- and I'm sorry, I forgot to introduce my engineer. This is Kevin Papasian. He's here with me. He's a licensed professional engineer. He's from B. Thayer Associates. He's appeared before this board and many other boards throughout Nassau and Suffolk counties in the capacity as a professional engineer with respect to site plan design and the like, as well as with respect to traffic, onsite and offsite traffic circulation, and has appeared as the traffic engineer. So if there are questions of a technical nature, I'd certainly defer those to Mr. Papasian. If you'd like, we could take you through the site plan again, but once again, virtually identical to what we had presented previously and the predecessor of this board

had approved. It's just sort of this little bit of a glitch in the sense that they expired as a result of, you know, some of the changes in the rules and regulations. And I think had these new rules and regulations been in affect, we wouldn't be before the board today. So with that in mind, I'd be willing to either respond to any questions that the board might have or respond to interested observers, whatever is the board's pleasure.

MR. LEVINE: Okay. I do have two questions before we go to public comment. There are two fairly significant changes though from the 2017 plan. The first, that plan, you were removing the auto service bays and in its place was going to be a convenience store of about 2,100 square feet. The trend with gas stations in the town is clearly removal of service space for a number of reasons, putting convenience stores in instead. You're now proposing to do the opposite. And I'm just curious if there's a rationale for that.

MR. O'BRIEN: The -- well, one of the reasons, quite frankly, is even in marketing it, I mean -- and you're absolutely correct, Commissioner Levine, you are seeing more and more of a movement away from repair because of leased vehicles and the like, so you do see more of the convenience stores. Quite frankly, this is not going to be a 24 hour operation. With convenience stores and the like, they liked to be operating on a 24 hour basis. The person who purchased the place does repairs and is not in the towing business. And we understand some of the conditions that were previously imposed that there would not be a separate business in here, it would just be the one business and there'd be no towing operation. But that is the basis and the rationale for it.

MR. LEVINE: Okay. And the second question, the physical configuration. The 2017 plan, there was virtually no paving behind the building, so that will be between the west wall of the building in the western property line. Now here, you are putting in the 15 foot landscape buffer --

MR. O'BRIEN: Yeah.

MR. LEVINE: -- which does not exist now and would be required by code. But there's still a substantial amount of pavement behind the building. Tell me why you need it and what it'd be used for?

MR. O'BRIEN: I think one of the things that we -- well, first off, the building size that currently exists was proposed at the time and is proposed right now, the footprint of the building remains the same. So we've never changed the footprint of the building. With respect to the rear, we are -- we do get fuel deliveries. And so part of the basis there is that, while maintaining the required buffer, and as you indicated, there is no buffer there presently, this would enable for fuel deliveries in the back.

MR. LEVINE: Okay. So I have no further questions at this time.

SUPERVISOR DESENA: Do any board members have questions?

(No response.)

CLERK SRIVASTAVA: We have to more cards on this item.

SUPERVISOR DESENA: Okay. So the public, who would like to speak on this?

CLERK SRIVASTAVA: Mike Dieguez.

MR. DIEGUEZ: Mike Dieguez. Okay. Like I said, I've lived in the -- across the street really a little bit in -- 47 years. Basically, I've enjoyed the neighborhood and been very happy here. Just

one comment. You don't need to listen to me, but the feedback, as I heard you kind of debate and everything, part of me agreed with all of you. And I think that after you made a point, I said he's right, she's right, whatever. I think you've got to get a legal answer and that's your way and, you know, that's my two cents. Okay. Now, regarding -- the attorney just mentioned that they had a rogue tenant prior, and it certainly was rogue. If you lived in the neighborhood, you've probably saw News 12, how they came to interview the tenant of that building and gave the report of the bird and so on on TV. And it was terrible. We were kept up all night with tow trucks. And my concern is, all things going wrong, they were renting the spaces out the lawn services. We live on the block. What happens is, there's trucks left there overnight. We had the lawn workers park their cars in front of our homes. We couldn't park in front of our homes because they had that cars there. Frankly, I know money kind of dictates everything. They want to service station, I guess it's inevitable. We're not opposed to having a business, but we want the guidelines that were presented then, as -- and I would specify that these guidelines must be followed by this facility and all its future tenants. So let's make sure that those are followed. And I gave them out to you so you can review them. But I looked over the literature that the board has and I saw some proposals that didn't match those guidelines, okay. Now, for example -- all right. The canopy, this is the guidelines presented and unanimously adopted by the board. I'll be -- try to be quick with this. The canopy is to be installed -- to be installed, will be a minimum or legal height of 14 feet. That doesn't look like 14 feet to me. And I read later on. And what -- at some of their proposals. The owner's current requests for signs 18 feet in height. That's a violation right there. 14 feet is the maximum height. Okay. We'll keep going. Hours of operation will be limited to 6:00 a.m. to 10:00 p.m. Okay. That's fair. We don't want businesses right across the -- this is a residential area. The only thing there next to it is a gas station, which is fine. I mean, pardon me, a firehouse. That's fine. I think if you put yourself in our place, you wouldn't want a gas station right in the middle of your residential area. It's not fair. Okay. Now, it's been there before. Okay. A lot of things were there before, but it didn't have a convenience store. Do you need a convenience store? I can, from my house. I'm not -- I can walk, okay. I can walk to three different service stations, to three different convenience stores. I don't need another one. We don't need it. But again, money talks, everything else walks, okay. So that's one of my concerns. Put yourself in our place. We don't need that and we're concerned because we got abused for a few years, okay. New Year's Eve, the trucks were backing in and out. It was crazy. And the owner was not very receptive. The initial owner, when I moved in as a great guy. We went to his service station. We were -- if I saw him today, we'd still be friends. He had my number. If you see anything unusual going on, give me a call. We all cooperated and we used that service station. This is not what we got abuse with for years. The board was -- came on, they were, like, not doing much. Then it forced the issue. Now, I'll continue just to show you that other things that I have concerned with. Basically, I want you to follow and enforce these guidelines that were put in there and voted unanimously by the board. And I kind of made a mark on them. Okay. I ran them off today, I sent them to the board. I don't know if to congratulate the new members and so on and wish you well. All lighting that is not essential for security, including illuminated signage, canopy lighting, and outdoor footing, for outdoor lighting shall be turned off until 30 minutes prior to opening and must be extinguished 30 minutes after closing. All right. I looked at their proposals. On page whatever it is, you've got to -- I looked through all of town stuff, it was like a headache going through this. On page 31 on the file completed by the owner, the response to questions 12. 12 states that the signs will be illuminated 24 hours and that the lighting will face Lakeville Road.

We're off Lakeville Road. You don't want those lights shining into your house all day and night. That's ridiculous. Why did they put these things in there? We want to make sure that you enforce this. We want to be good neighbors. Maybe I will use that service station. But we're tired of getting abused and we don't want it -- we don't want you to let it happen again. Okay. I'll continue. There shall be no overnight parking of motor vehicles on the premises during the hours of 11:00 to 6:00 a.m.? That last guy, he had a business, he was renting spots. It was full. It was full of trucks day and night. The fire house -- they had a -- I had a letter from Fire Chief Cane that he wrote, that he had to call the police to clear them from the front once when they had a call, because they couldn't get out. So they recommend -- so the town recommend -- the Zoning Board recommended, then there only be an exit point -- in other words, you're coming out, you can only turn -- it's a -- you're going -- Lakeville Road is two ways. You don't want to go across to the other side of the road, so if you're coming into the station, you can only make a left, if you're coming out, you can only make a left. These guys would make rights, lefts, everything. And they wrote that in the recommendation that that be enforced. And one of the things they said they could do that with signage or they could do that by the paving of the curb, raising it or lowering it to encourage people only go in or only go out this certain way. If you try to cross Lakeville Road at 5:00 -- they gave us a statistic on their traffic patterns. Traffic patterns didn't include a convenient store being there, okay. It depends the time of day you do this. That Lakeville Road is pretty crowded at 4:00 or 5:00 or it may be 8:00 or 9:00 in the morning. That's another consideration that they do not allow traffic in both directions. And I still don't see how that canopy can only be 14 feet unless my -- you know, the ratios are way off. That looks like it's 30 feet. You know, whatever. Pardon my wise cracks or whatever. On Addendum B, Item 41. I don't know, but this is the -- you don't have that there, but it's in their requests. Proposed parking besides their request exceeding parking limitations. It made no mention that the governing resolution this one provided -- provided and approved unanimously in 2017, prohibits any motor vehicle parking overnight or after business hours. Maybe they're hoping that it can again, get away with illegally renting parking to landscape companies and their trucks. That's what they did. Their workers then parked their cars in front of our homes all day while they were out on the job. When they returned, they weren't nice enough to clean, they threw their things right on your lawn. It's ridiculous. It's not fair in this community for that to happen. Okay. Just finishing up on these points. And I want to make sure you enforced them because I'm going to certainly be -- I'll call the cops every day and say, why aren't you enforcing this? Because that's the -- that's supposed to be the law, do it. And incidentally, if the last town board -- and again, a lot of them were very nice and helpful. But if you're not allowed to have a towing service, what did they do it for three years?

CLERK SRIVASTAVA: Please complete your comments.

MR. DIEGUEZ: Why were they renting spaces forever?

CLERK SRIVASTAVA: Please --

MR. DIEGUEZ: You're not allowed to do it. How the hell did it happen? We had to tolerate that. If you lived there, you wouldn't want to tolerate that. There should be no outdoor -- there shall be no outdoor placement of items --

CLERK SRIVASTAVA: Time is --

MR. DIEGUEZ: Are you timing me?

CLERK SRIVASTAVA: Time. Please complete your comments.

MR. DIEGUEZ: You know, we waited a long time. I'm almost done, so I don't appreciate -- I want to finish. Give me the courtesy. We listened to you guys -- and that flat frankly was interesting and like I said, I agreed with all of you. So please listen to me, I'm almost done. There shall be outdoor --no outdoor placement of items, merchandise, or vending machines, whether for display or sale. A sign containing the following information shall be posted in the front of the building. And this -- again, I'm not making this up. I didn't write these regulations. The Town Board adopted them unanimously. And if you turn to the second page, they're there. Did you have to have a sign stating this? I see -- no, I don't see a diagram of a sign there. Well, they didn't get to it yet. Okay. Prohibiting overnight parking. Period. Prohibiting overnight parking, limiting parking to 15 minutes. Now, whoever put this in, they knew the crap that we put up with. Again, Pardon my language. Warning of the use of security devices being available. You don't want crazy things happening. Prohibiting littering. Prohibiting loitering and prohibiting noise, unreasonable noise, okay. Running of car stereos and so on. And the last thing. An overhead area lighting on the premise must be directed away from neighboring residence and only left turns in and out of the facility. Their requests don't say that, facing Lakeville Road. Please enforce these regulations and then we'll be all right with it. And please put yourself in our place. I'm not an unreasonable person. I tolerated that stuff and it got disgusting after a while. So I appreciate your listening to me and thank you.

MR. LEVINE: I just want to ask one quick clarification.

MR. DIEGUEZ: Yes.

MR. LEVINE: The conditions from 2017, we do actually do have.

MR. DIEGUEZ: Yeah. Well, I just handed them out.

MR. LEVINE: Right. No. I mean, that was provided to the board actually in advance.

MR. DIEGUEZ: I sent them in a letter. Okay.

MR. LEVINE: The question I had though, you're saying there should be left turns only in and out?

MR. DIEGUEZ: Yes.

MR. LEVINE: Because they are actually recommending right turns there.

MR. DIEGUEZ: Let's see, left turn. No. It's right. I don't have it right now. But in other words, you don't cross --go across Lakeville Road.

MR. LEVINE: Okay.

MR. DIEGUEZ: If I confused it, I apologize you.

MR. LEVINE: Yeah. Because --

MR. DIEGUEZ: All right. In other words, if I'm going this way, it's a right turn, and if I'm coming out on the other side --you can't go across the divider.

MR. LEVINE: Yeah. Because their expectation is that majority of cars will be coming from the north and then they'll continue south. So it's a right turn in, right turn out.

MR. DIEGUEZ: Oh, yeah. That's fine. They can go in --

MR. LEVINE: Right.

MR. DIEGUEZ: -- right turn in and right turn out.

MR. LEVINE: Right.

MR. DIEGUEZ: And I apologize for screwing that up.

MR. LEVINE: So what we're expecting, because they also have an application with County DPW for highway work permit, the expectation is they're going to require right turns only and they may channelize the driveway so that it's harder to make those turns.

MR. DIEGUEZ: I apologize for that.

MR. LEVINE: No problem.

MR. DIEGUEZ: Getting excited, running through it quickly, and screwing it up.

MR. LEVINE: I thought that's what you meant. I just want to clarify.

MR. DIEGUEZ: Okay. Thank you for listening and good luck to all of the new people and the veterans returnees.

CLERK SRIVASTAVA: Thank you. We have one more card on this item. Michael O'Donald.

MR. UNGER: My name is John Unger and I live right here. I am the person that they're affecting. You noticed the parking lines, that's --

UNIDENTIFIED MALE SPEAKER: And I'm sorry, use the microphone.

COUNCILWOMAN LURVEY: You should go back to the microphone.

UNIDENTIFIED MALE SPEAKER: Yeah. Can you see that?

MR. UNGER: Where the trucks were prior to this.

UNIDENTIFIED MALE SPEAKER: Can you - -

MR. UNGER: The lighting it cannot face --Homes. in the direct to the sky. We are surrounding the whole station, including the fire houses right next to them. We are right there. It has to affect us. The lights are going to go like this. And that is me, right there. This whole -- I'm attached to that station. The whole place. Now, I tried to explain, okay, they just gave the fire house 15 feet. I believe they had a bunch of people working here. So if you have a convenience store here, who you think you're going to get as customers? Everybody goes to Stop and Shop. We have a lot of places to go. This doesn't work. And you're going to have nothing problems over there.

COUNCILMAN TROIANO: I'm sorry. Can you help me? Because you asked maybe rhetorical question about who's going to -- who's going to shop at a convenience store? So I don't know the answer. What is the answer?

MR. UNGER: Right. Well, who's going to go to any convenience store? Look at the one on the corner, that's a gas station. The one across the street. They all have convenience stores.

COUNCILMAN TROIANO: I'm sorry.

MR. UNGER: If you got supermarkets --

COUNCILMAN TROIANO: Sir, I'm not sure. Honestly, I'm trying to understand your point because I go to convenience stores. So does that make me some kind of --

MR. UNGER: No.

COUNCILMAN TROIANO: -- something wrong me? I don't know. What are you saying?

MR. UNGER: Well --

COUNCILMAN TROIANO: Yeah. But people are allowed to --

MR. UNGER: They serve a lot of people. So they have big parking spots everywhere.

COUNCILMAN TROIANO: Yeah. I understand. I'm just trying to - - you made a --you asked us question. Sorry. You asked question and I'm trying to understand the point of the question.

MR. UNGER: Can we be a team?

COUNCILMAN WALSH: No.

COUNCILMAN TROIANO: Just, no.

MR. UNGER: No. We can't --look, I --

COUNCILMAN TROIANO: Sir, when you say what you just say, did you say what kind of people?

MR. UNGER: Excuse me?

COUNCILMAN TROIANO: Did you say what kind of people are going to shop in a convenience store? Is that your question, your statement? Your question.

MR. UNGER: Yeah. I mean the number of people.

COUNCILMAN TROIANO: The number of people.

MR. UNGER: Yeah. Well, that's what you need. You need to make it work. You have to have some business.

COUNCILMAN TROIANO: So you saw -- okay. So you're saying to make this work, there's gonna be a lot of traffic.

MR. UNGER: Yeah.

COUNCILMAN TROIANO: Okay. Thank you. So Mr. O'Brien, was there a traffic study done?

MR. O'BRIEN: I do have my engineer over here. But I think --

MR. UNGER: It was, because I have it.

MR. O'BRIEN: Oh.

MR. UNGER: Yeah.

MR. O'BRIEN: He's missing the point. Let him finish and then I can respond. I think that might be the best.

SUPERVISOR DESENA: All right. Let's go back to the microphone.

MR. UNGER: I understand the --sure.

COUNCILMAN TROIANO: Yeah. And go back to the -- please.

MR. UNGER: And like I said, we don't have a problem with business. It's just there, the location. We have the fire house there that's blowing that blasted horn to blow your ear drums out. Why don't you go there and drive-by or when they go out -- give us a break here. This is total nonsense. Now what are we gonna have here? We're going to have peace and quiet? Between them, they'll drive you crazy. Plus it'll affect your health.

COUNCILMAN WALSH: If I can just add one thing to this. I live on the main lot of the Long Island Railroad of Mineola and I put my --hold on, please.

MR. UNGER: And I feel for you.

COUNCILMAN WALSH: Please. And I brought my house knowing that it was on the main line of the Long Island Railroad.

MR. UNGER: And I bought this --same thing.

COUNCILMAN WALSH: Listen. I didn't interrupt you, please.

MR. UNGER: Go ahead.

COUNCILMAN WALSH: I know you're having a hard -- please, you know. So when I bought my house, I knew that the trains would be going by and freight trains would be going by.

MR. UNGER: Okay.

COUNCILMAN WALSH: And I knew that when I looked across the tracks, I would see a commercial industrial area. But I bought the house and the house was a little bit less expensive than other houses because I'm on the main line.

MR. UNGER: Uh-huh.

COUNCILMAN WALSH: You seem to have bought a house right next to a gas station.

MR. UNGER: And it was great at what time when I bought it.

COUNCILMAN WALSH: Wait a minute. Now, hold on. You seem to have bought a house right next to a gas station.

MR. UNGER: Right.

COUNCILMAN WALSH: You knew the gas station was there when you bought the house.

MR. UNGER: That's right.

COUNCILMAN WALSH: And, you know, another gas station may or may not exist there, but it doesn't change the fact that you bought your house when there was a gas station there, knowing that it was there. So to say that this should just all go away and nothing should exist there is not really a reasonable argument knowing that you -- I know you're dying to get a word in here, but just let me finish. Knowing that you -- there was a gas station there when you bought your house, just like I knew that there were trains going through my backyard when I bought my house.

MR. UNGER: That's exactly correct.

COUNCILMAN WALSH: So you have to understand that that's retail and residential next to each other. You know, you have to coexist.

MR. UNGER: I understand that. I lived next to the subway system in Astoria. Same thing. Cracked the walls too. That's not what I'm referring to. I don't have any complaints regarding that. But with this, I don't mind that they're there. As Mike said, we once went through this and the board made the decision as to what rules to follow. I'm letting you do the same thing. But, give us a break. We're not totally, you know, nuts. The whole place, where you see the speeding that goes on on Lakeville Road, you watch what happens. You're going to have a lot of problems.

COUNCILMAN TROIANO: Right? I think to help you, okay, I think the response to the Councilman Walsh is that when you bought your house, there was a gas station there.

MR. UNGER: Yeah, I understand.

COUNCILMAN TROIANO: But there wasn't a convenience store. And you're thinking that the convenience store's gonna add traffic.

MR. UNGER: Listen, I don't even mind the convenience store --

COUNCILMAN TROIANO: I was trying to help you.

MR. UNGER: --as long as they follow the rules and regulations.

COUNCILMAN WALSH: He does, yeah.

MR. UNGER: Are you going to enforce the rule?

COUNCILMAN TROIANO: No. I'm just saying, that's fine.

COUNCILMAN WALSH: Yeah, yeah, yeah.

MR. UNGER: Well, nothing wrong -- I don't mind. Business is business.

COUNCILMAN TROIANO: I'm not going to enforce the rules, but hopefully the town will.

COUNCILMAN WALSH: You didn't get to submarine my comment.

MR. UNGER: Oh, yeah. I see a lot of enforcement over there.

COUNCILMAN TROIANO: Okay.

COUNCILMAN WALSH: He kind of helped my comment.

MR. UNGER: Uh-huh. I understand. I thank you. Listen, I'll personally give you the tour, with Mr. O'Brien's. I like the guy. He's not a bad guy.

COUNCILMAN TROIANO: He's not.

MR. UNGER: So maybe you buy a beer once in a while. Thank you.

CLERK SRIVASTAVA: Next card, Michael O'Donald.

MR. O'DONALD: Sorry. Let me take this silly thing off. Again. Michael O'Donald, North New Hyde Park. The Lakeville Estates Civic Association asked me to efficiently present their piece. With that, I have these documents which I'll give to the clerk.

MS. MALITO: Thank you.

MR. O'DONALD: As the two prior gentlemen, emphasizing -- and I will repeat just briefly and quickly, the points that were made at the much discussion over the years about this site. One point that was never made up, was that the fire department had a serious problem there, they couldn't get in and out -- you got those big rigs trying to make turns in and out. And eventually through the town or the county, there's no parking anytime in front of the entire length of that service station. This expedites the fire trucks getting there, which to me, the most important thing. They got to go. The points as emphasized, which is on the documentation, it said here about ten of them. I'll quickly go through. The canopy height, 14 feet. Operation, 6:00 to 10:00 p.m. All lighting. Again, lighting is very essential. Nothing will be towards the residential and they'll be shut off 30 minutes before. You don't need to wait, keep it on longer than that. You're just wasting money. No overnight parking. No additional businesses. As this gentleman, Mr. O'Brien, I believe is his name. You did not say specifically that there will not be. It was ambiguous how he phrased it. The use of language is the greatest thing in the world. We can circle, locomote, we can woof around, and still not getting an answer. He did not say there will not be any convenience store at this location. That was the original in the beginning. There's no need for it. Doors open, everyone -- the gas stations on Lakeville Road on Hillside, has a convenience store. Supermarkets down there. There's restaurants. You name it. And placing merchandise out front and posting of information. The noise complaint which we had to stand a lot of the gas stations, it's difficult to stop the guy coming in with the boom, boom, boom. Just to the attendant, if there's an attendant go out there, turn it down. That's up to the station management there. And parking is the 15 minutes? Again, we went back and forth for many meetings here, previous boards on this whole thing. And the littering, and the loitering, and the the noise that these situation be brought in. The enforcement is up to the residents on some of this. They have to make the complaint to the board or to the police. But the enforcement for the signage, this and that, is up to the board here. To make sure that is done properly, that those tanks were removed. That they get a certification that the tanks are removed properly. And that's what is up to the board. And that's what the community is asking for. These two gentlemen were a little indignant. I don't blame them. But as the councilman said, you bought something. You knew what was across the street. I knew when I bought my third house there, telephone poles up the ying yang. But that's life. I thank you for your time and I just hope the board sees that these agreed on. Many hours were spent here, private meetings and public meetings. Great councilwoman that we had, Lee Seeman was out there. And Lee even went there to the site and she walked. You see this councilwoman, people say, the councilwoman's out there walking around. But this is part of government. And they don't want to change. The prior gas station owners, I dealt with him for almost 60 years. I'm a lot older. Great guy. You had a problem. Charlie and his brothers would take care of it. Whoever the new owner is, I hope they learn to respond to the community. And listen to the community residents. Some of the residents get a little ballistic, but thank you.

CLERK SRIVASTAVA: Can we close the public comment and have motion, please.

COUNCILMAN ADHAMI: Thank you. I believe Mr. O'Brien, do you have any rebuttal?

MR. O'BRIEN: Yeah. If I could just perhaps just briefly just respond to a couple of the comments over there. I think there might be a little bit of a misconception with respect to the operation where previously the prior application before the town board was for a complete convenience store of the entire premises. That's not the case here. Just maybe a little bit of an ancillary in the office area which you see, but it's basically going to be a repair oriented service

station. And with respect to -- two things they talked about the height of the canopy. You have to have -- and if you read the language in the town board resolution, it says a minimum of 14 feet on the canopy. That's to allow a vehicle that's offloading fuel over there to get underneath it, so it's a minimum -- typically a canopy fascia is about 36 inches, so the height to the top of it is 17 feet, but to the minimum -- to the bottom, it's 14. And that's essentially what the language in there says. Let's see, is there -- oh, and with respect to one of the comments was regarding other businesses. No. I mean, understand there were sins of another back there. I get it. We get it. The prior town board got it and got them out the legal way. Okay. Which they had to do. But there will be no overnight storage of vehicles. The problem they talked about with the fire department. I'm a volunteer firefighter myself, so nobody appreciates it more than me. And the operator that was there prior to this was removed, had a separate towing business. And that separate telling business. If a truck got stuck on the Northern State Parkway, we'd drag them out of there and bring them in here. That's not the -- that's not what's what's going on over here. So there will be no separate business. It's one operator operating this location. The one other thing I would request would have to be modified in some of those conditions that they had, is they talked about 15-minute parking. Well, if you're gonna be repairing a vehicle, you can't just have 15-minute parking. That may work if it's solely a convenience store, but you have to enable the vehicle that's being worked on to be able to park over there. But other than that, everything else is the same. So we had the town board approval previously for the tanks and for this and two Zoning Board of Appeals approvals with those conditions, and we agreed to abide by those conditions. And based upon the foregoing, we've looked for the board's favorable discretion on this application. Thank you.

COUNCILMAN ADHAMI: Okay. Mr. O'Brien, just regarding the fuel tanks.

MR. O'BRIEN: Sure.

COUNCILMAN ADHAMI: Have they've been inspected, removed?

MR. O'BRIEN: They've been -- and I'm glad you ask that. And I'll try not to go too far in it. But the county of the Nassau adopted regulation that said that if your fuel tank -- even if they're double wall -- you know, way back in the day used to be single wall steel, then you went to single wall glass, then you went to double wall glass. Even with double wall glass, they said in 30 years you have to remove those tanks. So the county of Nassau came down and said you have to remove these tanks, and we did. We removed those tanks. We wanted to -- and some people think -- and we had we had county fire marshal approval. But then it switched over, so we -- you know, ideally what you do is you take the tanks out, you've got an empty hole, you put the new tanks in. We weren't able to do that, but there are no underground gasoline storage tanks at the moment. We tried to, but like I said, the rules changed. And we made those applications, finally got the approval from the county, but then had to get it back from the town. But there are no tanks, no pump islands now, we removed all that at that time.

COUNCILMAN ADHAMI: And just out of curiosity, when were the tanks removed? Roughly.

MR. O'BRIEN: '18? Okay. In 2018. Yeah.

COUNCILMAN ADHAMI: And new tanks will have to be placed up to code -- up the fire code?

MR. O'BRIEN: Yeah. The new tanks that are proposed, I believe they're two 12,000 gallon underground gasoline storage tanks. Matter of fact, an application was filed with the town clerk's

office here to go and do that. Like I said, we were trying to get them to merge together so you could hear them both at the same time. But they meet all federal, state, local regulations. And like I said, previously, it was the fire marshal who handled that. Now it's the Department of Health under the auspices of New York State DEC. So what's being proposed meets or exceeds any of those regulations.

COUNCILMAN ADHAMI: Thank you.

MR. O'BRIEN: Yeah.

MR. LEVINE: Okay. Before the board takes any action. So in 2017, there was an eight item list of conditions. Again, a lot of them were relating to the convenience store as well as the operations of the whole site. The draft resolution for tonight, if adopted, has a four item list that carries over some but not all. We had a couple of requests as you know, to carry a few more items over from 2017. Some of them can't be. The height of the canopy, of course, it was a Zoning Board of Appeal.

MR. O'BRIEN: Right.

MR. LEVINE: And so that's off the table for town board. But there's a fairly easy way to expand the list of conditions for the 2022 approval. But there's two options I'm going to ask to the board if they have a preference. One is if you'd like to go tonight, we would need a motion to amend the resolution. I would read in the amended list of conditions and go tonight. Second way is to continue it for the next meeting and we'll have that prepared in advance. Does the board have any preference?

COUNCILMAN ADHAMI: What are the proposed amendments?

MR. LEVINE: Okay. So to carry over from 2017, the hours of operation will be limited to 6:00 a.m. to 10:00 p.m. Lighting actually is restated in the current list of conditions so we don't have repeat the ones from 2017. But another one, there shall be no overnight parking motor vehicles on the premises during the hours between 11:00 p.m. and 5:00 a.m.

UNIDENTIFIED MALE SPEAKER: That's important.

MR. LEVINE: Now, the regarding additional businesses. Now we have something specifically regarding towing, but I think the two could both work in tandem. They really don't conflict. So if we added from 2017, no additional businesses maybe operated on or from the property other than those specifically authorized herein, or shall any vehicles associated with an offsite business be allowed to remain parked on the property. That would be in addition to a proposal -- a current proposal. Towing operations and tow trucks shall be limited to the following: A single tow truck used exclusively for vehicles utilizing the onsite service space. That's actually already a code requirement. So it's redundant to have it as a condition, but given the history of this site, we think it's necessary because neither the current operator, the neighbors, or the town wants to see return to what we had and wants to see another tow operator -- a heavy truck tow operator return. There shall be no outdoor placement of items, merchandise, or vending machines, whether for display or sale. That exterior lighting be directed. Well, that's already in the '22 conditions? So the only ones I wouldn't carry over -- again, the height of the canopy has been addressed by Zoning Board. And the informational sign, prohibiting parking overnight, limiting parking to 15 minutes, I do agree with Mr. O'Brien. While we don't want cars parked at all day. 15 minutes, when you have your service bays, that's no longer possible. When it was a convenience store, that was. So we would strike that. Warning of the use of

security devices prohibiting littering, prohibiting loitering, and prohibiting noise. And Mr. O'Brien, you've indicated that those from 2017 that are still relevant, you have no objection to those?

MR. O'BRIEN: Yes. Absolutely. Those are acceptable. That's fine.

MR. LEVINE: Okay. So again, board option, whether you want to amend it tonight or whether you want to carry this over.

COUNCILMAN ADHAMI: The no overnight parking, wouldn't that be problematic with the service bays? I mean, I've had my car at the mechanic overnight many times.

MR. O'BRIEN: Well, I think what -- and I don't necessarily want to speak for the people, I think that what was the problem -- and I witnessed it, you know, and they're not incorrect with respect to some of the comments, is that they don't want -- there was a Boars Head truck, or there's a landscaping vehicles, so I don't think they want any overnight parking for hire for lack of a better term, where -- and I've witnessed that in the past where somebody might have a landscaping vehicle and they pay the guy \$200 a month or something and it's sort of like a side business. So in that sense, I don't think that they're referring to a vehicle that -- a car, like your car that's actually being worked on. But with respect to trucks and for hire, I agree. I mean, I think I you know, I mean, the language you could say, that's not being worked on, but I do understand. And we agree that we're not going to rent out spaces for trucks or the like.

COUNCILMAN ADHAMI: I just wanted to get some clarification because I didn't hear anything regarding no trucks or commercial vehicles. Is that the intent that no commercial vehicles or trucks?

MR. O'BRIEN: Yes.

COUNCILMAN ADHAMI: Okay.

COUNCILWOMAN LURVEY: So there do seem to be a lot of open issues that the residents who are here, some of them representing civic associations have raised. And I'm wondering, have you had a meeting with the civic association or with the representatives thereof, which often happens?

MR. O'BRIEN: We have spoken in the past. There were, quite frankly, a lot more people early on at the other -- some of the other hearings, you know, that we had. And I will admit, I cannot get everybody to agree. I can't get unanimity in my own family as to what we're going to have for dinner tonight. So we've tried as hard as we possibly can, and, you know, there's some people I'm just not gonna be able to convince to get complete unanimity, but I think we've come a long, long way from that particular time. So, you know, I appreciate that. I'm a director in a civic association myself. I do the same thing, but we've tried -- and I think we've come up with, I think they've even indicated, they acknowledge understand there's something there. And we're going to do the right thing.

COUNCILMAN ADHAMI: The civic representative's here so he could address --

COUNCILMAN TROIANO: Yeah. But just before he speaks. One of the best examples of, you might refer to as participatory democracy, I've ever experienced was with you almost 15 years ago when you were representing, I think Valero I'm not sure about that on an old country road. I think it was Lowell Street in the Poets Corner section or whatever.

MR. O'BRIEN: The Poets Corner, correct.

COUNCILMAN TROIANO: It was a dilapidated old gas station that nobody could want in the neighborhood. And your client came along and was planning on upgrades. But people resisted that. They didn't want that because they were concerned.

MR. O'BRIEN: Yeah.

COUNCILMAN TROIANO: And the same issues we're hearing tonight about traffic and so on, were the same issues that they had. But we had a meeting, you and I --

MR. O'BRIEN: Right.

COUNCILMAN TROIANO: -- and the civic association, I think it's a local school --

MR. O'BRIEN: Yeah.

COUNCILMAN TROIANO: -- and we sat down and they made some requests of you. You acceded to them, you accommodated them and they today are happy with that whole experience. And you mentioned that you've had meetings in a hearing, but I think maybe what you need to do is have a sit down, a get together and talk with these representatives that are here tonight -- today and really try and work this out. Because I've seen you do it. I think you have skills to do it.

MR. O'BRIEN: Understood. But I respectfully believe that we've really come to have all those things -- and even listening to some of the board, you know, some of the people tonight, I think they acknowledge that this service station that's going to be there, they want to prohibit what they had in the past. And I think by what we're doing, we're going to prohibit what happened in the past. I mean, I'm certainly amenable, but I know it's been my fear, quite frankly -- like I said, when we did the first one, we got all the --by the time we got our last permit, the first one expired. I'm even like -- like Mr. Levine will know my permits with the Department of Health, they only last one year. So we're in that sort of constant, sort of chasing our tail type of thing --

MR. LEVINE: Right, so town level, we think we've eliminated that problem. County, obviously we can't help you with. But yeah, if this is approved, this will open up a three-year window to get to the next milestone with the town's building permit. And then a three year window to complete action with the building permit.

MR. O'BRIEN: Which is helpful. I appreciate that. That's good.

COUNCILMAN ADHAMI: And Mr. O'Brien, do you know how many years this has been a gas station?

MR. O'BRIEN: Since about approximately in around 1957, which is the year I was born. So I said holy cow, when did I get so old? But yeah, it's about --

COUNCILMAN ADHAMI: 60 years.

MR. O'BRIEN: -- a little over 60 years. Yeah.

MR. LEVINE: Our research showed '61 was the town permit, so you're close.

MR. O'BRIEN: Okay.

COUNCILMAN TROIANO: Mr. O'Donald. Yeah. Say that to Mr. O'Brien. I like the color though.

COUNCILMAN WALSH: Thank you.

MR. O'BRIEN: Yes, sir.

UNIDENTIFIED MALE SPEAKER: I'm pointing to Mike in the back.

MR. LEVINE: All right. I think he wants you to speak --

MR. O'DONALD: Oh, a little louder. Michael O'Donald, North New Hyde Park for the Lakeville Estates Civic Association. If you want, I'll have the president talk to you or phone conversation regarding the reports. The only point, I'm listening, I'm listening, I still haven't heard a definitive answer. Yes, no, on the convenience store. I heard evasiveness. You didn't say no convenience store.

MR. O'BRIEN: No convenience store. However, in the office area, okay -- the prior application, this is a four bay service station, where there were going to be no repair of motor vehicles. So that was being eliminated and was going to be a complete convenient store. What I'm saying is, it's going to be a four bay repair service station. And I wanted to be honest, in the office area, which is like about 150 square feet, back in the day, back in my day, used to have vending machine where you get cigarettes, gum, and all that sort of stuff. Now you typically don't have that. You have your gum behind the counter, you have maybe a cooler or something along those lines. But it's a repair oriented service station. One operator, no separate businesses.

MR. O'DONALD: Thank you, sir.

MR. O'BRIEN: Anything further?

COUNCILWOMAN LURVEY: Behind you.

MR. UNGER: I just want to say, I think we're reasonable people. I don't mind the place there, we just don't want to be abused like we were in the past. And the indication doesn't look like that's going to happen. But I want them to -- you know, I don't want to say, all of a sudden, there's 15 cars parked there, somebody's paying for a spot. Obviously, you can get your car fixed and leave it there overnight, but it's got to be reasonable. Obviously, they can have a soda machine inside. People get thirsty, maybe. You know, in terms of the convenience store, what I wasn't crazy about as -- well, my kids are grown now. I didn't want cigarettes being sold to kids. Beer being -- kids coming in, having beer and hanging out in the back. That's what we were concerned with as residents. We're not opposed to a legitimate business that's fair to the community, that decorates itself properly so it's not an eyesore to everyone and that treats people fairly. I look forward to -- I won't use the convenience store because my wife does -- shops at other stores unless I needed a quick milk or something, I don't know. But we want to be reasonable but we don't want to -- Again, the bad experience left a bad taste in my mouth, what we had at night, every day, every damn day with this stuff. You know, being waken up and craziness. So we don't want that to happen again. And I trust that -- I wish the owner were here. I wouldn't mind meeting with him. I mean, I'm not going to be living there 50 more years. So I've made it this far, you know, hopefully will do it a little longer, but we want it to be good for everyone. Thank you.

COUNCILMAN TROIANO: Mr. O'Brien, can I just asked for some clarity? Because when this was being talked about, I had the impression that this is -- although it doesn't look like it now that I can see the drawing. But I had the impression was gonna be like Speedway has, where you

have your gas pumps, then you go in, and there's a convenience store where they sell a wide range of items. But the way you describe, it's like there gonna be like, maybe refrigerated, sell coffee and --

MR. O'BRIEN: Yeah.

COUNCILMAN TROIANO: It's very different.

MR. O'BRIEN: Unlike what we have at Poet's Corner --

COUNCILMAN TROIANO: Right.

MR. O'BRIEN: -- which was an old -- which was an old Getty and was a complete conversion to -- and there was no repairs of automobiles.

COUNCILMAN TROIANO: Right.

MR. O'BRIEN: And similar to if you just go down the block from that, you have a Bolla Market over there as well.

COUNCILMAN TROIANO: Yes.

MR. O'BRIEN: Similar conversion like Mr. Levine referred to, where they eliminated the repairs and you took a -- those were like a two bay service station or three bay service station building. We're a four bay service station building with like 150 square foot office area. So this is going to be -- it's not going to be like a Speedway, or a Bolla, or like that, it's gonna be a repair oriented service station. But to be fair to these gentlemen and everyone else, you walk into and pay and you may see a soda machine in there or something like that, a coffee machine and the like, a snack shop, you know, whatever, you know, if you want to use different term, you know, but it's a repair oriented service station.

COUNCILMAN TROIANO: So it would be unlikely that people would come specifically to that location to go buy whatever?

MR. O'BRIEN: All you have to do

COUNCILMAN TROIANO: -- go to them getting gas because they're there anyway.

MR. O'BRIEN: You just got to go up to Hillside Avenue or, you know, there are other places that are solely convenience stores.

COUNCILMAN WALSH: And you mentioned a Bolla Market, so I didn't want to mention the name but you did. But this is not going to be a Bolla Market where they sell sandwiches and they sell various food items?

MR. O'BRIEN: No.

COUNCILMAN WALSH: And I understand there, every time I go into a gas station, there are small areas where they sell cigarettes --

MR. O'BRIEN: Right, right.

COUNCILMAN WALSH: -- and sometimes the lottery tickets and such like that.

MR. O'BRIEN: Right.

COUNCILMAN WALSH: And I mean, you know, that's the same example that you see in every gas station.

MR. O'BRIEN: Right.

COUNCILMAN WALSH: That's just my opinion.

MR. O'BRIEN: That's correct, Councilman.

MR. UNGER: We hope we don't see 25 cars saying, oh, they're getting fixed there and staying there every night. Then we'd say, that's not right.

COUNCILMAN WALSH: Then that would be up to enforcement, you know. Then then we'd have to enforce that, you know --

MR. UNGER: Yeah. You and me both.

COUNCILMAN WALSH: And we can't -- well, you know, you know, you can call your councilman.

MR. UNGER: 311.

COUNCILMAN WALSH: Yeah. There's people. But, you know, to assume that this is going to happen and assume that that -- and I know you lived there. Listen, I understand. But there has to come a point where --

MR. UNGER: No. I know.

MR. O'BRIEN: And you can call me. Can you call me?

COUNCILMAN WALSH: You know - -

MR. UNGER: I'm just going by prior -- I'll call you.

MR. O'BRIEN: Yeah.

MR. UNGER: That's what we encountered.

COUNCILMAN ADHAMI: But the prior experience was with a different owner.

COUNCILMAN WALSH: Yeah. And he can't be hung with the -- you know.

MR. UNGER: No. It's not your job. But we want to know if you have a code enforcement or something that's gonna do something.

COUNCILMAN WALSH: No. I mean, you can't hang around his position of --

MR. UNGER: I have better things to do than count the cars there. I don't care.

COUNCILMAN WALSH: Yeah, yeah.

COUNCILMAN TROIANO: Yes, sir. You know it's not in any gas station owner's interest --

MR. UNGER: No.

COUNCILMAN TROIANO: --to have 25 cars

MR. UNGER: Yeah.

COUNCILMAN TROIANO: -- just sitting there using up his space because --

MR. UNGER: Unless they're rent these spaces.

MR. O'BRIEN: Well, yeah. Well and they're saying they're not going to do it.

COUNCILMAN TROIANO: -- and then they'd be violating the law --

MR. UNGER: Yeah. Okay. Thank you.

MR. O'BRIEN: This gentlemen has something for me. I'm a little bit afraid.

MR. O'DONALD: No, no. Just to answer your question. I been there 42 years. I bought when Angelo was there and they were great. And after that, it went south, but I'm still there. Have a nice evening.

COUNCILMAN ADHAMI: Okay.

COUNCILWOMAN LURVEY: So Mr. O'Brien, so I think it's great that you've met with the Civic and that you went a long way and that you've taken -- you know, you've entered into discussions with them and presumably took some of their concerns into account and what we're seeing here today. I also appreciate that, you know, if you buy a place next to a convenient -- next to a gas station and it becomes a gas station then, you know, you're sort of -- you bought it there, right? But some of these conditions that were imposed that are in these lists that the residents have brought have nothing to do with whether or not it's a gas station or convenience store or whatever, they have to do with, you know, the effect of, you know, lighting and parking and all of that. And what I heard from Commissioner Levine is that some of them would be feasible to incorporate into this site plan.

MR. O'BRIEN: And we've agreed.

COUNCILWOMAN LURVEY: But some of the additional ones.

MR. O'BRIEN: Well, we've agreed -- we agreed to the additional ones and we agreed to the ones that Mr. Levine referred to. So I think we're all on the same page.

COUNCILMAN ADHAMI: Yeah.

MR. O'BRIEN: We've agreed.

COUNCILMAN ADHAMI: That being -- Mr. O'Brien has agreed, I would like to close the public hearing, offer the resolution, and move for its adoption.

MR. LEVINE: Well, if you want to add conditions, you have to vote on amended resolutions first. So it's two votes.

COUNCILMAN ADHAMI: Okay. Let's -- I jumped the gun. Let's amend the resolutions first. I offer the amendments as placed on the record tonight to this resolution.

COUNCILWOMAN LURVEY: Can we be specific about what that amendment is? I think --

MR. LEVINE: Okay. So the question is, do you want me to reread the entire list?

COUNCILWOMAN LURVEY: Yes.

MR. LEVINE: Okay.

SUPERVISOR DESENA: If you already read the list, then we might be fine with what --

MR. CHIARA: I really think we should just be very careful about what we're adding and what we're not. And if you won't consent to them, okay, it's fine to add it, but these are very specific things and they need to be very specifically written down in titles, so they're forcible. I'm just -- you know, I just want to give a little bit warning on how we do this.

SUPERVISOR DESENA: Right. And enforceable --

COUNCILWOMAN DALIMONTE: If he's talking about it and saying it on the record, then that's good. He should --

MR. CHIARA: Yeah. You just want to make sure it says very specifically.

COUNCILMAN WALSH: Counsel, would you advise for us --

COUNCILMAN ZUCKERMAN: Mr. Levine, would you recommend us continuing this so that there be clarity for the members of the community as well as the applicant?

MR. LEVINE: Sure. Because I mean, I don't think we're very far apart at this point. If we continued it, that would give us an opportunity to write the new conditions list, get that distributed, and then, you know, if there's any comments on that. So I mean, we could probably close the oral testimony, but then agree to circulate the conditions, see if there's any feedback on those. So that's what would happen if you vote to continue.

COUNCILMAN ADHAMI: Mr. Levine, the conditions that were read were the same as the 2017 conditions, correct?

MR. LEVINE: No. No. I'm actually merging -- some of the ones from 2017 --

UNIDENTIFIED MALE SPEAKER: Partly.

MR. LEVINE: -- would no - - partly, right. Some would no longer be applicable and some are being replaced by a new condition that we wrote this year. So it's kind of a merger of the two.

COUNCILMAN ADHAMI: But they were reduce in their writing prior?

MR. LEVINE: Yes.

COUNCILMAN ADHAMI: All the amendments that we proposed tonight were written prior --

MR. LEVINE: Yes.

COUNCILMAN ADHAMI: -- correct? So they had been written prior, what's the holdup is my question. If they were written prior, we're merging some of the new with the old. I just don't understand --

MR. CHAIRA: I'm just a lawyer, I'm being careful. Because I don't have the list in front of me and I haven't reviewed it. I do have part of the resolution.

COUNCILMAN WALSH: So it's easy to continue.

MR. CHAIRA: You are free to vote on it. I mean, I'm just giving my -- I'm just giving a little bit advice on that.

COUNCILWOMAN LURVEY: As a lawyer, I am a cautious person and I would like to see the conditions written before I vote on them. I think one of the concerns here of the residents is enforcement. And so what we pass here is what's going to be enforceable. And if it's not enforceable, it's going to come up to all of us.

MR. O'BRIEN: Can I make a --

COUNCILWOMAN LURVEY: We're gonna be the ones.

MR. O'BRIEN: -- can I make a recommendation. As I indicated earlier, we're a tiger chasing

our tail. One of the other components that I had indicated before, is we had filed an application back in 2018 with the clerk's office before the installation on the underground tanks. That's has to come before this board as well. It's somewhere out there. So I would hope that perhaps if you'd like, we have to come back before the board, if we could merge this -- that's what we typically do, have both of those applications simultaneously at the same time. Since we do have to come back for that, you could have the conditions in place and hopefully we can track down -- I attempted to track down that application to see where it is because it's gone through all the different departments, and hopefully perhaps in the next meeting that we have, we can have the tank application, which we've explained, but it will be the same thing, we're pulling the tanks out and we're going to put the two new tanks in, but this board has to act on that. And at the same time, you could have those covenants before you. I'm sure the residents will come back at that time, see what's been discussed has been incorporated in that and hopefully we could approve it at that time.

MR. LEVINE: That's fine except for one technicality, which is purely a burden on you. Which is since we don't know what that date is tonight --

MR. O'BRIEN: Yeah.

MR. LEVINE: -- we can't continue it to that date, so we would have to set the continuation and you'd have to renew notice. So as long as that's acceptable, then we can proceed that way.

MR. O'BRIEN: Could we just continue it to the next date? And then if I got to come back on the other, I come back on the other one because I had to do that anyway. So why don't we -- and if we can do it to the next date, you wouldn't have to renew notice.

MR. LEVINE: Well, to write the conditions is --

MR. CHIARA: A suggestion, why don't we continue it to the meeting on the 31st?

MR. O'BRIEN: Perfect.

COUNCILMAN ADHAMI: I move to continue this item to March 10th of, 2022, town board meeting.

MR. O'BRIEN: Okay.

COUNCILMAN ZUCKERMAN: I'm sorry, I just -- the town attorney's suggesting that 31st. I'm not quite sure why.

COUNCILMAN ADHAMI: The 31st of March?

COUNCILWOMAN LURVEY: I don't think there is a March 31st.

COUNCILMAN ZUCKERMAN: Where was the March --

COUNCILWOMAN LURVEY: I think it's March --

COUNCILMAN ZUCKERMAN: No. I know. Why the 31st?

COUNCILMAN ADHAMI: 31st of what?

COUNCILMAN WALSH: 31st of March.

COUNCILMAN ZUCKERMAN: When's the next -- I don't know.

MR. CHIARA: When's the next hearing?

COUNCILWOMAN DALIMONTE: We have March the 10th and March 31st.

CLERK SRIVASTAVA: 10th.

COUNCILWOMAN DALIMONTE: So do you want to move them up to the --

CLERK SRIVASTAVA: Yes.

MR. O'BRIEN: Well, if we do that 31st, we'll have to renote or if we -- we won't? Okay.

MR. LEVINE: Right. If we --that that was my entire point, we continue with tonight to a particular date --

MR. O'BRIEN: Yeah.

MR. LEVINE: -- then it would not have to be renoticed.

MR. O'BRIEN: Okay.

MR. LEVINE: That gives us time if the clerk's ready to move on the tank application, we set the tank application on the 10th for the 31st. That has its own notice requirement --

MR. O'BRIEN: I love that. That is a stroke of genius. That's why you are the commissioner and I stand behind the podium.

COUNCILWOMAN DALIMONTE: Michael's the best.

MR. O'BRIEN: You are lucky to have this guy right here.

COUNCILWOMAN DALIMONTE: Yes, we are.

SUPERVISOR DESENA: Yes, we are.

COUNCILWOMAN DALIMONTE: Yes, we are.

MR. O'BRIEN: Yeah.

COUNCILMAN WALSH: Come on, let's go.

MR. O'BRIEN: And I don't say that about all the commissioners of all the towns, you know.

COUNCILMAN WALSH: All right, David, so what are you going to do?

COUNCILMAN ADHAMI: I move to continue to -- move to continue this item to March 31, 2022, the next town board meeting.

CLERK SRIVASTAVA: Who second motion?

COUNCILMAN TROIANO: Second.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Oh, aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

CLERK SRIVASTAVA: All right. Item No. 5. Thank you. Item No. 5, a public hearing to consider the application of Vigliotti Enterprises, LLC, for a conditional use permit to operate a yard waste processing facility at the premises located at 100 Urban Avenue, Westbury and designated on the Nassau County land and tax map as Section 11, Block 178, Lot 82.

SUPERVISOR DESENA: Councilman Troiano, would you like to speak on this?

COUNCILMAN TROIANO: No. I think the applicant's going to speak first. We haven't seen you in a while.

MR. O'BRIEN: Sorry. You can't get rid of me. I'll be brief, I promise. And I think fortunately, you know, we have worked with the town in connection with this application for quite some time. Perhaps even when Councilman Troiano was around.

COUNCILMAN TROIANO: This is the aged item, yes.

MR. O'BRIEN: So we have worked on this one with the community, with the town. So let me introduce -- so I should give my appearance for the record. Kevin O'Brien, O'Brien Law, PC, 462 Sagamore Avenue, East Williston, New York. I have with me here -- in connection with this application, I have a here with me this evening, the principal of Vigliotti Enterprises, Mr. Charles Vigliotti. I also have here with me, Mark Marinis. He is a licensed professional engineer with Barrett, Bonacci & Van Weele. He's one of the design professionals that have worked on the plans which are before the board right now. And also Mr. Steven Heller. He is a registered architect, you know, all here with me. So for any questions of a technical nature, they are here to assist. But they are the design professionals who prepared the plans which are before the board. Essentially what we here for is a conditional use permit to operate this facility. And as the code defines it, it is a yard waste acceptance and processing facility. And it's defined: "A facility in which the primary activity is the collection and processing of yard waste for sorting and transfer to permitted composting centers and other facilities permitting organic recycling of these type of materials." So the sum and substance of this application is to maintain this yard that we presently have. A bit of a impetus for this. And we worked together, quite frankly with sanitation, even in drafting the ordinance that we have before the board. And what really kind of rushed things along to a certain extent was -- wasn't really defined in the code before so we kind of came up with this definition and the different requirements to go along with it. Then we had the triple tracking over there, which we're located at 100 Urban Avenue in Westbury and our access used to be on Urban Avenue. Now the triple tracking, which basically if you, you know, see the way the tracks came over and now you got the trestle under, there's no longer access. So we completely redesigned because we're located on a couple of roadways, you know, including Sylvester, and we've redesign the facility. And one of the things that the town had requested or

recommended was that our operation, which was previously out in the open, the town had requested that it be closed inside a building. So we have a three -- there we go. Thank you.

COUNCILMAN TROIANO: Sir, can you turn it so the board can see it?

UNIDENTIFIED MALE SPEAKER: Yeah.

COUNCILMAN WALSH: Thank you.

MR. O'BRIEN: So you could see the train tracks -- and Mike, if you want to point things out, you know, that'd be great as well. So, you know, we have, yes, train tracks over there. And where we used to operate in the open, we have an office building which we previously had. Sort of warehouse, little bit of retail on one side and then the new building where the actual operation is. And it's a three sided building, so the operation is now contained within the inside. The other site plan improvements and structures that went in is a scale house, and so now the traffic that comes in, comes in next to that -- comes in next to that scale house. And we've seen different criteria that the town code has such as that it has to be --the property I think has to be 120,000 square feet. We are 125 and change. So if you go through the different criteria for the conditional use, we meet that criteria. And any of the -- yeah. So if we can go through a couple of these things here. So you have, like I had indicated, supposed to be at least 120,000 square feet, we got 125,350. Supposed to be in the industrial zoning district, we're located in the industrial B zoning district. We're supposed to have a ten foot opaque fence, we have a tenth front opaque fence. The operation is supposed to be within this building, we have the building. There were a couple of items relative to parking and the like because we have a number of buildings that are on the site. The building itself, although we kind of get dinged a little bit on parking where the building doesn't require actually any parking. But we did obtain variances from the Zoning Board of Appeals, that was on September 1, 2021. I believe that was part of the application which we've submitted. There were conditions to that because we do have gates, okay, located along the roadways where we are. So one of the conditions of the Zoning Board was that the gates remain open during business hours, you know. So we certainly, you know, agreed to that. And that another business on the regulation like the gas station, you know, industry, we have a DEC permit. So one of the conditions, you know, to the Zoning Board of Appeals determination was that we have a valid DEC permit, abide by the terms and conditions of that DEC permit. And actually, if the town imposed any of its own conditions, they can do that. And we would agree to those conditions as well. Let's see if there are any other sort of conditions. And their just

MR. LEVINE: Right. I can read exactly. That facility must be in compliance with all conditions of the DEC permanent except where the town codes performance standards meet the goals of department conditions and the towns requirements are more stringent. So as you know, the industrial B zone, we do have a set of industrial performance standards.

MR. O'BRIEN: Right. And we've agreed to that. We agreed to that. And that's part of the Zoning Board of Appeals decision. But certainly by reference or directly, this town board can certainly incorporate those conditions as well.

MR. LEVINE: Right. They remain in effect unless the town board supersedes them, but I have no intention to doing that. We actually want them to remain in effect as written.

MR. O'BRIEN: Yeah. There also -- so as a conditional use, and as this specific conditional use, there were certain conditions which is set forth in section 7188C, such as that you're not

located within 100 feet of a residential use. We're not. We exceed the 100 feet. There's something with respect to not being within a wetland. And that's a half-a-mile or a mile-and-a-half away from that. Place will remain clean, be swept out, ventilation provided. So the conditions that are set forth in that section, we believe we meet or, you know, exceed, with the exception of those that we did need to get bulk area variances from the Zoning Board of Appeals. I think that we run a terrific operation over there. I can't say enough about it. It provides -- and I think one of the things is almost that you provide a public service, I think it was one of the criteria in there as well. And that is something we do. We actually do provide, you know, quite a public service in as much as, you know, when there is a storm or something along those lines and they need to bring stuff to a place, yard waste and that sort of material, it comes to us and then we take it and we transport it out to another location. So I think it's just a great operation, sort of recycling at it's finest. It's green and checks off all those sort of boxes. So if there are any questions of a technical nature for any of my expert's, operational questions, or easy questions, I'll take those.

COUNCILMAN TROIANO: Does Planning have a recommendation?

MR. LEVINE: Yes, we do. As indicated, there was a long history. There were two specific problems with the site and its prior configuration. One was the trucks queuing on Urban Avenue and the second was conducting composting operations in the open air.

MR. O'BRIEN: Right.

MR. LEVINE: And the MTA took care of the first problem by lowering the street. So now all operations are from either Kinkle, our truck operations are from Sylvester.

MR. O'BRIEN: Yeah.

MR. LEVINE: So that's improved that problem. And now you do have the enclosure, the structure that was not there before. And that is one of the things that we mandated in the fairly newly written code --

MR. O'BRIEN: Right.

MR. LEVINE: -- regarding yard waste recycling. So instead, the BZA conditions will remain enforceable.

MR. O'BRIEN: Right.

MR. LEVINE: I don't propose any additional conditions, so I do recommend approval.

MR. O'BRIEN: Thank you.

COUNCILMAN TROIANO: Mr. Vigliotti, would you like to say anything in addition to what Mr. O'Brien has already said?

MR. VIGLIOTTI: Just that will we appreciate --

COUNCILMAN TROIANO: Please come to the mic.

MR. VIGLIOTTI: Charles Vigliotti. 71 Cove Road, Oyster Bay Cove. I just want to say that I appreciate all of the efforts from multiple people in the town. Planning, legal, building, that worked constructively with us to help us improve the site, be a better neighbor to our residential community, and work our way through the process, dotting every I and crossing every T. We appreciate all the really creative and important work that that your commissioners and you town

attorney have done over here. And we appreciate the board's serious consideration of this. And we look forward to getting your approval.

MR. O'BRIEN: I referred to Mr. Vigliotti as Mr. Vigliotti, but he's also known in the New York Times is the compost king of New York, right?

MR. VIGLIOTTI: Guilty.

COUNCILMAN TROIANO: And so this doesn't really affect this operation, but he's developing technology that will turn garbage into energy and it really could transform the environment. I'm really proud of you for doing that. In terms of this particular application, as you said, Mr. O'Brien, I've known Mr. Vigliotti for the last 18 years, and I came to know him as a nuisance in the New Castle community. And the nuisance was that -- and for those that don't understand it, his businesses, landscapers bring clippings or when they chop up trees, they bring that to his yard. And on a Friday afternoon, when all the landscapers were done with their duties that day, there could be trucks lined up -- 50 trucks lined up on Railroad Avenue from Urban all the way down and right next to a park and the trucks would idle there. And so emissions were going into a park where children could breathe that in. Mrs. Little wasn't any too happy, as you know, Mr. Vigliotti. And if the grass clippings got wet, the smell coming from there was just -- no one could withstand it. But Mr. -- and so to some extent you might say we were adversarial, but it was never unpleasant. Mr. Vigliotti always responded and did the best he could do to move the trucks quickly off of Railroad Avenue and into his facility. So we always appreciated the work that you did with us. And, you know, that was in my tenure as a town councilperson. Later as the director of operations, the town had the idea of enclosing your operation so that all the clippings would be brought inside and the smell wouldn't emit from his yard. It still presented the problem of having the trucks lined up on Railroad Avenue. But the governor did you a favor when he proposed the third track and it caused -- it forced you, and they helped with that, to move those vehicles from the residential area to the commercial area, the industrial area, which is working out really well. And unlike some businesses in the New Castle industrial park that are resisting the town's code that requires operations or an operation be put indoors, you have not resisted that. You have moved expeditiously to put that in -- to enclose most of the operation, which has had the impact of reducing the smells coming from the clippings as they rot. So I appreciate that you have always worked with the community and we have nearly the entire -- nearly completely resolved any problems. So with that, I'd like to move to close the public hearing.

SUPERVISOR DESENA: Councilman, I think we have a question from the audience.

COUNCILMAN TROIANO: I'm sorry.

SUPERVISOR DESENA: Comment.

MR. GAFFNEY: Hi. Pete Gaffney, Westbury/Carle Place school district. I think he answered one of my questions that because of the Long Island Railroad made him change some of the stuff. I hoped they're picking up some of the tab of this construction. I think that's the case. That's number one. Number two is the code that was recently done in terms of the pits and all that kind of stuff, the sprays and all of that stuff, is that implemented here on this as well?

MR. LAVINE: Yeah. That's in effect. That's binding on this property.

MR. GAFFNEY: Okay. Great. And there's no burning on any of the things that are on our property, right? That's wonderful. And then the only other thing is maybe you can help me out

with this. Michael, is their classification is greenhouse. But yet the one that we didn't show tonight, the one on Prospect Avenue, 1198, that's considered a high-tech building, and essentially it's a similar type of operation. I know that this more mechanical stuff going on servicing, but what the heck is the difference why?

MR. LAVINE: Well, 1198 would be package sorting.

MR. GAFFNEY: Wasn't packaged sorting. The classifications high-tech and it's been that way since 2012.

MR. LAVINE: What they were proposing was warehouse and distribution.

MR. GAFFNEY: To 24/7, which kind of changed in this last --

COUNCILMAN TROIANO: I'm sorry, are we talking about --

MR. GAFFNEY: I just want to know that the difference is.

COUNCILMAN TROIANO: The two because this one is -- Are we talking about the application for 1198?

MR. GAFFNEY: No, no, no. I'm just talking about classification.

COUNCILMAN TROIANO: Okay.

MR. GAFFNEY: Okay. Classification for this business.

MR. LAVINE: This is waste recycling.

MR. GAFFNEY: No. It just says greenhouse. That's what it says. Okay. You know, maybe I'm wrong. I'll let it go because I know it's late.

COUNCILMAN TROIANO: Thank you. And thank you, Mr. Gaffney for reminding me that Ms. Vigliotti's also put up a fence that blocks the view of his yard from the resident's community, as well as putting in a mist -- well, it's not even a misting system. A deodorizing system. That's right. Do you want to say something else?

MR. VIGLIOTTI: Yeah. Quit while you were ahead, right?

MR. O'BRIEN: Exactly.

COUNCILMAN TROIANO: Mr. O'Brien, did you want to say something?

MR. O'BRIEN: No. We're good.

COUNCILMAN TROIANO: That's a good idea. So I - - now, I move to close the public hearing and offer the resolution for adoption. Do I have a second?

CLERK SRIVASTAVA: Second, please, on the motion.

COUNCILMAN ZUCKERMAN: Second. Sorry.

COUNCILMAN TROIANO: Thank you.

UNIDENTIFIED FEMALE SPEAKER: Why are we doing this?

CLERK SRIVASTAVA: Yeah. We can just take their word. Yeah. Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

MR. O'BRIEN: Okay. Thank you so much. Appreciate it.

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

RESOLUTION NO. 68 - 2022

A PUBLIC HEARING TO CONSIDER THE APPLICATION OF VIGLIOTTI ENTERPRISES, LLC FOR A CONDITIONAL USE PERMIT TO OPERATE A YARD WASTE PROCESSING FACILITY AT THE PREMISES LOCATED AT 100 URBAN AVENUE, WESTBURY, AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 11, BLOCK 178, LOT 82.

WHEREAS, Vigliotti Enterprises, LLC, (the "Applicant") is seeking to reconfigure site access and construct an 18,050 s.f. enclosure at an existing yard waste recycling center at the property located at 100 Urban Avenue, Westbury and identified on the Nassau County Land and Tax Map as Section 11 Block 178, Lots 82-84 and 87 (the "Application" or "Action"); and

WHEREAS, it has been determined that the Application requires a conditional permit approved by the Board of the Town of North Hempstead (the "Town") pursuant to Town Code §§70-188(C) and 70-240, using the standards set forth in Town Code §225(B)(1) (the "Conditional Use Permit"); and

WHEREAS, the Town Clerk, pursuant to and in accordance with the Town Code, has published notice of a public hearing scheduled for February 17, 2022 to consider the Application for the issuance of a Conditional Use Permit (the "Public Hearing"), as authorized and directed by the Town Board pursuant to Resolution No. 29-2022, adopted on January 20, 2022; 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 200-foot radius of the Premises, and filed an affidavit as to the mailing of such notices as required thereunder; and

WHEREAS, the Town's Department of Building Safety, Inspection and Enforcement (the "Building Department") issued a Notice of Disapproval on August 7, 2020, as revised on February 3, 2021, citing the following items: (1) insufficient off-street parking pursuant to §70- 103(A); (2) parking spaces that are smaller than required per §70-103(B); (3) parking spaces within a required front yard in contravention of §70-103(M); (4) buildings and a storage area within the minimum front yard setback in contravention of §70-192(A); (5) vehicular access gates located too close to the street in contravention of Town Code § 70-203(J); (6) accessory bulk storage area located too close to the street in contravention of §70-212(B) and (7) conditional use approval for a yard waste acceptance and processing facility is required from Town Board pursuant to Town Code § 70-188(C); and

WHEREAS, on September 1, 2021, pursuant to Appeal 20987, the Town of North Hempstead Board of Zoning Appeals ("BZA") granted variances to all of the above-referenced code sections (except Town Code §70-188(C)), subject to the following conditions: (1) that all vehicular entrance gates shall remain open during business hours, and (2) the facility must be in compliance with all conditions of its NYSDEC Permit, except where the Town Code's performance standards meet the goals of the permit conditions and the Town's requirements are more stringent; and

WHEREAS, the Department of Planning and Environmental Protection (the "Planning Department") has reviewed the Application and 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 business and industrial uses permitted within the Industrial B 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, the BZA has established itself as "lead agency" for this Application and issued a Negative Declaration indicating that the Action constitutes an "unlisted" action pursuant to Section 617.2 (a) of the SEQRA Regulations, which will not result in any significant adverse impacts on the environment based upon the analysis set forth in the Full Environmental Assessment Form Part 1, (the "FEAF") for the reasons that: (1) the proposed action will not result in a change to the existing air quality, the impairment of a Critical Environmental Area or historic, archaeological, architectural or aesthetic; (2) the proposed project would not include the removal or destruction of large quantities of flora or fauna, nor impact a habitat area; and (3) it is not anticipated that the project would generate a significant amount of additional traffic; 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 FEAF; and

WHEREAS, by letter decision dated December 20, 2021, the Nassau County Planning Commission reviewed the case and deferred to the Town to take action as the Town deems appropriate; and

WHEREAS, this Board has carefully considered the Application, testimony and other relevant evidence at the Public Hearing held on February 17, 2022 at Town Hall, 220 Plandome Road, Manhasset, New York, 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 recognizes that the BZA has designated itself "lead agency" under the SEQRA Regulations for the Action; and be it further

RESOLVED that the Board recognizes that the BZA as the "lead agency" has rendered determinations pursuant to SEQRA with regard to the Action; and be it further

RESOLVED that, pursuant to Town Code §§70-188(C) and 70-240, and the standards set forth in Town Code §225(B)(1), the Application is hereby granted and the Conditional Use Permit is hereby approved subject to the following conditions: (1) that all vehicular entrance gates shall remain open during business hours, and (2) the facility must be in compliance with all conditions of its NYSDEC Permit, except where the Town Code's performance standards meet the goals of the permit conditions and the Town's requirements are more stringent; 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 §§70-188(C) and 70-225(B), 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

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

STATE OF NEW YORK)
) SS. :
COUNTY OF NASSAU)

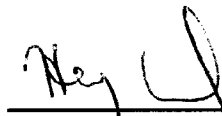
Henry Krukowski, being duly sworn, deposes and says that on the 1st day of February, 2022, he posted the attached Notice of Hearing to consider the application for conditional use permit submitted by Vigliotti Enterprises, LLC to reconfigure site access and construct an 18,050 s.f. enclosure at an existing yard waste recycling center, at the following locations:

Town Clerk Bulletin Board

Westbury Post Office

In front of 100 Urban Ave

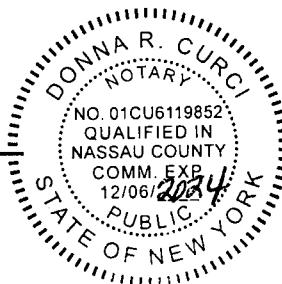
Urban Ave 100 feet west of 100 Urban Ave


Henry Krukowski

Sworn to me this

1st day of February, 2022


Notary Public



Affidavit of Publication

County of Nassau
State of New York,

SS

**LEGAL NOTICE
NOTICE OF HEARING
PLEASE TAKE NOTICE**
that a public hearing will be held by the Town Board of the Town of North Hempstead on February 17, 2022, at 7:00

P.M. in the Town Board Meeting Room, Town Hall, 220 Plandome Road, Manhasset, New York, on the application for conditional use permit submitted by Vigliotti Enterprises, LLC to reconfigure site access and construct an 18,050 s.f. enclosure at an existing yard waste recycling center.

PLEASE TAKE FURTHER NOTICE that the property which is the subject of this application is located at 100 Urban Avenue, Westbury and identified on the Nassau County Land and Tax Map as Section 11, Block 178, Lot 82.
Dated: Manhasset, New York January 20, 2022

**BY ORDER OF THE
TOWN BOARD OF
THE TOWN OF
NORTH HEMPSTEAD
RAGINI SRIVASTAVA
TOWN CLERK
2-2-2022-1T-#229826-WBY**

Iris Picone, being duly sworn, deposes and says that she is the principal Clerk of the Publisher of

The WESTBURY TIMES

a weekly newspaper published at Mineola in the county of Nassau, in the State of New York, and that a notice, a printed copy of which is hereunto annexed, has been published in said newspapers once in each week for

1 weeks, viz:

February 2, 2022

Sworn to me this 2 day of
February-2022

Notary Public

Shari M. Egnasko
Notary Public, State of New York
No. 01EG6119807
Qualified in Nassau County
Commission Expires Dec. 16, 2024

SUPERVISOR DESENA: So we've been up here over two-and-a-half hours. I wonder if we can take a -- does anyone want to take a five-minute break?

COUNCILWOMAN LURVEY: Sure.

SUPERVISOR DESENA: Restroom break? Okay. Real quick. Five-minutes. Sorry, everybody.

(Short Recess taken.)

SUPERVISOR DESENA: All right. Madam Clerk.

CLERK SRIVASTAVA: Yes.

SUPERVISOR DESENA: I believe we're up to No. 6?

CLERK SRIVASTAVA: No. 6. Yes. Item No. 6. A public hearing to consider the execution of contracts with various fire companies for fire protection services to be furnished in fire protection districts.

SUPERVISOR DESENA: Okay. This is the execution of contracts with Albertson Hook & Ladder, Engine and Hose Company No. 1, Carle Place Hook & Ladder and Hose Company No. 1, Floral Park Center Fire Company No. 1, Glenwood Hook & Ladder, Engine & Hose Company No. 1, Alert Engine Hook, Ladder & Hose No. 1, Vigilant Engine & Hook & Ladder Company, Port Washington Fire Department, Rescue Hook & Ladder Company No. 1 of Roslyn, and Roslyn Highlands Hook & Ladder, Engine & Hose Company for fire protection services to various town operated fire protection districts and contributions to length of service award programs. Is there anyone who wishes to be heard on this?

(No response.)

SUPERVISOR DESENA: Okay. I would like to close the public hearing, offer the resolution, and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 69 - 2022

A PUBLIC HEARING TO CONSIDER THE EXECUTION OF CONTRACTS WITH VARIOUS FIRE COMPANIES FOR FIRE PROTECTION SERVICES TO BE FURNISHED IN FIRE PROTECTION DISTRICTS.

WHEREAS, it is necessary that fire protection contracts between the Town of North Hempstead (the "Town") and the various fire companies within the Town be entered into for the continuation of fire protection services within the unincorporated areas of the Town, as more particularly shown on the records of the Town Clerk's Office; and

WHEREAS, it is proposed that the contract for fire protection, service award programs and/or emergency medical services between the Town and the companies listed below be authorized for the period from January 1, 2022 through December 31, 2022 in the amounts shown below

Albertson H. & L., E. & H. Co. No. 1	\$1,145,890.00
Service Award Program	\$178,659.00
Carle Place H. & L. & H. Co. No. 1	\$1,518,800.00
Service Award Program	\$154,000.00
Floral Park Centre Fire Co. No. 1	\$128,544.00
Service Award Program	\$32,621.00
Glenwood H. & L., E. & H. Co., Inc.	\$355,544.00
Service Award Program	\$72,445.00
Alert E., H., L. & H. Co. No. 1, Inc.	\$167,692.00
Service Award Program	\$9,861.00
Vigilant E. H. & L. Co., Inc.	\$419,947.00
Service Award	\$0.00
Port Washington Fire Dept., Inc.	\$1,738,497.00
Port Washington Fire Medics	\$276,927.00
Service Award Program	\$233,726.00
Roslyn Fire Companies	\$399,141.00
Roslyn Highlands H. & L., E. & H. Co., Inc.	\$386,415.00
Rescue H. & L. Co. No. 1 of Roslyn, Inc.	\$59,307.00
Service Award Program	

(the "Contracts"); and

WHEREAS, due notice has been given of a public hearing to be held on the 17th day of February, 2022, at 7:00 P.M. at Town Hall, 220 Plandome Road, Manhasset, New York, by this Board to consider such contracts; and

WHEREAS, this Board has conducted the public hearing and afforded all interested persons an opportunity to be heard; and

WHEREAS, this Board finds it in the best interests to approve the Contracts.

NOW, THEREFORE, BE IT

RESOLVED that the Contracts be and hereby are authorized; and be it further

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the Contracts on behalf of the Town, on those terms and conditions more particularly set forth therein, and which will be on file in 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 supervise the execution of the Contracts, and to take such other action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that Office of the Town Clerk shall publish notice thereof; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs incurred pursuant to the Contracts upon receipt of the duly executed contract and certified claims therefor.

Dated: Manhasset, New York
February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney Comptroller

STATE OF NEW YORK)
) SS. :
COUNTY OF NASSAU)

Henry Krukowski, being duly sworn, deposes and says that on the 1st day of February, 2022, he posted the attached Notice of Hearing to consider authorizing the execution of fire protection contracts for the year 2022 with the following fire companies at the cost listed in this notice, and to hear all interested persons on the proposed fire protection contracts, at the following locations:

Town Clerk Bulletin Board

Great Neck Post Office

Port Washington Post Office

Roslyn Heights Post Office

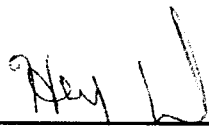
Albertson Post Office

Carle Place Post Office

New Hyde Park Post Office

Glenwood Post Office

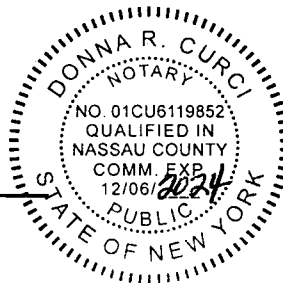
Manhasset Post Office


Henry Krukowski

Sworn to me this

1st day of February, 2022


Notary Public



NEWSDAY AFFIDAVIT OF PUBLICATION

TOWN OF NORTH HEMP TOWN CLERK
200 PLANDOME ROAD
MANHASSET, NY 11030-2326

STATE OF NEW YORK)

Legal Notice No. 0021703203

:SS.:

COUNTY OF ERIE)

The undersigned, being duly sworn, says that such person is a duly authorized custodian of records of Newsday LLC, the publisher of Newsday, a daily newspaper published in Melville, County of Suffolk, State of New York, and circulated in Nassau, Suffolk, and Queens Counties, and that the Legal Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

Wednesday February 02, 2022 Nassau

By: _____

Print Name: Jenise Britt

Authorized Designee of Newsday LLC, Publisher of Newsday

SWORN to before me this
3 Day of February, 2022.

Notary Public

TYSHAWN HARRISON NOTARY PUBLIC, STATE OF NEW YORK Registration No. 01HA6186920 Qualified in Erie County Commission Expires May 12, 2024

Ad Content

Legal Notice # 21703203
NOTICE OF HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of North Hempstead on the 17th day of February 2022 at 7:00 P.M. at Town Hall, 220 Plandome Road, Manhasset, New York, to consider authorizing the execution of fire protection contracts for the year 2022 with the following fire companies at the cost listed in this notice, and to hear all interested persons on the proposed fire protection contracts:

Albortson H. & L. E. & H. Co. No. 1	\$1,145,890.00
Service Award Program	\$178,659.00
Carle Place H. & L. & H. Co. No. 1	\$1,518,800.00
Service Award Program	\$154,000.00
Floral Park Centre Fire Co. No. 1	\$128,544.00
Service Award Program	\$32,421.00
Glenwood H. & L. E. & H. Co., Inc.	\$355,544.00
Service Award Program	\$72,445.00
Alert E., H., L. & H. Co. No. 1, Inc.	\$167,692.00
Service Award Program	\$9,861.00
Vigilant E. H. & L. Co., Inc.	\$419,947.00
Service Award Program	\$0.00
Port Washington Fire Dept., Inc.	\$1,738,497.00
Port Washington Fire Medics	\$276,927.00
Service Award Program	\$231,786.00
Roslyn Fire Companies	
Roslyn Highlands H. & L. E. & H. Co., Inc.	\$399,141.00
Rescue H. & L. Co. No. 1 of Roslyn, Inc.	\$386,415.00
Service Award Program	\$59,307.00

The contract amount shall be the lesser of either the amounts as set forth above or the final budget as submitted by the Fire Protection Company, which amounts are to be paid by the Town. The proposed term for the contracts is one (1) year, commencing as of January 1, 2022 and expiring on December 31, 2022.

Dated: Manhasset, New York
January 20, 2022

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
RAGINI SRIVASTAVA
TOWN CLERK

NEWSDAY PROOF

Ad Number: 0021703203

Advertiser: TOWN OF NORTH HEMP TOWN CLERK

CLERK SRIVASTAVA: Item No. 7, a public hearing to consider the rescission and adoption of an ordinance affecting Vanderbilt Avenue in Manhasset, New York.

COUNCILWOMAN LURVEY: So the rescission and adoption of this ordinance will correct an overlap between two presently posted ordinances on the south side of Vanderbilt Avenue between Plandome Road and Lindberg Street in Manhasset. Is there anybody here to speak on this item?

(No response.)

COUNCILWOMAN LURVEY: I would like to move to close the public hearing, offer the resolution, and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

ORDINANCE NO. 2 - 2022

A PUBLIC HEARING TO CONSIDER THE RESCISSION AND ADOPTION OF AN ORDINANCE AFFECTING VANDERBILT AVENUE IN MANHASSET, NEW YORK.

Section I. All motor or other vehicles of any kind shall comply with the following regulations:

PROPOSAL:

RESCIND:

1. T.O. #11-1974

Adopted January 29, 1974

VANDERBILT AVENUE – NORTH SIDE – 90 MINUTE PARKING - 9:00 A.M. TO 7:00 P.M. - EXCEPT SATURDAYS, SUNDAYS, AND HOLIDAYS

Starting at a point 300 feet east of the east curb line of Plandome Road, east to Lindbergh Avenue.

ADOPT:

1. VANDERBILT AVENUE – NORTH SIDE – 90 MINUTE PARKING – 9:00 A.M. TO 7:00 P.M. - EXCEPT SATURDAYS, SUNDAYS, AND HOLIDAYS

Starting at a point 700 feet east of the east curb line of Plandome Road, east to Lindbergh Avenue.

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

February 17, 2022

**BY ORDER OF THE TOWN BOARD OF
THE TOWN OF NORTH HEMPSTEAD
RAGINI SRIVASTVA
TOWN CLERK**

STATE OF NEW YORK)
) SS. :
COUNTY OF NASSAU)

Henry Krukowski, being duly sworn, deposes and says that on the 1st
day of February, 2022, he posted the attached Notice of Hearing to consider the adoption
and rescission of ordinances affecting Vanderbilt Ave in Manhasset, New York, at the
following locations:

Town Clerk Bulletin Board

Manhasset Post Office

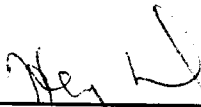
Vanderbilt Ave and Plandome Rd

Vanderbilt Ave 300 feet east of Plandome Rd

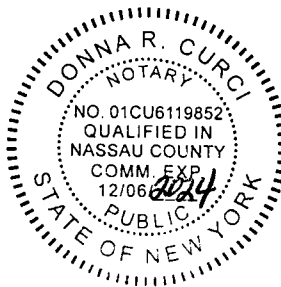
Vanderbilt Ave and Lindbergh Ave

Sworn to me this

1st day of February, 2022


Henry Krukowski


Notary Public



Affidavit of Publication

County of Nassau
State of New York,

SS

Iris Picone, being duly sworn, deposes and says that
she is the principal Clerk of the Publisher of

The MANHASSET PRESS
a weekly newspaper published at Mineola in the county of
Nassau, in the State of New York, and that a notice, a printed
copy of which is hereunto annexed, has been published in
said newspapers once in each week for

1 weeks, viz:

February 2, 2022



Sworn to me this 2 day of
February-2022

Notary Public

Shari M. Egnasko
Notary Public, State of New York
No. 01EG6119807
Qualified in Nassau County
Commission Expires Dec. 16, 2024

LEGAL NOTICE NOTICE OF HEARING

PLEASE TAKE NOTICE
that a public hearing will be
held by the Town Board of
the Town of North Hemp-
stead on the 17th day of Feb-
ruary, 2022, at 7:00 o'clock
in the evening for the pur-
pose of considering the re-
scission and adoption of the
following ordinance:

VANDERBILT AVENUE, MANHASSET, NEW YORK

1. All motor or other vehi-
cles of any kind shall comply
with the following:

PROPOSAL RESCIND:

1. T.O. #11-1974

Adopted January 29, 1974
VANDERBILT AVENUE -
NORTH SIDE - 90 MINUTE
PARKING - 9:00 A.M. TO
7:00 P.M. - EXCEPT SAT-
URDAYS, SUNDAYS, AND
HOLIDAYS

Starting at a point 300 feet east
of the east curb line of Plan-
dome Road, east to Lindbergh
Avenue.

ADOPT:

1. VANDERBILT AVENUE -
NORTH SIDE - 90 MINUTE
PARKING - 9:00 A.M. TO
7:00 P.M. - EXCEPT SAT-
URDAYS, SUNDAYS, AND
HOLIDAYS

Starting at a point 700 feet east
of the east curb line of Plan-
dome Road, east to Lindbergh
Avenue.

Section 2. All ordinances or
regulations heretofore ad-
opted in conflict with this or-
dinance are hereby repealed.

Section 3. PENALTIES: "A
violation of this ordinance
shall be punishable by a
fine not in excess of Thirty
(\$30.00) Dollars, plus any
surcharge payable to other
governmental entities."

Section 4. This ordinance
shall take effect ten days
from the date of its publica-
tion 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: January 20, 2022

Manhasset, New York

BY ORDER OF THE
TOWN BOARD OF
THE TOWN OF
NORTH HEMPSTEAD
RAGINI SRIVASTAVA
TOWN CLERK

2-2-2022-1T-#229828-MAN

Affidavit of Publication

County of Nassau
State of New York,

SS

Iris Picone, being duly sworn, deposes and says that she is the principal Clerk of the Publisher of
The MANHASSET PRESS
a weekly newspaper published at Mineola in the county of Nassau, in the State of New York, and that a notice, a printed copy of which is hereunto annexed, has been published in said newspapers once in each week for

1 weeks, viz:

February 23, 2022

LEGAL NOTICE
NOTICE IS HEREBY GIVEN that, after a public hearing duly held by the Town Board of the Town of North Hempstead, the following ordinance was ordered adopted:

**ORDINANCE
NO. T.O. 2-2022
MANHASSET
NEW YORK**

Section 1. All motor or other vehicles of any kind shall

comply with the following regulations:

PROPOSAL

RESCIND:

1. TO #11-1974

Adopted January 29, 1974

VANDERBILT AVENUE -

NORTH SIDE - 90 MINUTE

PARKING - 9:00 A.M. TO

7:00 P.M. - EXCEPT SAT-

URDAYS, SUNDAYS, AND

HOLIDAYS

Starting at a point 300 feet east

of the east curb line of Plan-

dome Road, east to Lindbergh

Avenue.

ADOPT:

1. VANDERBILT AVENUE -

NORTH SIDE - 90 MINUTE

PARKING - 9:00 A.M. TO

7:00 P.M. - EXCEPT SAT-

URDAYS, SUNDAYS, AND
HOLIDAYS

Starting at a point 700 feet east

of the east curb line of Plan-

dome Road, east to Lindbergh

Avenue.

Section 2. All ordinances or

regulations heretofore ad-

opted in conflict with this or-

dinace 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 ex-

cess 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 publi-

cation 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: February 17, 2022

Manhasset, New York

BY ORDER OF THE

TOWN BOARD OF

THE TOWN OF

NORTH HEMPSTEAD

RAGINI SRIVASTVA

TOWN CLERK

2-23-2022-1T-#230323-MAN

Sworn to me this 23 day of
February-2022

Notary Public

Shari M. Egnasko
Notary Public, State of New York
No. 01EG6119807
Qualified in Nassau County
Commission Expires Dec. 6, 2024

CLERK SRIVASTAVA: Item No. 8, a resolution authorizing the preparation and submission of a grant application to the Gerry Charitable Trust and the taking of related action.

COUNCILWOMAN LURVEY: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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. 70 - 2022

A RESOLUTION AUTHORIZING THE PREPARATION AND SUBMISSION OF A GRANT APPLICATION TO THE GERRY CHARITABLE TRUST AND THE TAKING OF RELATED ACTION.

WHEREAS, the Town Board (the "Board") of the Town of North Hempstead (the "Town") is desirous of restoring the Hicks Memorial Centre in Gerry Pond Park, Roslyn; and,

WHEREAS, the Grants Coordinator has recommended that the Town submit a grant application to the Gerry Charitable Trust (the "Grant") in the amount of One Hundred Thousand and 00/100 Dollars (\$100,000.00); and

WHEREAS, the Board wishes to authorize the preparation of the application for the Grant to assist the Town with restoring the Hicks Memorial Centre in Gerry Pond Park (the "Project").

NOW, THEREFORE, BE IT

RESOLVED that the Board hereby authorizes the preparation of the application for the Grant for the undertaking and completing of the Project; 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

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

CLERK SRIVASTAVA: Item No. 9, a resolution authorizing the preparation and submission of a grant application to the New York State Department of Environmental Conservation's Household Hazardous Waste Grant Program and the taking of related action.

SUPERVISOR DESENA: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 71 - 2022

A RESOLUTION AUTHORIZING THE PREPARATION AND SUBMISSION OF A GRANT APPLICATION TO THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION'S HOUSEHOLD HAZARDOUS WASTE GRANT PROGRAM AND THE TAKING OF RELATED ACTION.

WHEREAS, the State of New York provides financial aid for household hazardous waste programs; and

WHEREAS, the Commissioner (the "Commissioner") of the Town of North Hempstead Department of Solid Waste Management (the "Department") is desirous of continuing the Town's initiative of helping Town residents to dispose of household hazardous waste in an environmentally friendly manner (the "STOP Project"); and

WHEREAS, the Grants Coordinator has recommended that the Town submit a grant application to the New York State Department of Environmental Conservation (the "Grant") to advance the STOP Project; and

WHEREAS, the Grant, in the amount of \$50,500, subject to an equal match, for the STOP Project will cover the costs incurred by the Town of North Hempstead Solid Waste Management Authority (the "Authority") for STOP events held in 2021; and

WHEREAS, since the Authority's termination as of January 1, 2022, the Town is the successor to the Authority's operations, assets and liabilities; and

WHEREAS, the Grants Coordinator has requested that this Board authorize the preparation and submission of the application for the Grant to assist the Town with the STOP Project.

NOW, THEREFORE, BE IT

RESOLVED that the Board hereby authorizes the preparation of the application for the Grant for the undertaking and completing of the STOP Project; 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

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

CLERK SRIVASTAVA: Item No. 10, a resolution authorizing the preparation and submission of an application to the Public Service Enterprise Group of New York and New Jersey's (PSEG) Commercial Efficiency Program (CEP) rebate.

COUNCILWOMAN DALIMONTE: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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. 72 - 2022

A RESOLUTION AUTHORIZING THE PREPARATION AND SUBMISSION OF AN APPLICATION TO THE PUBLIC SERVICE ENTERPRISE GROUP OF NEW YORK AND NEW JERSEY'S (PSEG) COMMERCIAL EFFICIENCY PROGRAM (CEP) REBATE.

WHEREAS, the Town Board (the "Board") of the Town of North Hempstead (the "Town") desires to promote the use of electric vehicles throughout the Town (the "Project"); and

WHEREAS, the Town awarded a bid for the lease of new golf carts for Harbor Links Golf Course, ninety (90) of which carts are electric; and

WHEREAS, the Grants Coordinator has recommended that the Town submit an application to the Public Service Enterprise Group of New York and New Jersey's (PSEG) Commercial Efficiency Program (the "Application") for a rebate in the amount of Nine Hundred and 00/100 Dollars (\$900.00) per electric golf cart for the leased electric golf carts (the "Rebate"); 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 Rebate and its submission to the PSEG; 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 Rebate ("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 Rebate; 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 Rebate.

Dated: Manhasset, New York

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

CLERK SRIVASTAVA: Item No. 11, a resolution authorizing the award of a bid for trees, flowers and shrubs, TNH038-2022.

SUPERVISOR DESENA: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

COUNCILMAN WALSH: Wait. Hold on.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

COUNCILWOMAN LURVEY: Wait.

CLERK SRIVASTAVA: Councilman Walsh.

SUPERVISOR DESENA: Wait.

COUNCILMAN TROIANO: Wait.

SUPERVISOR DESENA: Hold on.

COUNCILMAN TROIANO: We have some has a --

SUPERVISOR DESENA: Madam Clerk.

COUNCILMAN TROIANO: Mr. O'Donald

MR. O'DONALD: Michael O'Donald, North New Hyde Park. Just a quick comment. I just hope there's inclusive in this flower tree budget, whoever is getting the award for Hillside Avenue. Especially the bushes down further, five of them are dead, so that they'd be replanted in a timely fashion. Thank you.

SUPERVISOR DESENA: Any other comments?

(No response.)

SUPERVISOR DESENA: Okay. I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCIL WOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 73 - 2022

A RESOLUTION AUTHORIZING THE AWARD OF A BID FOR TREES, FLOWERS AND SHRUBS (TNH038-2022).

WHEREAS, the Director of Purchasing (the "Director") has solicited bids for trees, flowers, and shrubs; and

WHEREAS, bids were received as forth in Exhibit A attached hereto (the "Bids"); and

WHEREAS, following a review of the Bids, the Director has recommended an award as set forth in Exhibit B attached hereto (the "Award"); and

WHEREAS, this Board wishes to authorize the Award as recommended by the Director.

NOW, THEREFORE, BE IT

RESOLVED that the Award as recommended by the Director is hereby authorized; and be it further

RESOLVED that the Supervisor be and hereby is authorized and directed to execute, on behalf of the Town, any purchase agreements and related documents, a copy of which shall be on file in the Division of Purchasing, and to take such other 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 of said awards upon receipt of a duly executed and certified claims therefor.

Dated: Manhasset, New York

February 17, 2022

The vote on the foregoing resolution was recorded as recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney Comptroller Purchasing

TNH038-2022 TREES FLOWERS AND SHRUBS				The Garden Dept Corp.	Pinewood Perennial Gardens	Starkie Bros Garden Center Inc.
					PO BOX 915	
				3672 Route 112'	560 Sterling Lane	721 Main st.
				Coram, NY 1177	Cutchogue NY 11944	Farmingdale, NY 11735
				Nicholas Giordano	Scott Clark	George Starkie
				Nick@gardendep.com	Scott@Pinewood Perennials.com	Gstarkie@hotmail.com
				631-736-3378	631-734-6911	516-293-7148
SECTION 1. TREES AND SHRUBS						
Item #	Botanical Name	Common Name	Size (if bidding a different size, please indicate alternate size(s) below)	Price/Unit Delivered	Price/Unit Delivered	Price/Unit Delivered
49	Hydrangea sp	Hydrangea	5 gal	44.10	30.00	45.00
50	Hypericum fr	Sunburst	3gal	24.01	NB	49.00
51	Ilex crenata	Soft Touch	3gal	28.18	NB	29.00
52	Ilex crenata	Japanese H	5gal	37.73	NB	59.00
53	Ilex glabra	Inkberry (native)	2 gal	29.16	NB	32.00
54	Ilex meserveae	Meserveae	5gal	48.02	NB	79.00
55	Ilex opaca	American holly (native)	2 gal	40.00	NB	35.00
56	Ilex verticillata	Winterberry (native)	2 gal	24.50	NB	B&B
57	Juniperus	Hollywood Juniper	5-6'	171.50	NB	29.00
58	Juniperus chin	Chinese Jun	3/5gal	19.11	NB	135.00
59	Juniperus communis	Common Juniper (native)	5 gal	28.50	NB	23.00
60	Juniperus horizontalis	Creeping Juniper	3gal	21.56	NB	3 gal
61	Juniperus virginiana	Eastern Red Cedar (native)	5 gal	53.90	NB	88.00
62	Kalmia latifolia	Mountain Laurel (native)	2 gal	41.16	NB	23.00
63	Koeleruteria paniculata	Golden Raintree	2 1/2"	371.42	NB	36.00
64	Lagerstroemia	Crape Myrtle	5gal	34.30	NB	NB
65	Ligustrum	Privet	5gal	34.79	NB	54.00
66	Lindera benzoin	Spicebush (native)	2 gal	23.03	NB	45.00
67	Liquidambar styraciflua	Sweet Gum	3" caliper	279.3	NB	B&B 4-5'
68	Liriodendron tulipifera	Tulip Tree (native)	5 gal	65	NB	31.00
69	Maackia amurensis	Amur maackia	3" caliper	161.7	NB	NB
70	Magnolia sps.	Magnolia	7 gal	196	NB	NB
71	Magnolia virginiana	Sweet Bay Magnolia (native)	5 gal	65	NB	NB
72	Malus spp.	Crabapple species	3" caliper	312.62	NB	NB
73	Microbiota decussata	Russian Arborvitae	3 or 5 gal	30.87	NB	29.00
				3 GAL		3 gal

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Item #	Botanical Name	Common Name	Size (if bidding a different size, please indicate alternate size(s) below)	Price/Unit Delivered	Price/Unit Delivered	Price/Unit Delivered
74	Morella pensylvanica	Bayberry (native)	5 gal	41.9	NB	38.00 or B&B
75	Nandina domestica	Heavenly Bamboo	3gal	19.11	NB	28.00
76	Nyssa sylvatica	Black Gum	3" caliper	387.1	NB	NB
77	Parrotia persica	Ironwood	3" caliper	395	NB	NB
78	Physocarpus opulifolius	Ninebark (native)	2 gal	31.36	NB	33.00
79	Picea Abies	Norway Spruce	5-6'	171.5	NB	NB
80	Picea glauca 'Conica'	Dwarf Alberta Spruce	3 gal	38.71	NB	34.00
81	Picea pungens	Colorado Blue spruce	5-6'	171.5	NB	NB
82	Picea spp.	Spruce	5 gal	50.96	NB	NB
83	Pieris japonica	Japanese Pieris	5 gal	64.93	NB	45.00
84	Pinus mugo	Mugo Pine	3 gal	35.77	NB	30.00
85	Pinus spp.	Pine	3 agl	38.22	NB	NB
86	Platanus x acerifolia	Excla. London Plane	3" caliper	318.5	NB	NB
87	Prunus	Amanagow	25 gal	245	NB	NB
88	Prunus spp	Accolade' or sargentii	3" caliper	269.5	NB	NB
89	Prunus americana	Wild plum (native)	5 gal	39.2	NB	NB
90	Prunus cistena	Purple leaf Sand Cherry	5 gal	38.71	NB	58.00
91	Prunus laurocerasus 'Otto Luyken'	Cherry laurel	5 gal	47.04	NB	NB
92	Prunus laurocerasus 'Schipkaensis'	Skip Laurel	5 gal	47.04	NB	80.00 3-4 100 4-5 B&B
93	Prunus maritima	Beach plum (native)	5 gal	39.2	NB	39.00
94	Prunus sargentii	Sargent Cherry	3" caliper	269.5	NB	NB
95	Prunus serotina	Black cherry (native)	5 gal	40.67	NB	NB
96	Prunus virginiana	Chokecher ry (native)	2 gal	31.5	NB	NB
97	Pyrus	Pear	3" caliper	259.7	NB	NB

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Item #	Botanical Name	Common Name	Size (if bidding a different size, please indicate alternate size(s) below)	Price/Unit Delivered	Price/Unit Delivered	Price/Unit Delivered
98	Quercus	Oak	3" caliper	318.5	NB	NB
99	Quercus ilicifolia	Scrub Oak (native)	5 gal	93.10 7 GAL	NB	65.00
100	Rhododendron	Rhododendron	5 gal	57.82	NB	NB
101	Rosa carolina	Carolina Rose (native)	1 gal	22.05 2 GAL	11.50 1.5 G	NB
102	Rosa Sp.	Rose Species	3 gal	21.5	NB	29.00
103	Rosa virginiana	Virginia Rose (native)	1 gal	22.05 2 GAL	NB	NB
104	Sarcococca hookeriana var. humilis	Sweet Box	2 gal	34.3	9.00 3qt	NB
105	Sassafras albidum	Sassafras (native)	5 gal	65	NB	65.00 3 gal
106	Sciadopitys verticillata	Japanese Umbrella Tree	5 gal	105	NB	195.00 4-5'
107	Skimmia japonica	Japanese Skimmia	3 gal	41.16	NB	59.00
108	Sorbus alnifolia	Korean Mountain Ash	2" cal.	235.2	NB	NB
109	Spiraea	Spiraea	3gal	23.77	NB	29.00
110	Spiraea tomentosa	Steeplebush (native)	2 gal	18.13	NB	NB
111	Stephanandra incisa 'Crispa'	Lace Shrub	3gal	22.54 2 GAL	NB	28.00 2 gal
112	Stewartia pseudocamellia	Stewartia	5 gal	90	NB	59.00 3 gal
113	Styrax japonicus	Emerald Pagoda	5 gal	85	NB	85.00
114	Syringa	Lilac	5gal	49.98	NB	60.00
115	Syringa reticulata	Japanese Tree Lilac	3" cal	396.9	NB	NB
116	Taxus	Yews	3 gal	35	NB	NB
117	Thuja	Arborvitae	4-5ft/5-6ft	55.85	NB	55/65
118	Thuja occidentalis	American Arborvitae	4-5ft/5-6ft	61.5	NB	NB
119	Thuja plicata	Western Arborvitae	4-5ft/5-6ft	67.62 -4-5'	NB	65/85
120	Thujopsis dolabrata Nana	Hiba Arborvitae	3gal/5gal	38.22 3 gal	NB	39/60 2gal/5gal
121	Thujopsis dolabrata	Nana	2 gal	25.24	NB	NB

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122	Tilia spp.	Linden	3" caliper	318.5	NB	NB
123	Ulmus	Elm	3" caliper	338.1	NB	NB
124	Ulmus	Princeton Elm	3" cal	338.1	NB	NB
125	Vaccinium angustifolium	Lowbush blueberry (native)	1 gal	11.27	8.50	13.00
126	Vaccinium corymbosum	Highbush blueberry (native)	1 gal	10.05	9.50	15.00
127	Viburnum acerifolium	Maple-leaved viburnum (native)	2 gal	31.85	NB	42.00
				3 GAL		3 gal
128	Viburnum dentatum	Arrowwood viburnum (native)	2 gal	31.85	NB	37.00
				3 GAL		2 gallon
129	Viburnum opulus var. americanum (native)	American cranberry (native)	2 gal	31.85	NB	39.00
				3 GAL		3 gallon
130	Viburnum spp.	Viburnum	5 gal	33.81	NB	45.00
131	Vitex	Chaste tree	5 gal	45.08	NB	45.00
132	Weigela	Weigela	3 gal	31.36	NB	34.00
133	Zelkova serrata	Japanese Zelkova	3" calibar	333.2	NB	NB
134	Percentage Off Catalogue Price: Unspecified Trees and Shrubs			10%	NB	NB

SECTION 2. PERENNIALS						
Item #	Botanical Name	Common Name	Size (if bidding a different size, please indicate alternate size(s) below)	Price/Unit Delivered	Price/Unit Delivered	Price/Unit Delivered
135	Agastache foeniculum	Anise Hyssop (native)	1 gal	10.78	NB	NB
136	Alchemilla	Lady's Mantle	1gal	9.56	7.00	NB
					1.5g	
137	Amsonia hubrichtii	Bluestar	1 gal	12.5	7.50	NB
					1.5g	
138	Andropogon gerardii	Big bluestem (native)	1 gal	9.56	NB	NB
139	Andropogon virginicus	Broomsedge (native)	1 gal	10.29	NB	NB
140	Anemone	Anemone	1gal	9.56	7.00	NB

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Item #	Botanical Name	Common Name	Size (if bidding a different size, please indicate alternate size(s) below)	Price/Unit Delivered	Price/Unit Delivered	Price/Unit Delivered
141	Aquilegia canadensis	Wild Columbine (native)	1 gal	12.25	6.30 3qt	NB
142	Asarum canadense	Wild ginger (native)	1 gal	19.36	NB	NB
143	Asclepias syriaca	Common milkweed (native)	1 gal	10.78	NB	NB
144	Asclepias incarnata	Swamp milkweed (native)	1 gal	9.56	7.30 1.5g	NB
145	Asclepias tuberosa	Butterfly milkweed (native)	1 gal	10.78	NB	NB
146	Astilbe	False Spirea	1.5gal	10.78	7.00	NB
147	Baptisia australis or tinctoria	Indigo spp. (native)	1 gal	9.56	8.30 1.5g	NB
148	Carex	Sedge	1 gal	11.88	7.30 = 1g 8.30 = 1.5g	NB
149	Chelone glabra	Turtlehead (native)	1 gal	9.56	6.40	NB
150	Coreopsis grandiflora	Large-flowered coreopsis (native)	1 gal	12.56	5.80	NB
151	Coreopsis rosea	Pink threadleaf coreopsis (native)	1 gal	11.52	5.80	NB
152	Coreopsis verticillata	Threadleaf coreopsis (native)	1 gal	9.56	5.80	NB
153	Crysopsis mariana	Maryland golden aster (native)	1 gal	9.56	NB	NB
154	Dianthus	Dianthus	1 gal	9.56	6.50 8" PAN	NB
155	Dicentra	Bleeding Heart	1.5gal	9.56	8.00	NB
156	Echinacea purpurea	Purple Coneflower (native)	1 gal	12.01	7.30 1.5g	NB
157	Eragrostis spectabilis	Purple love grass (native)	1 gal	9.56	NB	NB
	Eurybia spp.	Aster Species (native)	1 gal	12.5	NB	NB
159	Eutrochium dubium	Common plain Joe Pye Weed (native)	1 gal	12.5	NB	NB

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Item #	Botanical Name	Common Name	Size (if bidding a different size, please indicate alternate size(s) below)	Price/Unit Delivered	Price/Unit Delivered	Price/Unit Delivered
160	Eutrochium maculatum	Spotted Joe Pye Weed (native)	1 gal	11.5	8.75 2.3g	NB
161	Eutrochium purpureum	Joe Pye weed (native)	1 gal	11.25	NB	NB
162	Fragaria virginiana	Scarlet strawberry (native)	1 gal	12.75	NB	NB
163	Geranium maculatum	Wild geranium (native)	1 gal	11.00	7.1	NB
164	Geum fragaroides	Barren strawberry (native)	1 gal	11.00	6.2	NB
165	Hakonechola	Hakone Grass	1 gal	15.00	10.00	NB
166	Helianthus spp.	Sunflower species (native)	1 gal	12.00	NB	NB
167	Hemerocallis	Daylily	1.5gal	10.00	8.75	NB
168	Heuchera americana	Coral bells (native)	1 gal	10.00	NB	NB
169	Hosta	Plantain Lily	1.5gal	11.50	7.75 - 8.75	NB
170	Iris spp	Iris	1.5gal	11.50	7.50	NB
171	Liatris spicata	Blazing star (native)	1 gal	10.00	7.30 1.5g 5.30	NB
172	Liriope	Lily-turf	1gal	7.00	3qt	NB
173	Lobelia cardinalis	Cardinal flower (native)	1 gal	10.00	6.55	NB
174	Lobelia siphilitica	Great blue lobelia (native)	1 gal	10.00	6.55	NB
175	Monarda didyma	Scarlet bee balm (native)	1 gal	10.00	6.55	NB
176	Monarda punctata	Spotted bee balm (native)	1 gal	10.00	NB	NB
177	Monarda fistulosa	Wild bergamot (native)	1 gal	11.00	6.55	NB
178	Nepeta	Cat Mint	1gal	10.00	5.90	NB
179	Pachysandra terminalis	Japanese pachysandra	flat	35.00	NB	NB
180	Paeonia	Peony	3 gal	26.00	13.50 2.3g	NB

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Item #	Botanical Name	Common Name	Size (if bidding a different size, please indicate alternate size(s) below)	Price/Unit Delivered	Price/Unit Delivered	Price/Unit Delivered
181	Panicum virgatum	Switchgrasses (native)	1 gal	12.00	8.50	NB
182	Pennisetum	Fountain Grass	1.5 gal	13.00	8.50	NB
183	Penstemon digitalis	Smooth white beardtongue (native)	1 gal	11.00	NB	NB
184	Perovskia	Russian Sage	1.5gal	11.50	7.00	NB
185	Phlox spp.	Phlox spp. (native)	1 gal	11.00	6.50	NB
186	Pulmonaria	Lungwort	1gal	11.00	7.30	NB
187	Pycnanthemum spp.	Mountain mint spp. (native)	1 gal	11.00	6.50	NB
188	Rudbeckia spp.	Rudbeckia species	1 gal	11.00	7.30	NB
189	Salvia	Sage	1gal	11.50	5.90	NB
190	Schizanthus m. scoparium	Little bluestem (native)	1 gal	13.00	7.30	NB
191	Sedum	Stonecrop	8" pan/1.5gal	12.00	6.30/7.30	NB
192	Solidago spp.	Goldenrod Species (native)	1 gal	11.00	7.00/7.50	NB
193	Sorghastrum nutans	Indian grass (native)	1 gal	10.00	1gal/1.5gal	NB
194	Sporobolus heterolepis	Prairie dropseed (native)	1 gal	10.00	7.00	NB
195	Stachys byzantina	Helena Von Stein	1gal	11.00	7.30	NB
196	Symphyotrichum spp.	Aster Species (native)	1 gal	10.00	1.50	NB
197	Tiarella cordifolia	Foamflower (native)	1 gal	10.00	7.30	NB
198	Various genera	Ferns	1gal	9.75	7.00	NB
199	Vernonia noveboracensis	NY Ironweed (native)	1 gal	9.75	7.30	NB
200	Vinca minor	Myrtle	1gal	35.00	1.50	NB
201	Zizia aurea	Golden alexanders (native)	1 gal	9.50	6.30	NB
202	Percentage Off Catalogue Price: Unspecified Perennials			10%	NB	NB

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SECTION 1. TREES AND SHRUBS						
Item #	Botanical Name	Common Name	Size (if bidding a different size, please indicate alternate size(s) below)	Price/Unit Delivered	Price/Unit Delivered	Price/Unit Delivered

Item #	SECTION 3. ANNUALS					
	Botanical Name	Common Name	Size (if bidding a different size, please indicate alternate size(s) below)	Price/Unit Delivered	Price/Unit Delivered	Price/Unit Delivered
203						
204	Percentage Off Catalogue Price: Unspecified Annuals			10%	NB	NB
205	Cedar tree stakes		5'/6'	5.00	NB	NB
206	Assorted Annuals		Flats of 48	13.00	NB	15.00
207	Assorted Annuals		4 1/2 inch pot 15 per tray	3.95/59.25	NB	4.00 ea
208	Assorted Annuals		1 quart pot 8 per tray	5.00/40.00	NB	6.00 ea
209	Assorted Annuals		1 gallon annual (ex. Annual Hibiscus)	12.00	NB	8.00 ea
210	Assorted hanging baskets		10"	24.50	NB	19.00
211	Specialty Annuals	for example 'Sunpatiens'	4 1/2 inch pot 15 per tray	4.75/71.25	NB	4.50
212	Annual Plugs/Liners		100 per tray	NO BID	NB	NB
213	Chrysanthemum X morifolium	Mum	8" pot	5.95	NB	5.00 ea
214	Brassica Oleracea	Ornamental Cabbage/Kale	8" pot	6.75	NB	5.00 ea
215	Bulbs			NO BID	NB	NB
216	Darwin Tulips		Price per 100	41.00 bulb	NB	NB
217	Daffodils		Price per 100	33.75 75 per box	NB	NB
218	Hyacinth		Price per 100	31.00 50 per box	NB	NB
219	Percentage Off Catalogue Price: Unspecified Annuals			10%	NB	NB
			Red=Primary Vendor			
			Blue = Secondary Vendor			

				Primary Vendor	Secondary Vendor
Item #					
1	Abelia	Glossy Abelia	3gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
2	Acer buergerianum	Trident Maple	3" caliper	The Garden Dept Corp.	
3	Acer griseum	Paperbark Maple	3" caliper	The Garden Dept Corp.	
4	Acer japonica	Japanese Maple	5 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
5	Acer truncatum	Shantung Maple	3" caliper	The Garden Dept Corp.	
6	Acer spp.	Maple	3" caliper	The Garden Dept Corp.	
7	Amelanchier Autumn Brilliance/Robin Hill	Serviceberry (native)	3" caliper	The Garden Dept Corp.	
8	Amelanchier spp.	Serviceberry (native)	5 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
9	Amorpha canescens	Leadplant (native)	2 gal	The Garden Dept Corp.	
10	Arctostaphylos uva-ursi	Common bearberry (native)	1 gal	The Garden Dept Corp.	Pinewood Perennial Gardens
11	Aronia arbutifolia	Red chokeberry (native)	2 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
12	Aronia melanocarpa	Black chokeberry (native)	2 gal	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
13	Aucuba japonica	Japanese Aucuba	3 gal	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
14	Azalea (Evergreen)	Evergreen Azalea	3 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
15	Betula nigra	River Birch (native)	5 gal	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
16	Betula nigra 'Heritage'	River Birch (native)	3" caliper	The Garden Dept Corp.	
17	Buxus	Boxwood	3 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
18	Camellia japonica	Camellia	5 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
19	Carpinus betulus	European Hornbeam	3" caliper	The Garden Dept Corp.	
20	Carpinus caroliniana	American Hornbeam	3" caliper	The Garden Dept Corp.	
21	Ceanothus americanus	New Jersey tea (native)	2 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
22	Cedrus atlantica 'Glauca'	Blue Atlas Cedar	7-8'	The Garden Dept Corp.	
23	Cephalanthus occidentalis	Button Bush (native)	2 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
24	Cephalotaxus harringtonia 'Duke Gardens'	Plum Yew	5 gal	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
25	Cercis canadensis	Redbud (native)	3" caliper	The Garden Dept Corp.	
26	Chamaecyparis pisifera	False cypress	3 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
27	Chionanthus retusus	Chinese fringetree	3" caliper	The Garden Dept Corp.	
28	Clethra alnifolia	Summersweet (native)	2 gal	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
29	Cornus alternifolia/ arpa/ sericea/ amomum	Dogwoods (native)	2 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
30	Cornus florida	Flowering Dogwood (Native)	3" caliper	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
31	Cornus kousa	Japanese Dogwood	3" caliper	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
32	Cornus mas 'Golden Glory'	Cornelian Cherry	3" caliper	The Garden Dept Corp.	
33	Corylopsis pauciflora	Winter hazel	3 gal	The Garden Dept Corp.	
34	Cotinus obovatus	American Smoktree	3" caliper	The Garden Dept Corp.	
35	Crataegus viridis	Winter King Hawthorn	3" caliper	The Garden Dept Corp.	
36	Cupressocyparis leylandii	Levland Cypress	5-6'	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
37	Diervilla lonicera	Northern bush honeysuckle (native)	2 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
38	Enkianthus	Enkianthus	3 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
39	Fagus grandifolia	American Beech (native)	5 gal	The Garden Dept Corp.	
40	Forsythia intermedia	Forsythia	3 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
41	Fothergilla	Fothergilla	3gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
42	Fraxinus americana	White Ash	2" cal	The Garden Dept Corp.	
43	Gaylussacia baccata	Black huckleberry (native)	1 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
44	Ginkgo biloba	Biloba (male only)	2" cal.	The Garden Dept Corp.	
45	Gleditsia	Skyline/imperial Honeylocust	2" cal.	The Garden Dept Corp.	
46	Hamamelis virginiana	Common witch hazel (native)	5 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
47	Hamamelis x intermedia	Witchhazel	5 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
48	Hydrangea petiolaris	Climbing hydrangea	2gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
49	Hydrangea spp.	hydrangea	5 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
50	Hypericum frondosum	Sunburst	3gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
51	Ilex crenata	Soft Touch Ilex	2gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
52	Ilex crenata	Japanese Holly	5gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
53	Ilex glabra	Inkberry (native)	2 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
54	Ilex meserveae	Meserveae Holly	5gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
55	Ilex opaca	American Holly (native)	2 gal	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
56	Ilex verticillata	Winterberry (native)	2 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
57	Juniperus	Hollywood Juniper	5-6'	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
58	Juniperus chinensis	Chinese Juniper	3/5gal	The Garden Dept	Starkie Brothers Garden Center Inc.
59	Juniperus communis	Common Juniper (native)	5 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
60	Juniperus horizontalis	Creeping Juniper	3gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
61	Juniperus virginiana	Eastern Red Cedar (native)	5 gal	The Garden Dept Corp.	
62	Kalmia latifolia	Mountain laurel (native)	2 gal	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
63	Koeleruteria paniculata	Golden Raintree	2 1/2"	The Garden Dept Corp.	
64	Lagerstroemia	Grape Myrtle	5gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
65	Ligustrum	Privet	5gal	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.

				Primary Vendor	Secondary Vendor
66	Lindera benzoin	Spicebush (native)	2 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
67	Liquidambar styraciflua	Sweet Gum	3" caliper	The Garden Dept Corp.	
68	Liriodendron tulipifera	Tulip Tree (native)	5 gal	The Garden Dept Corp.	
69	Maackia amurensis	Amur maackia	3" caliper	The Garden Dept Corp.	
70	Magnolia sps.	Magnolia	7 gal	The Garden Dept Corp.	
71	Magnolia virginiana	Sweet Bay Magnolia (native)	5 gal	The Garden Dept Corp.	
72	Malus spp.	Crabapple species	3" caliper	The Garden Dept Corp.	
73	Microbiota decussata	Russian Arborvitae	3 or 5 gal	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
74	Morella pensylvanica	Bayberry (native)	5 gal	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
75	Nandina domestica	Heavenly Bamboo	3gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
76	Nyssa sylvatica	Black Gum	3" caliper	The Garden Dept Corp.	
77	Parrotia persica	Ironwood	3" caliper	The Garden Dept Corp.	
78	Physocarpus opulifolius	Ninebark (native)	2 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
79	Picea Abies	Norway Spruce	5-6'	The Garden Dept Corp.	
80	Picea glauca 'Conica'	Dwarf Alberta Spruce	3 gal	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
81	Picea pungens Glauca	Colorado Blue spruce	5-6'	The Garden Dept Corp.	
82	Picea spp.	Spruce	5 gal	The Garden Dept Corp.	
83	Pieris japonica	Japanese Pieris	5 gal	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
84	Pinus mugo	Mugo Pine	3 gal	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
85	Pinus spp.	Pine	3 gal	The Garden Dept Corp.	
86	Platanus x acerifolia	Excla. London Plane	3" caliper	The Garden Dept Corp.	
87	Prunus	Amanagowa Cherry	25 gal	The Garden Dept Corp.	
88	Prunus spp	Accolade' or sargentii	3" caliper	The Garden Dept Corp.	
89	Prunus americana	Wild plum (native)	5 gal	The Garden Dept Corp.	
90	Prunus cistena	Purple leaf Sand Cherry	5 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
91	Prunus laurocerasus 'Otto Luyken'	Cherry laurel	5 gal	The Garden Dept Corp.	
92	Prunus laurocerasus 'Schipkaensis'	Skip Laurel	5 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
93	Prunus maritima	Beach plum (native)	5 gal	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
94	Prunus sargentii	Sargent Cherry	3" caliper	The Garden Dept Corp.	
95	Prunus serotina	Black cherry (native)	5 gal	The Garden Dept Corp.	
96	Prunus virginiana	Chokecherry (native)	2 gal	The Garden Dept Corp.	
97	Pyrus	Pear	3" caliper	The Garden Dept Corp.	
98	Quercus	Oak	3" caliper	The Garden Dept Corp.	
99	Quercus ilicifolia	Scrub Oak (native)	5 gal	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
100	Rhododendron	Rhododendron	5 gal	The Garden Dept Corp.	
101	Rosa carolina	Carolina Rose (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
102	Rosa Sp.	Rose Species	3 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
103	Rosa virginiana	Virginia Rose (native)	1 gal	The Garden Dept Corp.	
104	Sarcococca hookeriana var. humilis	Sweet Box	2 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
105	Sassafras albidum	Sassafras (native)	5 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
106	Sciadopitys verticillata	Japanese Umbrella Tree	5 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
107	Skimmia japonica	Japanese Skimmia	3 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
108	Sorbus alnifolia	Korean Mountain Ash	2' cal.	The Garden Dept Corp.	
109	Spiraea	Spiraea	3gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
110	Spiraea tomentosa	Steeplebush (native)	2 gal	The Garden Dept Corp.	
111	Stephanandra incisa 'Crispa'	Lace Shrub	3gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
112	Stewartia pseudocamellia	Stewartia	5 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
113	Styrax japonicus	Emerald Pagoda	5 gal	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
114	Syringa	Lilac	5gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
115	Syringa reticulata	Japanese Tree Lilac	3" cal	The Garden Dept Corp.	
116	Taxus	Yews	3 gal	The Garden Dept Corp.	
117	Thuja	Arborvitae	4-5ft./5-6ft	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
118	Thuja occidentalis	American Arborvitae	4-5ft./5-6ft	The Garden Dept Corp.	
119	Thuja plicata	Western Arborvitae	4-5ft/ 5-6ft	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
120	Thujopsis dolabrata Nana	Hiba Arborvitae	3gal/5gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
121	Thujopsis dolabrata	Nana	2 gal	The Garden Dept Corp.	
122	Tilia spp.	Linden	3" caliper	The Garden Dept Corp.	
123	Ulmus	Elm	3" caliper	The Garden Dept Corp.	
124	Ulmus	Princeton Elm	3" cal	The Garden Dept Corp.	
125	Vaccinium angustifolium	Lowbush blueberry (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
126	Vaccinium corymbosum	Highbush blueberry (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
127	Viburnum acerifolium	Maple-leaved viburnum (native)	2 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
128	Viburnum dentatum	Arrowwood viburnum (native)	2 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
129	Viburnum opulus var. americanum (native)	American cranberry (native)	2 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
130	Viburnum spp.	Viburnum	5 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
131	Vitex	Chaste tree	5 gal	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.

				Primary Vendor	Secondary vendor
132	Weigela	Weigela	3 gal	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
133	Zelkova serrata	Japanese Zelkova	3" calibar	The Garden Dept Corp.	
134	Percentage Off Catalogue Price: Unspecified Trees and Shrubs			The Garden Dept Corp.	
	SECTION 2 PERENNIALS				
135	Agastache foeniculum	Anise Hyssop (native)	1 gal	The Garden Dept Corp.	
136	Alchemilla	Lady's Mantle	1gal	Pinewood Perennial Gardens	The Garden Dept Corp.
137	Amsonia hubrichtii	Bluestar	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
138	Andropogon gerardii	Big bluestem (native)	1 gal	The Garden Dept Corp.	
139	Andropogon virginicus	Broomseede (native)	1 gal	The Garden Dept Corp.	
140	Anemone	Anemone	1gal	Pinewood Perennial Gardens	The Garden Dept Corp.
141	Aquilegia canadensis	Wild Columbine (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
142	Asarum canadense	Wild ginger (native)	1 gal	The Garden Dept Corp.	
143	Asclepia syriaca	Common milkweed (native)	1 gal	The Garden Dept Corp.	
144	Asclepias incarnata	Swamp milkweed (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
145	Asclepias tuberosa	Butterfly milkweed (native)	1 gal	The Garden Dept Corp.	
146	Astilbe	Faise Spirea	1.5gal	Pinewood Perennial Gardens	The Garden Dept Corp.
147	Baptisia australis or tinctoria	Indigo sop. (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
148	Carex	Sedge	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
149	Chelone glabra	Turtlehead (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
150	Coreopsis grandiflora	Large-flowered coreopsis (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
151	Coreopsis rosea	Pink threadleaf coreopsis (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
152	Coreopsis verticillata	Threadleaf coreopsis (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
153	Crysopsis mariana	Maryland golden aster (native)	1 gal	The Garden Dept Corp.	
154	Dianthus	Dianthus	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
155	Dicentra	Bleeding heart	1.5gal	Pinewood Perennial Gardens	The Garden Dept Corp.
156	Echinacea purpurea	Purple Cone-flower (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
157	Eragrostis spectabilis	Purple love grass (native)	1 gal	The Garden Dept Corp.	
	Eurybia spp.	Aster Species (native)	1 gal	The Garden Dept Corp.	
159	Eutrochium dubium	Coastal plain Joe Pye Weed (native)	1 gal	The Garden Dept Corp.	
160	Eutrochium maculatum	Spotted Joe Pye Weed (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
161	Eutrochium purpureum	Joe Pye weed (native)	1 gal	The Garden Dept Corp.	
162	Fragaria virginiana	Scarlet strawberry (native)	1 gal	The Garden Dept Corp.	
163	Geranium maculatum	Wild geranium (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
164	Geum fragaroides	Barren strawberry (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
165	Hakonechola	Hakone Grass	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
166	Helianthus spp.	Sunflower species (native)	1 gal	The Garden Dept Corp.	
167	Heemerocallis	Daylily	1.5gal	Pinewood Perennial Gardens	The Garden Dept Corp.
168	Heuchera americana	Coral bells (native)	1 gal	The Garden Dept Corp.	
169	Hosta	Plantain Lily	1.5gal	Pinewood Perennial Gardens	The Garden Dept Corp.
170	Iris spp	Iris	1.5gal	Pinewood Perennial Gardens	The Garden Dept Corp.
171	Liatris spicata	Gleazing star (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
172	Liriope	Lily-turf	1gal	The Garden Dept Corp.	
173	Lobelia cardinalis	Cardinal flower (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
174	Lobelia siphilitica	Great blue lobelia (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
175	Monarda didyma	Scarlet bee balm (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
176	Monarda punctata	Spotted bee balm (native)	1 gal	The Garden Dept Corp.	
177	Monarda fistulosa	Wild bergamot (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
178	Nepeta	Cat Mint	1gal	Pinewood Perennial Gardens	The Garden Dept Corp.
179	Pachyasandra terminalis	Japanese pachyasandra	flar	The Garden Dept Corp.	
180	Paeonia	Peony	3 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
181	Panicum virgatum	Switchgrass (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
182	Pennisetum	Mountain Grass	1.5 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
183	Penstemon digitalis	Smooth white beardtongue (native)	1 gal	The Garden Dept Corp.	
184	Perovskia	Russian Sage	1.5gal	Pinewood Perennial Gardens	The Garden Dept Corp.
185	Phlox spp.	Phlox spp. (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
186	Pulmonaria	Lungwort	1gal	Pinewood Perennial Gardens	The Garden Dept Corp.
187	Pycnanthemum spp.	Mountain mint spp. (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
188	Rudbeckia spp.	Rudbeckia species	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
189	Salvia	Sage	1gal	Pinewood Perennial Gardens	The Garden Dept Corp.
190	Schizachyium scoparium	Little bluestem (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
191	Sedum	Flowercrop	8" pan/1.5gal	Pinewood Perennial Gardens	The Garden Dept Corp.
192	Solidago spp.	Goldenrod Species (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
193	Sorghastrum nutans	Indian grass (native)	1 gal	The Garden Dept Corp.	

				Primary Vendor	Secondary vednor
194	Sporobolus heterolepis	Prairie dropseed (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
195	Stachys byzantina	Helene Von Stein	1gal	Pinewood Perennial Gardens	The Garden Dept Corp.
196	Symphyotrichum spp.	Aster Species (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
197	Tiarella cordifolia	Foamflower (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
198	Various genera	Ferns	1gal	Pinewood Perennial Gardens	The Garden Dept Corp.
199	Vernonia noveboracensis	NY Ironweed (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
200	Vinca minor	Myrtle	Flat	The Garden Dept Corp.	
201	Zizia aurea	Golden alexanders (native)	1 gal	Pinewood Perennial Gardens	The Garden Dept Corp.
202	Percentage Off Catalogue Price: Unspecified Perennials			The Garden Dept Corp.	
	SECTION 3 ANNUALS AND ASSORTED SUPPLIES				
204	Percentage Off Catalogue Price: Unspecified Annuals			The Garden Dept Corp.	
205	Cedar tree stakes		5/6'	The Garden Dept Corp.	
206	Assorted Annuals		Flats of 48	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
207	Assorted Annuals		4 1/2 inch pot 15 per tray	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
208	Assorted Annuals		1 quart pot 8 per trav	The Garden Dept Corp.	Starkie Brothers Garden Center Inc.
209	Assorted Annuals		1 gallon annual (ex. Annual Hibiscus)	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
210	Assorted hanging baskets		10"	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
211	Specialty Annuals	for example 'Sunpatiens'	4 1/2 inch pot 15 per tray	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
212	Annual Plugs/Liners		100 per tray	NB	NB
213	Chrysanthemum X morifolium	Mum	8" pot	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
214	Brassica Oleracea	Ornamental Cabbage/Kale	8" pot	Starkie Brothers Garden Center Inc.	The Garden Dept Corp.
215	Bulbs			NB	NB
216	Darwin Tulips		Price per 100	The Garden Dept Corp.	
217	Daffodils		Price per 100	The Garden Dept Corp.	
218	Hyacinth		Price per 100	The Garden Dept Corp.	
219	Percentage Off Catalogue Price: Unspecified Annuals			The Garden Dept Corp.	

CLERK SRIVASTAVA: Item No. 12, a resolution authorizing the execution of an agreement with the Landtek Group for turf repairs at Manhasset Valley park, Manhasset.

COUNCILWOMAN LURVEY: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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. 74 - 2022

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE LANDTEK GROUP FOR TURF REPAIRS AT MANHASSET VALLEY PARK, MANHASSET.

WHEREAS, the Town of North Hempstead (the "Town") requires the services of a contractor to repair the turf field at Manhasset Valley Park in Manhasset (the "Services"); and

WHEREAS, the Director of Purchasing (the "Director") has recommended that the Town enter into an Agreement with The LandTek Group, 105 Sweeneydale Avenue, Bay Shore, New York 11706 ("the Contractor") to perform the Services in consideration of an amount not to exceed Eleven Thousand Nine Hundred Twenty-Five and 00/100 Dollars (the "Agreement"), the terms of which Agreement shall be in accordance with the provisions of the agreement between the Town of Hempstead and the Contractor, contract #16-2020 entitled "Synthetic Turf Maintenance Contract"; 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 and directed 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

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney Admin Services Comptroller Purchasing

CLERK SRIVASTAVA: Item No. 13, a resolution authorizing the execution of an agreement with de Bruin Engineering PC, for professional services in connection with a retaining wall at Alvan Petrus Park.

COUNCILMAN ZUCKERMAN: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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. 75 - 2022

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH DE BRUIN ENGINEERING P.C. FOR PROFESSIONAL SERVICES IN CONNECTION WITH A RETAINING WALL AT ALVAN PETRUS PARK.

WHEREAS, the Town of North Hempstead (the "Town") requires the retention of an engineering firm to provide professional services, including preparation of a topographic survey and construction drawings, review of construction drawings, partial inspection services, and issuance of a punch list upon substantial completion of the work in connection with the repair of a retaining wall at Alvan Petrus Park, Port Washington damaged as a result of the rainfall during Hurricane Ida (the "Services"); and

WHEREAS, the Acting Commissioner of the Department of Parks and Recreation (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 Ten Thousand and 00/100 Dollars (\$10,000.00) (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 and directed 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

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney Comptroller Parks

CLERK SRIVASTAVA: Item No. 14, a resolution authorizing the execution of a license agreement with Kyra's Champions for the placement of pinwheels at various town parks in recognition of National Child Abuse Prevention Month.

COUNCILWOMAN LURVEY: So today the town board is being asked to approve the execution of an agreement for the placement of pin wheels in Mary Jane Davies Green and Blumenfeld Park in honor of national child abuse prevention month. Kyra's Champions is an organization named for Jacqueline Franchetti's daughter Kyra, who was tragically murdered by her father while her parents were going through a child custody case. Ever since my first meeting with Jacqueline, I have known her to be a fierce advocate for children. The approximately 750 pinwheels will reflect the number of children who have died over the past decade in similar circumstances, and honors each child's memory. This is the third year that the town will be participating in this way. I offer the resolution --

COUNCILWOMAN DALIMONTE: Second.

COUNCILWOMAN LURVEY: Second year. Thank you, Councilwoman Dalimonte. This is the second year that the town will be participating in this way. I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Yeah. I spoke with the woman personally myself and it's a, you know, she has some story and my vote is aye, and I wish that, you know, people who have suffered from this could find peace. My vote is aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: I would like to just add that Councilwoman Lurvey and I, this our second we're doing it together. And it's so -- it's really moving. And if you are on my newsletter, I will -- probably closer in March, I will have more information on there. But it's really moving and there's a poster opp that explains what the pin wheels are. And she's a force. Kyra's mom is a force and I am happy to have vote aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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. 76 - 2022

A RESOLUTION AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH KYRA'S CHAMPIONS FOR THE PLACEMENT OF PINWHEELS AT VARIOUS TOWN PARKS IN RECOGNITION OF NATIONAL CHILD ABUSE PREVENTION MONTH.

WHEREAS, the Town of North Hempstead (the "Town") owns certain real property known as Mary Jane Davies Green located on Plandome Road in Manhasset, New York and additional real property known as Blumenfeld Family Park on Main Street in Port Washington (the "Premises"); and

WHEREAS, Kyra's Champions, 565 Plandome Road, #156, Manhasset, New York 11030 (the "Licensee") has requested a license to place approximately 750 pinwheels and signage at each location on the Premises in honor of National Child Abuse Prevention Month (the "Licensed Use") between April 2, 2022 and April 17, 2022 (the "Agreement"); and

WHEREAS, this Board wishes to 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 is hereby authorized and directed to execute on behalf of the Town, the 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 Agreement.

RESOLVED that the Supervisor or Deputy Supervisor is authorized take such other action as may be necessary to effectuate the foregoing.

Dated: Manhasset, New York

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney Comptroller Public Safety

CLERK SRIVASTAVA: Item No. 15, a resolution authorizing the execution of agreements with Fairway Golf Car Corporation for the rental of golf cars at Harbor Links Golf Course.

COUNCILWOMAN DALIMONTE: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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. 77 - 2022

A RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENTS WITH FAIRWAY GOLF CAR CORP. FOR THE RENTAL OF GOLF CARS AT HARBOR LINKS GOLF COURSE.

WHEREAS, the Department of Parks and Recreation (the "Department") requires golf carts for use at Harbor Links Golf Course in Port Washington ("Harbor Links"); and

WHEREAS, pursuant to Resolution No. 476-2021, duly adopted on September 2, 2021, the Town awarded a bid for the lease of new golf carts for Harbor Links to Fairway Golf Car Corp., 8 Commercial Boulevard, Medford, New York 11763 ("Fairway"); and

WHEREAS, due to supply chain delays the carts will not be delivered in time for the start of the 2022 golf season; and

WHEREAS, Harbor Links remains in possession of golf carts previously leased from Fairway and the Director of Purchasing has recommended that the Town enter into short term leases for the used carts for a period of four (4) months, from March 1, 2022 through July 31, 2022, or until such time as the new carts are delivered, whichever is sooner, in consideration of payment in the amount of Six Thousand Seven Hundred Fifty and 00/100 Dollars (\$6,750.00) per month for the ninety (90) electric golf carts with visage GPS and the amount of One Thousand Three Hundred Fifty and 00/100 Dollars (\$1,350.00) per month for the eighteen (18) gas golf carts; in the event that the new carts are not delivered by July 31, 2022 the leases will extend under the same terms for sixty (60) days upon the request of Harbor Links (the "Agreements"); and

WHEREAS, this Board finds it to be in the best interests of the Town to authorize the Agreements.

NOW, THEREFORE, BE IT

RESOLVED that the Agreements be and are hereby authorized; and be it further

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the Agreements on behalf of the Town, which Agreements 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 Agreements, 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 Agreements and certified claims therefore.

Dated: Manhasset, New York

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney Comptroller

CLERK SRIVASTAVA: Item No. 16, a resolution authorizing the execution of an agreement with Metro Wellness for exercise classes in conjunction with Project Independence.

SUPERVISOR DESENA: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 78 - 2022

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH METRO WELLNESS FOR EXERCISE CLASSES IN CONJUNCTION WITH PROJECT INDEPENDENCE.

WHEREAS, the Department of Services for the Aging ("DOSA") desires to provide fitness instruction, including yoga, fitness, and Silver Sneakers at various locations within the Town in connection with Project Independence (the "Services"); and

WHEREAS, the Commissioner of DOSA (the "Commissioner") has recommended that the Town enter into an agreement with Metro Wellness, 800 East Gate Boulevard, Garden City NY 11530 to provide the Services for a term commencing retroactively on January 1, 2022 and terminating December 31, 2022 in consideration of an amount not to exceed Four Thousand and 00/100 Dollars (\$4,000.00) payable at the rate of Fifty and 00/100 Dollars (\$50.00) per hour (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 and directed 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

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney Comptroller DOSA

CLERK SRIVASTAVA: Item No.17, a resolution authorizing the execution of an agreement with Nelson, Pope & Voorhis, LLC, for rain garden and native garden educational workshops.

SUPERVISOR DESENA: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 79 - 2022

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH NELSON, POPE & VOORHIS, LLC FOR RAIN GARDEN AND NATIVE GARDEN EDUCATIONAL WORKSHOPS.

WHEREAS, the Commissioner of the Department of Planning and Environmental Protection (the "Commissioner") for the Town of North Hempstead (the "Town") has recommended that this Board authorize the retention of a firm to prepare and present educational workshops on rain and native gardens (the "Services"); and

WHEREAS, the Commissioner has recommended the retention of Nelson, Pope & Voorhis, LLC, 572 Walt Whitman Road, Melville, New York 11747 to provide the Services in consideration of an amount not to exceed One Thousand Four Hundred and 00/100 Dollars (\$1,400.00) (the "Agreement"); and

WHEREAS, the 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 and directed 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

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

CLERK SRIVASTAVA: Item No. 18, a resolution authorizing the execution of an agreement with Penflex, Inc., for actuarial and administrative services for the Albertson Hook & Ladder Engine & Hose Company No. 1 and Floral Park Center Fire Company length of service award programs.

COUNCILMAN ZUCKERMAN: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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. 30 - 2022

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PENFLEX, INC. FOR ACTUARIAL AND ADMINISTRATIVE SERVICES FOR THE ALBERTSON HOOK & LADDER, ENGINE & HOSE COMPANY #1 AND FLORAL PARK CENTRE FIRE CO. LENGTH OF SERVICE AWARD PROGRAMS.

WHEREAS, the Town of North Hempstead (the "Town") is the sole sponsor of the Albertson Hook & Ladder, Engine & Hose Company #1 ("Albertson") and the Floral Park Centre Fire Co. ("Floral Park") Length of Service Award Programs (the "LOSAP Programs"); and

WHEREAS, the LOSAP Programs were established pursuant to Article 11-A of the General Municipal Law; and

WHEREAS, Penflex Actuarial Services, LLC ("Penflex"), 50 Century Hill Dr., Suite 3, Latham, NY 12110 provides actuarial and administrative services (the "Services") for various fire departments' Length of Service Award Programs including the LOSAP Programs for Albertson and Floral Park; and

WHEREAS, the Comptroller's Office recommends the continued retention of Penflex to perform the Services for the LOSAP Programs for a term retroactively commencing on November 1, 2021 and terminating on October 31, 2022 in consideration of a total annual cost of Five Thousand Five Hundred and 00/100 Dollars (\$5,500.00) for the Albertson LOSAP Program and an annual cost of Four Thousand Four Hundred and 00/100 Dollars (\$4,400.00) for the Floral Park LOSAP Program (collectively the "Agreements"); and

WHEREAS, the Town Board wishes to authorize the execution of the Agreements.

NOW, THEREFORE, BE IT

RESOLVED that the Agreements be and are hereby authorized; and be it further

RESOLVED that the Supervisor be and hereby is authorized and directed to execute the Agreements on behalf of the Town, which Agreements 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 Agreements, 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 Agreements and certified claims therefore.

Dated: Manhasset, New York

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

:

cc: Town Attorney Comptroller

CLERK SRIVASTAVA: Item No. 19, a resolution authorizing the use of various New York State Office of General Services contracts for town purchases.

COUNCILWOMAN DALIMONTE: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 89 - 2022

A RESOLUTION AUTHORIZING THE USE OF VARIOUS NEW YORK STATE OFFICE OF GENERAL SERVICES CONTRACTS FOR TOWN PURCHASES.

WHEREAS, the Town of North Hempstead (the "Town") requires the purchase of road salt, various types of fuel and industrial and commercial supplies (the "Purchases"), and

WHEREAS, the New York State Office of General Services awarded contract number PC69184 entitled "Group 01800 - Road Salt, Treated Salt & Emergency Standby Road Salt" (the "Road Salt Agreement") to Atlantic Salt, Inc.; and

WHEREAS, the New York State Office of General Services awarded a contract entitled "Group 05500 – Fuel Oil, Heating" to various vendors including United Metro Energy Corp., contract number PC68106, and to Sprague Operating Resources LLC, contract number PC68104 (the "Fuel Oil Agreement"); and

WHEREAS, the New York State Office of General Services awarded a contract entitled "Group 05602 - Ultra-Low Sulfur Diesel and Biodiesel Fuel" to various vendors including Global Montello Group Corp., contract number PC69480, and Sprague Operating Resources LLC, contract number PC69485 (the "Diesel Oil Agreement"); and

WHEREAS, the New York State Office of General Services awarded a contract entitled "Group 39000 - Industrial and Commercial Supplies and Equipment" (the "Industrial Supplies Agreement") to various vendors; and

WHEREAS, under New York General Municipal Law §104, the Town is authorized to contract for purchases through the New York State Office of General Services; and

WHEREAS, the Board wishes to authorize the use of the Road Salt Agreement, the Fuel Oil Agreement, the Diesel Oil Agreement and the Industrial Supplies Agreement (collectively the "Agreements") for the Purchases for the duration of the Agreements, inclusive of any extensions.

NOW, THEREFORE, BE IT

RESOLVED that the use of the Agreements be and are hereby authorized; and be it further

RESOLVED that the Supervisor be and hereby is authorized and directed 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 Agreements and certified claims therefore.

Dated: Manhasset, New York

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney Admin Services Comptroller

CLERK SRIVASTAVA: Item No. 20. A resolution authorizing the execution of an amendment to an agreement with All About Spay Neuter, Inc., for trap, neuter, and spay services for the town.

SUPERVISOR DESENA: I offer the resolution and move for adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 81 - 2022

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH ALL ABOUT SPAY NEUTER, INC. FOR TRAP, NEUTER AND SPAY SERVICES FOR THE TOWN.

WHEREAS, pursuant to a resolution duly adopted by this Board, the Town entered into an agreement with the All About Spay Neuter, Inc., 4209 Merrick Road, Massapequa, New York 11758, to provide trap, neuter and release 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 of these Options to extend the term of the Original Agreement for an additional one (1) year period commencing February 27, 2022, and ending February 26, 2023 (the "Amendment"); and

WHEREAS, the cost of the Services will be \$165 per cat; 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

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney Comptroller Purchasing

CLERK SRIVASTAVA: Item No. 21. A resolution authorizing the execution of an amendment to an agreement with Geese Chasers Long Island New York, LLC, for geese control at town parks.

SUPERVISOR DESENA: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 82 - 2022

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH GEESE CHASERS LONG ISLAND NY, LLC FOR GEESE CONTROL AT TOWN PARKS.

WHEREAS, pursuant to a resolution, duly adopted by this Board, the Town entered into an agreement with Geese Chasers, Long Island NY, LLC (the "Contractor"), for geese control at various Town parks (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 amend the Original Agreement to exercise the first option to extend the term of the Agreement for an additional one (1) year period, commencing on February 25, 2022 and terminating on February 24, 2023 (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 claim therefor.

Dated: Manhasset, New York

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney Comptroller

CLERK SRIVASTAVA: Item No. 22, a resolution authorizing the execution of an amendment to an agreement with Online Solutions, LLC, dba Citizenserve for building department software.

SUPERVISOR DESENA: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 83 - 2022

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH ONLINE SOLUTIONS, LLC D/B/A CITIZENSERVE FOR BUILDING DEPARTMENT SOFTWARE.

WHEREAS, pursuant to Resolution No. 101-2019, duly adopted by this Board on February 28, 2019, the Town entered into an agreement with Online Solutions, LLC d/b/a Citizenserve, 1101 E. Warner Rd, Suite 160, Tempe, AZ 85284 (the "Contractor"), for software for the Department of Building, Safety Inspection & Enforcement for a term of five (5) years in consideration of an amount not to exceed Three Hundred Forty-Five Thousand and 00/100 Dollars (\$345,000.00) for the first year of the agreement and One Hundred Twenty Thousand and 00/100 Dollars (\$120,000.00) for each additional year thereafter (the "Original Agreement"); and

WHEREAS, the Commissioner of the Department of Information Technology and Telecommunications (the "Commissioner") has recommended that the Town amend the Original Agreement to (1) replace some of the original integrations provided for in the Original Agreement at no additional cost, (2) program the software to allow residents to sign in with a unique email address instead of a randomly assigned userID in consideration of an additional Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00) and (3) acquire additional licenses as needed at a cost of One Thousand Two Hundred and 00/100 Dollars (\$1,200.00) per user per year with an first year implementation fee of One Thousand Two Hundred and 00/100 Dollars (\$1,200.00) per license (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 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

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

CLERK SRIVASTAVA: Item No. 23, a resolution authorizing the execution of an amendment to an agreement with Dejana Industries, LLC, for collection and disposal of acceptable waste and recyclables in the Albertson-Searingtown-Herricks garbage district.

COUNCILMAN ZUCKERMAN: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 84 - 2022

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH DEJANA INDUSTRIES, LLC FOR COLLECTION AND DISPOSAL OF ACCEPTABLE WASTE AND RECYCLABLES IN THE ALBERTSON-SEARINGTOWN-HERRICKS GARBAGE DISTRICT.

WHEREAS, pursuant to a resolution, duly adopted by this Board, the Town of North Hempstead (the "Town") entered into an agreement, as amended (the "Original Agreement"), with Dejana Industries, LLC, 30 Sagamore Hill Drive, Port Washington, NY 11050 ("Dejana"), to collect acceptable waste and recyclables from the Albertson-Searingtown-Herricks Garbage District (the "District"); and

WHEREAS, the Commissioner of the Town's Department of Solid Waste Management has requested that this Board authorize an amendment to the Original Agreement to include a payment to Dejana in an amount not to exceed Three Thousand Six Hundred Twenty Nine and 62/100 Dollars (\$3,629.62) as reimbursement for monies expended by Dejana to remove radiological material from a Dejana vehicle that serviced the District (the "Amendment"); and

WHEREAS, this Board finds it in the best interests of the Town to authorize the execution of 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

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney Comptroller SWMA

CLERK SRIVASTAVA: Item No. 24, a resolution authorizing the purchase of software maintenance, technical support services, and software licenses for the department of information technology and telecommunications.

SUPERVISOR DESENA: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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. 85 - 2022

A RESOLUTION AUTHORIZING THE PURCHASE OF SOFTWARE MAINTENANCE, TECHNICAL SUPPORT SERVICES AND SOFTWARE LICENSES FOR THE DEPARTMENT OF INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS.

WHEREAS, the Department of Information Technology and Telecommunications (the "Department") requires annual software maintenance and technical support for the Town's Financial Management System, New World (the "New World Support"), annual software maintenance and technical support for the Town's Legal Management System (the "Legal Files Support"), software licenses for implementation of the Town's mobile device management system (the "Intune Licenses"), Microsoft SQL Server software and associated licenses for the Town's new tax server (the "SQL Software and Licenses") and software maintenance, technical support and additional licenses for the Town's desktop computer management software (the "Goverlan Support"); and

WHEREAS, the Commissioner of the Department has recommended that the Town purchase the New World Support from Tyler Technologies, P.O. Box 203556, Dallas, Texas 75320 for a term of one (1) year in consideration of an amount not to exceed Fifty-Three Thousand Two Hundred Sixty-Five and 50/100 Dollars (\$53,265.50) (the "Tyler Technologies Purchase"); and

WHEREAS, the Commissioner of the Department has recommended that the Town purchase the Legal Files Support from the software vendor Legal Files Software, Inc., 801 S. Durkin Drive, Springfield, IL 62704 for a term of one (1) year in consideration of an amount not to exceed Five Thousand Two Hundred Fifty-Two and 00/100 Dollars (\$5,252.00) (the "Legal Files Purchase"); and

WHEREAS, the Commissioner of the Department has recommended that the Town purchase the Intune Licenses from Dell Technologies, One Dell Way, Mail Stop 8129, Round Rock, Texas 78682 in consideration of an amount not to exceed Three Thousand Four Hundred Eight and 00/100 Dollars (\$3,408.00), payable Eleven and 36/100 Dollars (\$11.36) per device (the "Intune Purchase"); and

WHEREAS, the Commissioner of the Department has recommended that the Town purchase the SQL Software and Licenses from Dell Technologies, One Dell Way, Mail Stop 8129, Round Rock, Texas 78682 in consideration of Five Hundred Seventy and 62/100 Dollars (\$570.62) for the Software, and Six Thousand Six Hundred Forty and 00/100 Dollars (\$6,640.00) for 50 Licenses at the unit price of \$132.80, for a total amount not to exceed Seven Thousand Two Hundred Ten and 62/100 Dollars (\$7,210.62) (the "SQL Purchase"); and

WHEREAS, the Commissioner of the Department has recommended that the Town purchase the Goverlan Support from Goverlan, LLC, 2655 S Le Jeune Road, Suite 1001, Miami, Florida 33134 in consideration of Seven Hundred Fifty-Seven and 00/100 Dollars (\$757.00) for the maintenance for a term of one (1) year and One Thousand Nine Hundred Twenty and 00/100 Dollars (\$1,920.00) for two (2) additional licenses, for a total amount not to exceed Two Thousand Six Hundred Seventy-Seven and 00/100 (\$2,677.00) (the "Goverlan Purchase"); and

WHEREAS, this Board finds it to be in the best interest of the Town to authorize the Tyler Technologies Purchase, the Legal Files Purchase, the Intune Purchase, the SQL Purchase and the Goverlan Purchase (collectively the "Purchases").

NOW, THEREFORE, BE IT

RESOLVED that the Purchases be and are hereby authorized; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Purchases upon receipt of certified claims therefore.

Dated: Manhasset, New York

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney Comptroller DOITT

CLERK SRIVASTAVA: Item No. 25, a resolution authorizing the purchase of record storage services for the office of the town clerk from Iron Mountain.

SUPERVISOR DESENA: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 86 - 2022

A RESOLUTION AUTHORIZING THE PURCHASE OF RECORD STORAGE SERVICES FOR THE OFFICE OF THE TOWN CLERK FROM IRON MOUNTAIN.

WHEREAS, the Town of North Hempstead Office of the Town Clerk (the "Office") requires record storage services for inactive Town records for a term beginning January 1, 2022 and ending December 31, 2022 (the "Services"); and

WHEREAS, the Office has retained Iron Mountain, 1101 Enterprise Dr., Royersford, PA 19645 (the "Contractor") to provide the Services; and

WHEREAS, it has been determined that the Contractor is the sole source available to the Town for the Services, in accordance with the Town's Procurement Policy; and

WHEREAS, it has been recommended that the Town Board ratify the Office's actions in using the Contractor to provide the Services and to authorize payment of all invoices for the Services in an amount not to exceed Five Thousand and 00/100 Dollars (\$5,000.00) (the "Purchase"); and

WHEREAS, this Board finds it to be in the best interest of the Town to ratify the actions of the Office and authorize the Purchase.

NOW, THEREFORE, BE IT

RESOLVED that the actions of the Office in using the Contractor to provide the Services be and hereby are ratified; and be it further

RESOLVED that the Purchase is hereby authorized; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the cost of the Purchase upon receipt of certified claims therefore.

Dated: Manhasset, New York

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney Comptroller Clerk

CLERK SRIVASTAVA: Item No. 26, a resolution authorizing the purchase of software maintenance and technical support services for various information technology applications for the office of the town clerk.

SUPERVISOR DESENA: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 87 - 2022

A RESOLUTION AUTHORIZING THE PURCHASE OF SOFTWARE MAINTENANCE AND TECHNICAL SUPPORT SERVICES FOR VARIOUS INFORMATION TECHNOLOGY APPLICATIONS FOR THE OFFICE OF THE TOWN CLERK.

WHEREAS, the Office of the Town Clerk requires support and maintenance for the Town's eCode 360 application (the "eCode Services"), support and software maintenance for the Town's Licensing and Vital Statistics application (the "BAS Services") and maintenance services for its microfilm scanners (the "Precision Microproducts Services"); and

WHEREAS, the Director of Purchasing has recommended that the Town purchase the eCode Support from General Code, LLC, 781 Elmgrove Road, Rochester, New York 14624 for a term of one (1) year in consideration of an amount not to exceed One Thousand One Hundred Ninety-Five and 00/100 Dollars (\$1,195.00) (the "General Code Purchase"); and

WHEREAS, the Director of Purchasing has recommended that the Town purchase the BAS Services from Edmunds GovTech, 301 Tilton Road, Northfield, New Jersey 08225 for a term of one (1) year in consideration of an amount not to exceed Four Thousand Five Hundred Thirty-Two and 00/100 Dollars (\$4,532.00) (the "BAS Purchase"); and

WHEREAS, the Director of Purchasing has recommended that the Town purchase the Precision Microproducts Services from Precision Microproducts of America, Inc., 7 Old Dock Road, Suite 3, Yaphank, New York 11980 for a term of one (1) year in consideration of an amount not to exceed One Thousand and 00/100 Dollars (\$1,000.00) (the "Precision Microproducts Purchase"); and

WHEREAS, this Board finds it to be in the best interest of the Town to authorize the General Code Purchase, the BAS Purchase and the Precision Microproducts Purchase (collectively the "Purchases").

NOW, THEREFORE, BE IT

RESOLVED that the Purchases be and are hereby authorized; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Purchases upon receipt of certified claims therefore.

Dated: Manhasset, New York

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney Comptroller

CLERK SRIVASTAVA: Item No. 27, a resolution authorizing the purchase of subscription renewals for Bitdefender Antivirus software from CDW Government, LLC.

SUPERVISOR DESENA: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 88 - 2022

A RESOLUTION AUTHORIZING THE PURCHASE OF SUBSCRIPTION RENEWALS FOR BITDEFENDER ANTIVIRUS SOFTWARE FROM CDW GOVERNMENT, LLC.

WHEREAS, the Department of Information Technology and Telecommunications (the "Department") requires the purchase of subscription renewals for BitDefender Antivirus software for desktops, laptops, and servers (the "BitDefender renewals"); and

WHEREAS, the Commissioner of the Department has recommended that the Town purchase the BitDefender renewals from CDW Government, LLC, in consideration of an amount not to exceed Sixteen Thousand Eight Hundred Thirty-Six and 60/100 (\$16,836.60), which amount includes an additional one hundred and eighty (180) subscriptions (the "BitDefender Purchase"); and

WHEREAS, this Board finds it to be in the best interest of the Town to authorize the BitDefender Purchase (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

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney Comptroller

CLERK SRIVASTAVA: Item No. 28. A resolution establishing new property addresses for portions of the premises identified on the Nassau County land and tax map as Section 9, Block 612, Lot 39 as 2477 Jericho Turnpike, 2479 Jericho Turnpike, 2481 Jericho Turnpike, and 2489 Jericho Turnpike, Garden City Park, New York.

SUPERVISOR DESENA: Councilman Walsh, would you like to move this?

COUNCILMAN WALSH: Yeah. I'd to offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: There's one. Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 90 - 2022

A RESOLUTION ESTABLISHING NEW PROPERTY ADDRESSES FOR PORTIONS OF THE PREMISES IDENTIFIED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 9, BLOCK 612, LOT 39 AS 2477 JERICHO TURNPIKE, 2479 JERICHO TURNPIKE, 2481 JERICHO TURNPIKE AND 2489 JERICHO TURNPIKE, GARDEN CITY PARK, NEW YORK.

WHEREAS, Section 10-3 of the Code of the Town of North Hempstead (the "Town") authorizes the Town Board to adjust and renumber street addresses as may be required from time to time; and

WHEREAS, Garden City Park Associates, LLC, (the "Applicant") is the owner of real property located at 2475 Jericho Turnpike, Garden City Park, New York, designated on the Nassau County Land and Tax Map as Section 9, Block 612, Lot 39 (the "Original Street Address"); and

WHEREAS, the property currently consists of one structure, known as 2475 Jericho Turnpike, Garden City Park, New York, and will be subdivided into one large unit and four additional individual units, which new units will be assigned four new mailing addresses; and

WHEREAS, the Applicant has requested that the Original Street Address be retained for the larger unit and that new street addresses of 2477 Jericho Turnpike, Garden City Park, New York, 2479 Jericho Turnpike, Garden City Park, New York, 2481 Jericho Turnpike, Garden City Park, New York and 2489 Jericho Turnpike, Garden City Park, New York be assigned to the newly created individual units (the "Address Re-designations"); and

WHEREAS, the Garden City Park Postmaster has approved the Address Re-designations sought by the Applicant; and

WHEREAS, subject to the Nassau County Fire Marshal rendering a determination that the designations would not impede optimum emergency response time (the "Determination"), the Town Board wishes to grant the Applicant's request for the Address Re-designations;

NOW, THEREFORE, BE IT

RESOLVED that subject to the Determination of the Nassau County Fire Marshal, the Town Board hereby authorizes and directs that the real property at 2475 Jericho Turnpike, Garden City Park, New York, designated on the Nassau County Land and Tax Map as Section 9, Block 612, Lot 39 (the "Original Street Address") be re-

designated as 2475 Jericho Turnpike, Garden City Park, New York, 2477 Jericho Turnpike, Garden City Park, New York, 2479 Jericho Turnpike, Garden City Park, New York, 2481 Jericho Turnpike, Garden City Park, New York and 2483 Jericho Turnpike, Garden City Park, New York; and be it further

RESOLVED that the Town Board hereby authorizes and directs that all necessary action be taken by the Building Department to effectuate the foregoing, and be it further

RESOLVED that the Town Board hereby authorizes and directs the Town Clerk to notify the Nassau County Clerk, the Nassau County Engineer, the Applicant and the post-office department of the United States where the premises is located, to advise them of the Address Re-designations.

Dated: Manhasset, New York

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dailmonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney Receiver of Taxes Planning Building Town Clerk

CLERK SRIVASTAVA: Item No. 29. A resolution authorizing a change of street addresses for the premises identified on the Nassau County land and tax map as Section 6, Block 18, Lots 574 and 575 from 95A and 95B Highland Avenue, Port Washington, New York to 95 Highland Avenue, Port Washington, New York and 97 Highland Avenue, Port Washington, New York.

COUNCILWOMAN DALIMONTE: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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. 91 - 2022

A RESOLUTION AUTHORIZING A CHANGE OF STREET ADDRESSES FOR THE PREMISES IDENTIFIED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 6, BLOCK 18, LOTS 574 AND 575 FROM 95A AND 95B HIGHLAND AVENUE, PORT WASHINGTON, NY TO 95 HIGHLAND AVENUE, PORT WASHINGTON, NEW YORK AND 97 HIGHLAND AVENUE, PORT WASHINGTON, NEW YORK.

WHEREAS, Section 10-3 of the Code of the Town of North Hempstead (the "Town") authorizes the Town Board to adjust and renumber street addresses as may be required from time to time; and

WHEREAS, Frank Berritto, (the "Applicant"), is the owner of real properties located at 95A and 95B Highland Avenue, Port Washington, New York, designated on the Nassau County Land and Tax Map as Section 6, Block 18, Lots 574 and 575 (the "Original Street Addresses"); and

WHEREAS, the "Applicant has requested that the Original Street Address for the premises located at 95A Highland Avenue, designated on the Nassau County Land and Tax Map as Section 6, Block 18, Lot 574, be changed to 95 Highland Avenue, Port Washington, New York (the "Address Re-designation"); and

WHEREAS, the Applicant has further requested that the Original Street Address for the premises located at 95B Highland Avenue, designated on the Nassau County Land and Tax Map as Section 6, Block 18, Lot 575, be changed to 97 Highland Avenue, Port Washington, New York (the additional "Address Re-designation," collectively the "Address Re-Designations"); and

WHEREAS, the Port Washington Postmaster has approved the Address Re-designations sought by the Applicant; and

WHEREAS, subject to the Nassau County Fire Marshal rendering a determination that the designations would not impede optimum emergency response time (the "Determination"), the Town Board wishes to grant the Applicant's request for the Address Re-designations.

NOW, THEREFORE, BE IT

RESOLVED that subject to the Determination of the Nassau County Fire Marshal, the Town Board hereby authorizes and directs that the real properties at 95A and 95B Highland Avenue, Port Washington, New York, designated on the Nassau County Land and Tax Map as Section 6, Block 18, Lots 574 and 575 (the "Original Street

Address") be re-designated as 95 Highland Avenue, Port Washington, New York and 97 Highland Avenue, Port Washington, New York; and be it further

RESOLVED that the Town Board hereby authorizes and directs that all necessary action be taken by the Building Department to effectuate the foregoing; and be it further

RESOLVED that the Town Board hereby authorizes and directs the Town Clerk to notify the Nassau County Clerk, the Nassau County Engineer, the Applicant and the post-office department of the United States where the premises is located, to advise them of the Address Re-designations.

Dated: Manhasset, New York

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney Receiver of Taxes Planning Building Town Clerk

CLERK SRIVASTAVA: Item No. 30. A resolution amending the Town of North Hempstead parks fee schedule.

SUPERVISOR DESENA: I believe this is -- we are striking No. 30.

COUNCILMAN TROIANO: Yeah. I just want to -- yes, I want to thank the board. It's my request that we -- that this resolution be struck. If that's not the right word, that we strike this resolution. And I just want to note that it's being done by virtue of what's known as unanimous consent. And that's why we can strike this.

SUPERVISOR DESENA: Councilman Troiano, I have an e-mail that says that this was at your request.

COUNCILMAN TROIANO: Yeah. That's -- I think --

SUPERVISOR DESENA: Not unanimous consent. This was at your request that it'd be stricken.

COUNCILMAN TROIANO: Yeah. I think I said that it was my request and there was unanimous consent to grant my request.

SUPERVISOR DESENA: Well, I wasn't consulted on that. I don't know how you -- I don't know how you asked for unanimous consent.

COUNCILMAN TROIANO: Apparently you did because you said we could, but you want to, we'll just go to vote, that's fine with me.

SUPERVISOR DESENA: I was just pointing out that it was your request, not a unanimous --

COUNCILMAN TROIANO: It was --

COUNCILMAN WALSH: Maybe the board, but nobody asked for my opinion.

COUNCILMAN TROIANO: Okay. So I will ask for your opinion now. Do you agree to strike it?

COUNCILMAN WALSH: I agree.

COUNCILMAN TROIANO: Okay. Thank you. Mr. Adhami, do you --

COUNCILMAN WALSH: No, no, no, no, no. You didn't let me finish. So you're fast with cutting people off. I agree to think about it. And I'll wait and I'll give you a response in a minute.

COUNCILMAN TROIANO: Okay. Fine. So we're not going to strike it apparently because we don't have --

COUNCILMAN WALSH: Well, we can strike it. But you --

COUNCILMAN TROIANO: No, no, no.

COUNCILMAN WALSH: You were saying that everybody had a -- this was a unanimously --

COUNCILMAN TROIANO: Council, council.

COUNCILWOMAN LURVEY: -- before and I was not part of that unanimous decision.

COUNCILMAN TROIANO: That's fine.

TNH038-2022 TREES FLOWERS AND SHRUBS				The Garden Dept Corp.	Pinewood Perennial Gardens	Starkie Bros Garden Center Inc.
					PO BOX 915	
				3672 Route 112'	560 Sterling Lane	721 Main st.
				Coram, NY 1177	Cutchogue NY 11944	Farmingdale, NY 11735
				Nicholas Giordano	Scott Clark	George Starkie
				Nick@gardendep.com	Scott@Pinewood Perennials.com	Gstarkie@hotmail.com
				631-736-3378	631-734-6911	516-293-7148
SECTION 1. TREES AND SHRUBS						
Item #	Botanical Name	Common Name	Size (if bidding a different size, please indicate alternate size(s) below)	Price/Unit Delivered	Price/Unit Delivered	Price/Unit Delivered
1	Abelia	Glossy Abelia	3gal	23.52	NB	22.00 2 gallons
2	Acer Buergeri	Trident Maple	3" caliper	343.00	NB	NB
3	Acer griseum	Paperbark Maple	3" caliper	612.50	NB	NB
4	Acer japonica	Japanese Maple	5 gal	132.30	NB	145.00
5	Acer truncatum	Shantung Maple	3" caliper	343.00	NB	NB
6	Acer spp.	Maple	3" caliper	343.00	NB	NB
7	Amelanchier Autum Brilliance/Robin Hill	Serviceberry (native)	3" caliper	367.50	NB	NB
8	Amelanchier spp.	Serviceberry (native)	5 gal	49.00	NB	45.00 3 gallons
9	Amorpha canescens	Leadplant (native)	2 gal	10.54	NB	NB
10	Arctostaphylos uva-ursi	Common bearberry (native)	1 gal	14.21	12.00 3q	21.00
11	Aronia arbutifolia	Red chokeberry (native)	2 gal	23.03	NB	32.00
12	Aronia melanocarpa	Black chokeberry (native)	2 gal	30.38	NB	43.00 3 gallons
13	Aucuba japonica	Japanese A.	3 gal	31.36	NB	30.00
14	Azalea (Evergreen)	Evergreen	3 gal	24.01	NB	25.00
15	Betula nigra	River Birch (native)	5 gal	93.10	NB	75.00
16	Betula nigra 'Heritage'	River Birch (native)	3" caliper	289.10	NB	NB
17	Buxus	Boxwood	3 gal	32.59	NB	37.00
18	Camellia japonica	Camellia	5 gal	67.62	NB	70.00
19	Carpinus betulus	European Hornbeam	3" caliper	371.42	NB	NB
20	Carpinus caroliniana	American Hornbeam	3" caliper	396.90	NB	NB
21	Ceanothus americanus	New Jersey tea (native)	2 gal	25.97	NB	32.00
22	Cedrus atlantica	Blue Atlas Cedar	7-8'	264.60	NB	NB
23	Cephalanthus occidentalis	Button Bush (native)	2 gal	21.56	NB	39.00 3 gallons
24	Cephalotaxus	Plum Yew	5 gal	83.30	NB	65.00
25	Cercis canadensis	Redbud (native)	3" caliper	357.70	NB	NB
26	Chamaecyparis	False cypress	3 gal	24.99	NB	29.00
27	Chionanthus retusus	Chinese fringetree	3" caliper	416.50	NB	NB

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SECTION 1. TREES AND SHRUBS						
Item #	Botanical Name	Common Name	Size (if bidding a different size, please indicate alternate size(s) below)	Price/Unit Delivered	Price/Unit Delivered	Price/Unit Delivered
28	Clethra alnifolia	Summersweet (native)	2 gal	32.59	NB	19.00
29	Cornus alternifolia/ alba/ sericea/ amomum	Dogwoods (native)	2 gal	23.03 (3 gal)	NB	58.00 3 gallons
30	Cornus florida	Flowering Dogwood (Native)	3" caliper	289.10	NB	150.00 1.5"
31	Cornus kousa	Japanese Dogwood	3" caliper	308.70	NB	150.00 1.5"
32	Cornus mas 'Golden Glory'	Cornelian Cherry	3" caliper	343.00	NB	NB
33	Corylopsis pauciflora	Winter Hazel	3 gal	30.87	NB	NB
34	Cotinus obovatus	American Smoktree	3" caliper	279.30	NB	NB
35	Crataegus viridis	Winter King Hawthorn	3" caliper	357.70	NB	NB
36	Cupressocyparissoides	Leyland Cypress	5-6'	93.10	NB	88.00
37	Diervilla lonicera	Northern bush honeysuckle (native)	2 gal	25.97	NB	32.00 Copper
38	Enkianthus	Enkianthus	3 gal	38.71	NB	31.00 2 gal
39	Fagus grandifolia	American Beech (native)	5 gal	65.00	NB	NB
40	Forsythia intermedia	Forsythia	3 gal	22.05	NB	33.00
41	Forthergilla	Forthergilla	3gal	31.85	NB	49.00
42	Fraxinus americana	White Ash	2" cal	235.20	NB	NB
43	Gaylussacia baccata	Black huckleberry (native)	1 gal	14.21	NB	19.00
44	Ginkgo biloba	Biloba (male only)	2" cal.	345.00	NB	NB
45	Gleditsia	Skyline/Imperial Honeylocust	2" cal.	240.10	NB	NB
46	Hamamelis virginiana	Common witch hazel (native)	5 gal	56.84	NB	62.00
47	Hamamelis x	Witchhazel	5 gal	56.84	NB	54.00 3 gal
48	Hydrangea petiolaris	Climbing Hydrangea	2gal	31.36	NB	35.00

COUNCILMAN WALSH: I have no problem with what do you want to do, but I wasn't part of what you had said.

COUNCILMAN TROIANO: Councilman Walsh.

COUNCILMAN WALSH: Yes, sir.

COUNCILMAN TROIANO: Because there is not unanimous consent, the Supervisor can't strike it. So we're going to have to vote on it.

COUNCILMAN WALSH: No. I don't know about that.

SUPERVISOR DESENA: Well, I believe in the past --

COUNCILMAN WALSH: Maybe we should ask the attorney for an opinion on that.

SUPERVISOR DESENA: I believe past precedent has been that the supervisor can strike an item. And I was asked to strike this item right before the meeting started and I did, and I was asked by one council person.

COUNCILMAN TROIANO: Okay. I think we'll just straighten this out and just call the vote. That's fine. Is there a motion? Okay. I offer -- I offer the motion.

CLERK SRIVASTAVA: Yes.

COUNCILMAN TROIANO: Sorry. I make a motion and recommend that the resolution be voted down. I do that, right?

COUNCILMAN ZUCKERMAN: Yes.

COUNCILMAN ADHAMI: I believe we're still waiting for the town attorney to respond.

COUNCILMAN TROIANO: Well -- No. I -- no, no. Because --

COUNCILMAN WALSH: No. But I asked there's a motion in --

COUNCILMAN TROIANO: Yeah. Councilman Adhami, I'm --

COUNCILWOMAN DALIMONTE: Wait. I just have a question. I believe the deputy supervisor was asked if we could strike this item and I just assumed that you went to everyone to ask. Were you asked?

MR. CHIARA: You asking me?

COUNCILWOMAN LURVEY: Yeah. I'm asking.

MR. SCALERO: No. I was approached and said that Councilman Troiano had requested that this item be stricken and I ran it by the supervisor. It has always been the practice of this board to strike it at request. There's -- I have never heard of unanimous consent. Frankly, sir, I don't know how do you have a vote outside of a board meeting that would make it unanimous. This board has always operated by striking items at the direction of the Supervisor. This is the problem. There's there's a motion on the floor --

COUNCILMAN TROIANO: Okay. There's really no need to fight.

COUNCILWOMAN DALIMONTE: I wasn't fighting. I just was.

COUNCILMAN TROIANO: I know Mr. Scalero from the County Leg, and that's how that's always handled. Prior to the meeting, there's unanimous consent. It's fine. So I --

MR. SCALERO: Just to be clear, though, you and I were not at the same meetings at county.

COUNCILMAN TROIANO: --So that we vote against this resolution. So I guess the clerk can call the vote.

MR. CHAIRA: Yeah. The vote --there's a motion to to vote against the --

COUNCILMAN TROIANO: Right.

MR. CHAIRA: -- resolution. Or I guess you could also -- it would be a motion to adopt and you can be voting against it, either the same thing. But obviously, Councilman Troiano is not going to make a motion to adopt it.

CLERK SRIVASTAVA: Can I take -- Vote down

MR. CHAIRA: He's got to be seconded first.

COUNCILMAN TROIANO: Well, it was said that we don't do seconds on the town council.

COUNCILWOMAN DALIMONTE: Yeah.

COUNCILMAN ZUCKERMAN: We've never done that.

COUNCILMAN WALSH: I'm a bit confused about this.

COUNCILWOMAN DALIMONTE: I just -- like I've only been here for two years, but I know that when Judi wanted to strike something, Supervisor Bosworth, she always called me and said, I want to strike item, duh, duh, duh. Are you okay with it? She called, you know, every board member as the supervisor.

SUPERVISOR DESENA: You know that Supervisor Bosworth called every board member before she struck anything?

COUNCILMAN TROIANO: Yeah. This this is really a moot point. I've made a motion that this item be voted down.

SUPERVISOR DESENA: Okay.

COUNCILMAN TROIANO: Now, I don't know how I vote now if I -- when it comes to vote. I'm going to vote to -- I just -- I'll offer the resolution.

CLERK SRIVASTAVA: Thank you. Read it now?

MR. CHAIRA: Yeah.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN ZUCKERMAN: A vote no would be --

SUPERVISOR DESENA: We have a question from the audience -- from the public. Would you like to come up to the microphone?

MR. CALABRESE: Yes. My name is Aldo Calabrese. I'm from Port Washington. I am a general person. I'm a person who's very interested in how the town runs and I'm getting very educated very quickly. Mr. Troiano, I'm really, really disturbed by this procedure that you tried to put in place, thinking that everyone was on board when not everyone was on board. Now you're just trying to like push it off to the side. You don't see a problem with what transpired?

COUNCILMAN TROIANO: So let me explain this to you.

MR. CALABRESE: Yes, please.

COUNCILMAN TROIANO: I came into this room believing that everybody was on board for striking this. I've learned from Supervisor DeSena and from Councilman Walsh, that that's not the case. So I am withdrawing my request that we strike this. And I've made the motion that we now vote on it.

COUNCILMAN WALSH: Who told you that, though? Who told you that I was on board?

COUNCILMAN TROIANO: It doesn't matter.

MR. CALABRESE: But Mr. Troiano

COUNCILMAN WALSH: Well, it doesn't matter to you, it matters to me.

MR. CALABRESE: Yeah.

COUNCILMAN WALSH: Who told you? You said you came into here with the understanding. Who told you that to give you that understanding?

COUNCILMAN TROIANO: Supervisor DeSena said she was striking it. My understanding of government, and I may be mistaken.

COUNCILMAN WALSH: I don't think you're mistaken of your understanding of government.

COUNCILMAN TROIANO: Well, I may be. Because Mr. Stalero said I was. I could be mistaken. I could be mistaken. I'm really -- I truly believe that. But I thought when she offered to strike it, she had knew that there was unanimous consent by the board to do that. She's now saying and you're now saying, and I accept it, that you were not consulted so you didn't give your consent.

COUNCILMAN WALSH: No.

COUNCILMAN TROIANO: So now, even with my faulty understanding of the law, I've now moved beyond that. I said, okay, I will offer the resolution. That's where we are and that's how government works.

COUNCILMAN WALSH: But you were just trying to get the word everybody was in consent, that's why we could do it.

COUNCILMAN TROIANO: That's what I thought.

COUNCILMAN WALSH: So that was a tactic. That's what you're trying to do.

COUNCILMAN TROIANO: It wasn't a tactic. It wasn't a tactic.

COUNCILMAN WALSH: Anyway. Go on.

MR. CALABRESE: Mr. Troiano --

COUNCILMAN TROIANO: You've made your comment. I've given you my response.

COUNCILMAN WALSH: No. He has the right to --

MR. CALABRESE: But I have a follow-up to that. Based on what again, transpired with your procedure, you thought -- now you were speaking for other individuals on the board. Now being that you've been on the board for how many years now?

COUNCILMAN TROIANO: For -- what is today's date?

COUNCILWOMAN DALIMONTE: February 17.

COUNCILMAN TROIANO: I've been on the board 48 days.

MR. CALABRESE: 48 days. And you wherever present, have you followed how the rules and regulations are when -- in being a council person or this is like literally something totally new to you?

COUNCILMAN TROIANO: No. I've actually, for your information, I've actually also served as a county legislator. And just so you know, and, you know, the different governments can have different rules --

MR. CALABRESE: Right.

COUNCILMAN TROIANO: -- but in the county legislature --

MR. CALABRESE: Okay.

COUNCILMAN TROIANO: -- which I'm most familiar with, we had a common practice of having each one of the 19 legislators consulted about particular resolution items to see if there was consent from all 19.

MR. CALABRESE: You said a magic word, consulting with all.

COUNCILMAN TROIANO: Right.

MR. CALABRESE: Have you consulted with all prior to making your statement?

COUNCILMAN TROIANO: So, sir, I know you're trying to --

MR. CALABRESE: Again, I'm not an attorney.

COUNCILMAN TROIANO: -- reply to your question.

MR. CALABRESE: I'm not an attorney.

COUNCILMAN TROIANO: Just to respond to your question.

MR. CALABRESE: Thank you.

COUNCILMAN TROIANO: As I said, I did not consult with all seven people. I don't do that. We have staff members who typically do that. Somebody consulted with Mr. Stalero and that person thought that Mr. Stalero was saying that all seven people had agreed. I've now come in - - and that's my understanding when I walked in this room. I've now learned from Mr. Walsh, Councilman Walsh, that he wasn't consulted. So I'm withdrawing my request that we strike the resolution because there is not unanimous consent.

MR. CALABRESE: Thank you.

COUNCILMAN TROIANO: And I have now maybe -- I've now offered the resolution. And I'm not sure why we just can't vote on. That's what's the proper procedures.

MR. CALABRESE: But you do understand our concern when I say our, the public, you can see how this looks with someone sitting on this side, not that side?

COUNCILMAN TROIANO: I don't understand that, but now that I've explained to you my history --

MR. CALABRESE: You don't understand? You don't understand that? Thank you. That's all

I needed to hear.

COUNCILMAN TROIANO: You're very welcome, sir. Let me ask you, Do you understand, given my history in the county legislature, that I could bring that experience with me here and thought that it'd been applied also here.

MR. CALABRESE: Well, it sounds like --

COUNCILMAN TROIANO: Can you please come to the mic if you're going to speak?

UNIDENTIFIED FEMALE SPEAKER: No, no, no, no, no.

MR. CALABRESE: But it sounds like the legislature -- I understand -- this is actually an unnerving --

UNIDENTIFIED FEMALE SPEAKER: No. You don't attack a board member.

MR. CALABRESE: -- as it is a unnerving.

UNIDENTIFIED FEMALE SPEAKER: You don't attack a board member. It's not business.

MR. CALABRESE: Excuse me?

UNIDENTIFIED FEMALE SPEAKER: You don't attack a board member. It's not business.

MR. CALABRESE: If you got up --again, if you got up to speak, I will not -- I would not interrupt you.

SUPERVISOR DESENA: Okay. Let's

MR. CALABRESE: I had a specific question and I'm sorry, I don't like the answer. Okay. Thank you very much. The legislature and here, two separate rules, correct?

COUNCILMAN TROIANO: No, no, no, no. I don't know that, but I mean --

MR. CALABRESE: Oh, you don't know that.

COUNCILMAN TROIANO: Here's the

MR. CALABRESE: Okay.

COUNCILMAN TROIANO: Sir --

MR. CALABRESE: I'm sorry. You know what? We can put this to bed. Thank you very much for your response.

COUNCILMAN TROIANO: You're welcome.

SUPERVISOR DESENA: My point in the e-mail is that Councilman Troiano was not able to strike this on his own. It's an e-mail to myself, to deputy supervisor, to Jeanine Dillon, to John Chiara, requesting that the supervisor strike this on his behalf. And it does not say that there was any discussion with other board members. And this is what lends support for my position earlier, which was that only the supervisor can strike something from the agenda because the supervisor controls the agenda. So that is the point. And we can move on if you would like to vote down your resolution.

COUNCILMAN TROIANO: It's not my resolution, but I -- so I will say this again. I offer the resolution.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: No.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: No.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: I'm going to wait. I want to think about this.

CLERK SRIVASTAVA: I didn't hear. Councilman Walsh.

COUNCILMAN WALSH: Go onto the --

COUNCILMAN ZUCKERMAN: He passes. He passes.

COUNCILMAN WALSH: I'm thinking.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: No.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: No.

CLERK SRIVASTAVA: Supervisor Desena.

SUPERVISOR DESENA: No.

COUNCILMAN WALSH: Okay. Madam Clerk, you can call me.

SUPERVISOR DESENA: Go ahead say your vote.

COUNCILMAN WALSH: I vote no.

SUPERVISOR DESENA: Okay. The next resolutions, No.'s 31 through 37, I'll be moving for their adoption. I'll explain them together. These are relating to the town ethics board. The town code calls for an ethics board and has an ethics code, and it calls for seven members who each are appointed for a four-year term. These four-year terms are important because it makes them independent of everyone including this board, including even myself, the supervisor, since my term is only two years. So it's very important that we have an independent Board of Ethics that has appointed terms so that they can render opinions and not worry that they could cause them to be dismissed or fired by the board. Some of the ethics board members terms had expired months and even years ago. And I'm not -- I don't know why they weren't filled. If they weren't filled, I wouldn't be naming them all tonight. But when we had (inaudible) over ethics board members, they are in a position where they can be dismissed if they render an unfavorable opinion. So I'm going to nominate seven members for the ethics board so that we will have a fully constituted board that is independent. So Madam Clerk, would you read the first one?

CLERK SRIVASTAVA: Yes. Item No. 31. A resolution confirming the reappointment of Dr. Isma Chaudry to the Town of North Hempstead Board of ethics. Councilman Troiano.

SUPERVISOR DESENA: Wait. I have to move it first, right? I move --

CLERK SRIVASTAVA: Yeah. I think so.

SUPERVISOR DESENA: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: I've only been on the town council for 48 days in this iteration. But I have a long history of being involved in town government, dating back to when I was in the CDA, last century. But I was voted in as a council person in 2003 and took office on January 1, 2004. I am the beneficiary of Councilwoman Dorothy Goosby's suit against the town of Hempstead. In which she brought suit that went on for over a decade, alleging that the town of Hempstead government was biased and unfair because there was not the opportunity for representatives that looked like the towns population to be voted into office to pass laws that affected the entire population. Councilwoman Goosby took that case to court, after court, after court, and finally won. Establishing what has been law in over 200 other municipalities across the country. One of those municipalities is the Town of North Hempstead. And it was fought by some in government, but it was submitted to a referendum by town residents. And town residents overwhelmingly supported the formation of districts to ensure that there was a representative from every part of the town that was involved in making the decisions town board members make. I was there at the very first meeting of the districts -- of the district councilmatic form of government. I was elected because of that form of government. Since that time or at least during the years when I was first a councilman, every effort was made to ensure that every board of the town, that this council appointed members to, including this CDA, including the BZA, including the ethics board, that in every instance an effort was made to make sure that those members looked like the entire town, so that people from Westbury, New Cassel, could feel confident that the members of all of those boards represented their interest because they had a sensitivity for their needs. And I don't see that in the seven nominations from the Supervisor. So I respectfully request Supervisor DeSena, and I understand, and I believe because I've heard you say it, that you are great advocate for diversity. But I don't see that in these recommendations. So I'm going to ask you to please go back and re-look at these and see if you can do a better job of creating more diversity. And so for that reason, I'm going to -- and I don't want to vote no, because I don't want anyone to think that I have anything against any one particular recommendation from the Supervisor. My objection is to the lack of diversity and the lack of inclusion. So I will be voting to abstain.

SUPERVISOR DESENA: Well, Councilman Troiano --

COUNCILMAN TROIANO: I've voted. I'm sorry.

SUPERVISOR DESENA: Okay.

COUNCILMAN TROIANO: And we'd have to call a vote.

COUNCILMAN WALSH: Okay. But she can speak now.

SUPERVISOR DESENA: Please. I just want to make sure you understand that --

COUNCILMAN TROIANO: I think the clerk has -- now has to go and call the next name. There's not enough -- yeah. Yeah. The motion was made. There's an opportunity to speak the. Now we're voting, the clerk has to call the next vote.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: I abstain.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Oh, I vote yes.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: I abstain.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: This is -- you know, I went over this. We just got the resumes, so everyone's aware. We just got the resumes 15 minutes, I believe, or 20 minutes before we had to come in here. So I haven't even been able to look at the resumes of any person that has been there. So I want everyone to know that I am going to abstain on all the votes until I have time review this and also to make sure that it's diverse. Because the recommendations is one person from Great Neck. Two from Manhasset, two from Mineola, one from Port Washington, and one from Roslyn.

COUNCILMAN WALSH: Excuse me, Rabbi Perl is from Mineola.

COUNCILWOMAN DALIMONTE: I said two from Mineola.

COUNCILMAN WALSH: Yeah. Yeah.

COUNCILWOMAN DALIMONTE: I know.

COUNCILMAN WALSH: Okay.

COUNCILWOMAN DALIMONTE: I'm looking; where is new Hyde Park? Where is --

COUNCILMAN WALSH: New Hyde Park, I recommended somebody from New Hyde Park.

COUNCILWOMAN DALIMONTE: They have down here Mineola, the address.

COUNCILMAN ZUCKERMAN: So Councilman Walsh had the opportunity to recommend people to this and we didn't; is that how I understood that?

COUNCILWOMAN DALIMONTE: He's thinking of -- he's thinking of a different commission.

COUNCILMAN WALSH: Okay. Yeah, yeah, yeah, yeah.

COUNCILMAN ADHAMI: So okay. So you're thinking of a different --

COUNCILMAN WALSH: Yeah.

COUNCILWOMAN DALIMONTE: Okay.

COUNCILMAN WALSH: I'm sorry.

COUNCILWOMAN DALIMONTE: So that's why I'm abstaining from this. Not because of, you know, who the supervisor's putting up. I want to have -- where's the person from Carle Place or Westbury? Where's the person from New Hyde Park? There's other areas in the town.

I really feel like there shouldn't be two from Manhasset, two from Mineola. I think it should be spread out. That's my opinion. So I am abstaining from this.

SUPERVISOR DESENA: And I just want to clarify that we were voting on No. 31, which is the re-appointment of Dr. Isma Chaudry, who is a director of the Islamic Center of Westbury and who is a current member of the ethics board. So you all just abstained or voted no on Dr. Isma Chaudry.

COUNCILWOMAN DALIMONTE: No. She stays as a holdover, so she stays on the committee.

SUPERVISOR DESENA: Why can't -- why do you vote against the supervisor reappointing her to a four-year term? That is the point. When you have holdovers, you have people who can be fired by this board or dismissed by this board. They have to be appointed for a four-year term for them to have the independence of this board that they need to render ethics decisions.

COUNCILMAN TROIANO: Supervisor DeSena, we don't -- I don't argue that point. I think I never even addressed that point. I'm not -- that's not my concern. My concern is the -- as I said, the lack of diversity. There's nobody from District 1 that's been recommended here. I know --

SUPERVISOR DESENA: But Dr. Chaudry works in Westbury. She's very familiar with -- very well-known, very respected.

COUNCILMAN TROIANO: Look, you know, I know Dr. Chaudry very well. She does not work at the Islamic Temple, she works for Hofstra University. She is the president of the Islamic Temple. Agreed. But she doesn't live in my community. Okay. I'm sorry, she doesn't. So that's my issue. It's not about her term. No. I'm just going to recommend that you've said your piece. I will just ask you to vote now.

SUPERVISOR DESENA: I vote aye for Dr. Isma Chaudry. Did you have a question for public comment? Come to the microphone.

MS. CALABRESE: Hi, my name is Lauren Calabrese. I just had a quick question for Council Member Troiano. You said before that you were a council person in the past. Is that what you just said when you made your speech before about abstaining on this?

COUNCILMAN TROIANO: Indeed, I did.

MS. CALABRESE: But you mentioned earlier that you were not familiar with the council 48 days. -- the -- that you only had 48 days but you were a council person --

COUNCILMAN TROIANO: No. I -- No. I -- I want to kind of -- since you're asking the question, can I correct you?

MS. CALABRESE: Okay.

COUNCILMAN TROIANO: I believe that unanimous consent is allowed to strike a resolution at the beginning of the meeting. I believe that. So --

MS. CALABRESE: My question --

COUNCILMAN TROIANO: -- the first time as a council person, we could do that. It's possible though, since I have not been a council person since 2009, I think --

MS. CALABRESE: Okay.

COUNCILMAN TROIANO: -- that the laws -- the rules of the town board may have changed during that time.

MS. CALABRESE: Okay. I was just trying to clarify, you're confusing -- I was just a little confused by that. Thank you so much.

CLERK SRIVASTAVA: Item No. 32. A resolution confirming the appointment of Scott Strauss to the Town of North Hempstead Board of Ethics.

COUNCILWOMAN DALIMONTE: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: For the reasons stated when we addressed Item No. 31, I vote to abstain.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: I abstain.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: I abstain.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: I abstain.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: I want to mentioned that Scott Strauss is a retired detective from the emergency service unit of the New York City Police Department. He has received the NYPD's medal for valor. He has received the NYPD's highest award, the Medal of Honor for his actions on World Trade -- on 911, rescuing Port Authority police officers from the World Trade Center. He has served as mayor of Mineola for many years. He's a 40 year member of the Mineola Volunteer Fire Department. He's has a two time recipient of the coveted Firefighter of the Year Award. He's a member of many community-based organizations and as a life member of Mineola's Volunteer Ambulance Corps, He's an Eagle Scout and an active merit badge counselor. We would be very lucky to have someone of his caliber serve on our ethics board.

CLERK SRIVASTAVA: We're waiting for your vote.

SUPERVISOR DESENA: Oh, I voted aye. I'm sorry. I thought I said it first. I vote aye.

CLERK SRIVASTAVA: Thank you. Item No. 33, a resolution confirming the appointment of Robert Reilly, to the Town of North Hempstead Board of Ethics.

COUNCILMAN TROIANO: I wanted -- you know, Supervisor DeSena just read off a CV for Mayor Strauss. I just want to be clear that my decision to abstain has nothing to do with the qualifications of any of the people here. Mayor Strauss is a fine American. That's not the

issue. The issue is, and I'll state it again, and I'll also state my disappointment that I'm simply asking for the supervisor to give some consideration to adding diversity to this board, to this commission, to the ethics board, so that the residents of our town can have confidence that their needs, interests are being represented fully by a diverse segment of our town. That's, that's my rationale. And I'm disappointed that three of my colleagues here are not willing to even stop to consider whether or not there's diversity. So I vote no. I mean, I'm sorry. I vote to abstain.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: I abstain.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: I also want to say that my vote to abstain is not an indictment or in any way a judgment on any of the individuals that are being proposed by the supervisor. One thing that has not been mentioned yet is to thank the current members of the Board of Ethics who have been serving selflessly and with distinction, some of them for decades. So thank you for them for continuing to serve. And I abstain.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: I just want to reiterate the reason why I am voting to abstain has nothing to do with the individuals. It has to do with diversity. I just feel it should be more diverse and there should be people throughout and not just in certain areas of the Town on North Hempstead. I abstain.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: I'll say aye. And I want to thank Bob Riley for all of his service for many, many years. He was dean of the Fordham Law School. He is well-known by -- and every lawyer who attended Fordham Law School, for his high ethics and all he has done to help the community.

CLERK SRIVASTAVA: Item No. 34. A resolution confirming the appointment of Dr. Qiping Zhang to the Town of North Hempstead Board of Ethics.

SUPERVISOR DESENA: If I could just interrupt for one second. Dr. Qiping Zhang is actually here and has been waiting a long time. If you would stand up and please, I want to thank you for coming. Dr. Qiping Zhang is a distinguished professor and doctor and resident of Great Neck. And I want to thank you for offering to serve on this committee, which is -- it is a four-year term. The current members of it are in holdover status. They do not have a term right now. They have not been -- ten years, they're in holdover and they can be removed at any time if anyone on this board is -- if the majority of the board decides they don't like their decision. So thank you, Dr. Zhang.

COUNCILMAN TROIANO: You're saying that even if they have a four-year appointment, they can still be removed?

SUPERVISOR DESENA: I'm saying that the current board members, despite what Councilwoman Lurvey said, yes. Yes, they have served and I also would thank them, except it seems that they're not going to be -- they're not going to finish their term. They are in holdover status, which means they do not have the independence that an ethics board needs because they don't have a term. There are many people in the town who are in holdover status and they're vulnerable to the majority of the board who might decide they don't like what they say anymore.

COUNCILWOMAN DALIMONTE: No. Not on this committee.

COUNCILMAN WALSH: Well, that's what's happened. No way.

COUNCILWOMAN DALIMONTE: Not on ethics.

COUNCILMAN ZUCKERMAN: No, not on this committee.

COUNCILWOMAN DALIMONTE: No way.

UPERVISOR DESENA: Easier – Easier to say.

COUNCILWOMAN DALIMONTE: No way.

COUNCILMAN ZUCKERMAN: No way.

COUNCILWOMAN DALIMONTE: No.

SUPERVISOR DESENA: So I'm sorry. Madam Clerk, if you could -- I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Yeah. I just like to say that there are many people in my district that have doctorates, have served in the Army, have been Boy Scouts, and still none of them were -- are being nominated now. And I don't think it's fair to my district. I don't think it's fair to the other districts. Other council people who also had their districts overlooked, apparently. So I appreciate the doctor's credentials --

SUPERVISOR DESENA: You have yours.

COUNCILMAN TROIANO: -- and thank her for her offer, I guess, the offer or agreement perhaps. All I'm saying is, we have equally five people in District 1 too. And I don't know -- and those people could be appointed to a four-year term as well. But there's been no effort to do that. And I don't really think that it's such a difficult request to look for diversity in all the town's boards. But I vote to abstain.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: I abstain for the same reasons.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: I abstain.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Just have a question of my colleagues on the board. They keep

saying they want more diversity. I mean, I'm reading these names. They seemed pretty diverse. What specifically do you want diversity of? Diversity of religion, creed, race, or diversity of district?

COUNCILMAN TROIANO: There are many forms of diversity where I feel that this lapses .

COUNCILMAN ADHAMI: I feel --

COUNCILMAN TROIANO: But David -- I'm sorry, Councilman Adhami, I'm happy to discuss this with you another time. But this is the point where you are not asking questions of the council members, it's the point for you to vote.

COUNCILMAN ADHAMI: I understand. It's just a simple question. What diversity do you feel is lacking?

COUNCILMAN TROIANO: Well, I've mentioned geographic diversity within the town is one of my issues.

COUNCILMAN ADHAMI: It seems like only geographic and only one district.

COUNCILMAN TROIANO: Well, I'm sorry that you minimize that, but to my residents, Councilman Adhami, that's extremely important.

COUNCILMAN ADHAMI: I'm not minimizing it, but I'm saying --

COUNCILMAN TROIANO: Well then, you said it's only, only as a word that tends to mean it's lesser.

COUNCILMAN ADHAMI: You're saying only geographically.

COUNCILMAN TROIANO: I'm sorry?

COUNCILMAN ADHAMI: I see racial, I see religious diversity, I see gender diversity.

COUNCILMAN TROIANO: Yeah. Well, they're, you know, admittedly there is some racial diversity, but we could get additional racial diversity than what we see here. And I don't know what the real issue is that we're -- I'm just really amazed that, Mike, there were three council people who don't want to see additional diversity.

COUNCILMAN WALSH: That's not true.

COUNCILMAN TROIANO: Well, you all voted yes despite the observations being made now.

COUNCILMAN WALSH: You can say whatever you want to.

SUPERVISOR DESENA: Well, Councilman Troiano, it's hard to have every single town and every single village represented.

COUNCILMAN TROIANO: There are only six districts, there are seven appointments.

SUPERVISOR DESENA: These are all

COUNCILMAN TROIANO: That's not hard to do.

SUPERVISOR DESENA: -- these are all --

COUNCILMAN ADHAMI: I mean, we can complain about racial diversity on the board.

COUNCILMAN TROIANO: That's subject to the electorate. Come on, Councilman Adhami.

That subject to --

COUNCILMAN ADHAMI: I mean, you and I are the only two brown guys up here.

COUNCILMAN TROIANO: That's subject to the electorate, right? And if you want to make that point, go back and understand why the town went to a districting form of government. It was enacted to introduce racial diversity. Primarily to introduce --to ensure that the largest, most densest racial minority in this town was representing --

COUNCILMAN ADHAMI: Absolutely.

COUNCILMAN TROIANO: -- the African-American community. That's what it was created for.

COUNCILMAN ADHAMI: And we're all under the agreement.

COUNCILMAN TROIANO: And we don't see that in any of the Supervisor's recommendations for the Ethics Board. That community has been entirely excluded. How do you vote?

COUNCILMAN ADHAMI: Aye.

COUNCILMAN TROIANO: There you go. You don't really care.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

SUPERVISOR DESENA: Councilman Troiano, that's not right for you to say.

COUNCILMAN WALSH: You know something? You're a little too much, you don't really care. I mean, you know, let's be a little more respectful, huh?

COUNCILMAN TROIANO: It's my observation.

COUNCILMAN WALSH: Yeah. That's -- you're disrespectful. That's my --

COUNCILMAN TROIANO: Councilman Adhami asked what my issues were --

COUNCILMAN WALSH: --my observation is that you were just disrespectful.

COUNCILMAN TROIANO: -- and apparently he doesn't --

COUNCILMAN WALSH: My observation is that you were just disrespectful. You like to talk over people, but -- and you can go on but my observation was you were just disrespectful. Everybody's supposed to be respectful up here that was disrespectful. So go on and talk.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILMAN TROIANO: It's my observation that Mr. Adhami doesn't care about ensuring that representatives of my community are represented on the ethics board.

COUNCILMAN WALSH: That's not what you said before.

COUNCILMAN ADHAMI: That's not what I said. And you're putting words in my mouth.

COUNCILMAN TROIANO: Well, I may be, but that's my opinion.

COUNCILMAN ADHAMI: And this isn't the first time that's happened. And I request that you please stop that.

COUNCILMAN TROIANO: You're -- you know, you're eminently qualified. You are a

trained attorney. You are very articulate. You're able to speak exactly what you want to, when you want to.

COUNCILMAN WALSH: And you're out of control.

SUPERVISOR DESENA: And you're putting words in everyone's mouths.

COUNCILMAN WALSH: Yeah. You're out of control.

SUPERVISOR DESENA: Let's move on.

COUNCILMAN WALSH: You're putting words in everybody's mouth all the time.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILMAN WALSH: And everybody sees what's going on.

COUNCILWOMAN DALIMONTE: I abstain.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye. Dr. Zhang, who is your council person that -- you live in Great Neck. Do you know if it is Councilwoman Lurvey or Councilman Adhami?

DOCTOR ZHANG: Councilwoman next to you.

SUPERVISOR DESENA: Councilwoman Lurvey, okay. So it is -- so you have several in your district, Councilwoman Lurvey? Okay. Thank you.

CLERK SRIVASTAVA: Item No. 35. A resolution confirming the appointment of Rabbi Anchelle Perl to the Town of North Hempstead Board of Ethics.

SUPERVISOR DESENA: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Abstain.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Abstain.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: The point that I have several in my district is exactly the point. Because if there's several in my district, then there are some not from other districts. I abstain.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: I abstain.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye. And I thank rabbi Perl for being willing to help the town by

serving on the Board of Ethics. He's very well-respected. We would be so lucky to have him. He's so well-known in the community.

CLERK SRIVASTAVA: Item No. 36. A resolution confirming the appointment of Derek Chan to the Town of North Hempstead Board of Ethics.

COUNCILMAN TROIANO: I just want to say again that my vote to abstain is not in opposition to any of the names that have been recommended.

SUPERVISOR DESENA: And I'll just offer the resolution and move for its adoption. Now continue.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: I'm sorry. I'm going to say it again though. So my objection, the reason for my abstention is not in opposition to any of the names that are listed here, and no one should ever categorize that as being my issue. I abstain.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: I abstain.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: I abstain.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: I abstain.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye. And I want to thank Mr. Chan for being willing to serve. He has a tremendous amount of financial experience so he could answer the types of questions that our employees need. He's also president of the Roslyn -- the Greater Roslyn Association for Chinese Enrichment. He's a great leader for his community and he would be a wonderful addition to this board.

CLERK SRIVASTAVA: Item No. 37. A resolution confirming the appointment of Francisco Vasquez to the Town of North Hempstead Board of Ethics.

SUPERVISOR DESENA: I offer the resolution and move for the adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: I want to again register my disappointment that Councilman Walsh, Councilman Adhami, and Supervisor DeSena are not willing to even consider adding additional diversity. I vote to abstain. I vote abstain.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: I abstain.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: I abstain.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: I just want to explain for the last time that anyone that I've abstained from, it has nothing to do with you. And you might wind up being on this committee. It has nothing to do with you. I just received your resumes. I want to review them and I want to have more areas in the Town of North Hempstead represented. So I abstain.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: I vote aye. And I'd like to thank Francisco Vasquez for being here all night tonight. If you could please stand up and say hello. Thank you so much. Mr. Vasquez is an accomplished bankruptcy attorney and also assists the -- as an attorney for the Knights of Columbus. And he is a Port Washington resident. So it'd be great for you to know him. I want to thank you and I sincerely hope that you will have a chance to serve. I do not think we have a lot of Hispanic representation in this board and this -- and I did make incredible efforts to select geographic and racial and religious diversity.

CLERK SRIVASTAVA: Item No. 38. A resolution establishing the Town of North Hempstead nonpartisan temporary redistricting commission and appointing its members.

COUNCILWOMAN LURVEY: I think there's some -- is there anybody here to speak on this item?

MALE SPEAKER: Yes.

COUNCILWOMAN LURVEY: So I think there's -- cards have been submitted too?

CLERK SRIVASTAVA: We have cards.

COUNCILWOMAN LURVEY: However you want to do it, however, the clerks does it.

MR. BERGER: May I speak.

COUNCILWOMAN DALIMONTE: The clerk calls you up.

CLERK SRIVASTAVA: This one?

COUNCILWOMAN LURVEY: The clerk calls you up.

COUNCILWOMAN DALIMONTE: If the clerk calls you up.

CLERK SRIVASTAVA: So Mark Berger.

MR. BERGER: Thank you. Good evening everybody. Mark Berger from the Village of Thomaston. Supervisor DeSena, I have to say, what I heard before, it really disappointed me.

When you ran your campaign, to your credit, much of your campaign was focused on nonpartisan issues like improving the Building Department and other issues related to the substantive work of the town. Issues that make a difference in all of our lives. Frankly, many, if not all of the issues that this board considers all the time are not partisan issues. I actually have enjoyed listening to my neighbors talk about issues that affect them. Be it a building they're trying to erect or an animal shelter they're trying to get built, or to increase public safety. These are not partisan issues, things that should be handled by local government. But what I heard before could not be more partisan. The suggestion that you as a supervisor should have extra more weighted input into redistricting just makes no sense whatsoever. And it seems like it will unnecessarily drive yet another partisan wedge between the neighbors in our town. Now I heard you talk about precedent, and I heard your colleagues from the Republican party talked about precedent, but --

SUPERVISOR DESENA: About what?

MR. BERGER: Precedent.

SUPERVISOR DESENA: Oh, precedent.

MR. BERGER: Precedent. And I know you're an attorney, Mr. Adhami, I know you're an attorney as well. I actually saw you in arraignments on Saturday the Bronx. You handled that case quite well, I should say. So, we could -- the three of us could teach a class on precedent and that it doesn't always hold. And Councilman Troiano pointed out very astutely, that the redistricting before Supervisor Kaiman, did not feature an issue where the supervisor had extra votes. So the precedent that you speak of and that you're just holding onto it really doesn't make sense. And North Hempstead has never been, never -- I've lived here for about 11 years and I can't ever recall it being a red versus blue town. That's not what we do here. It's a town where neighbors respectfully discuss ideas and embrace diversity. Supervisor, I'm concerned that your first few months are signaling the start of a divisive two years where nothing of substance is going to get done. You were elected simply to make our lives better, not to pull us into the dysfunction that we see on nearly every other political level. Let's not keep it political in our town, if they wanted to do it in Albany or Washington, so be it. We don't need that here. And when you were speaking before, it couldn't have been more political. Your own words, there is too much at stake. What is at stake? We're simply trying to make sure that people are district - - put in the district in a proportion so their representation is equal. That's it. It doesn't have to be a partisan issue. So to suggest that you, as a supervisor should have more votes than anybody else, that makes it political and it just doesn't need to be that way. And you unilaterally tried to take it off the agenda when a simple conversation with your town attorney could've told you you can't do that. And I don't understand why that wasn't addressed before. It seemed like you were trying to score political points. That's not what we elected you to do. We elected you to run our town and make our lives better. So please pass this resolution. Let the work begin. Let's get the proper districting done so we can all move on with our lives. This doesn't need to be political and I asked you not to let it become that. Thank you.

CLERK SRIVASTAVA: Next card is Lisa Saltzman.

MS. SALTZMAN: Good evening. I'm Lisa Saltzman, resident of Great Neck. I just want to make a comment. I'm also an attorney. And sitting here watching this, all of you speaking about the voters and the tax, like they aren't here in the third person, was really quite upsetting. And I'm not upset, I'm going to go home and cry. But it's enlightening, because you're up there

arguing when we elected each and every one of you to represent us and our government. And to see this fighting and partisanship is really quite disappointing. We voted each of you into office from our district. Each council person here, all six of you, six districts, and the people spoke and we chose each of you. You represent us in our government. You are on our town council. You are on our board. We elected you, Madam Supervisor as our supervisor to be the representative of the Town of North Hempstead as a unit, as a whole. And from a voters perspective, none of you are more important than the other. You each have your role -- you each have your people, taxpayers, voters. And that's what we elected you to do. The composition of the town board here is reflective and is consistent by the way that the voters voted each and every one of you into office. This is an important decision tonight, Supervisor DeSena. That's why I took time out of my life, I left my two kids at home, my daughter sleeping through her homework to come here because this topic is on the agenda. And at the last moment, I was surprised and disheartening to hear that that would suddenly be struck from the agenda. We have enough chaos in our lives and in our government. This seems to me, there's an agenda, these items are going to be voted on, and at the last minute in our own government, to hear all of a sudden that this would be struck was quite disappointing. Resolution No. 38 is for the formation of a temporary nonpartisan commission. Temporary means that it gets put together for this purpose and disbanded. What happened ten years ago, is irrelevant to the times we are in now. You are now our representatives and partisanship here -- and I heard you, Supervisor DeSena, say and object, this is being done in a partisan way. No. Giving the supervisor extra weight is partisanship. One member, one council person, one vote. That's what we elected each of you to do and represent us and our government. When partisanship comes into this here tonight, number one, we look like fighting children. Number two, common sense gets absolutely thrown out the window. Common sense. Six council members, one supervisor, seven people on this commission. You, Madam Supervisor, you represent the whole of the Town of North Hempstead. And your role as the chief executive is to make sure the plans and decisions of the commission are implemented. And as such, you're one pick for that, for this commission, is meant to do that to carry out that role, not to have a greater weight than all of the other districts that are sitting here tonight. And to suggest that that would be somehow greater, I think is wrong and goes against the role of the people that voted each and every one of you into office. Seven member board -- and seven representatives on the commission. All of this talk about ten years ago is irrelevant. Ten years ago, I looked ten years younger, my daughter was only four years old. We could all go back in our lives. But ten years ago, none of you were sitting here. It's different times, it's different people, it's different voters that voted all of you into office. So I would ask you, please use your common sense here. This is not partisanship. This is about representing each and every one of you, the districts who put you into office. And to do anything other than that, and to allow anyone here to have more vote, more weight is simply unfair and defies common sense.

CLERK SRIVASTAVA: Time.

SUPERVISOR DESENA: I want to thank you for your opinion. But precedent is important. I mean, as attorneys -- there are several of us here who are attorneys, and so you can't just say it's a different time, it's a different place. People do expect that what was decided before still might be important and that the same policy might apply. Now, Supervisor Jon Kaiman

insisted on three choices for the supervisor so that he could make sure that there was a well-rounded commission chosen, which is very similar to what Councilman Troiano was just arguing

that we needed. So it was a policy that this town board did adopt. What I'm saying is, it shouldn't be ignored and that commission did not have a sunset provision. It did not say this ends. It was a policy that was adopted by this town. It is relevant and we must consider it. That is what I had been saying all along. We must consider it. I'm asking the town attorney to take a look at it. I mean, I'll tell you, you weren't here, but at our last meeting, there was a question about whether the highway superintendent had to live in the Town of North Hempstead. Had to go to the town attorney and we had to wait three weeks for an opinion. I think that on an issue as important as this, which is going to affect voting -- there's been a lot of talk about voting rights. This is something that has to do with voting. And a lot of people are suspicious that, you know, they think that there's been gerrymandering. There's been a -- I think Congressman Suozzi accused his party of gerrymandering. He doesn't like the way the congressional district was drawn. This is something that is very concerning to people in the town. They want to know that this commission was well thought out, that the board spoke about it, that we considered more than just one option. And I don't think that three weeks is unreasonable when we waited -- we waited longer for, you know, to decide about where the highway superintendent lives. I mean, I put names for this ethics board on the -- I tried to -- I did put on in January and there wasn't enough time. So I just think that rushing this through in only two weeks, when some of these council people didn't have a chance to talk about it, is not necessary and that we should come up with a product. Yes, there's a lot of work to be done, but if you don't start with the right set up, then the result will not be trusted. It won't be trusted --

MS. SALTZMAN: Well, I have full confidence in every single person up there that they would not engage in anything that was not above board. They would not engage in gerrymandering. And when we voted, the people voted each and every one of you into office, we had that confidence. So I'm not going to shake the confidence of the voters tonight by trying to say, well, this can happen, this can happen. No. We elected each and every one of you because we trusted and had confidence in all of you, including you Supervisor DeSena, because you were elected by the people. And to suggest that something untoward is going to happen or that there's not enough time, I can assure you, and I trust that each and every one of you, when you pick your pick, you'll make sure you picked the right person, and you put the person that's going to do the correct and lawful job. So I'm not going to stand here and have any type of fear or anything. There was plenty of time to discuss this, everyone. You as an attorney, you as an attorney, you knew that this was coming up and I'm sure in your mind, you have your person that you're going to pick. And so does, I would hope, every other council member here. And so I'm not afraid. I'm not afraid that anything bad is going to happen because we voted all of you and we trust you, and I have confidence in the vote, and the voters who elected all of you.

CLERK SRIVASTAVA: We have one more card here.

SUPERVISOR DESENA: I just want to clarify. I'm sorry. I just wanted to respond to that. I mean, you only voted for one council person and I don't know who you voted for for supervisor, but you didn't go for each and every one of us and every council, every person, every resident doesn't get to vote for each one of us. So every resident gets to vote for one council person. And two of the counsel people up here had no participation in this plan. And I think that we can do better.

MS. SALTZMAN: You do have participation. You have a vote. You have a vote.

SUPERVISOR DESENA: No. I'm not talking about -- I'm talking about the description of

how the redistricting commission would be set up. That is something that the board -- that the other council members deserved to be heard on. They deserve -- because they have people who voted for them. And they were not -- they did not participate one bit in this decision.

COUNCILMAN TROIANO: By their choice.

SUPERVISOR DESENA: Not by their choice.

COUNCILMAN TROIANO: They have a choice.

SUPERVISOR DESENA: No. An e-mail -- okay.

MS. SALTZMAN: Again, again --you know what? Again again, I'm not going to deflect from the issue. Listen. All of your issues here. You e-mails, this and this. The bottom line is, we elected each and every one of you. It is on an agenda here tonight, and I would ask you to vote on it because it's on the agenda. And this is not rocket -- this is not rocket science in my opinion. I mean, I'm just -- you know, I'm really didn't come here to debate the issues, right? You all could've debated it. You should have, didn't, whatever it was.

CLERK SRIVASTAVA: We have another person to speak on this topic.

MS. SALTZMAN: Okay. I'm addressing the supervisor I'm happy to sit down. I did say what I had to say and I appreciate your time. Thank you.

CLERK SRIVASTAVA: Thank you.

SUPERVISOR DESENA: Thank you.

CLERK SRIVASTAVA: Aldo Calabrese.

MR. CALABRESE: Aldo Calabrese. I would like to answer her, when she said she's not afraid. I am very afraid considering what transpired here tonight. I have several questions and I hope the board can answer my questions. Being that this was a resolution supposedly brought about, you guys have discussed it the past two weeks, does that mean it did not go before the general public before tonight?

SUPERVISOR DESENA: It was not was not made public until 24 hours before this meeting.

MR. CALABRESE: Is that procedural, Mr. Troiano?

COUNCILMAN TROIANO: Yes.

MR. CALABRESE: Really? Again, very alarmed.

COUNCILWOMAN LURVEY: Wait a second, sir. What are you alarmed about?

MR. CALABRESE: I'm alarmed --

COUNCILWOMAN LURVEY: That we followed procedure?

MR. CALABRESE: No. I'm alarmed that we the public --

COUNCILWOMAN LURVEY: Uh-huh.

MR. CALABRESE: -- could not be present before tonight, specifically in regard to this topic. That's very upsetting, that's very alarming.

COUNCILMAN TROIANO: I'm sorry.

COUNCILWOMAN LURVEY: Well, I'm glad --

MR. CALABRESE: Also --

COUNCILMAN ZUCKERMAN: Mr. Chiara, could you address the procedure involved in a resolution?

MR. CHIARA: In the governmental -- there's also -- this was also at, I think two other hearings this was discussed. When I first got here, I think on June 6, it was -- there was a -- this came off --

COUNCILWOMAN LURVEY: January 6th.

MR. CHIARA: January 6th. Excuse me. Seems like September 6th already. This was discussed because they moved it six months -- they moved the process six months. Then there was a set date for the hearing on that, I think on, was it June -- January 20th, there was another hearing on this. This is sort of the third iteration of this. Now specifically about process. The town is required under New York State law to file within 24 hours under an executive order. Actually there a law by the governor. So that's the process. But also the process is here. You're able to come here and speak and they're able to respond. And there's a discourse there. So that's the process that goes on.

MR. CALABRESE: What's alarming to me is that you -- the board is willing to actually vote on it when you hear us -- the fact that there's good number, I think a number of us in the room which are, again, to use her word, alarmed. Also because it's specifically states nonpartisan, again, based on what transpired here tonight, I don't see where nonpartisan can actually come into the equation. Do realize also for a little history, who don't know, Jon Kaiman was a Democrat. He was not a Republican, just so you know. He was a Democratic. He implemented this rule. So don't think it was a Republican who came up with this, it was a Democratic That's history because we been here a long time, okay. So that's why I'm objecting to pretty much everything that's transpired and to have this resolution even voted upon tonight, personally, I would think would be a shame. Thank you.

COUNCILWOMAN DALIMONTE: I just would like to say that before that was May Newburger, correct? And she only had one and she was a Democrat too.

MR. CALABRESE: Just out of curiosity. Why would then Jon Kaiman decide --

COUNCILWOMAN DALIMONTE: I don't know. I can't speak for him.

MR. CALABRESE: Okay.

COUNCILWOMAN DALIMONTE: But I just figured, in my opinion there's seven --

MR. CALABRESE: Right.

COUNCILWOMAN DALIMONTE: --So there should be seven people on the committee. And I don't want you to be alarmed, because this is just the beginning of the process. There are gonna be public hearings on this. And that's -- this is just to establish the committee.

MR. CALABRESE: Yes.

COUNCILWOMAN DALIMONTE: And then we want to hear from you. So if you think something's not right, we want to hear from you. And I believe that ten years ago, Plandome Heights was gonna be removed out of District 6 and put into District 4. And the public came

and then the board said, no, we're going to leave Plandome Heights in District 6 and not put it in District 4. So there is plenty of time for you to say no, I don't think this is right. I think this is right. This is just to start the process. And the reason why -- that we should take a vote today is because the summer months, kids are away at camp, people travel, people are going to start to travel now and they're not going to be around. And that to me is more important. The public hearings are gonna be more important than anything.

MR. CALABRESE: I understand your point. But again, based on what transpired here tonight, the fact, it's supposed to be nonpartisan. If we saw that there was nonpartisanship here tonight, I wouldn't be alarmed. That is my major concern. And yes, you probably will see us again in the future. Thank you.

COUNCILWOMAN DALIMONTE: So I hope so.

MR. CALABRESE: You will. Thank you.

COUNCILWOMAN LURVEY: So I would like to just address and make a statement. What is more nonpartisan than one person, one vote. And that's the way that this redistricting commission is being proposed to be established.

SUPERVISOR DESENA: And I just want to address the fact that few of us we're not consulted, did not have input into this. In fact, if I have an e-mail here from Councilwoman Lurvey. When I asked that we please delay this so that we can discuss the other policy, Jon Kaiman's policy, and Councilwoman Lurvey said, "I have already spoken with three of the other council members. They agree with the formation and arrangement of the commission." So this was not open for discussion. It is being done in a partisan way. Once we have the seven established, we can have all the meetings and the people can come to the meetings, but this will make up the commission. And we're not talking about summer months. I'm talking about three weeks until the next meeting. It is very common -- you've seen it tonight. It's very common to continue something to the next meeting. We did it last month --

COUNCILMAN TROIANO: Like with the ethics board.

SUPERVISOR DESENA: Yes. Like you just did to the Ethics Board because you only had two weeks.

COUNCILMAN TROIANO: And you refused to do it then.

UNIDENTIFIED MALE SPEAKER: But I

SUPERVISOR DESENA: And you said you only had two weeks notice and that's all I had of this policy.

COUNCILMAN TROIANO: I didn't say that,

COUNCILWOMAN DALIMONTE: So --

SUPERVISOR DESENA: Some of you

COUNCILWOMAN DALIMONTE: --we

COUNCILMAN TROIANO: -- Councilman Adhami, Supervisor DeSena, Councilman Walsh, all had this resolution delivered to them on February 3rd, I think it was, or was it the 4th.

COUNCILWOMAN DALIMONTE: It was two weeks ago tonight.

COUNCILMAN TROIANO: And So to say that they weren't consulted, is simply wrong. They were given the resolutions two weeks ago. If they chose not to respond, not to comment until tonight, that's with them. But they're -- people in their district that voted for them expect that they're going to do the work in the two weeks that they're given to review resolutions. That's the process, sir. And that's what we followed.

COUNCILWOMAN LURVEY: So the Supervisor read from an e-mail, I would like to read the next sentence from that e-mail. "I am available tomorrow, February 15th at 2:00 or 3:00 or Wednesday, February 16th at 11:00 or 2:00 to meet with you, Councilman Adhami and Councilman Walsh to discuss the redistricting. Please let me know what time works best for you." And this is the third e-mail that I sent out.

COUNCILMAN TROIANO: And what --

COUNCILWOMAN LURVEY: To say that there was not an opportunity to dialogue and to discuss is simply not true.

SUPERVISOR DESENA: The decision already had been made by the majority. As you can see, we have a voting block up here and this is just the way it's going to be. Where, you know, four stick together, they abstain on all -- all ethics people -- I mean, we can't even pick an ethics board because a group has to abstain together. So this is the way -- we unfortunately do not have participation by all the council people in the decisions of this town board.

COUNCILWOMAN DALIMONTE: That is not correct, Supervisor. That is not correct. Because when you get something, you get -- you have two weeks to review it. If you want changes made, that's when, like, Supervisor Bosworth would call us up and be like, okay, you put this resolution in. I would like to have the following things changed, and then we would all discuss it. It comes down to being a team. You have to work together. And I am all about that, and you know that. I really -- that's why there's -- two weeks before this, there could've been changes. You can't bring them up the day of the board meeting. We had -- guys you got to go on your computer, you got to look at the resolutions and start making your notes because that's what I do. And I'll be up 'til 2:00 in the morning, 3:00 in the morning because my district voted me in. It is my responsibility to know what I'm voting on. And that's why.

SUPERVISOR DESENA: So the next time you're meeting in your caucus, am I invited to attend?

COUNCILMAN WALSH: No.

SUPERVISOR DESENA: You invited me --

COUNCILMAN WALSH: We're trying to give you this, that's exactly the point.

COUNCILWOMAN DALIMONTE: I would love to meet --

SUPERVISOR DESENA: No. I mean your -- I mean your caucus meetings where you speak to the staff separately from Councilman Walsh, and Councilman Adhami, and myself.

COUNCILMAN TROIANO: So we have been trying -- since my 48 days, we've been trying to have caucus meetings with you. And Supervisor --

SUPERVISOR DESENA: I have never been invited. I've never been invited to on.

COUNCILMAN WALSH: I've never been invited and you told --

COUNCILWOMAN LURVEY: I've never been told --

COUNCILMAN WALSH: -- you're ready to make sure we weren't involved with any --

COUNCILMAN TROIANO: No. But, like, totally mistaken. Don't assume.

COUNCILWOMAN DALIMONTE: No. But Dennis, you can't be invited The supervisor can be invited. You can't be invited. You have -- the Republicans have their own caucus.

COUNCILMAN WALSH: No. I get it. I know exactly what you're doing.

COUNCILWOMAN DALIMONTE: And I'm sorry. I would love to have everyone there.

COUNCILMAN WALSH: No, no, no, no. You wouldn't love to do it. You four are together and you're making decisions together beyond the -- to make sure the supervisor's not involved.

COUNCILWOMAN DALIMONTE: No, no.

COUNCILMAN WALSH: That's what's going on. So you know, you can say whatever you want --

COUNCILWOMAN DALIMONTE: Listen

COUNCILMAN WALSH: -- I seen the

COUNCILWOMAN DALIMONTE: -- my -- that's not true -- that's not true, Dennis.

COUNCILMAN WALSH: Well, that's my opinion.

COUNCILWOMAN DALIMONTE: But that's your opinion --

COUNCILMAN WALSH: Just so it's -- can I have an opinion? I have an opinion.

COUNCILWOMAN DALIMONTE: That's your opinion. And, you know, and I have tried to put us all together. I have tried.

COUNCILMAN WALSH: I don't believe you tried. You spoke about it. You spoke about it. But you didn't try to put everybody together.

COUNCILWOMAN DALIMONTE: Well, we can't go kayaking until the weather gets warm.

COUNCILMAN WALSH: You spoke about it, but you don't try to put everybody together. You're separating people.

COUNCILWOMAN DALIMONTE: How am I

COUNCILMAN WALSH: Talk is easy, you know, for example.

COUNCILWOMAN DALIMONTE: I'm not m - -

COUNCILMAN WALSH: For example, I'll give you an example. On Monday, we had a Valentine's Day thing here in this room, okay. And then, this would never happened if Supervisor Bosworth was the supervisor, but you three people all left and went to another location. And you got there -- you just went there without talking to the supervisor, waiting for her to come. And you did the presentation and made sure that she wasn't there.

COUNCILWOMAN DALIMONTE: No, no, no, That's not true.

COUNCILMAN WALSH: Well, that's what happened. I came after --

COUNCILWOMAN DALIMONTE: Valentine's Day --

COUNCILMAN WALSH: -- you know, come on.

COUNCILWOMAN DALIMONTE: Okay. So I just have to -- because I've -- the Valentine's Day event was over. All of us on the town board were invited to an event at Mike -- at the Tully Park.

COUNCILMAN WALSH: But the town board was not over because Supervisor DeSena then got married and you left before she did.

COUNCILWOMAN DALIMONTE: And guess what? You know how I found out her husband came? I saw it on CBS 2 news. I didn't know he was there.

COUNCILMAN WALSH: Because you didn't stick around here. The three of you's went over there and made sure that you were there before anybody else was. You got --

COUNCILWOMAN DALIMONTE: No. That's not true.

COUNCILMAN WALSH: You can say no. That's my opinion.

COUNCILWOMAN DALIMONTE: They then started at 11:00 --

COUNCILMAN WALSH: Oh, please.

COUNCILWOMAN DALIMONTE: - - So I left here and I went over there.

SUPERVISOR DESENA: All right.

COUNCILMAN WALSH: And you didn't say a word to anybody --

SUPERVISOR DESENA: All right.

COUNCILMAN WALSH: -- you just left. You made sure that nobody knew.

COUNCILWOMAN LURVEY: I think the town attorney is right. I think we should move this on.

CLERK SRIVASTAVA: Can we?

COUNCILMAN WALSH: Yeah. I think we should move it.

CLERK SRIVASTAVA: Can we have a motion?

COUNCILMAN WALSH: But don't say that you're working together with everybody.

MR. CALEBRESE: I'm sorry. I'm sorry to do this. I really apologize. We don't need the public --

COUNCILWOMAN DALIMONTE: I know.

MR. CALEBRESE: need to hear this. Can all of you literally take a recess go in the back if you have to. I'll give you a boxing gloves. Figure it out. Make it --please. Ms. Dalimonte, make it work. Mr. Troiano, make it work.

COUNCILWOMAN DALIMONTE: I'm trying.

UNIDENTIFIED MALE SPEAKER: Jen, make it work. Meaning, pull them together because we cannot have this dissension. We vote -- yes, she is, right. We voted whether or not for every single one of you, but we, the public are watching. We are upset. We are done with this horse shit, okay. Do you not watch the news? Do you know watch what's going on out there?

COUNCILMAN ZUCKERMAN: She's been here -- she's been here all night.

MS. HILLIARD: You know, I've been here long enough. My name is Rebecca Rosenblatt Hilliard. And I've been sitting here long enough that I know that --

COUNCILMAN TROIANO: I'm sorry. Can you just lower the mic?

MR. CALEBRESE: I'll help you.

MS. HILLIARD: I been here sitting -- I've been sitting here long enough that I know that five out of seven of you have last names that ended up vowel or a vowel sound. So I shouldn't be sitting here this long. Obviously. You made much of my prepared remarks. It was going to be brief and I hope it can still be brief. There are a couple of things I want to tell you. And it's all procedural. The supervisor never gets interrupted. The supervisor is in charge of the meeting. I have a problem with process. I think process is the only thing that saves us in a government. And I was going to get up tonight and speak about good government. So the supervisor speaks, nobody interrupts. At the same time, when the supervisor is running your meeting, what I understand from process, is that once you start, you undertake the vote, nobody has an opinion. All the opinions have been expressed beforehand and then you vote. And no one explains the vote again, and again, and again, and again, because we have to listen to it out here. And I think part of the --part of the reason it's happening is what this gentleman just said. Because everybody up there is defending being defensible or the defensible. It's hard to tell what it is. But you're defending all the time. So you make the vote, then you explain the vote, then you unexplain the vote, then the next guy does it. He's right. The process tonight was so demoralizing. It's hard to sit still. And, you know, I just wanted to yell. So I'm going to try to give you the few things I wrote down. Stop fighting publicly, by the way. I wrote down a few things beforehand and it's quick. I'd like to speak briefly about good government. And most of you don't know me, but I will come full circle. So I start someplace and I move in a circle and I end up in the same place. Stay with me, okay. The founders of our federal government created a structure with their wisdom, a bicameral legislative body, one house with representatives by population, and the other with each state treated the same. The founders did not know, for example, there would be a state of California. Nor would they anticipate that that state would have a greater population than any other state. They could not know that some states would never be densely populated and that their design for the Senate would prove to be flawed. Every one of us in this room tonight is aware that one political party enjoys an unearned upper hand in the Senate currently. We keep the Senate the way it is, probably because it would be easier to move the equator than change the structure of our federal Senate. And there's one other major reason. And it's that there's no arguing with the fact that our government's concept represents the best thinking. They came up with a brilliant blueprint for a federal government. So here we are now in the Town of North Hempstead, on a board with seven people, and we've never met Supervisor DeSena. So I'm only speaking to it cerebrally, not really to you. I understand why you want to do it. We have seven members on this board and you want to make two more than one. It's not we are three, it's two more than one. And it's because it you think that you won't win. But I'd like to see everybody here try to win a different way. And I'd also like to explain to you something that was mentioned again by this gentleman back here, but not fully. Jon Kaiman took three votes for himself when he had a Democratic board. He wasn't trying to outweigh the Republicans on his board, he already had all the Democrats he needed. He actually did it out of a philosophical belief --and I've lived long enough to know, and I know Jon. He did it because he believed that it was his responsibility to make sure all the areas of the town that were not represented by all of

You need to watch, not just your news, watch the other news.

COUNCILMAN TROIANO: Sir --

COUNCILWOMAN LURVEY: Sir. I read both papers. I watch -- I watch different channels and please, I do not appreciate you implying that I'm one dimensional.

MR. CALEBRESE: I never said one dimensional.

COUNCILWOMAN LURVEY: You are.

UNIDENTIFIED MALE SPEAKER: If you understood me -- if you understood, I apologize for raising my voice. If you understand me, we, the public, don't need to see this friction. Can you please do this behind closed doors and then when you come before us, actually be able to be nonpartisan?

COUNCILWOMAN LURVEY: I would love that. That's why I extended an invitation three times.

MR. CALEBRESE: Thank you, Mrs. Lurvey. Thank you, Ms. Dalimonte. Thank you, Mr. Troiano. Thank you, Mr. Zuckerman.

COUNCILMAN ZUCKERMAN: Yes.

MR. CALEBRESE: Thank you. You have three new board members. Can you work with them?

COUNCILWOMAN DALIMONTE: Yes.

COUNCILMAN ZUCKERMAN: You know --

UNIDENTIFIED MALE SPEAKER: Thank you. Can you?

COUNCILMAN WALSH: -- nobody's trying to work through --

COUNCILWOMAN DALIMONTE: Yes.

MR. CALEBRESE: And at the next meeting, can you show us that you're working together?

COUNCILWOMAN DALIMONTE: Yes.

UNIDENTIFIED MALE SPEAKER: I'm officially --

COUNCILWOMAN DALIMONTE: I tried.

MR. CALEBRESE: I'm officially done. Thank you.

COUNCILWOMAN LURVEY: All right.

MR. CALEBRESE: Thank you.

COUNCILWOMAN LURVEY: Thank you. Thank you, sir. So I'm going to move back to the resolution.

COUNCILMAN ZUCKERMAN: Wait. There's somebody else who want's to --

COUNCILWOMAN LURVEY: Is there somebody else who wants to speak?

MS. HILLIARD: I've been here all night.

COUNCILWOMAN LURVEY: Oh, my goodness.

you up there, this section, and this section, and this section, maybe he'd be able to represent them as well. Was it a good idea? I don't know. Should he have done it? I don't know. Does it set a precedent? No. Because Judy didn't do it after him. A precedent is something that you set and then you do it again, you do it again, and you do it again. If in fact suddenly after, how many years, what, is the town 100 years old now? In 100 years, if suddenly that was established as a precedent, then the next person would have done it, and then the next person, and then the next person, until somebody decided it wasn't a precedent anymore or it was a bad idea. So you can't call something the precedent unless it's invoked all the time. That's the first thing. The second thing is having two more than. So you want to be able to have one more than they have. It isn't really three you want, you want two more than one. You don't want to be one. It's not right. It's not fair. You can have -- you can have all the power that goes with being a supervisor, you establish the agenda, that's a great big deal. You decide what goes on an agenda, none of the other people here can just put something on the agenda, they have to ask you. That's a lot of power. It also have to be handled very carefully. And I'm sure that most of us know in our villages, people don't handle that power very well. So I'm saying to you, I just don't think you want to do this because you don't want to move forward with this in your background. You don't want to be the person who makes this kind of a decision because it doesn't sit right. My last paragraph is, I leave you with this thought. I'm a lifelong Democrat. My husband is a lifelong Republican. An our half century together, we disagree philosophically and even because of our different backgrounds. But we always agree on ethics. That's the basis of good government. And you were taking three three votes isn't ethical. Thank you.

SUPERVISOR DESENA: Thank you for your very calm demeanor as well as your remarks.

MS. HILLIARD: Wow. I look calm?

SUPERVISOR DESENA: Yes. It was a very calm delivery. I wanted to just make one observation and comment and that is that Judy Bosworth did not have the option to do this because this only happens once every ten years. So the precedent still is Jon Kaiman. He is the last one to do it. And the reason that you articulated, I think is a real reason. And I think that's something that we all should consider. And that's that's why I think that holding off for maybe even one week until we can have an opinion from our town attorney. This is what we did last month --I mean, at our last meeting and it worked just fine. This is why it is -- it is important the reason and the precedent that was established ten years ago, it might still be important. And I don't think it has been -- it has not been deliberated by this board. And so that is why I'm asking -- it's not a lot to ask for three weeks.

MS. HILLIARD: The truth is that I actually think you're asking for something of yourself that you shouldn't. It's one of those things that you do in life and wake up a long time later and you look back and you say, what was I thinking? It's because it's not right. It might make you feel better and it would certainly make the gentleman sitting next to you feel better who doesn't have a vowel at the end of his name. But the truth is, it isn't right. It isn't right because you're one person on a seven number board and all the time I've ever lived in this community, the town, the county, the villages, you name it, boards of five or seven or nine, whether it's the Supreme Court or it's the Town of North Hempstead, everybody gets one vote. And you don't want to start -- you don't want you to start your life here doing something where you're only trying to gain power. If it were a good idea, I be standing up here supporting you and every Democrat in the room could disagree with me and all the Democrats in the room who know me, know I would do that. I'm not -- I'm not opposing it because you're Republican, I'm opposing it because it's

unethical. It's not a good idea and I don't want you to have to move forward with it because this town board will be even more non-functional than it already is. So anyway.

SUPERVISOR DESENA: I appreciate that and I'm not doing this for me.

MS. HILLIARD: Well, I think --

SUPERVISOR DESENA: It doesn't feel good. What I'm doing -- I'm doing it for the system. I'm doing it to protect the policy. And if this was a good policy that this town board adopted ten years ago, I want us to consider whether we should. Whether when I am a supervisor and I was elected town wide by six districts, whether it would be better to have the ability to fill in some gaps. Because this rule as proposed, doesn't even say that the nominee has to be in a certain district. So to have the supervisor, who represents all six districts, able to fill in the gaps is a good policy. It is something that the town board agreed on ten years ago. And what I'm asking is that we consider it. It's not for me. I mean, I'm doing this, you know, as part of government. But it's my job -- as the supervisor, it's my job to say the last supervisor needed three votes to round out the commission and I think that I should too for the same reasons.

MS. HILLIARD: Okay. And I'm only suggesting to you, much as I happened to have very much liked Jon Kaiman and still do, I'm not sure that that was a good decision. Even if they did have seven Democrats on his board, and I don't think that if he thought it was going to be said as -- used as a precedent, he would want it going forward. But I stick with my point with you. I don't need to convert you to my way of thinking about everything. I just don't want you to do something that doesn't feel right. It's not ethical. That's it. Goodnight.

SUPERVISOR DESENA: Yes. Mr. O'Donald.

MR. O'DONALD: A little historical oil. Listening to this young lady here. I go back over 50 years in this town. Mr. Kaiman had it ten years ago. 20 years ago it was May Newburger. What did she do? And before that, going back 40 years ago, it was Mike Tully. What did he do? I'm sure there must be something in the records somewhere along to see what these former supervisors did. Did they make three or just keep one? That would set a precedent as this lady said. Because Judy wasn't around to do a census. Kaiman was, you are, May was. May Newburger was, and Mike Tully was. And there was somebody else.

UNIDENTIFIED MALE SPEAKER: They didn't have them.

MR. O'DONALD: But they're on the archives, there should be, how this was handled.

COUNCILMAN ZUCKERMAN: They had one. They had one.

COUNCILMAN TROIANO: And Mr. O'Donald, we didn't have districting until --

MR. O'DONALD: That's right. I forgot about that.

COUNCILMAN WALSH: Right.

MR. O'DONALD: Hey. But they had to do something?

COUNCILMAN TROIANO: No. Prior to May they didn't have to do anything because there were no districts and there was no need --

MR. CHIARA: So the purpose of districting is to make sure that the districts have roughly equal numbers of people.

MR. O'DONALD: Right.

COUNCILMAN TROIANO: Right. And so we do that after the census. So before this districting, there's no need to that. Everybody -- all the town council people were elected at large --

MR. O'DONALD: At large. Yes. I forgot about that. So they didn't do it. Actually, I understand the premises. As Supervisor was saying, with the extra votes, she's representing those communities like mine, that don't get recognized. Or Thomaston or some of these other villages which are supposed to be here. But it's easy and you've got seven. There's the odd man out so you can decide and fight and hit each other over the head, over the deal, how this is going to go. One question. Do these people get paid?

COUNCILWOMAN LURVEY: No.

COUNCILWOMAN DALIMONTE: No.

SUPERVISOR DESENA: Is there anymore cards?

CLERK SRIVASTAVA: For public events we have, not regarding this item.

SUPERVISOR DESENA: Not this item?

CLERK SRIVASTAVA: No.

COUNCILWOMAN LURVEY: So I want to thank you all for your input. Goes without saying that redistricting is an immensely significant process. It takes place here in the Town of North Hempstead, throughout Nassau County, throughout the United States, the impacts of which can have a tremendous effect on the residents we serve. It is incumbent upon us as elected officials to create a nonpartisan redistricting commission. I also read the transcripts from 2012, and I've carefully weighed the options. The right way is that the commission will consist of seven public representatives, with each individual being nominated by a voting member of the town board, one person, one vote. Restrictions are being put in place to ensure that we have a fair and objective committee devoid of political influence. Redistricting affects us all. Whether the town tackle substantial issues such as the ones we had before us tonight -- whenever if the town tackles substantial issues such as the ones that we see before us tonight, we have always allowed our residents to have a seat at the table. Redistricting will be no different. Every one of us on the town board deserves to have an equal voice. The residents are our eyes and ears and their input will be valuable as we work to ensure an equitable and balanced restricting process. The board will ultimately vote on a proposed plan this summer, but having committee work on our behalf will be extremely helpful. It will ensure that all issues are considered and that the proper measures are taken. Although the boundaries of our districts may shift, it is imperative that our priorities do not. And our number one priority will always be the safety, well-being, and quality of life of residents of the Town of North Hempstead. I offer the resolution and I move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: No.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Nay.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: I vote no, and I'm very disappointed that you would not consider even a week delay on something that is so important and that will affect the trust in how we vote.

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. 92 - 2022

**A RESOLUTION ESTABLISHING THE TOWN OF NORTH HEMPSTEAD
NONPARTISAN TEMPORARY REDISTRICTING COMMISSION AND APPOINTING
ITS MEMBERS.**

WHEREAS, the Town Board previously adopted a ward district map by resolution, duly adopted, pursuant to Section 15A-1 of the Town Code; and

WHEREAS, the Town Board is empowered pursuant to Section 51 of the New York State Town Law to establish non-compensated advisory commissions and committees; and

WHEREAS, the Town Board (the "Board") wishes to create a nonpartisan temporary redistricting commission to act in an advisory capacity to the Board in resetting the ward district map in a manner consistent with the 2020 census data; and

WHEREAS, the Board wishes to create said commission and appoint members.

NOW THEREFORE, BE IT

RESOLVED that

- (1) there shall be a nonpartisan temporary redistricting commission (the "Commission") established to advise on the reapportionment of the North Hempstead Town council districts as a result of the 2020 federal decennial census. The Commission shall be tasked with analyzing existing district maps as compared to the most recent census data and if necessary, developing and presenting a reconfigured map to the Town Board for approval.
- (2) The Commission shall consist of seven members, who shall serve without compensation, and be appointed as follows: each voting member of the Town Board will nominate for appointment to the Commission one person for a total of seven members. The Commission chairperson will be appointed by the Town Board from the Commission members. The Commission will select a vice chairman and a secretary at their first meeting.
- (3) The members of the Commission shall be Town of North Hempstead residents.
- (4) Members of the Commission shall: (1) not hold or have held a political party leadership position above that of committee person since January 2012; (2) not have served as an elected official at any level of government since January 2012; (3) not be related to current Town elected officials; (4) not be current Town employees, vendors

of the Town or a consultant of the Town; (5) not be a registered lobbyist; and (6) not be an employee of any consultant engaged to assist the Commission or otherwise have a conflict of interest.

(5) The members of the Commission serve at the pleasure of the Town Board.

(6) In the event of a vacancy by death, resignation or otherwise, a new member shall be appointed by the Town Board member whose nominee vacated the position. The proposed replacement member to the Commission shall be appointed by a letter from a Town Board elected official. The letter shall be filed with the Town Clerk with a copy delivered to the Town Attorney's office. In the event of a vacancy or a new appointment to the Commission, the newly appointed Commission member shall serve the balance of the term remaining from the vacated seat.

(7) The Commission shall be responsible for analyzing the 2020 census data to determine whether there is a need to reconfigure the council districts and for presenting a reconfigured map to the Town Board. The Commission shall hold at least three redistricting public hearings in different communities throughout North Hempstead. All public hearings and meetings shall be called by the chairperson. The chairperson and/or vice chairperson must be present at all meetings and hearings. All hearings shall be held in public buildings on notice to the public through appropriate media outlets.

(8) No later than May 30, 2022, the chair of the Commission shall submit a written report to the Town Board with any recommendations on the reconfiguration of council district lines. The report must be approved by four voting members of the Commission. All recommendations from the Commission shall be available for public inspection at the office of the Town Clerk.

(9) To aid the Commission in carrying out its function, the Town Board may approve, by resolution, contracts with consultants to provide analyzing services and legal advice throughout this process. Agencies and departments of Town government shall be required to provide assistance to the Commission as requested.

(10) The Commission shall take all action by not less than four affirmative votes of its members. The Commission shall conduct all meetings in accordance with applicable law.

(11) Any plan adopted by the Town Board shall meet all constitutional and statutory requirements.

; and be it further

RESOLVED that the Town Board makes the following appointments to the Commission:

Supervisor nominee: Mary Kay Barket
District #1 nominee: Dana Boylan (Chairperson)
District #2 nominee: Jill Wasser
District #3 nominee: Sumeet Datt
District #4 nominee: Patricia Schneider
District #5 nominee: David Yaudoon Chiang
District #6 nominee: Harrison Feuer

; and be it further

RESOLVED that any future appointments to the Commission shall be made by letter request from the Town Board member and filed with the Town Clerk with a copy to the Town Attorney's office.

Dated: Manhasset, New York

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman.

Nays: Councilperson Adhami, Councilperson Walsh, Supervisor DeSena.

CLERK SRIVASTAVA: Item No. 39. A resolution authorizing the declaration of April 30, 2021 as Arbor Day in the Town of North Hempstead.

SUPERVISOR DESENA: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 93 - 2022

A RESOLUTION AUTHORIZING THE DECLARATION OF APRIL 30, 2021 AS ARBOR DAY IN THE TOWN OF NORTH HEMPSTEAD.

WHEREAS, the Town Board of the Town of North Hempstead (the "Town") wishes to designate April 30, 2021, for the official observance of Arbor Day in the Town.

NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby designates the observance of Arbor Day in the Town to have occurred on April 30, 2021.

Dated: Manhasset, New York

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

CLERK SRIVASTAVA: Item No. 40. A resolution declaring April 29, 2022 as Arbor Day in the Town of North Hempstead.

SUPERVISOR DESENA: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 94 - 2022

A RESOLUTION DECLARING APRIL 29, 2022 AS ARBOR DAY IN THE TOWN OF NORTH HEMPSTEAD.

WHEREAS, the Town Board of the Town of North Hempstead (the "Town") wishes to designate April 29, 2022 for the official observance of Arbor Day in the Town.

NOW, THEREFORE, BE IT

RESOLVED that the Town Board hereby designates the observance of Arbor Day in the Town to occur on April 29, 2022.

Dated: Manhasset, New York

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

CLERK SRIVASTAVA: Item No. 41. A resolution amending Resolution No. 440-2021, adopted August 5, 2021, authorizing the execution of an amendment to an agreement with H2M Architects and Engineers in connection with the North Hempstead, Yes We Can Community Center, New Cassel.

COUNCILMAN TROIANO: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 95 - 2022

A RESOLUTION AMENDING RESOLUTION NO. 440-2021, ADOPTED AUGUST 5, 2021, AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH H2M ARCHITECTS AND ENGINEERS IN CONNECTION WITH THE NORTH HEMPSTEAD "YES WE CAN" COMMUNITY CENTER, NEW CASSEL.

WHEREAS, pursuant to Resolution No. 38-2021, duly adopted on January 21, 2021, the Town Board authorized the execution of an agreement with H2M Architects and Engineers, 538 Broad Hollow Road, 4th Floor East, Melville, NY 11747 (the "Contractor") for professional engineering services necessary to obtain approvals from the Building Department for all open permits related to the "Yes We Can" Community Center (the "Community Center") and to take any other action necessary to obtain a Certificate of Occupancy for the Community Center (the "Services") in consideration of a sum not to exceed Forty Three Thousand and 00/100 Dollars (\$43,000.00) (the "Original Agreement"); and

WHEREAS, pursuant to Resolution No. 257-2021, duly adopted on April 22, 2021, the Town Board authorized the execution of an amendment to the Original Agreement for additional services thereby increasing the amount payable to the Contractor by an amount not to exceed Twenty Four Thousand Seven Hundred and 00/100 Dollars (\$24,700.00) (the "First Amendment"); and

WHEREAS, pursuant to Resolution No. 440-2021, duly adopted on August 5, 2021, this Board authorized the execution of an additional amendment to the Original Agreement in consideration of an additional amount not to exceed Twenty Three Thousand Five Hundred and 00/100 dollars (\$23,500.00) (the "Resolution"); and

WHEREAS, the Resolution inadvertently omitted reference to the First Amendment and the additional consideration authorized; and

WHEREAS, it has been requested that the Resolution be amended to include the consideration authorized by the First Amendment such that the total amount to be paid to the Contractor for the Services be an amount not to exceed Ninety One Thousand Two Hundred and 00/100 Dollars (\$91,200.00) (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 and directs 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.

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

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney

CLERK SRIVASTAVA: Item 42. A resolution amending Resolution No. 742-2021, adopted December 16, 2021, authorizing the execution of agreements with various instructors for fitness classes at various locations within the town in connection with Project Independence.

SUPERVISOR DESENA: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 96 - 2022

A RESOLUTION AMENDING RESOLUTION NO. 742-2021, ADOPTED DECEMBER 16, 2021, AUTHORIZING THE EXECUTION OF AGREEMENTS WITH VARIOUS INSTRUCTORS FOR FITNESS CLASSES AT VARIOUS LOCATIONS WITHIN THE TOWN IN CONNECTION WITH PROJECT INDEPENDENCE.

WHEREAS, pursuant to Resolution No. 742-2021, duly adopted on December 16, 2021, the Town Board authorized the execution of agreements with various contractors for the provision of fitness classes at various Town locations in connection with Project Independence (the "Resolution"); and

WHEREAS, it has been requested that the Resolution be amended to correct the type of classes to be taught by Wendy Katcher from Tai Chi to Zumba, Dance Fitness and General Fitness classes and to remove Michael Mancini as an instructor for the 2022 calendar year as he has informed the department that he is unable to teach the classes he was scheduled to instruct (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 and directs 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

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney

CLERK SRIVASTAVA: Item No. 43. A resolution amending Resolution no. 146-2019, adopted March 19, 2019, authorizing the award of a bid for on-call services for milling and paving town roadways, DPW project No. 19-01.

SUPERVISOR DESENA: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 97 - 2022

A RESOLUTION AMENDING RESOLUTION NO. 146-2019, ADOPTED MARCH 19, 2019, AUTHORIZING THE AWARD OF A BID FOR ON-CALL SERVICES FOR MILLING AND PAVING TOWN ROADWAYS, DPW PROJECT NO. 19-01.

WHEREAS, pursuant to Resolution No. 146-2019, duly adopted on March 19, 2019 (the "Resolution"), the Town Board authorized the award of a bid to Posillico Civil Inc. (the "Contractor") for On Call Services for Milling and Paving Town Roadways, DPW Project No. 19-01 (the "Project") at an amount not to exceed Two Million Five Hundred Eleven Thousand Six Hundred and 00/100 Dollars (\$2,511,600.00); and

WHEREAS, the Acting Commissioner of the Department of Public Works (the "Department") has requested that the Resolution be amended to indicate that the bid prices listed in the Resolution are bids for a general requirements contract and serve as a guide by which the Town can determine an award, and are not meant to represent or limit the total amount to be expended by the Town for work related to the Project; and

WHEREAS, the Acting Commissioner of the Department has also requested that the Resolution be amended to award the Project at the unit prices bid by the Contractor, as the lowest responsible bidder, for a term commencing upon the Town's execution of a contract with the Contractor and ending December 31, 2019, with the option to extend the term for up to three (3) one (1) year periods, two of which options have been exercised, and further to indicate that the expenditures on the Project will be limited to the amounts budgeted for such work in the Town budget and any other appropriations in each year of the term of the contract, even if such amounts exceed the total amount bid by the Contractor (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

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalmonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney

CLERK SRIVASTAVA: Item No. 44. A resolution amending Resolution No. 35-2021, adopted January 21, 2021, authorizing the award of a bid for miscellaneous concrete work, DPW Project No. 20-04.

SUPERVISOR DESENA: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 98 - 2022

A RESOLUTION AMENDING RESOLUTION NO. 35-2021, ADOPTED JANUARY 21, 2021, AUTHORIZING THE AWARD OF A BID FOR MISCELLANEOUS CONCRETE WORK, DPW PROJECT NO. 20-04.

WHEREAS, pursuant to Resolution No. 35-2021, duly adopted on January 21, 2021 (the "Resolution"), the Town Board authorized the award of a bid to The LandTek Group, Inc. (the "Contractor") for Miscellaneous Concrete Work, DPW Project No. 20-04 (the "Project") at an amount not to exceed One Million Two Hundred Eighteen Thousand Two Hundred and 00/100 Dollars (\$1,218,200.00); and

WHEREAS, the Acting Commissioner of the Department of Public Works (the "Department") has requested that the Resolution be amended to indicate that the bid prices listed in the Resolution are bids for a general requirements contract and serve as a guide by which the Town can determine an award, and are not meant to represent or limit the total amount to be expended by the Town for work related to the Project; and

WHEREAS, the Acting Commissioner of the Department has also requested that the Resolution be amended to award the Project at the unit prices bid by the Contractor, as the lowest responsible bidder, for a term commencing upon the Town's execution of a contract with the Contractor and ending December 31, 2022, with the option to extend the term for up to two (2) one (1) year periods and further to indicate that the expenditures on the Project will be limited to the amounts budgeted for such work in the Town budget and any other appropriations in each year of the term of the contract, even if such amounts exceed the total amount bid by the Contractor (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

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney

CLERK SRIVASTAVA: Item No. 45. A resolution of the Town of North Hempstead, New York, adopted February 17, 2022, authorizing the expenditure of an amount not in excess of \$95,000, currently available, in the town's capital reserve fund entitled "Capital Reserve Fund General Improvements" to provide funding for the replacement of sewage pumps and electrical components at pump stations in Port Washington.

SUPERVISOR DESENA: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 99 - 2022

A RESOLUTION OF THE TOWN OF NORTH HEMPSTEAD, NEW YORK, ADOPTED FEBRUARY 17, 2022, AUTHORIZING THE EXPENDITURE OF AN AMOUNT NOT IN EXCESS OF \$95,000 CURRENTLY AVAILABLE IN THE TOWN'S CAPITAL RESERVE FUND ENTITLED "CAPITAL RESERVE FUND - GENERAL IMPROVEMENTS" TO PROVIDE FUNDING FOR THE REPLACEMENT OF SEWAGE PUMPS AND ELECTRICAL COMPONENTS AT PUMP STATION S IN PORT WASHINGTON.

THE TOWN BOARD OF THE TOWN OF NORTH HEMPSTEAD, IN THE COUNTY OF NASSAU, NEW YORK, HEREBY RESOLVES AS FOLLOWS:

Section 1. The Town of North Hempstead, in the County of Nassau, New York (herein called the "Town"), is hereby authorized to expend an amount not in excess of \$95,000 currently available in the Town's capital reserve fund entitled "Capital Reserve Fund - General Improvements," heretofore established pursuant to a resolution of the Town Board duly adopted on January 2, 2002 (Resolution No. 29-2002) pursuant to Section 6-c of the New York General Municipal Law, for the purpose of providing funding for the replacement of sewage pumps and electrical components at "Pump Station S" in Port Washington.

Section 2. This resolution is subject to a permissive referendum and the Town Clerk is hereby authorized and directed to cause to be published, within ten (10) days after the adoption of this resolution, in full in "Newsday," a newspaper having a general circulation within said Town and hereby designated the official newspaper of the Town for such publication, a Notice in substantially the following form:

TOWN OF NORTH HEMPSTEAD, NEW YORK

PLEASE TAKE NOTICE that on February 17, 2022, the Town Board of the Town of North Hempstead, in the County of Nassau, New York, adopted a resolution entitled:

A RESOLUTION OF THE TOWN OF NORTH HEMPSTEAD, NEW YORK, ADOPTED FEBRUARY 17, 2022, AUTHORIZING THE EXPENDITURE OF AN AMOUNT NOT IN EXCESS OF \$95,000 CURRENTLY AVAILABLE IN THE TOWN'S CAPITAL RESERVE FUND ENTITLED "CAPITAL RESERVE FUND - GENERAL IMPROVEMENTS" TO PROVIDE FUNDING FOR THE REPLACEMENT OF SEWAGE PUMPS AND ELECTRICAL COMPONENTS AT PUMP STATION S IN PORT WASHINGTON

an abstract of such resolution, concisely stating the purpose and effect thereof, being as follows:

FIRST: AUTHORIZING said Town to expend an amount not in excess of \$95,000 currently available in the Town's capital reserve fund entitled "Capital Reserve Fund - General Improvements," heretofore established pursuant to a resolution of the Town Board duly adopted on January 2, 2002 pursuant to Section 6-c of the New York General Municipal Law, for the purpose of providing funding for the replacement of sewage pumps and electrical components at "Pump Station S" in Port Washington; and

SECOND: DETERMINING that such resolution is subject to a permissive referendum.

Dated: Manhasset, New York

February 17, 2022

Ragini Srivastava
Town Clerk

Section 3. This resolution shall take effect immediately.

* * *

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

CERTIFICATE OF NO REFERENDUM

I, RAGINI SRIVASTAVA, Town Clerk of the Town of North Hempstead, in the County of Nassau, State of New York, HEREBY CERTIFY as follows:

That a resolution of the Town Board of the Town of North Hempstead, in the County of Nassau, State of New York, entitled:

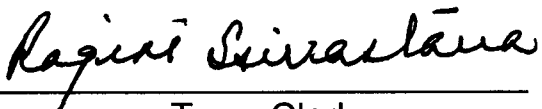
“A RESOLUTION OF THE TOWN OF NORTH HEMPSTEAD, NEW YORK, ADOPTED FEBRUARY 17, 2022, AUTHORIZING THE EXPENDITURE OF AN AMOUNT NOT IN EXCESS OF \$95,000 CURRENTLY AVAILABLE IN THE TOWN’S CAPITAL RESERVE FUND ENTITLED “CAPITAL RESERVE FUND - GENERAL IMPROVEMENTS” TO PROVIDE FUNDING FOR THE REPLACEMENT OF SEWAGE PUMPS AND ELECTRICAL COMPONENTS AT PUMP STATION S IN PORT WASHINGTON”

was adopted on February 17, 2022, and that the notice setting forth the date of adoption of the resolution and containing an abstract of said resolution which concisely stated the purpose and effect thereof, was duly posted and published as required by law.

That no petition signed and acknowledged by the electors of the Town protesting against said resolution and requesting that said resolution be submitted to the electors of the Town for their approval or disapproval has been filed with the Town Clerk within thirty days after the date of the adoption thereof, or at any other time since said adoption.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 23 day of March, 2022.

(SEAL)



Town Clerk

CERTIFICATE

I, Ragini Srivastava, Town Clerk of the Town of North Hempstead, in the County of Nassau, State of New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of the Town of North Hempstead duly called and held on February 17, 2022, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town of North Hempstead this 17th day of February, 2022.

(SEAL)


Town Clerk

COUNTY OF NASSAU)

RAGINI SRIVASTAVA, being duly sworn, deposes and says:

That she is and at all times hereinafter mentioned she was the duly elected, qualified and acting Town Clerk of the Town of North Hempstead, in the County of Nassau, State of New York;

That on February 17, 2022, she has caused to be conspicuously posted and fastened up a Notice setting forth an abstract of the capital reserve fund expenditure resolution duly adopted by the Town Board on February 17, 2022, a copy of which is annexed hereto and made a part hereof, on the sign board of the Town maintained pursuant to the Town Law.

Rajini Seivaselane
Town Clerk

Subscribed and sworn to before me
this 18th day of February, 2022.

DONNA R. CURCI
 NOTARY PUBLIC-STATE OF NEW YORK
 No. 01CU6119852

Qualified In Nassau County
My Commission Expires December 06, 2024

Dana R Curlee
Notary Public, State of New York

STATE OF NEW YORK)
) SS. :
COUNTY OF NASSAU)

Henry Krukowski, being duly sworn, deposes and says that on the 22nd day of February, 2022, he posted the attached Bond Resolution authorizing the expenditure of an amount not in excess of \$95,000 currently available in the Town's capital reserve fund entitled "capital reserve fund - general improvements" to provide funding for the replacement of sewage pumps and electrical components at pump station S in Port Washington at the following locations:

Town Clerk Bulletin Board



Henry Krukowski

Sworn to me this

22nd day of February, 2022



Notary Public

DONNA R. CURCI
NOTARY PUBLIC-STATE OF NEW YORK
No. 01CU6119852
Qualified In Nassau County
My Commission Expires December 06, 2024

NEWSDAY AFFIDAVIT OF PUBLICATION

TOWN OF NORTH HEMP TOWN CLERK
200 PLANDOME ROAD
MANHASSET, NY 11030-2326

STATE OF NEW YORK)

Legal Notice No. 0021707033

:SS.:

COUNTY OF ERIE)

The undersigned, being duly sworn, says that such person is a duly authorized custodian of records of Newsday LLC, the publisher of Newsday, a daily newspaper published in Melville, County of Suffolk, State of New York, and circulated in Nassau, Suffolk, and Queens Counties, and that the Legal Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

Wednesday February 23, 2022 Nassau

By: _____

Print Name: Jenise Britt

Authorized Designee of Newsday LLC, Publisher of Newsday

SWORN to before me this
24 Day of February, 2022.

Notary Public

TYSHAWN HARRISON
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01HA6186820
Qualified in Erie County
Commission Expires May 12, 2024

Ad Content

Local Notice & Express
TOWN OF NORTH HEMPSTEAD, NEW YORK
PLEASE TAKE NOTICE that on February 17, 2022, the Town Board of the Town of North Hempstead, in the County of Nassau, New York, adopted a resolution entitled:
A RESOLUTION OF THE TOWN OF NORTH HEMPSTEAD, NEW YORK, ADOPTED FEBRUARY 17, 2022, AUTHORIZING THE EXPENDITURE OF AN AMOUNT NOT IN EXCESS OF \$95,000 CURRENTLY AVAILABLE IN THE TOWN'S CAPITAL RESERVE FUND ENTITLED "CAPITAL RESERVE FUND - GENERAL IMPROVEMENTS" TO PROVIDE FUNDING FOR THE REPLACEMENT OF SEWAGE PUMPS AND ELECTRICAL COMPONENTS AT PUMP STATION 5 IN PORT WASHINGTON.
An abstract of such resolution, concisely stating the purpose and effect thereof, being as follows:
FIRST: AUTHORIZING said Town to expend an amount not in excess of \$95,000 currently available in the Town's capital reserve fund entitled "Capital Reserve Fund - General Improvements," heretofore established pursuant to a resolution of the Town Board duly adopted on January 2, 2021 pursuant to Section 6-c of the New York General Municipal Law, for the purpose of providing funding for the replacement of sewage pumps and electrical components at "Pump Station 5" in Port Washington; and
SECOND: DETERMINING that such resolution is subject to a permission referendum.
Dated: Manhasset, New York
February 17, 2022

Ragun Sivasubawa
Town Clerk

NEWSDAY PROOF

Ad Number: 0021707033

Advertiser: TOWN OF NORTH HEMP TOWN CLERK

CLERK SRIVASTAVA: Item No.46. A resolution authorizing the appointment of professionals for various commissioner operated special districts.

SUPRVISOR DESENA: Offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 100 - 2022

A RESOLUTION AUTHORIZING THE APPOINTMENT OF PROFESSIONALS FOR VARIOUS COMMISSIONER OPERATED SPECIAL DISTRICTS.

WHEREAS, the Board of Commissioners of the Port Washington Garbage District (the "District") has advised the Town Board of its desire to appoint Ruskin Moscou Faltischek, P.C., 1425 Rexcorp Plaza, Glenn Curtiss Boulevard, Uniondale, NY 11556 to provide the District with legal counsel for the year 2022; and

WHEREAS, the Board of Commissioners of the Westbury Water District (the "District") has advised the Town Board of its desire to appoint Dvirka and Bartilucci, Consulting Engineers, 330 Crossways Park Drive, Woodbury, NY 11797; and H2M Group, Consulting Engineers, 575 Broad Hollow Road, Melville, NY 11797 to provide the District with engineering services and Michael Ingham, 266 Main Street, Farmingdale, NY 11735; Sapienza & Frank, 5550 Merrick Road, Suite 301, Massapequa, New York 11758; The Scher Law Firm, 1 Old Country Road, Suite 385, Carle Place, New York 11514; and Sher Edling Law Firm, 100 Montgomery Street, Suite 1410, San Francisco, California 94104 to provide the District with legal counsel for the year 2022; and

WHEREAS, the Board of Commissioners of the Carle Place Garbage District (the "District") has advised the Town Board of its desire to appoint Francis X. Moroney, Esq., 487 Westbury Avenue, Carle Place, NY 11514 to provide the District with legal services for the year 2022; and

WHEREAS, the Board of Commissioners of the Glenwood Water District (the "District") has advised the Town Board of its desire to appoint Dvirka & Bartilucci Consulting Engineers, 300 Crossways Park Drive, Woodbury, NY 11797 to provide the District with engineering services and Patrick Hoebich, Esq., 1 School Street, Suite 205, Glen Cove, NY 11542 to provide the District with legal counsel for the year 2022; and

WHEREAS, the Board of Commissioners of the Manhasset Park District (the "District") has advised the Town Board of its desire to appoint Morici and Morici LLP, 1399 Franklin Avenue #202, Garden City, NY 11530 to provide the District with legal counsel for the year 2022; and

WHEREAS, the Board of Commissioners of the Garden City Park Water and Fire District (the "District") has advised the Town Board of its desire to appoint Rivkin Radler, LLP, 926 RXR Plaza, West Tower, Uniondale, NY 11556; Sapienza & Frank, 5550 Merrick Road, Suite 301, Massapequa, New York 11758; and Christopher Devane, Esq., 114 Old Country Road, Suite 345, Mineola, New York 11501 to provide

the District with legal counsel services and H2M Architects & Engineers, 538 Broadhollow Road, Melville, NY 11747 to provide the District with engineering services for the year 2022; and

WHEREAS, the Board of Commissioners of the Manhasset-Lakeville Water District (the "District") has advised the Town Board of its desire to appoint H2M Architects and Engineers, P.C. at 538 Broad Hollow Road, Melville, NY 11747 to provide the District with engineering services and McLaughlin & Stern, LLP at 1122 Franklin Avenue, Suite 300, Garden City, NY 11530 to provide the district with legal counsel for the year 2022; and

WHEREAS, pursuant to Town Law § 215(22) and other applicable law, the District is required to seek authorization from the Town Board to employ the professionals listed above (the "Professionals"); and

WHEREAS, this Board wishes to authorize the appointments requested by the District.

NOW, THEREFORE, BE IT

RESOLVED, that the Board hereby approves these appointments of Professionals to provide the District with services for the year 2022.

Dated: Manhasset, New York

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney Comptroller

CLERK SRIVASTAVA: Item No. 47. A resolution authorizing the assessment of property maintenance charges against real properties at various locations in the town.

SUPERVISOR DESENA: Offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 101 - 2022

**A RESOLUTION AUTHORIZING THE ASSESSMENT OF PROPERTY
MAINTENANCE CHARGES AGAINST REAL PROPERTIES AT
VARIOUS LOCATIONS IN THE TOWN.**

WHEREAS, pursuant to the emergency powers granted to the Commissioner of the Department of Public Safety under Section 28-36 of the Code of the Town of North Hempstead (the "Town Code"), the Town of North Hempstead Highway Department performed property maintenance services (the "Property Maintenance Services") at various premises located within the Town which are listed below (the "Parcels"); and

Property Address	Amount
49 Knolls Drive, New Hyde Park, NY 11040 Section 8, Block 292, Lot 22	\$1,921.94
170 Manchester Street, Carle Place, NY 11590 Section 10, Block 276, Lot 00010	\$3,568.13
1525 Falmouth Avenue, New Hyde Park, NY 11040 Section 8, Block 163, Lot 39	\$929.12
31 Conway Road, Garden City Park, NY 11040 Section 9, Block 548, Lot 4	\$1,500.56
184 Catherine Street, Westbury, NY 11590 Section 11, Block 127, Lot 01140	\$3,517.08
21 Oak Tree Court, Albertson, NY 11507 Section 7, Block 318, Lot 00530	\$1,294.67
640 Whittier Street, Westbury, NY 11590 Section 10, Block 029, Lot 00020	\$3,448.39
109 Evans Street, New Hyde Park, NY 11040 Section 8, Block 229, Lot 10	\$1,297.27
14 New Street, Port Washington, NY 11050	\$2,366.58

Section 5, Block 46, Lot 00055
841 Old Country Road, Westbury, NY 11590 \$6,026.79 Section 10, Block 246, Lot 00300
657 Foch Blvd., Williston Park, NY 11596 \$3,813.00 Section 9, Block 627, Lot 37

WHEREAS, the Town Attorney's Office, by memorandums dated July 14, 2021, and pursuant to the applicable provisions of the Town Code, has requested that the costs of the Property Maintenance Services for the Parcels, be referred to the County of Nassau for assessment against, and recovery from, the subject Parcels, which shall constitute a lien and charge on the levied Parcels until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other town charges.

NOW, THEREFORE, BE IT

RESOLVED that the Town Board of the Town of North Hempstead hereby approves the request of the Town Attorney's Office, as set forth in a memorandums dated July 14, 2021, and authorizes the Town Clerk to file a certified copy of this Resolution with the Clerk of the Nassau County Legislature, the Nassau County Assessor's Office, and/or any other department at the County of Nassau, and to take any other steps as may be necessary, so that the liens may be assessed by the County of Nassau against the Parcels, at the same time as other taxes are levied or assessed thereon; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized to take such other action as may be necessary to effectuate the foregoing.

Dated: Manhasset, New York

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney Comptroller Public Safety/Code Enforcement

CLERK SRIVASTAVA: Item No. 48. A resolution authorizing the waiver of certain fees for the late payment of Town of North Hempstead transfer station fees.

SUPERVISOR DESENA: Is Mike Kelly here? Still here by any chance? You are. I was going to -- I'm going to give you a chance to validate your being here.

MR. KELLY: Okay.

SUPERVISOR DESENA: If you could just explain this item for us.

MR. KELLY: Sure. So Mike Kelly, Commissioner of Solid Waste Management. These are two fees, the Winter Brothers reached out to us and requested to be waived on their late fees for the late payment of transportation fees. We looked back in the records and we found that the fees were in fact paid on time and that they were just processed after the due date. They came in very close to the due date. I don't know why they were processed late, but they were processed late and the system popped out of late fee. So the late fees shouldn't apply. So we're requesting that it'd be waived.

SUPERVISOR DESENA: Okay. Great Thank you.

MR. KELLY: Thank you.

SUPERVISOR DESENA: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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

RESOLUTION NO. 102 - 2022

A RESOLUTION AUTHORIZING THE WAIVER OF CERTAIN FEES FOR THE LATE PAYMENT OF TOWN OF NORTH HEMPSTEAD TRANSFER STATION FEES.

WHEREAS, certain late fees were imposed upon Winters Bros. Waste Hauling by the Town of North Hempstead (the "Town") for the late payment of scalehouse fees totaling Sixteen Thousand Nine Hundred Fifteen (\$16,915.50) (the "Late Fees"); and

WHEREAS, the Commissioner of the Town's Department of Solid Waste Management (the "Commissioner") has requested that the Town waive the Late Fees upon a determination by the Commissioner that the payments were inadvertently marked late after being received timely by the Town but processed after the payment deadline (the "Late Fee Waiver"); and

WHEREAS, this Board finds it to be in the best interest of the Town to authorize the Late Fee Waiver.

NOW, THEREFORE, BE IT

RESOLVED that the Late Fee Waiver be and hereby is authorized.

Dated: Manhasset, New York

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Town Attorney

CLERK SRIVASTAVA: Item No. 49. A resolution authorizing the employment, appointment, transfer, adjustment, correction, change --

SUPERVISOR DESENA: Madam Clerk

COUNCILWOMAN DALIMONTE: She's going to read it first.

SUPERVISOR DESENA: I didn't -- I wasn't sure which one she was. Did you --

MS. MURPHY: 49.

SUPERVISOR DESENA: 49? Okay.

COUNCILWOMAN DALIMONTE: Yeah.

COUNCILMAN ZUCKERMAN: Wait, wait.

COUNCILWOMAN DALIMONTE: She didn't read.

COUNCILMAN WALSH: She didn't finish reading. She has to read it.

SUPERVISOR DESENA: I'm sorry.

MS. MURPHY: Oh, I apologize.

CLERK SRIVASTAVA: 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.

MS. MURPHY: Good evening, Supervisor --

SUPERVISOR DESENA: Good evening.

MS. MURPHY: -- council members. I'm Noreen Murphy.

SUPERVISOR DESENA: Yes.

MS. MURPHY: I am the --

COUNCILWOMAN DALIMONTE: Can you speak to can speak into the mic?

SUPERVISOR DESENA: Can you move the microphone? Thank you.

MS. MURPHY: Sure. I am the executive vice president of the union for the town, unit 7555. I'm also a Westbury resident and I would like to say, I do approve of all your selections.

SUPERVISOR DESENA: Thank you.

MS. MURPHY: So every decision that this board makes affects me professionally and personally. With that said, I have questions about why part-time employees are making a higher hourly wage than some of our full-time employees that have been here for years? I'm going to just use a rec aid for example. Some of them are full-time employees that had been here for several years are probably in the range of \$22 an hour to \$26 an hour. And we see somebody on your resolution for \$32 tonight. That's part-time. So that's our concern for our members. According to the Nassau County Civil Service Commission, the definition of part-time employees is very clear. Alls you have to do is go into the commission and look under the rules and you'll be able to see for yourself what that means. We follow the contract. We have a salary schedule. It's graded. Our members see this arbitrary distinction in salary and it breeds discontent. You just got to remember, our people have been here for years and it takes them

almost ten years to get to a \$30 salary wage, hourly. So this is not right. I just wanted to bring it to your attention. I'm not going to keep you any longer because this has been a very long night and now I know why Tom left me here.

SUPERVISOR DESENA: Why he was smiling when he left.

MS. MURPHY: Why he was smiling, said, see you. We had brought this up into labor management -- not to get into that too much. And I know that Robert has been in labor management in the past. And I know this has been brought up in the past as well, but nothing's changed. We don't want to go to the commission and make complaints because we don't want to have anything change unless it's necessary. But something's got to be done. We can't have people working part-time making such a higher wage than are full-time employees that had been here for 7, 8 years. It's not fair. And that's all I have to say for tonight. But thank you so much for listening to me.

SUPERVISOR DESENA: Thank you. Any other comments?

(No response.)

SUPERVISOR DESENA: Okay. I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Nay.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: I was voting aye until she got up here. So I'm voting no.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: I'm going to vote aye. But we're going to take a look at what you brought to our attention.

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

RESOLUTION NO. 103 - 2022

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

February 17, 2022

The vote of the foregoing resolution was recorded as follows:

Ayes: Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays: Councilperson Adhami, Councilperson Dalimonte.

TONH PERSONNEL RESOLUTION 2/17/2022 BOARD MEETING

Type	Department Name	Employee Name	Employee Title	Employee Rate	Grade/Step	Current Department	New Department #	Current Budget Code #	New Budget Code #	Effective Date
New Hire Full Time	Town Clerk	Peter Frey	Secretary to Town Clerk	\$45,000 annually/\$1,730.76 bi-weekly	N/A	N/A	128700	N/A	A.13.1410.1000	1/31/2022
New Hire Part Time	Town Attorney's Office	Paul L. Herzfeld	Clerk Typist PT	\$60/hour	N/A	N/A	948000	N/A	A.11.1420.1200	2/19/2022
New Hire Full Time	Administrative Services	Isiah Burrus	Duplicating Machine Operator 2	\$47,471 annually/\$22.82 hourly	Grade 9/Step 1.0	N/A	120400	N/A	A.01.1670.1000	2/19/2022
Merit Raise	Administrative Services	Paul Castagliola	Bldg. Maint. Supervisor	\$109,920 annually/\$52.85 hourly to \$113,406 annually/\$54.52 hourly	Grade 25/Step 5.5 to Grade 25/Step 7.0	120000	N/A	A.01.1622.1000	N/A	2/19/2022
Merit Raise	Administrative Services	Marcus Cavalli	Laborer 1	\$48,411 annually/\$23.27 hourly to \$49,823 annually/\$23.95 hourly	Grade 9/Step 2.0 to Grade 9/Step 3.5	120500	N/A	A.01.1621.1000	N/A	2/19/2022
Merit Raise	Administrative Services	Emanuel Bateman	Maint. Mechanic Trainee	\$56,589 annually/\$27.21 hourly to \$58,156 annually/\$27.96 hourly	Grade 12/Step 6.0 to Grade 12/Step 7.5	120500	N/A	A.01.1621.1000	N/A	2/19/2022
Merit Raise	Administrative Services	Christopher Lopes	Maint. Mechanic Trainee	\$56,589 annually/\$27.21 hourly to \$58,156 annually/\$27.96 hourly	Grade 12/Step 6.0 to Grade 12/Step 7.5	120500	N/A	A.01.1621.1000	N/A	2/19/2022
Merit Raise	Administrative Services	Erik Baston	Laborer 1	\$51,234 annually/\$24.63 hourly to \$52,645 annually/\$25.31 hourly	Grade 9/Step 5.0 to Grade 9/Step 6.5	120600	N/A	A.01.1622.1000	N/A	2/19/2022
Budget Code Change	Supervisor's Office	Ross Lumpkin	Historian Part Time	\$40.00 per hour	N/A	926000	927500	A.10.1220.1200	A.10.7510.1200	1/1/2022
PT to FT	Parks & Rec/Gerry to Parks & Rec/Whitney	Justin Gerhardt	Laborer 1	\$15.00 hrly to \$47,471.00ann./\$22.82/hr	Grade 9, Step 1	935000	123400	A.05.7111.1200	A.05.7185.1000	2/19/2022
Location Change	Parks & Rec/Whitney to Martin Reid	Jaquan Mingo	Groundskeeper 1	\$60,499.00 annually/\$29.09 hourly	Grade 17, Step 2	123400	123500	A.05.7185.1000	A.05.7111.1000	2/19/2022
Location Change	Parks & Rec/Martin Reid to Whitney	Terrell Latta	Laborer 2	\$54,064.00 annually/\$25.99 hourly	Grade 11, Step 5	123500	123400	A.05.7111.1200	A.05.7185.1200	2/19/2022
Location Change	Parks & Rec/Whitney to Martin Reid	Ashish Rana	Equip. Operator 1	\$55,945.00 annually/\$26.90 hourly	Grade 13, Step 4	123400	123500	A.05.7185.1000	A.05.7111.1000	2/19/2022

PERSONNEL RESOLUTION

Type	Department Name	Employee Name	Employee Title	Employee Rate	Grade/Step	Current Department	New Department #	Current Budget Code #	New Budget Code #	Effective Date
Title, Grade, Step and Salary Change	Department of Parks and Recreation - Tully Park	Dea-Rey Caliguri	Recreation Aide to Clerk Typist 1	\$2,144.80 bi-weekly / \$55,765 annually to \$2,152.90 bi-weekly / \$55,976 annually	Grade 9, Step 11 to Grade 11, Step 8	122900	N/A	A.05.7020.1000	N/A	10/30/2021
PT to FT	Parks & Rec/YWCCC	Jason Gibson	Recreation Aide	\$17.00 hourly to \$47,471.00ann./\$22.82/hr	Grade 9, Step 1	933300	133300	A.05.7141.1200	A.05.7141.1000	2/19/2022
Location Change	Parks & Rec/YWCCC to Manorhaven	Richard Coriello Jr.	Laborer 1	\$53,119.00 ann/\$25.54 hr	Grade 9, Step 7	133300	123100	A.05.7141.1000	A.05.7182.1000	2/19/2022
Location Change	Parks & Rec/TULLY to Manorhaven	Richard Thomas	Laborer 1	\$50,291.00 ann/\$24.18 hr	Grade 9, Step 4	123000	123100	A.05.7181.1000	A.05.7182.1000	2/19/2022
Merit Raise	Parks & Rec/YWCCC	Byron Johnson	Bldg. Maint. Supervisor	\$89,795.00ann./\$43.17/hr to \$92,549.00 ann./\$44.49hr	Grade 25, Step 4 to Grade 25, Step 5.5	133300	N/A	A.05.7141.1000	N/A	2/19/2022
Merit Raise	Parks & Rec/YWCCC	Victoria Ferguson	Recreation Aide	\$49,351.00ann./\$23.73/hr to \$50,763.00 ann./\$24.41hr	Grade 9, Step 2 to Grade 9, Step 3.5	133300	N/A	A.05.7141.1000	N/A	2/19/2022
Seasonal to PT w/Sal & Loc Chg	Parks & Rec/Martin Reid to Parks & Rec/YWCCC	Malachi Rose	Laborer 1	\$14.00/hour to \$15.00/hour	N/A	835000	933300	A.05.7111.1200	A.05.7141.1200	2/19/2022
PT w/Sal Chg	Parks & Rec YWCCC	Ruth Albright	Rec Aide	\$30.00/hour to \$32.00/hour	N/A	933300	N/A	A.05.7141.1200	N/A	2/19/2022
PT w/Sal Chg	Parks & Rec TULLY	Wendy Bilka	Rec Aide	\$30.00/hour to \$32.00/hour	N/A	930000	N/A	A.05.7181.1200	N/A	2/19/2022
PT w/Sal Chg	Parks & Rec YWCCC	Michael Jackson	Rec Aide	\$30.00/hour to \$32.00/hour	N/A	933300	N/A	A.05.7141.1200	N/A	2/19/2022
Resignation	Department of Highways	Christopher Murphy	Laborer 1	\$22.82 hourly/ \$47,471 annually	Grade 9, Step 1.0	311000	N/A	DA.07.5117.1000	N/A	2/3/2022
Resignation	Parks & Rec YWCCC	Antonio Lopez	Rec Aide	\$15.00/hour	N/A	933300	N/A	A.05.7141.1200	N/A	7/21/2021
Resignation	Parks & Rec YWCCC	Ariel Paige	Rec Aide	\$16.25/hour	N/A	933300	N/A	A.05.7141.1200	N/A	9/17/2021

PERSONNEL RESOLUTION

Type	Department Name	Employee Name	Employee Title	Employee Rate	Grade/Step	Current Department	New Department #	Current Budget Code #	New Budget Code #	Effective Date
Termination	311 Call Center	Irma Gonzalez	Attendant/311 Call Rep	\$16.00/hour	N/A	903100	N/A	A.30.1480.1200	N/A	4/20/2021
Retirement	Town Clerk	James Procopio	Research Asst. To Supervisor	\$3,660 bi-weekly/\$95,160 annually	Grade 17, Step 28	128800	N/A	A.26.1460.1000	N/A	1/14/2022
Termination	DO/TT	Monica Toral	Laborer P/T	\$20.00/hour	N/A	947000	N/A	A.27.1680.1200	N/A	1/28/2022
Deceased	Parks & Rec	Thomas O'Reilly	Public Safety Officer 1	\$36.08 hourly/\$75,041 annually	Grade 10/ Step 35	122700	N/A	A.05.7200.1000	N/A	2/3/2022

CLERK SRIVASTAVA: Item No. 50. A resolution approving the action of the Atlantic Hook & Ladder Company No. 1, Port Washington, New York, in removing Gabriel Gallardo, Michael Gallardo, Andres De Lao, and Luis De Lao from membership.

COUNCILWOMAN DALIMONTE: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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. 104 - 2022

A RESOLUTION APPROVING THE ACTION OF THE ATLANTIC HOOK & LADDER CO. NO. 1, PORT WASHINGTON, NEW YORK, IN REMOVING GABRIEL GALLARDO, MICHAEL GALLARDO, ANDRES DE LAO, AND LUIS DE LAO FROM MEMBERSHIP.

WHEREAS, the Atlantic Hook & Ladder Company No. 1, Port Washington, New York, has advised of removing Gabriel Gallardo, Michael Gallardo, Andres De Lao, and Luis De Lao from membership.

NOW, THEREFORE,

BE IT RESOLVED that the action of the Atlantic Hook & Ladder Company No. 1, 25 Carleton Ave., Port Washington, NY 11050, has advised of removing Gabriel Gallardo, Michael Gallardo, Andres De Lao, and Luis De Lao from membership, and the same hereby is approved and the Town Clerk is directed to record the names in the Minutes of the Town Board.

Dated: Manhasset, New York

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Atlantic Hook & Ladder Co. No. 1 Town Attorney Comptroller

CLERK SRIVASTAVA: Item No. 51. A resolution approving the action of the Protection Engine Company No. 1, Port Washington, New York in adding to membership Kevin Raymond Dans, Zac Howard Silfin, Jesse Aaron Genicoff, and Cal Gidalia Gober.

COUNCILWOMAN DALIMONTE: I offer the resolution and move for its adoption.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

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. 105 - 2022

A RESOLUTION APPROVING THE ACTION OF THE PROTECTION ENGINE COMPANY NO. 1, PORT WASHINGTON, NEW YORK IN ADDING TO MEMBERSHIP KEVIN RAYMOND DANS, ZAC HOWARD SILFIN, JESSE AARON GENICOFF, AND CAL GIDALIA GOBER.

WHEREAS, the Protection Engine Company No. 1, 14 S. Washington Street, Port Washington, New York, 11050 has advised of adding to membership Kevin Raymond Dans, Zac Howard Silfin, Jesse Aaron Genicoff, and Cal Gidalia Gober.

NOW, THEREFORE, BE IT

RESOLVED that the action of the Protection Engine Company No. 1, 14 S. Washington Street, Port Washington, New York, 11050, had advised of adding Kevin Raymond Dans of 9 Angler Lane, Port Washington, NY 11050, Zac Howard Silfin of 25 East Road, Port Washington, NY 11050, Jesse Aaron Genicoff of 64 Wakefield Ave, Port Washington, NY 11050, and Cal Gidalia Gober of 4 Mohegan Avenue, Port Washington, NY 11050 to membership, and the same hereby is approved and the Town Clerk directed to record the names in the Minutes of the Town Board.

Dated: Manhasset, New York

February 17, 2022

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Walsh, Councilperson Zuckerman, Supervisor DeSena.

Nays:

cc: Protection Engine Company 1 Town Attorney Comptroller

CLERK SRIVASTAVA: Now we have tabled items.

MR. CHAIRA: There needs to be a motion on the table.

CLERK SRIVASTAVA: Okay.

MR. CHAIRA: Otherwise it's --

CLERK SRIVASTAVA: Okay. So I'll read, okay?

MR. CHAIRA: You don't have to read it.

CLERK SRIVASTAVA: Item No. 52. Resolution appointing Harry Weed as the superintendent of Highways.

COUNCILMAN ZUCKERMAN: Someone has to make a motion.

COUNCILWOMAN LURVEY: It's a tabled item.

COUNCILWOMAN DALIMONTE: That's a tabled item.

COUNCILMAN ZUCKERMAN: You have to have a motion to untable the item.

CLERK SRIVASTAVA: Can I have a motion?

SUPERVISOR DESENA: No.

CLERK SRIVASTAVA: Councilman Troiano.

SUPERVISOR DESENA: There's no motion.

COUNCILMAN ZUCKERMAN: There's no motion.

SUPERVISOR DESENA: There's no motion so I think we -- I can move to move to adjourn?

COUNCILMAN ZUCKERMAN: Yes.

COUNCILWOMAN DALIMONTE: Yes.

COUNCILWOMAN LURVEY: Oh, okay.

SUPERVISOR DESENA: Thank you, everybody.

COUNCILWOMAN DALIMONTE: Well, we have to take a vote.

SUPERVISOR DESENA: Oh, sorry. Yes.

CLERK SRIVASTAVA: We have to take the vote --

MALE SPEAKER: I'm voting yes.

CLERK SRIVASTAVA: Councilman Troiano.

COUNCILWOMAN DALIMONTE: I'm going to abstain.

CLERK SRIVASTAVA: You have to stay then.

COUNCILMAN TROIANO: Aye.

CLERK SRIVASTAVA: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

CLERK SRIVASTAVA: Councilman Walsh.

COUNCILMAN WALSH: Let me think about it. Aye.

CLERK SRIVASTAVA: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

CLERK SRIVASTAVA: Councilman Adhami.

COUNCILMAN ADHAMI: Aye.

CLERK SRIVASTAVA: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

CLERK SRIVASTAVA: Supervisor DeSena.

SUPERVISOR DESENA: Aye.

CLERK SRIVASTAVA: Thank you.

SUPERVISOR DESENA: Goodnight, everybody.

CLERK SRIVASTAVA: We have two more cards.

COUNCILWOMAN LURVEY: What? We have cards?

CLERK SRIVASTAVA: Yes.

SUPERVISOR DESENA: What were they for?

COUNCILWOMAN LURVEY: They're still here.

CLERK SRIVASTAVA: Katie Gray. And --

SUPERVISOR DESENA: No. She left.

CLERK SRIVASTAVA: -- Pam --

COUNCILWOMAN LURVEY: Oh, no. Nobody wanted public comments anymore, right?

COUNCILMAN WALSH: Thank God.

COUNCILWOMAN LURVEY: Thank God. Yeah. Right.

CLERK SRIVASTAVA: There not here, right? Thank you guys.

SUPERVISOR DESENA: I did not offer it, but I don't think --

(At 11:36 p.m., the proceedings were concluded.)

A handwritten signature in black ink, reading "Ragini Srivastava". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Town Clerk