TOWN OF NORTH HEMPSTEAD
BOARD MEETING

AGENDA

September 5, 2023 **7:00 PM**

CONTINUATIONS:

1. A PUBLIC HEARING TO CONSIDER THE APPLICATION OF HILLSIDE ISLAMIC CENTER FOR SITE PLAN REVIEW FOR THE PREMISES LOCATED AT 300 HILLSIDE AVENUE, NEW HYDE PARK AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 8, BLOCK 3, LOTS 6, 11 & 13.

    Synopsis: The proposed action is a 3-story, 6,600 s.f. addition to a 2-story, 5,428 s.f. religious building on a 30,307 s.f. (0.9-acre) site. The scope of work includes expansion of the parking lot into two adjoining parcels and the installation of two new curb cuts: one each on North 2nd and North 3rd streets. Continued from August 8, 2023.

2. A PUBLIC HEARING TO CONSIDER THE APPLICATION OF SCI MANAGEMENT FOR SITE PLAN REVIEW FOR THE PREMISES LOCATED AT 2000 HILLSIDE AVENUE, NEW HYDE PARK AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 8, BLOCK 211-14, LOT 607.

    Synopsis: The proposed action is the construction of a two-story 6,116 s.f., 2nd & 3rd floor addition to a single-story former funeral home for conversion to a house of worship on a 0.6-acre site. Continued from August 8, 2023.

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

    Synopsis: The purpose of the local law is to amend Article XXIII related to the procedure for revoking a certificate of occupancy or a certificate of existing use. **Will be continued to October 3, 2023.**

4. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 24 OF THE TOWN CODE ENTITLED "GOVERNMENTAL OPERATIONS."

Synopsis: The purpose of the local law is to require that fiscal impact statements for certain actions by the Town Board be provided in advance of decision making. Continued from August 8, 2023.

5. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 18 OF THE TOWN CODE ENTITLED "HIGHWAY EXCAVATIONS AND CURB CUTS."

Synopsis: The purpose of the local law is to provide modified procedures and restoration standards for road openings under certain circumstances. Continued from August 8, 2023. **Will be continued to October 3, 2023.**

6. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 24 OF THE TOWN CODE ENTITLED "GOVERNMENTAL OPERATIONS."

Synopsis: The purpose of the proposed local law is to prohibit an elected official, any employee of his or hers, or any person appointed to or employed by any public office or agency from the use or authorization of the use of any facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. **Will be continued.**

7. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING ELM DRIVE AND PINEWOOD LANE IN NEW HYDE PARK, NEW YORK.

Synopsis: The adoption of this ordinance will establish a Full Stop northbound on Elm Drive & Pinewood Lane, at their intersection with Magnolia Drive, in New Hyde Park. Continued from August 8, 2023.

PUBLIC HEARINGS:

8. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW ESTABLISHING CHAPTER 58 OF THE TOWN CODE TO BE ENTITLED "GOVERNMENTAL TRANSPARENCY."

Synopsis: The purpose of the local law is to establish Chapter 58 of the Code of the Town of North Hempstead entitled “Governmental Transparency” to require the publication of certain documents and/or information on the Town’s website, in a manner that is searchable, in order to increase governmental openness and transparency by facilitating public access to Town records, documents and information that is legally available, with a goal towards bringing about greater awareness, input and public participation in the conduct of the affairs of Town government.

9. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 19 OF THE TOWN CODE ENTITLED "EXPLOSIVES."

Synopsis: The purpose of the local law is to modify the regulations related to fireworks to ensure that firework displays are undertaken in a manner that promotes safety consistent with the provisions of New York State Penal Law Article 405, to establish the minimum requirements that must be met by permit applicants and to provide certain notification procedures. **Will be continued to October 3, 2023.**

10. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING DENTON AVENUE IN NEW HYDE PARK, NEW YORK.

Synopsis: The adoption of this ordinance will establish No Stopping Here to Corner restrictions on the west side of Denton Avenue, north of Aladdin Avenue, in New Hyde Park.

11. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING GUILFORD ROAD IN PORT WASHINGTON, NEW YORK.

Synopsis: The adoption of these ordinances will add a school speed zone restriction, and a morning time frame restriction on the presently posted Do Not Enter and One Way restriction on Guilford Road, east of Lynn Road, in Port Washington.

12. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING SEAVIEW BOULEVARD IN PORT WASHINGTON, NEW YORK.

Synopsis: The adoption of this ordinance will establish No Commercial Vehicle Parking restriction on the south side of Seaview Boulevard, west of Osprey Court, in Port Washington.

13. A PUBLIC HEARING TO CONSIDER THE RESCISSION OF AN ORDINANCE AFFECTING CLAUDY LANE IN NEW HYDE PARK, NEW YORK.

Synopsis: The rescission of this ordinance will remove a Reserved Parking space on the west side of Claudy Lane, west of Joseph Street, in New Hyde Park.

RESOLUTIONS:

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

Synopsis: The purpose of this local law is to amend the grievance procedure in Chapter 23, Article XVII (Anti-Discrimination Provisions) to designate alternative decision makers in the event certain Town officers or officials, including the Town Supervisor or Deputy Supervisor, are named or involved in a complaint related to allegations of wrongdoing, unlawful discrimination, harassment or retaliation, or otherwise have a conflict; to ensure that the hearing officer who conducts a formal hearing on an Article XVII complaint be unbiased and free from conflicts; and to make such additional amendments to the grievance procedure as the Town Board deems necessary. Tentative hearing date is October 3, 2023.

15. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 24 OF THE TOWN CODE ENTITLED "GOVERNMENTAL OPERATIONS."

Synopsis: The proposed local law would add a new article, Article XV, to require that the fiscal impacts of a resolution or action taken by the Town Board be known in advance of decision making. Tentative hearing date is October 3, 2023.

16. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ACQUISITION OF SUNSET PARK, PORT WASHINGTON FROM THE PORT WASHINGTON WATER POLLUTION CONTROL DISTRICT.

    Synopsis: The purpose the hearing is to consider public input on the Town's potential acquisition of the property known as "Sunset Park" located on Main Street in Port Washington. Tentative hearing date is October 3, 2023.

17. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER A PETITION TO DESIGNATE A SECONDARY HONORARY STREET NAME FOR HIGH STREET IN MANHASSET PURSUANT TO SECTION 10-5 OF THE TOWN CODE.

    Synopsis: The petition seeks to designate a secondary honorary street name for High Street, from the corner of Community Drive to its terminus, as "Miss Minnie Way." Tentative hearing date is October 3, 2023.

18. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING MINEOLA AVENUE IN ROSLYN HEIGHTS.

    Synopsis: The adoption of this ordinance will establish a No Parking Anytime restriction on the east side of Mineola Avenue, north of Lambert Street, in Roslyn Heights. Tentative hearing date is October 3, 2023.

19. A RESOLUTION AUTHORIZING THE TOWN BOARD TO ACCEPT GIFTS TO THE TOWN PURSUANT TO TOWN LAW SECTION 64.

20. A RESOLUTION AUTHORIZING SUPPLEMENTAL BUDGET APPROPRIATIONS PURSUANT TO TOWN LAW SECTION 112.

21. A RESOLUTION ACCEPTING THE GRANT OF FUNDS FROM TARGET FOR SPECIAL EVENTS AT THE NORTH HEMPSTEAD "YES WE CAN" COMMUNITY CENTER, WESTBURY.

22. A RESOLUTION AUTHORIZING THE PREPARATION AND SUBMISSION OF MULTIPLE GRANT APPLICATIONS TO THE NEW YORK STATE CONSOLIDATED FUNDING APPLICATION AND THE TAKING OF RELATED ACTION.

23. A RESOLUTION AUTHORIZING THE AWARD OF A BID FOR AUCTION SERVICES (TNH115-2023).

24. A RESOLUTION AUTHORIZING THE AWARD OF A BID FOR DUMPSTERS (TNH303R-2023).

25.

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ARCHANGEL MICHAEL CHURCH TO OPERATE A FEAST AT NORTH HEMPSTEAD BEACH PARK, PORT WASHINGTON, NEW YORK.

26. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH VENEZIA'S GARDEN CENTER FOR SERVICES RELATED TO THE CREATION OF A SENSORY GARDEN AT CLARK BOTANIC GARDENS, ALBERTSON.

27. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ISLAND FENCE COMPANY FOR INSTALLATION OF A RAILING AT THE PORT WASHINGTON PUBLIC PARKING DISTRICT BUILDING.

28. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE CARLE PLACE WATER DISTRICT FOR THE REPAVING OF GARDEN AVENUE IN CARLE PLACE, NEW YORK.

29. A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERMUNICIPAL AGREEMENT WITH THE ROSLYN UNION FREE SCHOOL DISTRICT FOR FUEL MANAGEMENT.

30. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CDW FOR THE PURCHASE OF SUBSCRIPTION RENEWALS FOR BITDEFENDER ANTIVIRUS SOFTWARE.

31. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH NORTHWELL HEALTH TO CO-SPONSOR A FLU VACCINE DISTRIBUTION EVENT AT THE PORT WASHINGTON ADULT ACTIVITY CENTER, PORT WASHINGTON, AND WAIVING THE FEE FOR USE OF THE CENTER.

32. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH FLEET PUMP AND SERVICE GROUP, INC. FOR THE REPAIR OF A METER FOR THE TOWN OF NORTH HEMSPTEAD DEPARTMENT OF SOLID WASTE MANAGEMENT.

33. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH HILARY GROSSMAN FOR PROFESSIONAL ACCOUNTING SERVICES.

34. A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN CSEA LOCAL 1000 AFSCME, AFL-CIO, NASSAU MUNICIPAL EMPLOYEES LOCAL #882, TOWN OF NORTH HEMPSTEAD UNIT #7555 AND THE TOWN OF NORTH HEMPSTEAD RELATED TO THE IMPLEMENTATION OF AN IRC SECTION 125 PLAN.

35. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE UNITED STATES GEOLOGICAL SURVEY FOR GROUNDWATER WELL MONITORING THROUGHOUT THE PORT WASHINGTON PENINSULA.

36. A RESOLUTION AUTHORIZING THE EXECUTION OF A REVISED COOPERATION AGREEMENT WITH THE COUNTY OF NASSAU.

37.

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH JL DAVIS DESIGN TO DESIGN A BROCHURE FOR THE HISTORIC LANDMARKS PRESERVATION COMMISSION.

38. A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH FIREFLY ADMIN INC. FOR THE ADMINISTRATION OF THE PORT WASHINGTON FIRE DEPARTMENT LENGTH OF SERVICE AWARD PROGRAM.

39. A RESOLUTION AUTHORIZING TOWN TO EXECUTE AN AGREEMENT WITH THE WATER AUTHORITY OF GREAT NECK NORTH.

40. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH MEADOW CARTING FOR THE COLLECTION, REMOVAL AND DISPOSAL OF ACCEPTABLE WASTE AND RECYCLABLES WITHIN THE GREAT NECK GARBAGE DISTRICT.

41. A RESOLUTION AUTHORIZING THE PURCHASE OF SOFTWARE MAINTENANCE AND TECHNICAL SUPPORT SERVICES FOR THE DEPARTMENT OF INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS.

42. A RESOLUTION APPOINTING DEPUTY TOWN CLERK NISHI SEHGAL AS MARRIAGE OFFICER OF THE TOWN OF NORTH HEMPSTEAD.

43. A RESOLUTION TO APPOINT AN ACTING COMPTROLLER.

44. A RESOLUTION AUTHORIZING AN AMENDMENT TO THE TOWN BOARD RULES OF PROCEDURE.

45. A RESOLUTION ACCEPTING LEAD AGENCY DESIGNATION AND MAKING CERTAIN FINDINGS AND DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT IN CONNECTION WITH THE WHITNEY POND PARK STREAM RESTORATION PROJECT.

46. A RESOLUTION ACCEPTING LEAD AGENCY DESIGNATION AND MAKING CERTAIN FINDINGS AND DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT IN CONNECTION WITH THE MANHASSET BAY WALK PROJECT.

47. A RESOLUTION AUTHORIZING A TRANSFER OF FUNDS.

48. A RESOLUTION AUTHORING THE TRANSFER OF A VEHICLE BETWEEN THE TOWN GENERAL FUND AND THE TOWN OUTSIDE VILLAGE FUND.

49. A RESOLUTION WAIVING APPLICABLE FEES FOR ST. FRANCIS HOSPITAL’S USE OF NORTH HEMPSTEAD BEACH PARK AND WHITNEY POND PARK FOR “WALK AND TALK WITH A DOCTOR” EVENTS.

50. A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND CAPITAL PROJECTS RESERVE FUND.

51. A RESOLUTION AUTHORIZING THE AMENDMENT OF THE TOWN OF NORTH HEMPSTEAD FLEXIBLE BENEFITS PLAN "CAFETERIA PLAN" PURSUANT TO SECTION 125 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

52. A RESOLUTION AMENDING RESOLUTION NO. 33 - 2023, ADOPTED JANUARY 24, 2023, AUTHORIZING THE EXECUTION OF AGREEMENTS WITH VARIOUS FITNESS INSTRUCTORS FOR FITNESS CLASSES AT VARIOUS LOCATIONS WITHIN THE TOWN IN CONNECTION WITH PROJECT INDEPENDENCE.

53. A RESOLUTION WAIVING APPLICABLE FEES FOR THE COMMUNITY SYNAGOGUE'S USE OF NORTH HEMPSTEAD BEACH PARK TO CONDUCT A BEACH CLEAN UP EVENT.

54. A RESOLUTION IN SUPPORT OF THE ACQUISITION OF SUNSET PARK FROM THE PORT WASHINGTON POLLUTION CONTROL DISTRICT.

55. A RESOLUTION WAIVING APPLICABLE FEES FOR THE WESTBURY UNION FREE SCHOOL DISTRICT’S USE OF THE NORTH HEMPSTEAD “YES WE CAN” COMMUNITY CENTER.

56. A RESOLUTION AUTHORIZING AND APPROVING THE PAYMENT OF CLAIMS AGAINST THE TOWN OF NORTH HEMPSTEAD AND AUTHORIZING AND DIRECTING THE COMPTROLLER OR DEPUTY COMPTROLLER TO PAY THE COSTS THEREOF.

57. 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.

58. A RESOLUTION APPROVING THE ACTION OF THE FIRE-MEDIC CO., NO. 1, PORT WASHINGTON, NEW YORK, IN ADDING MAYA LAPTER AND REBECCA MICHAELS TO MEMBERSHIP.

59. A RESOLUTION APPROVING THE ACTION OF THE ATLANTIC HOOK & LADDER CO. NO. 1, PORT WASHINGTON, NEW YORK, IN RECLASSIFYING THOMAS PETTY, MATTHEW RUBINSTEIN, MARK TETA, AND TODD SAUNDERS FROM REGULAR TO ASSOCIATE MEMBERS AND REMOVING JONATHAN MARKS FROM MEMBERSHIP.

<u>TABLED ITEMS:</u>

60. A RESOLUTION AUTHORIZING AN AMENDMENT TO THE TOWN BOARD RULES OF PROCEDURE.

61. A RESOLUTION ESTABLISHING ADDITIONAL REQUIREMENTS RELATED TO FISCAL IMPACT STATEMENTS.

PROPOSED RESOLUTION

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

RESOLUTION NO. - 2023

A PUBLIC HEARING TO CONSIDER THE APPLICATION OF HILLSIDE ISLAMIC CENTER FOR SITE PLAN REVIEW FOR THE PREMISES LOCATED AT 300 HILLSIDE AVENUE, NEW HYDE PARK AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 8, BLOCK 3, LOTS 6, 11 & 13.

WHEREAS, the Hillside Islamic Center (the "Applicant") has applied to the Town Board of the Town of North Hempstead (the "Town") to construct a three-story 6,600 s.f. addition to an existing two-story 5,428 s.f. religious building, including expansion of the parking lot into two adjoining parcels and the installation of two new curb cuts (the "Application"), on a 0.9-acre lot located at 300 Hillside Avenue, New Hyde Park and identified on the Nassau County Land and Tax Map as Section 8, Block 3, Lots 6, 11 and 13 (the "Premises"); and

WHEREAS, it has been determined that the Application is subject to site plan review pursuant to § 70-219(A)(1)(a) and (e) of the Code of the Town of North Hempstead (the "Town Code") for the construction of a building addition of greater than 750 s.f. and the addition of two curb cuts; and

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

WHEREAS, the Town Clerk, pursuant to and in accordance with Town Code §§ 70-219(F)(1), has published notice of a public hearing scheduled for June 6, 2023 for the site plan review (the "Public Hearing"), as authorized and directed by the Town Board pursuant to Resolution No. 273-2023, adopted on May 2, 2023, which hearing was continued to July 11, 2023, August 8, 2023, and further continued to September 5, 2023; and

WHEREAS, the Applicant has furnished proof of service of notice of the Public Hearing to the affected property owners within a 300-foot radius of the Premises as required by § 70-219(F)(2) of the Town Code and has complied with the sign notice requirements of § 70-219(F)(3), and filed an affidavit as to the mailing of such notices and posting of a sign 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 15, 2022 citing the following items: (1) the application requires site plan review pursuant to Town Code § 70-219(A)(1)(a) for the construction of an addition to an existing structure of greater than 750 s.f. of floor area; and (2) the application requires site plan review pursuant to Town Code § 70-219(A)(1)(e) for a change in the number of site access/egress points, entrance/exit drives or curb cuts or a relocation of an existing access point by more than 20 feet; 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 Short Environmental Assessment Form (the "SEAF"); and

WHEREAS, by Resolution No. 10528-23, dated April 27, 2023, the Nassau County Planning Commission reviewed the case and deferred to the Town to take action as the Town deems appropriate; and

WHEREAS, the Town Department of Planning and Environmental Protection (the "Planning Department") has reviewed the Application and recommends approval of same; and

WHEREAS, it is required that a "lead agency" be established to review the Action pursuant to the rules and regulations for implementation of the New York State Environmental Quality Review Act as set forth in Title 6, Part 617.6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York ("SEQRA Regulations"); and

WHEREAS, this Board, through action of the Town Department of Planning and Environmental Protection (the "Planning Department") pursuant to Town Code §20-4, has established itself as lead agency and wishes to render a determination of significance pursuant to the SEQRA regulations; and

WHEREAS, the Board has reviewed the determination of the Planning Department, dated April 21, 2023, and the Negative Declaration indicating that the action constitutes an "Unlisted Action" pursuant to Section 617.2(al) of the SEQRA Regulations which will not result in any significant adverse impacts on the environment based upon the analysis set forth in the Short Environmental Assessment Form (the "SEAF") Parts 1, 2, and 3 (the "Determinations and Negative Declaration") for the reasons stated in the SEAF; and

WHEREAS, this Board has carefully considered the Application, testimony and other relevant evidence at the Public Hearing held on June 6, 2023, July 11, 2023, August 8, 2023, and September 5, 2023, and afforded all interested persons the opportunity to be heard; and

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

NOW, THEREFORE, BE IT

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

RESOLVED that this Board hereby adopts the Planning Department's Determinations and Negative Declaration, finding that the Action is an "Unlisted Action" which will not result in any significant adverse impact on the environment, based upon the analysis set forth in the SEAF; and be it further

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

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

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

Dated: Manhasset, New York

September 5, 2023

The vote on the foregoing resolution was recorded as follows:

Ayes:

Nays:

PROPOSED RESOLUTION

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

RESOLUTION NO. - 2023

A PUBLIC HEARING TO CONSIDER THE APPLICATION OF SCI MANAGEMENT FOR SITE PLAN REVIEW FOR THE PREMISES LOCATED AT 2000 HILLSIDE AVENUE, NEW HYDE PARK AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 8, BLOCK 211-14, LOT 607.

WHEREAS, SCI Management (the “Applicant”) has applied (the “Application”) to the Town Board of the Town of North Hempstead (the “Town”) to construct a two-story 6,113 s.f. second and third floor addition to a single-story former funeral home for conversion to a house of worship on a 0.6 acre site parcel located at 2000 Hillside Avenue, New Hyde Park and identified on the Nassau County Land and Tax Map as Section 8, Block 211-14, Lot 607 (the “Premises”); and

WHEREAS, it has been determined that the Application is subject to site plan review pursuant to § 70-219(A)(1)(a) and (e) of the Code of the Town of North Hempstead (the “Town Code”) for the construction of a new building or addition greater than 750 s.f. of gross floor area and for a change in the number or location of curb cuts by more than 20 feet; and

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

WHEREAS, the Town Clerk, pursuant to and in accordance with Town Code §§ 70-219(F)(1), has published notice of a public hearing scheduled for August 8, 2023 for the site plan review (the “Public Hearing”), as authorized and directed by the Town Board pursuant to Resolution No. 399-2023, adopted on July 11, 2023, which hearing was continued to September 5, 2023; and

WHEREAS, the Applicant has furnished proof of service of notice of the Public Hearing to the affected property owners within a 300-foot radius of the Premises as required by § 70-219(F)(2) of the Town Code and has complied with the sign notice requirements of § 70-219(F)(3), and filed an affidavit as to the mailing of such notices and posting of a sign as required thereunder; and

WHEREAS, the Town’s Department of Building Safety, Inspection and Enforcement (the “Building Department”) issued a Notice of Disapproval citing the following items requiring Town Board approval: (1) the application requires site plan review pursuant to Town Code § 70-219(A)(1)(a) for the construction of a new building greater than 750 square feet; and (2) the application requires site plan review pursuant to Town Code § 70-219(A)(1)(e) for a change in the number or location of curb cuts by more than 20 feet; and

WHEREAS, pursuant to General Municipal Law § 239-m, the Nassau County Planning Commission (the "Commission") was furnished with copies of the site plan and the Full Environmental Assessment Form, and traffic impact study; and

WHEREAS, pursuant to Resolution No. 10528-23, adopted April 27, 2023, the Nassau County Planning Commission recommended local determination; and

WHEREAS, the Town Department of Planning and Environmental Protection (the "Planning Department") has reviewed the Application and recommends approval of same; and

WHEREAS, it is required that a "lead agency" be established to review the Action pursuant to the rules and regulations for implementation of the New York State Environmental Quality Review Act as set forth in Title 6, Part 617.6 of the Official Compilation of Codes, Rules, and Regulations of the State of New York ("SEQRA Regulations"); and

WHEREAS, this Board, through action of the Town Department of Planning and Environmental Protection (the "Planning Department") pursuant to Town Code §20-4, has established itself as lead agency and wishes to render a determination of significance pursuant to the SEQRA regulations; and

WHEREAS, the Board has reviewed the determination of the Planning Department, dated August 1, 2023, and the Negative Declaration indicating that the action constitutes an "Unlisted Action" pursuant to Section 617.2(al) of the SEQRA Regulations which will not result in any significant adverse impacts on the environment based upon the analysis set forth in the Short Environmental Assessment Form (the "SEAF") Parts 1, 2, and 3 (the "Determinations and Negative Declaration") for the reasons stated in the SEAF; and

WHEREAS, this Board has carefully considered the Application, testimony and other relevant evidence at the Public Hearing held on August 8, 2023, and continued to September 5, 2023, and afforded all interested persons the opportunity to be heard; and

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

NOW, THEREFORE, BE IT

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

RESOLVED that this Board hereby adopts the Planning Department's Determinations and Negative Declaration, finding that the Action is an "Unlisted Action" which will not result in any significant adverse impact on the environment, based upon the analysis set forth in the SEAF; and be it further

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

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

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

Dated: Manhasset, New York

September 5, 2023

The vote on the foregoing resolution was recorded as follows:

Ayes:

Nays:

PROPOSED RESOLUTION

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

RESOLUTION NO. - 2023

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

NO RESOLUTION.

PROPOSED RESOLUTION

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

RESOLUTION NO. - 2023

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 24 OF THE TOWN CODE ENTITLED "GOVERNMENTAL OPERATIONS."

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

WHEREAS, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend the Town Code by the adoption of a Local Law amending Chapter 24 of the Town Code entitled “Governmental Operations” in order to require that fiscal impact statements for certain actions by the Town Board be provided in advance of decision making; and

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

WHEREAS, due notice has been heretofore given of a public hearing to be held on the 8th day of August, 2023, which hearing was continued to September 5, 2023, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town’s website and during regular business hours in the Office of the Town Clerk; and

WHEREAS, the Town Board carefully considered the proposed Local Law during the aforesaid seven-day period, conducted said hearings on August 8, 2023 and September 5, 2023, with respect to said Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, in accordance with the State Environmental Quality Review Act and the Act’s implementing regulations (the “SEQRA Regulations”) the Department of Planning and Environmental Protection has recommended that the adoption of the Local Law be determined to be a Type II Action pursuant to Sections 617.5(c)(26) and (33) of the SEQRA Regulations and, as such, no further environmental review is required; and

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

NOW, THEREFORE, BE IT

RESOLVED that the Town Board determines that the adoption of the Local Law is a Type II Action pursuant to Sections 617.5(c)(26) and (33) of the SEQRA Regulations and, as such, no further environmental review is required; and be it further

RESOLVED that Local Law No.   of 2023 be and it hereby is adopted, which Local Law reads as follows:

TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. ___ OF 2023

A LOCAL LAW CREATING ARTICLE XV OF CHAPTER 24 OF THE TOWN CODE ENTITLED "FISCAL IMPACT STATEMENT."

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

Section 1. Legislative Intent.

In order to ensure proper fiscal planning and public transparency, it is critical that the Town Board be aware of any fiscal impact that may arise from enacting local laws, ordinances and resolutions that result in deviations from adopted budgets and may have adverse tax impacts.

The purpose of this article is to require the preparation of fiscal impact statements prior to the Town Board enacting certain local laws, ordinances or resolutions, which would have a direct fiscal impact on the Town so that the fiscal implications of these proposed actions will be known to the Town Board and the public in advance of decision making.

Section 2.

The Town Code of the Town of North Hempstead is hereby amended to include a new Article XV of Chapter 24 of the Town Code entitled "Fiscal Impact Statement" to read as follows:
Article XV. Fiscal Impact Statement

§ 24-113 through § 24-119. (Reserved)

§ 24-120 Legislative intent

In order to ensure proper fiscal planning and public transparency, it is critical that the Town Board be aware of any fiscal impact that may arise from enacting local laws, ordinances and resolutions that result in deviations from adopted budgets and may have adverse tax impacts.

The purpose of this article is to require the preparation of fiscal impact statements prior to the Town Board enacting certain local laws, ordinances or resolutions, which would have a direct fiscal impact on the Town so that the fiscal implications of these proposed actions will be known to the Town Board and the public in advance of decision making.

§ 24-121 Fiscal Impact Statement

A. No proposed local law, resolution or ordinance, which has or which may tend to have a fiscal impact upon the Town of North Hempstead may be enacted or adopted unless it shall have appended thereto a written statement as to the estimated annual fiscal impact of such legislation.

B. Local laws, resolutions or ordinances which have or which may tend to have a fiscal impact shall include but are not limited to those which:

(1) Mandate establishment of a new service or activity specifically provided by law.

(2) Modify the terms or conditions of employment for existing or future employees.

(3) Modify existing Town responsibility for any service or activity provided by the Town to any political subdivision, which could have a significant fiscal impact.

(4) Modify the adopted Town operating budget by supplemental appropriation or fund transfer.

(5) Modify the adopted Town capital budget.

(6) Appropriate moneys for capital projects.

(7) Enact home rule messages.

(8) Precipitate any other direct or indirect fiscal impact.

§ 24-122 Procedure

A. The Town department or member of the Town Board that sponsored or introduced the resolution request for any local law, resolution or ordinance which is subject to the provisions of Section 24-121 shall prepare a fiscal impact statement as required under this article. When required, the fiscal impact statement shall be submitted through the electronic agenda management system used by the Town in accordance with the Town Board Rules of Procedure.

B. Notwithstanding subsection A above, for legislation sponsored or introduced by a member of the Town Board, such member may request from any department head that his/her department prepare the fiscal impact statement for the subject local law, resolution or ordinance. Upon such request by the member of the Town Board, the department head shall prepare the fiscal impact statement.

C. The Comptroller or his/her designee shall review the fiscal impact statement submitted through the electronic agenda management system for all requests for legislation, resolutions and ordinances and verify or amend that fiscal impact statement, as applicable.

(1) The Comptroller or his/her designee may request from the head of the Town department or the member of the Town Board that prepared or submitted any request for a resolution, ordinance or local law which is subject to the provision of this article, a request for additional information regarding the fiscal impact statement.

(2) In cases in which the fiscal impact statement states that there would be no fiscal impact, the Comptroller or his/her designee may request a detailed justification for such conclusion.

(3) Requests made by the Comptroller or his/her designee to the department head or the member of the Town Board pursuant to the provisions of this Subsection C shall be in writing and made within the timeframe specified in the Town Board Rules of Procedure. Within the timeframe specified in the Town Board Rules of Procedure, following any request, the department head or the member of the Town Board, as the case may be, shall respond to the Comptroller or his/her designee with such additional information or justification as may be needed to fully satisfy the request, in the reasonable judgment of the Comptroller or his/her designee.

(4) In the event that a fiscal impact statement is modified from its original form, as submitted by the department head or member of the Town Board, the Comptroller or his/her designee shall send written

notification to the Town Board no later than 12pm on the day prior to the Town Board meeting at which such local law, ordinance or resolution is to be considered.

D. Such statement of fiscal impact shall contain the information in this subsection and any other information or requirements as may be set forth in a resolution of the Town Board insofar as they are not inconsistent with the provisions of this article.

(1) The total estimated financial cost of impact over five years on the Town.

(2) The proposed source(s) of funding with the appropriate budget code.

(3) Whether the impact is immediate or dependent on other legislation or budgetary matters.

§ 24-123 Effects of Inaccuracy

If the estimate or estimates in a financial impact statement are inaccurate, such inaccuracy shall not affect, impair or invalidate the underlying resolution, ordinance or local law.

Section 3. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this article or in its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective Date.

This Local Law shall be effective upon filing with the Secretary of State.

and; be it further

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

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on September 5, 2023, Local Law No. of 2023 was adopted. The local law amends Chapter 24 of the Town Code entitled “Governmental Operations” in order to require that fiscal impact statements for certain actions by the Town Board be provided in advance of decision making.

Dated: Manhasset, New York

September 5, 2023

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

Dated: Manhasset, New York

September 5, 2023

The vote on the foregoing resolution was recorded as follows:

Ayes:

Nays:

cc: Town Attorney

PROPOSED RESOLUTION

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

RESOLUTION NO. - 2023

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 18 OF THE TOWN CODE ENTITLED "HIGHWAY EXCAVATIONS AND CURB CUTS."

NO RESOLUTION.

PROPOSED RESOLUTION

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

RESOLUTION NO. - 2023

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 24 OF THE TOWN CODE ENTITLED "GOVERNMENTAL OPERATIONS."

NO RESOLUTION.

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

ORDINANCE NO. 17 - 2023

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING ELM DRIVE AND PINEWOOD LANE IN NEW HYDE PARK, NEW YORK.

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. 17 - 2023

NEW HYDE PARK, NEW YORK

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

PROPOSAL:

ADOPT:

1. ELM DRIVE – MAGNOLIA DRIVE – FULL STOP
All Traffic northbound on Elm Drive shall come to a Full Stop at its intersection with Magnolia Drive.

2. PINEWOOD LANE – MAGNOLIA DRIVE – FULL STOP
All Traffic northbound on Pinewood Lane shall come to a Full Stop at its intersection with Magnolia Drive.

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

September 5, 2023

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

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. 493 - 2023

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW ESTABLISHING CHAPTER 58 OF THE TOWN CODE TO BE ENTITLED "GOVERNMENTAL TRANSPARENCY."

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

WHEREAS, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend the Town Code by the adoption of a Local Law establishing Chapter 58 of the Town Code entitled "Governmental Transparency" in order to require the publication of certain documents and/or information on the Town's website, in a manner that is searchable, in order to increase governmental openness and transparency by facilitating public access to Town records, documents and information that is legally available, with a goal towards engendering greater awareness, input and public participation in the conduct of the affairs of Town government; and

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

WHEREAS, due notice has been heretofore given of a public hearing to be held on the 5th day of September, 2023, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town's website and during regular business hours in the Office of the Town Clerk; and

WHEREAS, the Town Board carefully considered the proposed Local Law during the aforesaid seven-day period, conducted said hearing on September 5, 2023, with respect to said Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, in accordance with the State Environmental Quality Review Act and the Act's implementing regulations (the "SEQRA Regulations") the Department of Planning and Environmental Protection has recommended that the adoption of the Local Law be determined to be a Type II Action pursuant to Section 617.5(c)(26) of the SEQRA Regulations and, as such, no further environmental review is required; and

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

NOW, THEREFORE, BE IT

RESOLVED that the Town Board determines that the adoption of the Local Law is a Type II Action pursuant to Section 617.5(c)(26) of the SEQRA Regulations and, as such, no further environmental review is required; and be it further

RESOLVED that Local Law No. 17 of 2023 be and it hereby is adopted, which Local Law reads as follows:

TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 17 OF 2023

A LOCAL LAW ESTABLISHING CHAPTER 58 OF THE TOWN CODE ENTITLED "GOVERNMENTAL TRANSPARENCY"

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

Section 1. Legislative Intent.

The Board finds it in the best interest of the Town of North Hempstead and its residents to establish Chapter 58 of the Code of the Town of North Hempstead entitled "Governmental Transparency" to require the publication of certain documents and/or information on the Town's website, in a manner that is searchable, in order to increase governmental openness and transparency by facilitating public access to Town records, documents and information that is legally available, with a goal towards bringing about greater awareness, input and public participation in the conduct of the affairs of Town government.

Section 2.

Chapter 58 of the Town Code is hereby established to read as follows:

§ 58-1 Legislative intent.

The Board finds that it is in the best interests of the Town of North Hempstead to require the publication of certain documents and/or information on the Town's website, in a manner that is searchable, in order to increase governmental openness and transparency by facilitating public access to Town records, documents and information that is legally available, with a goal towards bringing about greater awareness, input and public participation in the conduct of the affairs of Town government.

§ 58-2 Fostering Governmental Transparency.

A. The Town shall place and maintain on its website, in a prominent location on the homepage, a link entitled "North Hempstead Transparency Portal". The Supervisor and Department Heads shall be responsible for providing the Department of Information Technology with the information listed in this chapter, as well as any updates or amendments thereto, within 10 business days of obtaining or compiling such information. The Department of Information Technology shall post and update the information contained in this chapter on the North Hempstead Transparency Portal within 5 business days of receipt by the Supervisor or Department Head. The website must be electronically searchable by the public and machine-readable.

B. Subject to the provisions set forth in Subsection C herein, the Town shall publish the following documents and/or information on its website, under the categories listed:

General

(1) A section designated to notices of public meetings (date, time, location), including public hearings and budget hearings, posted in advance of the meetings.

(2) Links enabling residents and businesses owners to sign up and receive Town newsletters and Town Board member specific newsletters, and Town Board and Board of Zoning and Appeals agendas, as well as any other mass communication sent to Town residents.

(3) A link enabling residents to submit their email address and contact information to 311 and request that they be notified of a tree to be removed in their zip code.

(4) All roadway paving schedules, for the current year by council district.

(5) A list of all boards and commissions, including the names and terms of appointment for every board or commission member, and the minutes from each board and commissions meeting for the past year.

(6) A list of approved newspapers for publication of notices.

(7) A current list of completed environmental initiatives for the Town, including a copy of the municipal climate action plan.

Financial

(8) All executed contracts that become effective following the implementation of this chapter, to be categorized by the Town department administering the agreement, subject to any legally required redactions.

(9) Links to the following: The final financial and performance audits of the departments, agencies and operations of the Town, as conducted by the Town Comptroller, as well as the audited Annual Comprehensive Financial Reports (ACFRs), for each of the past five years, all of which shall be redacted, if necessary, to comply with applicable law.

(10) Links to the following: The tentative budget, the preliminary budget and the annual budget as finally adopted.

(11) A link to the final adopted Capital Improvement Plan for the current year and each of the ensuing five years.

(12) Reports from any rating agency regarding the fiscal health of the Town.

(13) A list of approved bank depositories.

Employment

(14) All job specifications, as established by the Nassau County Civil Service Commission, for each civil service job position and title in the Town of North Hempstead.

Reports

(15) Statistics related to how many code enforcement and parking enforcement tickets were issued, by subject, for the past year.

Purchasing

(16) A link to the Town's procurement and payment policy.

(17) A link to all RFPs and Bids for the past year, to be placed on the same webpage.

Policies

(18) Hyperlinks to the Town's Ethics Code and Anti-nepotism Code.

(19) Copies of all policies approved by the Town Board, including the investment policy, travel policy, interdepartmental chargeback policy, reserved parking for people with disabilities policy, tree policy, and similar policies.

Permits and licenses

(20) All fee schedules, to be categorized by department, including for use of Town parks or other facilities, for building permit applications and board of zoning and appeals variances.

(21) A list of all persons, businesses or entities licensed by the Town, including but not limited to the following categories: secondhand dealers, landscapers as required under Chapter 38A, plumbers, electricians, tow truck operators, taxicabs, limousines and private livery vehicles, peddlers and solicitors, etc.

Freedom of Information Law

(22) A link to the Town’s Freedom of Information Law request form.

(23) A hyperlink to the text of the Freedom of Information Law and Open Meetings Law.

C. Exceptions. Nothing in this chapter shall be construed to obligate or compel the publication of any information that constitutes an unwarranted invasion of personal privacy or a violation of any laws governing the release of personal information. This section shall further not be construed to compel the publication of records or information that the Town would not otherwise be required to disclose under Public Officers Law Article 6 (the Freedom of Information Law). Any records or information required to be published pursuant to this chapter shall be reviewed and acted upon by the Town Attorney's office to ensure proper compliance with such law and, if necessary, proper redaction of protected information prior to publication.

§ 58-3 Distribution of copies.

The Supervisor of the Town shall act to ensure that each Town elected official, department heads, and their designees shall receive a copy of this chapter, except that failure to receive a copy shall not absolve any person from his or her obligation to fully comply with its provisions. The Supervisor of the Town shall additionally, upon the effective date of this chapter, cause the contents thereof to be published upon the Town website.

§ 58-4 Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this article or in its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

§ 58-5 When effective; time for compliance.

To afford sufficient time for compliance with the provisions of this chapter, the provisions contained herein shall take effect 180 days after filing with the Secretary of State.

Section 3. Severability.

If any clause, sentence, paragraph subdivision. section, or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, imperil, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph subdivision, section or part of this chapter or in its application to the person, individual, corporation, fund, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 4. When Effective

This law shall be immediately effective upon filing with the Secretary of State.

and; be it further

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

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on September 5, 2023, Local Law No. 17 of 2023 was adopted. The local law establishes Chapter 58 of the Town Code entitled “Governmental Transparency” in order to require the publication of certain documents and/or information on the Town’s website, in a manner that is searchable, in order to increase governmental openness and transparency by facilitating public access to Town records, documents and information that is legally available, with a goal towards engendering greater awareness, input and public participation in the conduct of the affairs of Town government.

Dated: Manhasset, New York

September 5, 2023

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

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney

PROPOSED RESOLUTION

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

RESOLUTION NO. - 2023

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 19 OF THE TOWN CODE ENTITLED "EXPLOSIVES."

NO RESOLUTION.

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

ORDINANCE NO. 18 - 2023

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING DENTON AVENUE IN NEW HYDE PARK, NEW YORK.

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. 18 - 2023

NEW HYDE PARK, NEW YORK

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

PROPOSAL:

ADOPT:

1. DENTON AVENUE – WEST SIDE- NO STOPPING HERE TO CORNER
From the north curbline of Aladdin Avenue, north for a distance of 35 feet.

Section 2. All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.

Section 3. PENALTIES: “A violation of this ordinance shall be punishable by a fine, or when applicable, by imprisonment, not in the excess of the amount set forth in the Vehicle and Traffic Law of the State of New York, or by both such fine and imprisonment, plus any surcharge payable to other governmental entities, and late payment, if applicable.

Section 4. This ordinance shall take effect ten days from the date of its publication and posting pursuant to Section 133 of the Town Law of the State of New York.

Section 5. This ordinance shall be incorporated in the Uniform Traffic Code of the Town of North Hempstead.

Dated: Manhasset, New York

September 5, 2023

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

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

ORDINANCE NO. 19 - 2023

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

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. 19 - 2023

PORT WASHINGTON, NEW YORK

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

PROPOSAL:

ADOPT:

1. GUILFORD ROAD – LYNN ROAD – DO NOT ENTER- 8:15 A.M. TO 9:00 A.M - SCHOOL DAYS
All Traffic on Guilford Road shall be prohibited from traveling eastbound beyond its intersection with Lynn Road from 8:15 A.M to 9:00 A.M. on School Days.

2. GUILFORD ROAD – ONE-WAY – WESTBOUND- 8:15 A.M. TO 9:00 A.M -SCHOOL DAYS
All Traffic on Guilford Road, between Newbury Road and Lynn Road, shall travel one-way westbound from 8:15 A.M to 9:00 A.M. on School Days.

3. GUILFORD ROAD – NORTH AND SOUTH SIDE- SCHOOL SPEED ZONE – 20 MPH – 8:00 A.M. TO 4:00 PM - SCHOOL DAYS
From the east curbline of Lowell Road, east, to the north curbline of Wakefield Avenue.

4. WAKEFIELD AVENUE – NORTH AND SOUTH SIDE- SCHOOL SPEED ZONE – 20 MPH – 8:00 A.M. TO 4:00 PM - SCHOOL DAYS
From the east curbline of Lynn Road, east, to its terminus.

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

September 5, 2023

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

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

ORDINANCE NO. 20 - 2023

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING SEAVIEW BOULEVARD IN PORT WASHINGTON, NEW YORK.

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. 20 - 2023

PORT WASHINGTON, NEW YORK

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

PROPOSAL:

ADOPT:

1. SEAVIEW BOULEVARD – SOUTH SIDE – NO PARKING COMMERICAL VEHICLES ANY TIME – From a point 295 feet opposite of the west curbline of Osprey court, west, for a distance of 107 feet.

2. SEAVIEW BOULEVARD – SOUTH SIDE – NO STOPPING ANYTIME–
From a point 402 feet opposite of the west curbline of Osprey court, west, for a distance of 30 feet.

3. SEAVIEW BOULEVARD – SOUTH SIDE – NO STOPPING ANYTIME–
From a point 465 feet opposite of the west curbline of Osprey court, west, for a distance of 57 feet.

Section 2. All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.

Section 3. PENALTIES: “A violation of this ordinance shall be punishable by a fine, or when applicable, by imprisonment, not in the excess of the amount set forth in the Vehicle and Traffic Law of the State of New York, or by both such fine and imprisonment, plus any surcharge payable to other governmental entities, and late payment, if applicable.

Section 4. This ordinance shall take effect ten days from the date of its publication and posting pursuant to Section 133 of the Town Law of the State of New York.

Section 5. This ordinance shall be incorporated in the Uniform Traffic Code of the Town of North Hempstead.

Dated: Manhasset, New York

September 5, 2023

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

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

RESOLUTION NO. 494 - 2023

A PUBLIC HEARING TO CONSIDER THE RESCISSION OF AN ORDINANCE AFFECTING CLAUDY LANE IN NEW HYDE PARK, NEW YORK.

WHEREAS, the Town Board (the "Board") of the Town of North Hempstead has held a public hearing to consider enacting an ordinance (the "Ordinance"), pursuant to Section 1660 of the Vehicle and Traffic Law, to rescind a reserved parking space on the west side of Claudy Lane, New Hyde Park, New York, from a point 356 feet north of the north curbline of Patton Boulevard, north for a distance of 20 feet, and

WHEREAS, all interested persons were afforded an opportunity to be heard concerning the proposed ordinance; and

WHEREAS, this Board deems it in the public interest to adopt the Ordinance.

NOW, THEREFORE, BE IT

RESOLVED that the ordinance rescinding a reserved parking space on the west side of Claudy Lane, New Hyde Park, New York, from a point 356 feet north of the north curbline of Patton Boulevard, north for a distance of 20 feet, pursuant to Section 1660 of the Vehicle and Traffic Law of the State of New York is adopted by this Board, the Ordinance being more particularly described in the Notice of Adoption (the "Notice"); and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed to publish the Notice as required by law in substantially the following form:

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that the Town Board of the Town of North Hempstead at a regular public meeting of the Board held on the 5th day of September, 2023 at 7:00 P.M. in the Town Board Room at Town Hall, 220 Plandome Road, Manhasset, New York, duly adopted an ordinance rescinding a reserved parking space, pursuant to the authority contained in Section 1660 of the Vehicle and Traffic Law.

PLEASE TAKE FURTHER NOTICE that the ordinance shall read as follows:

ORDINANCE AFFECTING
CLAUDY LANE IN NEW HYDE PARK

1. Section 5 of the ordinance establishing handicapped spaces adopted July 21, 1987 and amended September 15, 1987, February 7, 1989, April 3, 1990, July 17, 1990, November 20, 1990, December 4, 1990, February 19, 1991, October 8, 1991, April 29, 1992, August 11, 1992, April 13, 1993, May 3, 1994, November 22, 1994, April 25, 1995, August 29, 1995, August 27, 1996, November 12, 1996, December 17, 1996, March 4, 1997, May 6, 1997, June 10, 1997, July 15, 1997, March 24, 1998, November 17, 1998, March 2, 1999, June 8, 1999, October 20, 1999, June 27, 2000, August 29, 2000, September 19, 2000, November 14, 2000, February 13, 2001, March 6, 2001, March 27, 2001, May 15, 2001, August 21, 2001, October 16, 2001, November 13, 2001, January 29, 2002, March 12, 2002, April 2, 2002, June 4, 2002, October 1, 2002, November 19, 2002, December 10, 2002, February 11, 2003, April 22, 2003, October 21, 2003, January 6, 2004, March 9, 2004, May 11, 2004, June 29, 2004, August 31, 2004, January 25, 2005, June 14, 2005, July 19, 2005, October 18, 2005, November 15, 2005, January 3, 2006, January 24, 2006, March 21, 2006, May 2, 2006, January 2, 2007, March 6, 2007, April 17, 2007, June 19, 2007, August 14, 2007, September 25, 2007, December 11, 2007, January 29, 2008, May 6, 2008, June 17, 2008, July 29, 2008, August 19, 2008, September 9, 2008, January 6, 2009, January 27, 2009, May 19, 2009, June 23, 2009, July 14, 2009, August 4, 2009, August 25, 2009, October 20, 2009, December 8, 2009, January 26, 2010, October 5, 2010 and December 14, 2010, January 25, 2011, March 8, 2011, June 14, 2011, July 12, 2011, September 27, 2011, December 13, 2011, May 8, 2012, June 19, 2012, July 10, 2012 August 21, 2012, November 20, 2012, December 11, 2012, January 8, 2013, February 19, 2013, March 12, 2013, April 23, 2013, May 14, 2013, June 4, 2013, September 10, 2013, December 10, 2013, February 25, 2014, April 1, 2014, June 10, 2014, December 9, 2014, March 31, 2015, May 12, 2015, July 14, 2015, August 25, 2015, October 20, 2015, November 17, 2015, November 17, 2015, December 15, 2015 and January 26, 2016, February 23, 2016, April 19, 2016, May 10, 2016, June 7, 2016, July 12, 2016, August 9, 2016, September 13, 2016, September 27, 2016, October 25, 2016 and December 13, 2016, January 31, 2017, February 28, 2017, April 4, 2017, April 25, 2017, and July 18, 2017, September 7, 2017, September 26, 2017, November 14, 2017, January 30, 2018, February 27, 2018, September 6, 2018, September 27, 2018, October 25, 2018, November 20, 2018, December 18, 2018, January 29, 2019, February 28, 2019, March 19, 2019, April 30, 2019, June 18, 2019, September 5, 2019, November 19, 2019, July 23, 2020, September 3, 2020, September 24, October 22, 2020, May 20, 2021 and August 5, 2021 October 21, 2021, November 18, 2021 and September 1, 2022, April 4, 2023, June 6, 2023, July 11, 2023, August 8, 2023 and further amended by adding thereto a new subdivision as follows:

“131” A reserved parking space on the west side of Claudy Lane, New Hyde Park, New York, from a point 356 feet north of the north curbline of Patton Boulevard, north for a distance of 20 feet, is rescinded.

2. This Ordinance shall take effect ten (10) days after publication of the Notice of Adoption by the Town Clerk pursuant to Section 133 of the Town Law of the State of New York.

Dated: Manhasset, New York

September 5, 2023

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

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Comptroller Traffic Safety Public Safety

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

RESOLUTION NO. 495 - 2023

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

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

WHEREAS, this Board wishes to set a date for a public hearing to consider the adoption of a Local Law amending Chapter 23 of the Town Code entitled “Governmental Departments” in order to amend the grievance procedure in Chapter 23, Article XVII (Anti-Discrimination Provisions) to designate alternative decision makers in the event certain Town officers or officials, including the Town Supervisor or Deputy Supervisor, are named or involved in a complaint related to allegations of wrongdoing, unlawful discrimination, harassment or retaliation, or otherwise have a conflict; to ensure that the hearing officer who conducts a formal hearing on an Article XVII complaint be unbiased and free from conflicts; and to make such additional amendments to the grievance procedure as the Town Board deems necessary.

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by this Board on October 3, 2023, at 7:00 P.M. in the Town Board Meeting Room, Town Hall, 220 Plandome Road, Manhasset, New York, for the purpose of considering the adoption of a Local Law amending Chapter 23 of the Town Code entitled “Governmental Departments” in order to amend the grievance procedure in Chapter 23, Article XVII (Anti-Discrimination Provisions) to designate alternative decision makers in the event certain Town officers or officials, including the Town Supervisor or Deputy Supervisor, are named or involved in a complaint related to allegations of wrongdoing, unlawful discrimination, harassment or retaliation, or otherwise have a conflict; to ensure that the hearing officer who conducts a formal hearing on an Article XVII complaint be unbiased and free from conflicts; and to make such additional amendments to the grievance procedure as the Town Board deems necessary; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed to publish a notice of the hearing as required by law, which notice shall be in substantially the following form:

NOTICE OF HEARING

PLEASE TAKE NOTICE that 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 3rd day of October, 2023, at 7:00 P.M., to consider the adoption of a Local Law amending Chapter 23 of the Town Code entitled “Governmental Departments” in order to amend the grievance procedure in Chapter 23, Article XVII (Anti-Discrimination Provisions) to designate alternative decision makers in the event certain Town officers or officials, including the Town Supervisor or Deputy Supervisor, are named or involved in a complaint related to allegations of wrongdoing, unlawful discrimination, harassment or retaliation, or otherwise have a conflict; to ensure that the hearing officer who conducts a formal hearing on an Article XVII complaint be unbiased and free from conflicts; and to make such additional amendments to the grievance procedure as the Town Board deems necessary.

PLEASE TAKE FURTHER NOTICE that all interested persons shall have an opportunity to be heard concerning the Local Law at the time and place advertised.

PLEASE TAKE FURTHER NOTICE that the full text of the proposed Local Law will be posted on the Town’s website and be 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

September 5, 2023

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

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Town Clerk

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. 496 - 2023

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 24 OF THE TOWN CODE ENTITLED "GOVERNMENTAL OPERATIONS."

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

WHEREAS, this Board wishes to set a date for a public hearing to consider the adoption of a Local Law amending Chapter 24 of the Town Code entitled "Governmental Operations" in order to add a new article, Article XV, to require that the fiscal impacts of a resolution or action taken by the Town Board be known in advance of decision making.

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by this Board on October 3, 2023, at 7:00 P.M. in the Town Board Meeting Room, Town Hall, 220 Plandome Road, Manhasset, New York, for the purpose of considering the adoption of the Local Law amending Chapter 24 of the Town Code entitled "Governmental Operations" in order to add a new article, Article XV, to require that the fiscal impacts of a resolution or action taken by the Town Board be known in advance of decision making; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed to publish a notice of the hearing as required by law, which notice shall be in substantially the following form:

NOTICE OF HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of North Hempstead, on October 3, 2023, at 7:00 P.M. in the Town Board Meeting Room, Town Hall, 220 Plandome Road, Manhasset, New York, to consider the adoption of a Local Law amending Chapter 24 of the Town Code entitled "Governmental Operations" in order to add a new article, Article XV, to require that the fiscal impacts of a resolution or action taken by the Town Board be known in advance of decision making.

PLEASE TAKE FURTHER NOTICE that all interested persons shall have an opportunity to be heard concerning the Local Law at the time and place advertised.

PLEASE TAKE FURTHER NOTICE that the full text of the proposed Local Law will be posted on the Town's website and be 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

September 5, 2023

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

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Town Clerk

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

RESOLUTION NO. 497 - 2023

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ACQUISITION OF SUNSET PARK, PORT WASHINGTON FROM THE PORT WASHINGTON WATER POLLUTION CONTROL DISTRICT.

WHEREAS, Councilperson Mariann Dalimonte has proposed that the Town Board of the Town of North Hempstead set a date for a public hearing to be held at Town Hall, 220 Plandome Road, Manhasset, New York, on the 3rd day of October, 2023, at 7:00 P.M.to consider public input on the Town's potential acquisition of the property known as "Sunset Park" located on Main Street in Port Washington (the "Public Hearing"); and

WHEREAS, the Town Board desires to set a date for the Public Hearing.

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by this Board on October 3, 2023, at 7:00 P.M. in the Town Board Meeting Room, Town Hall, 220 Plandome Road, Manhasset, New York, for the purpose of considering public input on the Town's potential acquisition of the property known as "Sunset Park" located on Main Street in Port Washington; and be it further

RESOLVED that the Town Clerk be and hereby is authorized and directed to publish a notice of the hearing as required by law, which notice shall be in substantially the following form:

NOTICE OF HEARING

PLEASE TAKE NOTICE that 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 3rd day of October, 2023, at 7:00 P.M., to consider public input on the Town's potential acquisition of the property known as "Sunset Park" located on Main Street in Port Washington.

PLEASE TAKE FURTHER NOTICE that all interested persons shall have an opportunity to be heard concerning the above subject at the time and place advertised.

Dated: Manhasset, New York

September 5, 2023

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

Dated: Manhasset, New York

September 5, 2023

The vote on the foregoing resolution was recorded as follows:

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

Nays: Supervisor DeSena.

cc: Town Attorney Town Clerk

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. 498 - 2023

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER A PETITION TO DESIGNATE A SECONDARY HONORARY STREET NAME FOR HIGH STREET IN MANHASSET PURSUANT TO SECTION 10-5 OF THE TOWN CODE.

WHEREAS, Article II of Chapter 10 of the Code of the Town of North Hempstead (the "Town Code") establishes criteria for designating a secondary honorary name for an existing street or portion of existing street; and

WHEREAS, Pastor Rev. Steve Moreman (the "Petitioner") has applied for a secondary honorary street name for High Street in Manhasset, from the corner of Community Drive to its terminus, to be known as "Miss Minnie Way" (the "Petition"); and

WHEREAS, it has been determined that the Petition requires a public hearing pursuant to Town Code §10-5; and

WHEREAS, this Board wishes to set a date for a public hearing to consider the Petition, affording all interested parties the opportunity to be heard.

NOW, THEREFORE, BE IT

RESOLVED that a public hearing shall be held by the Town Board of the Town of North Hempstead on October 3, 2023 at Town Hall, 220 Plandome Road, Manhasset, New York, at 7:00 P.M. for the purpose of considering the Petition for a secondary honorary street name for High Street in Manhasset, from the corner of Community Drive to its terminus, to be known as "Miss Minnie Way", at which public hearing all interested persons will be afforded an opportunity to be heard; and be it further

RESOLVED that the Town Board hereby authorizes and directs the Town Clerk to forward a copy of the Petition to the local fire department, police department, and post office; and be it further

RESOLVED that the Town Clerk be and is hereby authorized and directed to publish a notice of said hearing no fewer than 10 and no more than 20 days prior to the hearing date, which notice shall be in substantially the following form:

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 3rd day of October, 2023, at 7:00 P.M. in the Town Board Room at Town Hall, 220 Plandome Road, Manhasset, New York, to consider the Petition for a secondary honorary street name for High Street in Manhasset, from the corner of Community Drive to its terminus, to be known as “Miss Minnie Way”.

PLEASE TAKE FURTHER NOTICE that all interested persons shall have an opportunity to be heard concerning the Petition at the time and place advertised.

Dated: Manhasset, New York

September 5, 2023

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

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Planning Building

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. 499 - 2023

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING MINEOLA AVENUE IN ROSLYN HEIGHTS.

WHEREAS, a recommendation has been made for the adoption of an ordinance affecting Mineola Avenue, Roslyn Heights, New York.

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by the Town Board of the Town of North Hempstead on the 3rd day of October, 2023, at 7:00 o'clock in the evening for the purpose of considering the adoption of the following ordinance:

PROPOSAL:

ADOPT:

1. MINEOLA AVENUE – EAST SIDE – NO PARKING ANYTIME
From the north curbline of Lambert Street, North, for a distance of 117 feet.

RESOLVED that such ordinance when adopted will rescind all ordinances or regulations heretofore adopted in conflict therewith, and be it further

RESOLVED that the Town Clerk be and hereby is directed to affect the required publishing and posting of the hearing.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Public Safety Comptroller Traffic Safety

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. 500 - 2023

A RESOLUTION AUTHORIZING THE TOWN BOARD TO ACCEPT GIFTS TO THE TOWN PURSUANT TO TOWN LAW SECTION 64.

WHEREAS, Northwell Health has generously offered, as a gift, $5,000 for the 2023 FunDay Monday series at North Hempstead Beach, Port Washington; and

WHEREAS, Paul Ortiz has generously offered, as a gift, $250.00 for programming at the North Hempstead "Yes We Can" Community Center; and

WHEREAS, the Kiwanis Club of Manhasset-Port Washington as generously offered, as a gift, $5,000 for the purchase of two commemorative benches, one in honor of the Peter and Jeri Deana Foundation at Manorhaven Beach Park and one in honor of Captain Selwyn (Jeri) Rudnick at Mary Jane Davies Green; and

WHEREAS, this Board wishes to accept the Gifts described in this Resolution (the "Gifts") in accordance with Town Law Section 64.

NOW, THEREFORE, BE IT

RESOLVED that this Board hereby gratefully accepts the Gifts.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Comptroller Parks and Recreation

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. 501 - 2023

A RESOLUTION AUTHORIZING SUPPLEMENTAL BUDGET APPROPRIATIONS PURSUANT TO TOWN LAW SECTION 112.

WHEREAS, pursuant to Town Law § 112, the Town Board (the "Board") of the Town of North Hempstead (the "Town") has the authority to make supplemental appropriations under certain circumstances; and

WHEREAS, Supervisor DeSena has requested that the Board authorize supplemental appropriations in year 2023 (the "Supplemental Appropriation") as follows:

(1) $4,160.86 to be recorded to revenue line A.2801 with the corresponding increase in expenses for this appropriation to be recorded to expense code A.01.1621.1300 for overtime earned by employees of the Administrative Services Department on behalf of the Port Washington Parking District; and

(2) $7,637.57 to be recorded to revenue line A.2801 with the corresponding increase in expenses for this appropriation to be recorded to the following expense codes and in the following amounts:

- $372.74 - A.05.7111.1000
- $1,398.58 - A.05.7136.1000
- $301.20 - A.05.7181.1000
- $211.70 - A.05.7182.1000
- $4,025.30 - A.05.7183.1000
- $1,328.05 - A.05.7185.1000

for overtime earned by employees of the Department of Parks and Recreation on behalf of the Highways Department completing various snow cleanup jobs; and

(3) $8,720 to be recorded to revenue line A.2090 with the corresponding increase in expenses for this appropriation to be recorded to expense code A.34.6773.4903 for the 2023 Senior Recognition Celebration; and

(4) $5,000 to be recorded to revenue line A.2090 with the corresponding increase in expenses for this appropriation to be recorded to expense code A.34.6773.4903 for the 2023 FunDay Monday program; and

(5) $5,000 to be recorded to revenue line A.3820 with the corresponding increase in expenses for this appropriation to be recorded to expense code A.05.7141.4890 for youth programing and special events at the "Yes We Can" Community Center; and

(6) $250 to be recorded to revenue line A.3820 with the corresponding increase in expenses for this appropriation to be recorded to expense code A.05.7141.4890 for public information and education programs at the "Yes We Can" Community Center; and

(7) $1950 to be recorded to revenue line A.2801 with the corresponding increase in expenses for this appropriation to be recorded to expense code A.05.7111.4890 for the funding of a special event at the Harbor Hills Special Park District; and

(8) $5,000 to be recorded to revenue line A.2705 with the offsetting expense to be recorded to expense code A.05.7020.4930, for the purpose of procuring commemorative benches at Manorhaven Beach Park and Mary Jane Davies Green, with the remainder, if any, to be used to support the Department of Parks and Recreation; and

WHEREAS, the Board wishes to authorize the Supplemental Appropriations.

NOW, THEREFORE, BE IT

RESOLVED that the Board hereby authorizes the Supplemental Appropriations in year 2023 as requested by the Supervisor; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to undertake the Supplemental Appropriations.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Comptroller Clerk

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. 502 - 2023

A RESOLUTION ACCEPTING THE GRANT OF FUNDS FROM TARGET FOR SPECIAL EVENTS AT THE NORTH HEMPSTEAD "YES WE CAN" COMMUNITY CENTER, WESTBURY.

WHEREAS, the Town of North Hempstead (the "Town"), is committed to providing special events for youth in our communities; and

WHEREAS, Target has generously provided funds in the amount of $5,000.00 (the "Grant") to support special events at the North Hempstead "Yes We Can" Community Center; and

WHEREAS, this Board wishes to accept the Grant.

NOW, THEREFORE, BE IT

RESOLVED that the Town is authorized to accept the Grant; and be it further

RESOLVED that the Supervisor or her designee is authorized to execute any and all agreements or documents required to be executed to accept 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 such agreements and documents.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Comptroller Town Clerk

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

RESOLUTION NO. 503 - 2023

A RESOLUTION AUTHORIZING THE PREPARATION AND SUBMISSION OF MULTIPLE GRANT APPLICATIONS TO THE NEW YORK STATE CONSOLIDATED FUNDING APPLICATION AND THE TAKING OF RELATED ACTION.

WHEREAS, the Town Board (the "Board") of the Town of North Hempstead (the "Town") is committed to economic development; and

WHEREAS, the New York State Consolidated Funding Application (the "Application") has been created to streamline and expedite the grant application process and more efficiently fulfill local economic development needs; and

WHEREAS, the following grants are available from New York State through the Application:

Grant	Purpose of Grant	Town Match
Local Waterfront Revitalization Program $1,385,567.00	Complete Green Infrastructure additions to Town Dock along with FEMA funded re-build	$461,856.00
Green Innovation Grant Program $1,303,000.00	Greywater Irrigation Project to utilize stormwater on the landfill to irrigate Harbor Links Golf Course	$3,005,000.00
Local Government Efficiency Program $540,000.00	Implement Joint Tree Assessment and Community Forestry Management Plan to enhance municipal forest in coordination with Villages of Port Washington and Village of Thomaston	$60,000.00

WHEREAS, the Grants Coordinator has recommended that the Town prepare and submit an Application for the grants listed above; and

WHEREAS, this Board wishes to prepare and submit the Application.

NOW, THEREFORE, BE IT

RESOLVED that the Supervisor or her designee is authorized and directed to execute the Application, and shall be further authorized to execute any and all agreements or documents required to be executed in the event that such grant is awarded to the Town; 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 such agreements and documents.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Comptroller

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. 504 - 2023

A RESOLUTION AUTHORIZING THE AWARD OF A BID FOR AUCTION SERVICES (TNH115-2023).

WHEREAS, the Director of Purchasing (the "Director") has solicited bids for auction services; and

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

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

WHEREAS, this Board wishes to authorize the Award.

NOW, THEREFORE, BE IT

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

RESOLVED that the Supervisor or her designee 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

September 5, 2023

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: None.

cc: Town Attorney Comptroller Purchasing

TNH115-2023-Auction Services	Absolute Auctions and Realty, Inc.	Auctions International, Inc.
	PO Box 1739	1167 Big Tree Rd
	Pleasant Valley, NY 12569	East Aurora, NY 14052
	845-635-3169x110	716-656-1400 x110
	Taylor@aarauctions.com	rich@auctionsinternational.com
	Taylor Robinson	Richard Klisiewicz
A. Commission to be charged to Town for each auction. Please note that this should be an all-inclusive fee. The Town will not pay additional costs for travel, shipping, delivery, labor or any other costs or fees.		
	0%	0%
B. Commission charged to Buyer. Please note that this should be an all-inclusive fee.		
	10%	10%
C. Commission charged to Buyer for sale of vehicles within two (2) years of manufacture date. Please note that this should be an all-inclusive fee.		
	3%	4%
D. Commission charged to Buyer for sale of vehicles within three (3) years of manufacture date. Please note that this should be an all-inclusive fee.		
	4%	5%
E. Additional Credit Card Fees or charges, if applicable. Please list as a percentage of purchase.		
	3.50%	4%

TNH115-2023-Auction Services	
Winning Vednor	**Items Won**
Absolute Auctions and Realty, Inc.	
PO Box 1739	
Pleasant Valley, NY 12569	All items
845-635-3169x110	
Taylor@aarauctions.com	
Taylor Robinson	

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. 505 - 2023

A RESOLUTION AUTHORIZING THE AWARD OF A BID FOR DUMPSTERS (TNH303R-2023).

WHEREAS, the Director of Purchasing (the "Director") has solicited bids for dumpsters; and

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

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

WHEREAS, this Board wishes to authorize the Award.

NOW, THEREFORE, BE IT

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

RESOLVED that the Supervisor or her designee 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

September 5, 2023

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: None.

cc: Town Attorney Comptroller Purchasing

TNH303R-2023 Dumpsters		Davena Services DBA Tig Mig Mobile Welding 170 Allen Boulevard - Suite B Farmingdale, NY 11735 Davanand Ramroop (516) 448-6221 dave@tigmigmobilewelding.com			Phoenix Contracting 9915 Smarty Jones Drive Ruskin, FL, 335573 Asad Yusupov (813) 895-1216 Asad@phxcontracting.com			Salsa Industrial Supply 90 Broadstreet, Suite 1804 New York, NY 10004 Gigi De Jesus (212) 575-6565 Gigi@salsaindustrialsupply.com			Wastequip Manufacturing Company LLC 841 Meacham Road Statesville, NC 28677 Vicky Connelly (800) 424-0422 ext 09641 vconnelly@wastequip.com		
Item	**Description**	*****Unit Price**	**Number to be purchased**	**Total**	*****Unit Price**	**Number to be purchased**	**Total**	*****Unit Price**	**Number to be purchased**	**Total**	*****Unit Price**	**Number to be purchased**	**Total**
1	3-Cubic Yard Rear Load Dumpster	2,100	10	21,000	1,199	10	**11,990**	$1,899.50	10	$18,995.00	$1,154.56	10	$11,545.60
2	4-Cubic Yard Rear Load Dumpster	2,400	5	12,000	1,209	5	**6,045**	$2,410.00	5	$12,050.00	$1,488.56	5	$7,442.80
		Total		**33,000**	Total		**18,035**	Total		**$31,045.00**	Total		**$18,988.40**

*** Please note that all prices must include freight, shipping delivery and any additional costs or fees. The town will not pay for additional items over and above the per dumpster price bid.

TNH303R -2023-Dumpsters	
Winning Vendor	**Items Won**
Phoenix Contracting	
9915 Smarty Jones Drive	
Ruskin, FL, 335573	All Items
Asad Yusupov	
(813) 895-1216	
Asad@phxcontracting.com	

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. 506 - 2023

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ARCHANGEL MICHAEL CHURCH TO OPERATE A FEAST AT NORTH HEMPSTEAD BEACH PARK, PORT WASHINGTON, NEW YORK.

WHEREAS, Archangel Michael Greek Orthodox Church has requested a license to use the parking lot at North Hempstead Beach Park, located at 175 West Shore Road, Port Washington, for the purposes of setting up, hosting, and breaking down its Annual Greek Festival, including a fireworks display, from September 19, 2023 through September 25, 2023 in consideration of payment to the Town in an amount of Nine Thousand Three Hundred Twenty-Five and 00/100 Dollars ($9,325.00) (the "License"); and

WHEREAS, the Town Department of Parks and Recreation has recommended granting the License; and

WHEREAS, the Board wishes to grant the License and to authorize the Town to execute an agreement with the Contractor for the License (the "Agreement").

NOW, THEREFORE, BE IT

RESOLVED that the License be and is hereby granted; and be it further

RESOLVED, that the Supervisor or her designee be and hereby is authorized and directed to execute the Agreement, and to 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 supervise the negotiation and execution of the Agreement, and to take such further action as may be necessary to effectuate the foregoing.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Comptroller Parks

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. 507 - 2023

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH VENEZIA'S GARDEN CENTER FOR SERVICES RELATED TO THE CREATION OF A SENSORY GARDEN AT CLARK BOTANIC GARDENS, ALBERTSON.

WHEREAS, the Fanny Dwight Clark Memorial Garden Inc. (the "Foundation") has generously offered to donate a sensory garden to the Clark Botanic Gardens in Albertson ("Clark Gardens") including the services required to install the sensory garden (the "Project"); and

WHEREAS, the Foundation has hired Venezia's Garden Center (the "Contractor") to perform the services necessary to complete the Project; and

WHEREAS, in order to perform the services the Contractor requires access to Clark Gardens; and

WHEREAS, the Commissioner of the Department of Parks and Recreation has requested that this Board authorize the Town enter into an Agreement with the Contractor to enter onto the site and complete the Project (the "Agreement"); and

WHEREAS, this Board wishes to authorize the execution of the Agreement.

NOW, THEREFORE, BE IT

RESOLVED that the Agreement be and hereby is authorized; and be it further

RESOLVED that the Supervisor or her designee is authorized and directed to execute the Agreement, 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.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Comptroller Purchasing

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. 508 - 2023

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ISLAND FENCE COMPANY FOR INSTALLATION OF A RAILING AT THE PORT WASHINGTON PUBLIC PARKING DISTRICT BUILDING.

WHEREAS, the Town requires the installation of a railing on the back steps of the Port Washington Public Parking District Building in Port Washington, New York (the "Services"); and

WHEREAS, the Division of Purchasing (the "Division") solicited two (2) quotes for the Services, in accordance with the Town's Procurement Policy; and

WHEREAS, Island Fence Company, 964 Front Street, Uniondale, New York 11553 (the "Contractor") submitted the lowest quote, proposing to perform the Services for a sum not to exceed Two Thousand Four Hundred and 00/100 Dollars ($2,400.00) (the "Contract Amount"); and

WHEREAS, the Division has requested that the Board authorize the Town to enter into an Agreement with the Contractor to perform the Services for the Contract Amount (the "Agreement"); and

WHEREAS, this Board wishes to authorize the execution of the Agreement.

NOW, THEREFORE, BE IT

RESOLVED that the Agreement be and hereby is authorized; and be it further

RESOLVED that the Supervisor or her designee be and hereby 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

September 5, 2023

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: None.

cc: Town Attorney Comptroller

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. 509 - 2023

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE CARLE PLACE WATER DISTRICT FOR THE REPAVING OF GARDEN AVENUE IN CARLE PLACE, NEW YORK.

WHEREAS, pursuant to Article 8, Sections 1 and 2-a of the New York State Constitution, as effectuated by General Municipal Law §119-o, municipal corporations and districts of the State are empowered to enter into agreements for the performance of their respective functions, powers and duties on a cooperative or contract basis; and

WHEREAS, Garden Avenue, Carle Place, New York beginning at the dead end of Fuschillo Park and ending at Cherry Lane and Roosevelt Court (the "Right-of-Way") requires repaving due to work completed in the Right-of-Way for the benefit of both the Town of North Hempstead (the "Town") and the Carle Place Water District (the "District"); and

WHEREAS, Councilperson Robert Troiano has requested that the Town enter into an intermunicipal agreement with the District to cooperate in the repaving of the Right-of-Way and to equally share the costs of such repaving (the "Agreement"); and

WHEREAS, this Board finds it in the best interests of the Town 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 or her designee be and hereby is authorized and directed to, execute the Agreement on behalf of the Town and to take such further action as may be necessary to effectuate the provisions of this resolution; and be it further

RESOLVED that the Town Attorney be and hereby is authorized and directed to supervise the negotiation and execution of the Agreement, and to take such further action as may be necessary to effectuate the provisions of this resolution.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Comptroller

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

RESOLUTION NO. 510 - 2023

A RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERMUNICIPAL AGREEMENT WITH THE ROSLYN UNION FREE SCHOOL DISTRICT FOR FUEL MANAGEMENT.

WHEREAS, pursuant to Article 8, Sections 1 and 2-a of the New York State Constitution, as effectuated by General Municipal Law §§ 119-n and 119-o, the Town of North Hempstead (the "Town") is authorized to enter into cooperative service agreements ("Agreement") with school districts; and

WHEREAS, the Roslyn Union Free School District (the "District") is a school district duly organized under the laws of the State of New York and providing education to residents of the Town; and

WHEREAS, the District has indicated a need to purchase fuel for its vehicles to be used in serving Town residents; and

WHEREAS, the Town has a fuel management system which enables it to track the dispensation and use of fuel ("Fuel") within its vehicular fleet (the "System") utilizing equipment (the "Equipment") manufactured, sold and installed by EJ Ward, Inc. (the "Equipment Manufacturer"); and

WHEREAS, the Town wishes to enter into a intermunicipal agreement with the District, whereby the District would purchase from the Equipment Manufacturer and install on their vehicles (the "District Vehicles") the Equipment, have District Vehicles utilize fuel from the Town's fueling facilities, and receive monthly reports from the Town showing the fuel consumption and mileage of each District Vehicle (the "Services"); and

WHEREAS, as consideration for the Services, the District would pay the Town the cost of the Fuel utilized by their vehicles (the "Fuel Cost"), and an administrative fee equal to 5 percent of the Fuel Cost (together, the "Contract Amount"); and

WHEREAS, the Town Board (the "Board") wishes to authorize and direct the Supervisor or the Deputy Supervisor, or their designees, as the case may be, to execute an intermunicipal agreement with the District on behalf of the Town for the Services as consideration for payment of the Contract Amount for a term of five (5) years (the "Intermunicipal Agreement").

NOW, THEREFORE, BE IT

RESOLVED that the Supervisor or her designee, is hereby authorized to execute the Intermunicipal Agreement on behalf of the Town, which will be on file with the Office of the Town Clerk, and to execute such documents and take such related action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Office of the Town Attorney be and is hereby authorized and directed to negotiate the terms and conditions and supervise the execution of the Intermunicipal Agreement and related documents, if any; and be it further

RESOLVED that the Comptroller or Deputy Comptroller be and hereby is authorized and directed to accept funds payable to the Town under the Intermunicipal Agreement and to take such related action as may be necessary to effectuate the foregoing.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Comptroller OIC

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. 511 - 2023

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CDW FOR THE PURCHASE OF SUBSCRIPTION RENEWALS FOR BITDEFENDER ANTIVIRUS SOFTWARE.

WHEREAS, the Town requires the renewal of its Bitdefender Antivirus software for desktops, laptops, and servers (the "Services"); and

WHEREAS, the Director of Purchasing (the "Director") solicited three (3) quotes for the Services, in accordance with the Town's Procurement Policy; and

WHEREAS, CDW Government, LLC, 230 N. Milwaukee Avenue, Vernon Hills, Illinois 60061 (the "Contractor") submitted the lowest quote, proposing to perform the Services for a sum not to exceed Fourteen Thousand Nine Hundred Twenty-Nine and 20/100 Dollars ($14,929.20) (the "Contract Amount"); and

WHEREAS, the Director has requested that the Board authorize the Town to enter into an Agreement with the Contractor to provide the Services for the Contract Amount (the "Agreement"); and

WHEREAS, this Board wishes to authorize the execution of the Agreement.

NOW, THEREFORE, BE IT

RESOLVED that the Agreement be and hereby is authorized; and be it further

RESOLVED that the Supervisor or her designee be and hereby 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

September 5, 2023

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: None.

cc: Town Attorney Parks Comptroller

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

RESOLUTION NO. 512 - 2023

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH NORTHWELL HEALTH TO CO-SPONSOR A FLU VACCINE DISTRIBUTION EVENT AT THE PORT WASHINGTON ADULT ACTIVITY CENTER, PORT WASHINGTON, AND WAIVING THE FEE FOR USE OF THE CENTER.

WHEREAS, the Town of North Hempstead (the "Town") owns certain property known as the Port Washington Adult Activity Center, 80 Manorhaven Boulevard, Manorhaven, New York (the "Premises"); and

WHEREAS, it has been requested that that the Town enter into an agreement with Northwell Health to co-sponsor a flu vaccination distribution event at the Premises on October 13, 2023 between 1:00pm and 3:00pm (the "Event") and to waive the customary fees for use of the Premises as in the interests of the residents of the Town (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 or her designee 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.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney

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. 513 - 2023

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH FLEET PUMP AND SERVICE GROUP, INC. FOR THE REPAIR OF A METER FOR THE TOWN OF NORTH HEMSPTEAD DEPARTMENT OF SOLID WASTE MANAGEMENT.

WHEREAS, the Town requires the purchase and installation of a leachate flow meter (the "Project"); and

WHEREAS, the Department of Solid Waste Management (the "Department") has solicited a quote for the Project, in accordance with the Town's Procurement Policy, from Free Pump & Service Group, Inc., 455 Knollwood Road, White Plains, New York 10603 to complete the Project at a cost of One Thousand Five Hundred Ninety-Six and 00/100 Dollars ($1,596.00) (the "Agreement"); and

WHEREAS, the Department has requested that the Town Board authorize the Town enter into an Agreement with the Contractor to perform the Project for the Contract Amount (the "Agreement"); and

WHEREAS, this Board wishes to authorize the execution of the Agreement.

NOW, THEREFORE, BE IT

RESOLVED that the Agreement be and hereby is authorized; and be it further

RESOLVED that the Supervisor is authorized 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

September 5, 2023

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: None.

cc: Town Attorney Admin Services Comptroller

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. 514 - 2023

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH HILARY GROSSMAN FOR PROFESSIONAL ACCOUNTING SERVICES.

WHEREAS, the Town of North Hempstead (the "Town") requires professional accounting services in connection with various matters (the "Services"); and

WHEREAS, the Supervisor of the Town has recommended to this Board that Hillary Grossman be retained to provide the Services, for a term commencing September 6, 2023 and terminating December 31, 2023, in consideration of an amount not to exceed Nineteen Thousand Five Hundred and 00/100 Dollars ($19,500.00), payable at a rate of One Hundred Twenty-Five and 00/100 Dollars ($125.00) per hour (the "Agreement"); and

WHEREAS, this Board finds it to be in the best interest of the Town to authorize the Agreement.

NOW, THEREFORE, BE IT

RESOLVED that the Agreement be and hereby is authorized; and be it further

RESOLVED that the Agreement shall authorize any member of the Town Board to utilize the services of Hilary Grossman, including but not limited to: during the budget process, for review of the tentative budget once it is filed with the Town Clerk, for preparation of any changes, alterations or revisions ("amendments") to the tentative budget, for preparation and review of the preliminary budget and any amendments thereto, and for preparation and review of the final budget; and be it further

RESOLVED that the Supervisor or her designee 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
September 5, 2023

The vote on the foregoing resolution was recorded as follows:

Ayes: Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman.

Nays: Councilperson Walsh, Supervisor DeSena.

Abstain: Councilperson Adhami.

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. 515 - 2023

A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN CSEA LOCAL 1000 AFSCME, AFL-CIO, NASSAU MUNICIPAL EMPLOYEES LOCAL #882, TOWN OF NORTH HEMPSTEAD UNIT #7555 AND THE TOWN OF NORTH HEMPSTEAD RELATED TO THE IMPLEMENTATION OF AN IRC SECTION 125 PLAN.

WHEREAS, the Town of North Hempstead (the "Town") and the Civil Service Employees Association, Inc, Local 1000, AFSCME, AFL-CIO, Nassau Municipal Employees Local #882, Town of North Hempstead Unit #7555 (the "CSEA") are parties to a collective bargaining agreement; and

WHEREAS, the Town has advised the CSEA that, effective April 1, 2022, it implemented a comprehensive Internal Revenue Code Section 125 Plan, as amended, for Unit Members (the "Plan"); and

WHEREAS, pursuant to the terms of the Memorandum of Understanding ("MOU") the parties agree that the Plan satisfies the Town's duty, if any, to negotiate with the CSEA regarding the Town's decision to implement the Plan and its impact upon the Unit Members; and

WHEREAS, the Town Attorney has recommended that the MOU be approved by the Town Board.

NOW, THEREFORE, BE IT

RESOLVED that the terms of the MOU between the Town and the CSEA are hereby approved; and be it further

RESOLVED that the Commissioner of Human Resources and all other appropriate Town officials are hereby authorized and directed to implement the provisions of the MOU; and be it further

RESOLVED that the Supervisor of the Town, or her designee, is authorized to execute the Memorandum of Understanding; and be it further

RESOLVED that a copy of the MOU will be on file in the Office of the Town Attorney.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney HR CSEA Office

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. 516 - 2023

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE UNITED STATES GEOLOGICAL SURVEY FOR GROUNDWATER WELL MONITORING THROUGHOUT THE PORT WASHINGTON PENINSULA.

WHEREAS, the Town Board (the "Board") of the Town of North Hempstead (the "Town"), is committed to environmental conservation; and

WHEREAS, the Town desires to complete annual groundwater testing throughout the Port Washington Peninsula, as part of the Nassau County groundwater monitoring network, in order to monitor possible salt water intrusion into the aquifers (the "Project"); and

WHEREAS, in order to facilitate completion of the Project, the Grants Coordinator (the "Coordinator") has recommended that the Town enter into agreement with the United States Department of the Interior U.S. Geological Survey ("USGS") for a term beginning on October 1, 2023 and terminating on September 30, 2024, in consideration of an amount not to exceed Five Thousand Four Hundred Thirty-Six and 00/100 Dollars ($5,436.00) (the "Agreement"); and

WHEREAS, as part of the terms of the Agreement, USGS will provide a grant in the amount of Nine Hundred Sixty-One and 00/100 Dollars ($961.00) (the "Grant") to the Town towards the cost of the Project and the Town will be responsible for the remainder, an amount not to exceed Four Thousand Four Hundred Seventy-Five and 00/100 Dollars ($4,475.00); and

WHEREAS, this Board finds it to be in the best interests of the Town to authorize the Agreement and accept the Grant.

NOW, THEREFORE, BE IT

RESOLVED that the Agreement be and hereby is authorized; and be it further

RESOLVED that the Town is authorized to accept the Grant; and be it further

RESOLVED that the Supervisor be and hereby is authorized to execute, on behalf of the Town, the Agreement, a copy of which Agreement which shall be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Agreement and to take such further action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Services upon receipt of duly executed Agreement and certified claims therefor.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Comptroller

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. 517 - 2023

A RESOLUTION AUTHORIZING THE EXECUTION OF A REVISED COOPERATION AGREEMENT WITH THE COUNTY OF NASSAU.

WHEREAS, the Secretary of the United States Department of Housing and Urban Development (the "Secretary") is authorized under Title I of the Housing and Community Development Act of 1974, as amended, (the "CD Act") to make grants to states and other units of general local government to help finance Community Development Programs ("CD Programs"); and

WHEREAS, the Secretary is authorized under Title II of the National Affordable Housing Act of 1990, as amended (the "Housing Act"), to provide financial assistance to states and other units of general local government to help expand the supply of decent affordable housing; and

WHEREAS, the Town Board has determined that it is in the public interest that the Town participate in the CD Program pursuant to the CD Act and the Housing Act (collectively, the "Acts"), for a term of three years commencing October 1, 2024 and expiring September 30, 2027 (the "Term"); and

WHEREAS, Nassau County (the "County") has designated the Office of Housing and Community Development as the administrative agency for the Community Development Block Grant Entitlement Program ("CDBG"), the HOME Investment Partnerships Program ("HOME") and the Emergency Solutions Grant Program ("ESG"); and

WHEREAS, Section 99-h of the General Municipal Law of the State of New York authorizes municipal corporations, either individually or collectively, to apply for, accept, and expend funds made available by the federal government, either directly or through the State, in order to administer, conduct, or participate with the federal government in programs relating to the general welfare of the inhabitants of such municipal corporation; and

WHEREAS, the Acts, and any "Eligible Activities" thereunder, are not inconsistent with the statues and constitution of this State; and

WHEREAS, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination because of race, color, sex, or national origin under any program or activity receiving U.S. financial assistance; and

WHEREAS, participation by the County as an "Urban County" in the CDBG, HOME and ESG programs requires that the Town and County cooperate in undertaking essential community development and housing activities; and

WHEREAS, the Town Board deems it appropriate for the Town to enter into a revised Cooperation Agreement (the "Agreement") with the County for these purposes.

NOW, THEREFORE, BE IT

RESOLVED that the Agreement be and hereby is authorized; and be it further

RESOLVED that the Supervisor or her designee be and hereby is authorized and directed to execute the Agreement between the County and the Town for the purpose of undertaking CDBG, HOME and ESG programs pursuant to the Acts for the duration of the Term, as more particularly set forth in the Agreement 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 hereby is authorized and directed to negotiate and supervise the execution of the Agreement, and to take any and all other action reasonably necessary to effectuate the foregoing.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Comptroller

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

RESOLUTION NO. 518 -2023

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH JL DAVIS DESIGN TO DESIGN A BROCHURE FOR THE HISTORIC LANDMARKS PRESERVATION COMMISSION.

WHEREAS, as a part of its resident stakeholder historic district awareness initiative, the Town of North Hempstead (the "Town") requires the design of a homeowner's informational brochure and mailout invitation for upcoming educational outreach events, for residents of the Town's two historic districts (the "Services"); and

WHEREAS, the Division of Purchasing (the "Division") solicited two (2) quotes for the Services, in accordance with the Town's Procurement Policy; and

WHEREAS, JL Davis Design, 675 Masthope Plank Road, Lackawaxen, Pennsylvania 18435 (the "Contractor") submitted the lowest quote, proposing to perform the Services for a sum not to exceed Two Thousand and 00/100 Dollars ($2,000.00) (the "Contract Amount"); and

WHEREAS, the cost of the Services will be covered by a Certified Local Government (CLG) Grant awarded to the Town by the New York State Historic Preservation Office to cover outreach and educational programs in the Town's two historic districts; and

WHEREAS, the Division has requested that the Board authorize the Town to enter into an Agreement with the Contractor to perform the Services for the Contract Amount (the "Agreement"); and

WHEREAS, this Board wishes to authorize the execution of the Agreement.

NOW, THEREFORE, BE IT

RESOLVED that the Agreement be and hereby is authorized; and be it further

RESOLVED that the Supervisor or her designee be and hereby 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

September 5, 2023

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: None.

cc: Town Attorney Planning Comptroller

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

RESOLUTION NO. 519 - 2023

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH FIREFLY ADMIN INC. FOR THE ADMINISTRATION OF THE PORT WASHINGTON FIRE DEPARTMENT LENGTH OF SERVICE AWARD PROGRAM.

WHEREAS, the Town of North Hempstead (the "Town") is a joint sponsor of the Port Washington Fire Department Length of Service Award Program established pursuant to Article 11-A of the General Municipal Law (the "Port Washington Fire Department LOSAP"); and

WHEREAS, Firefly Admin Inc. ("Firefly"), 4 Vly Road, Albany, NY 12205 currently provides actuarial and administrative services for the Port Washington Fire Department LOSAP; and

WHEREAS, based on the performance of Firefly in the administration of the Port Washington Fire Department LOSAP, the Town Attorney's Office recommends the continued retention of Firefly to provide third party professional services (including actuarial services, trustee support, consulting, compliance support and external reporting assistance) for the Port Washington Fire Department LOSAP (the "Services"); and

WHEREAS, the Services would be provided in consideration of an amount not to exceed Sixteen Thousand Three Hundred and 00/100 Dollars ($16,300.00) per year, plus One Thousand and 00/100 Dollars ($1,000.00) to be paid annually by each municipal sponsor of the Port Washington Fire Department LOSAP to prepare a GASB disclosure report, for a two-year term beginning January 1, 2024 through December 31, 2025 (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 or her designee be and hereby is authorized to execute the Agreement on behalf of the Town, which Agreement shall be on file with the Office of the Town Clerk, and to take such other action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and oversee the execution of the Agreement, and to take such other action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Services upon receipt of the duly executed Agreement and certified claims therefore.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Comptroller

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. 520 - 2023

A RESOLUTION AUTHORIZING TOWN TO EXECUTE AN AGREEMENT WITH THE WATER AUTHORITY OF GREAT NECK NORTH.

WHEREAS, the Water Authority of Great Neck North (the "Water Authority") is applying for an intermunicipal grant from the New York State Environmental Facilities Corporation; and

WHEREAS, the Water Authority provides potable water to residents of the Town; and

WHEREAS, the Water Authority wants to remove old asbestos cement water mains within the Town controlled areas; and

WHEREAS, in order to apply for the grant, the Water Authority needs to have the permission of, and an agreement with, the Town; and

WHEREAS, the Town Board has determined that it is in the best interests of the Town to execute an agreement with the Water Authority for the work proposed; and

NOW, THEREFORE, BE IT

RESOLVED, that based on the foregoing, the Town Board hereby expresses its intent that the Supervisor execute an agreement on behalf of the Town; and be it further.

RESOLVED, that the Town hereby waives any and all permit fees as required therein.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Comptroller

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. 521 - 2023

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH MEADOW CARTING FOR THE COLLECTION, REMOVAL AND DISPOSAL OF ACCEPTABLE WASTE AND RECYCLABLES WITHIN THE GREAT NECK GARBAGE DISTRICT.

WHEREAS, the Town has previously entered into an Agreement, as amended (the "Agreement") with Meadow Carting Corp., 581 Dickens Street, Westbury, NY 11590 ("Meadow") to collect acceptable waste and recyclables in the Great Neck Garbage District (the "District"), which Agreement will expire on December 31, 2023; and

WHEREAS, the Agreement provides the Town an option to extend the term of the Agreement for two (2) additional (1) years periods; and

WHEREAS, the Town desires to exercise the first option, extending the term of the Agreement for an additional one (1) year period commencing January 1, 2024 and ending December 31, 2024, in consideration of payment to Meadow of the sum of One Million Thirty Thousand Two Hundred and 00/100 Dollars ($1,030,200.00), as may be adjusted for changes in the Municipal Solid Waste Rate, Yard Waste Rate and Prevailing Wage Rates as stated in the Agreement, for the one (1) year extension period, payable in monthly installments (the "Amendment"); and

WHEREAS, this Board finds it in the best interests of the District to authorize the exercise of the Town's option and the execution of the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that this Board, on behalf of the District, hereby authorizes the exercise of the Town's option to extend the Agreement and further authorizes the execution of the Amendment; and be it further

RESOLVED that the Supervisor and Councilpersons as members of the Town Board be and they hereby are authorized to execute the Amendment on behalf of said District, and to take such other action as may be necessary to effectuate the foregoing, copies 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 hereby is authorized and directed to supervise the execution of the necessary contract documents; and be it further

RESOLVED that the Office of the Comptroller be and hereby is authorized and directed to pay the costs thereof upon receipt of duly executed contracts and certified claims therefor.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Comptroller SWM

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. 522 - 2023

A RESOLUTION AUTHORIZING THE PURCHASE OF SOFTWARE MAINTENANCE AND TECHNICAL SUPPORT SERVICES FOR THE DEPARTMENT OF INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS.

WHEREAS, the Town Department of Information Technology and Telecommunications (the "Department") requires annual software maintenance and technical support services for the Town's geographic information software system ArcGIS (the "Services"); and

WHEREAS, the Commissioner of the Department has recommended that the Town purchase the Services from Environmental Systems Research Institute, Inc., 380 New York Street, Redlands, California 92373 for a term commencing October 21, 2023 and ending October 20, 2024 in consideration of an amount not to exceed Twelve Thousand Eight Hundred Eight and 26/100 Dollars ($12,808.26) (the "Purchase"); and

WHEREAS, this Board finds it to be in the best interest of the Town to authorize the Purchase.

NOW, THEREFORE, BE IT

RESOLVED that the Purchase be and is hereby authorized; and be it further

RESOLVED that the Comptroller be and hereby is authorized and directed to pay the costs of the Purchase upon receipt of certified claims therefore.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Comptroller DOITT

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. 523 - 2023

A RESOLUTION APPOINTING DEPUTY TOWN CLERK NISHI SEHGAL AS MARRIAGE OFFICER OF THE TOWN OF NORTH HEMPSTEAD.

WHEREAS, Domestic Relations Law §11-c authorizes the Town Board to appoint marriage officers who shall have the authority to solemnize marriages within the Town of North Hempstead (the "Town"); and

WHEREAS, this Board wishes to appoint Deputy Town Clerk Nishi Sehgal as marriage officer.

NOW, THEREFORE, BE IT

RESOLVED that Deputy Town Clerk Nishi Sehgal, being duly qualified, be and hereby are appointed as a marriage officer of the Town of North Hempstead commencing September 5, 2023, to serve without compensation from the Town.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Comptroller

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. 524 - 2023

A RESOLUTION TO APPOINT AN ACTING COMPTROLLER.

WHEREAS, the Town of North Hempstead has a vacancy in the office of Town Comptroller; and

WHEREAS, the Town Supervisor and Town Board is actively searching for Comptroller; and

WHEREAS, the Town Supervisor requires a Comptroller in preparing a budget for the fiscal year 2024; and

WHEREAS, it is in the best interests of the Town to appoint an "Acting Comptroller" to perform the duties of the Comptroller until a suitable replacement can be found; and

WHEREAS, the Supervisor and Town Board would like to appoint the Director of Finance, Paul Wood, as the "Acting Comptroller" until such time as the Town Board appoints a Comptroller;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby appoints the Director of Finance, Paul Wood as the Acting Comptroller of the Town of North Hempstead without any further compensation effective September 6, 2023; and

BE IT FURTHER RESOLVED, that in addition to his duties as the Director of Finance, the Acting Comptroller shall be vested with all of the authority provided by the Town of North Hempstead Law § 23-4.4.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney   Comptroller

PROPOSED RESOLUTION

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

RESOLUTION NO. - 2023

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE TOWN BOARD RULES OF PROCEDURE.

WHEREAS, Town Law §63 allows the Town Board to adopt Rules of Procedure (the "Rules"); and

WHEREAS, the Town Board has heretofore adopted such rules and subsequently amended same; and

WHEREAS, the Town Board wishes to further amend the Rules as follows (the "Amendments"):

(Strikeout font indicates text being deleted. Bold/Underlining indicates text being added.)

TOWN BOARD
RULES OF PROCEDURE

Article 1: Declaration of Intent

It is the intent of this Town Board that its meetings and public hearings be conducted in as efficient a manner as practicable. It is also this Town Board's intention that participants recognize the importance of the business being conducted, and the importance of basic courtesy, respect and decorum in the Board's proceedings. These Rules of Procedure are intended to encourage efficiency and courtesy in the conduct of the business of the people of this Town.

Article 2: Definitions
For the purposes of this resolution,

A. “Calendar” means a list or schedule of resolutions or other legislative items for consideration or disposition, or an agenda.

B. “Members” means members of the Town Board, comprising the Town Supervisor and the Council members.

C. “Reserve decision” means to refrain from taking a final vote or other disposition on a proposal until a future date.

D. “Town Board” means the Town Supervisor and the Council members.

E. “Town Law” means the New York State Town Law.

F. “Urgent or of an emergency nature” means a pressing or critical situation that poses or may pose an immediate risk to, or have an immediate negative impact upon, health, life, safety, property, economy, environment or Town governance requiring prompt action or attention. For purposes of this definition, a resolution approving the action of a fire company to add to, or remove from, membership shall be deemed urgent.

Article 3: Scope

These Rules of Procedure shall apply to all meetings and public hearings of the Town Board and of all special districts or other bodies for which the Town Board serves as Commissioners, Directors or Trustees.

Article 4: Conditions of Meetings and Hearings

A. Location of Meetings. All meetings and public hearings of the Town Board shall, unless otherwise specified in public notices, be held in the Main Hearing Room on the second floor of Town Hall, 220 Plandome Road. By a majority vote, and with appropriate public notice, the Town Board may designate alternative meeting and public hearing locations within the Town, or use videoconferencing when authorized by local law adopted by the Town Board and in accordance with

Section 103-a of the Public Officers Law, or authorize meetings to be held remotely by conference call or similar service when authorized by New York State law.

B. Time of Meetings. Meetings and hearings of the Town Board, unless otherwise specified in public notices, shall begin at 7:00 p.m. Special or emergency meetings may be scheduled between 8:00 a.m. and 8:00 p.m.

C. Time limits of Meetings. In the event that a public hearing continues beyond 12:00 midnight, the Board shall reserve decision, unless by majority vote the Town Board determines that delay is not in the public interest.

D. Quorum. Four or more members of the Town Board, present at a meeting or hearing, constitute a quorum. If no quorum is present, no official votes on any resolution or local law may be taken, and the meeting may be adjourned on the motion of one member of the Town Board.

E. Actions. No action, resolution, local law or ordinance shall be adopted without the affirmative vote of a majority of Members then in office.

Article 5: Organization of the Town Board

A. If present, the Supervisor shall preside at all meetings and hearings of the Town Board. If the Supervisor is absent, the Deputy Supervisor shall preside. If both the Supervisor and the Deputy Supervisor are absent, the members present shall select by majority vote a presiding officer for the meeting or hearing. The Supervisor may, in the course of a meeting or hearing, temporarily designate another Member as acting presiding officer.

B. During meetings or hearings, the Town Attorney or his/her designee shall act as counsel to the Town Board and as Parliamentarian.

C. (1) During meetings or hearings, the Town Clerk shall act as secretary of the Town Board.

(2) Notwithstanding any other responsibilities pursuant to state law, the Town Clerk shall be responsible for keeping summary minutes, including a written record of all proceedings and votes, and for maintaining and publishing such records. The minutes shall be made available to the public by the Town Clerk within seven calendar days of any meeting or hearing.

(3) A certified stenographic reporter shall be present to record a precise transcript of all proceedings. The transcript shall be made available to the public by the Town Clerk within twenty-one calendar days of any meeting or hearing.

Article 6: Calendar of the Town Board

A. The Town Attorney shall be responsible for preparation of the Calendar of each Town Board meeting. The Calendar shall include all items properly submitted to the Town Attorney in accordance with this Article. Each item on the Calendar shall include a "synopsis" of the item's effect in plain English, where the caption is not otherwise clear.

B. Members wishing to place resolutions or other legislation on a Town Board Calendar shall submit a memorandum in writing, electronically through the agenda management system utilized by the Town, to the Town Attorney or the Town Attorney's designee with appropriate descriptions and support materials attached. The memorandum shall include a suggested "synopsis" for the calendar which explains in plain English the effect of the proposal. Such memorandum shall be submitted not later than 5 p.m. on the ~~fourteenth~~ **<u>Tenth</u>** calendar day prior to a scheduled Town Board meeting. Applications for approval of a site plan must demonstrate compliance with the Long Island Workforce Housing Act, where applicable. **<u>No resolution or items shall remain on the Town Board Calendar more than 10 days after the submission deadline without containing the information required under Article 6 B of the Town Board Rules of procedure herein.</u>**

The Town Attorney shall prepare in proper form for consideration by the Town Board any resolution or other legislation submitted in such manner.

If a proposed item is not in proper form, or if the submission is otherwise insufficient, the Town Attorney's office shall notify the Member making the proposal in writing within three business days of its receipt by the Town Attorney as to the nature of the deficiency and, upon request, shall assist said Member in making the necessary corrections.

C. No resolution or other legislation shall be placed on the Calendar of any meeting without the written request of a Member.

D.	Members, and their designees, shall be notified contemporaneously upon the submission of each and every item submitted through the electronic agenda management system. Members, and their designees, shall at all times have equal and unrestricted access to view all Calendars and all backup materials for any prior or future meeting of the Town Board, including draft Calendars. No Member or their designee shall have access to the electronic agenda management system that is not the same as any other Member. Only the Town Attorney or his/her designee shall have the authority to delete Calendar items.

E.	Not later than 5PM on the third calendar day[1] prior to a scheduled meeting, the Town Attorney shall make available to each Member and the Town Clerk, the Calendar in its final form, together with all backup materials, and a copy of each resolution or other legislation which has been placed on a Calendar, except that a proposed Local Law must be placed on the desk of each member not less than seven (7) calendar days, exclusive of Sunday, prior to its final passage or otherwise delivered to each of the Members in accordance with Municipal Home Rule Law Section 20(4).

F.	The Member who submitted the written request that a resolution or other legislation be placed on the Calendar may withdraw the request and remove the item from consideration at any time prior to the call to order of the meeting. The Supervisor will announce the change in the Calendar at the appropriate time pursuant to Article 7.

G.	Urgent or Emergency Matters.

(1) Additional resolutions or legislation considered urgent or of an emergency nature may be added to the Calendar after 5 p.m. on the fourteenth calendar day prior to a scheduled Town Board meeting, but prior to the Calendar being publicly posted, in the following manner:

(a)	If the resolution is to schedule a matter for a Public Hearing at a future date or to approve the action of a fire company to add to, or remove from, membership, it may be added by any member; or

(b)	All other resolutions may be added only at the request of the Supervisor or two Members of the Town Board.

The request shall be submitted in writing, electronically through the agenda management system, and shall identify the Member(s) making the request, together with an explanation identifying the urgent or emergency nature. Such resolutions or legislation will be added at the end of the Calendar.

(2) Once a regular meeting Calendar has been publicly posted, additional resolutions or legislation considered urgent or of an emergency nature (also referred to as an “added starter” resolution) may be added to the Calendar after the Calendar is publicly posted, including after commencement of any meeting, by the Town Supervisor or by a majority vote of the Town Board, only in an extraordinary circumstance, provided that no local law may be adopted by emergency by the Town Board except in accordance with Municipal Home Rule Law Section 20(4). Added resolutions or legislation will be added to the end of the Calendar. Except where impracticable, a resolution or legislation sought to be added to the Calendar under this section shall be distributed to all Members, the Town Clerk and the Town Attorney, not later than three hours prior to the scheduled start of the Town Board meeting.

The request shall be submitted in writing, electronically through the agenda management system, and shall identify the Member(s) making the request, together with a statement identifying: (i) the urgent or emergency nature; and (ii) the extraordinary circumstance. As used in this section, “extraordinary circumstance” shall mean a circumstance where the sponsoring Member could not anticipate or foresee the need for the added starter resolution prior to the Calendar being publicly posted.

H. The Town Attorney is authorized to recommend specific guidelines, requirements or formats for requests that a resolution or other legislation be placed on the Calendar. Any such guidelines, requirements or formats shall be described in writing and shall apply to all Members.

Article 7: Order of Business

Unless suspended or changed, without debate, by a majority vote of the Members, the following shall be the order of business of meetings:

A. Call to order by the Supervisor or acting presiding officer

B. Recital of the Pledge of Allegiance to the flag

C. Roll Call of Members by Town Clerk to determine attendance and quorum

D. Announcements and Special Presentations

E. Public Comments

F. Announcement of changes in the Calendar

G. Disposition of the Calendar, which shall be arranged in the following order:

i. Site plan review business
ii. Public Hearings
iii. Resolutions
iv. Other hearings

H. Adjournment

I. Additional Public Comments, if any

Article 8: Motions and Proceedings

A. The vote on every question shall be by “ayes” and “noes.” An abstention, silence or absence shall not be considered either an affirmative or a negative vote for the purposes of determining the final vote on a matter. A Member may pass his or her vote once per question and will be called on again after the voting order is completed. When polled by the Town Clerk, voting shall be done in council district order with the Supervisor being polled last.

B. The names of the Members present and their votes upon every question shall be entered in the minutes and transcripts of the Town Board.

C. The following motions shall be received by the Supervisor or acting presiding officer, and these motions shall have precedence in the order stated:

1. For an adjournment of the meeting or hearing, or to continue a hearing past midnight.

2. For a Call of the Town Board (a roll call to determine attendance or quorum)

3. To temporarily suspend the Rules of Procedure.

4. To change the arrangement of the Calendar

5. To enter an Executive Session, pursuant to the Open Meetings Law

6. To recess the Town Board temporarily

7. To lay on the table (to temporarily place a matter aside) or to take from the table

8. To postpone to a certain day (to reserve decision or)

9. Refer a resolution or other legislation to a Committee of the Board, consisting of not less than one nor more than three Members for a period not to exceed ninety (90) days. Said Committee shall report its findings to the Board in writing at least seven calendar days before a scheduled Town Board meeting within the aforementioned ninety day period and the resolution or legislation shall be placed on the calendar of the next scheduled Town Board meeting after said report is made to the Members. The Committee shall be appointed by a majority vote of the Town Board as part of the motion to Refer

10. For the previous question (to call for a vote on the matter under consideration)

11. To amend

D. A motion to reconsider a vote may be made only during the same meeting on which the vote proposed to be reconsidered was taken. A motion to reconsider may be made under any order of business. This subsection shall not be deemed to limit the authority of the Town Board, at a subsequent meeting, to pass a resolution rescinding or modifying any previous resolution.

E. Neither debate, nor a motion to reconsider, shall be entertained for any motion to adjourn, for a Call of the Town Board, to lay on the table, to take from the table, or for the previous question.

F. Except as otherwise required by law, any rule of the Town Board may at any time be temporarily suspended for special reasons by a majority vote of all of the Members of the Town Board. Whether "special reasons" present themselves is to be decided on a case-by-case basis and shall be stated on the record prior to voting on a motion to suspend the rules. No permanent alteration may be made except, in writing, by resolution of the Town Board, duly filed prior to the meeting in accordance with these rules.

Article 9: Conduct of Meetings

A. The Supervisor shall maintain order at Town Board meetings.

B. No member of the public shall be permitted to address the Town Board unless recognized by the Supervisor or acting presiding officer.

C. Persons addressing the Town Board shall address their remarks to the Town Board only, and not to other members of the audience in the form of a debate.

D. Persons addressing the Town Board, including during public comment, shall state their name and home community, and shall state their business or question within three minutes. The Supervisor may allow a speaker to continue if time permits.

E. Members of the public shall be permitted to address the Town Board regarding any resolution or other legislative proposal then under consideration, after Members have had a chance to address questions or comments on the proposal. For resolutions not subject to a public hearing, the Supervisor may limit the number of such questions or comments.

F. Speakers who wish to submit documents to the Town Board for consideration during a Public Hearing shall provide a copy of the document to the Town Clerk who shall mark each of the documents with the date of the meeting, the agenda number, the name of the speaker and if more than one document is submitted, each document shall be itemized "Name of Speaker- document 1" etc.

G. For regularly scheduled meetings, there may be a period of public comment not exceeding 30 minutes in duration, except that the Supervisor, in his/her discretion, may extend such time limitation. This period of public comment shall occur prior to the announcement of changes in the Calendar, if any, or disposition of the Calendar. After adjournment, there shall be an additional period of public comment, the duration of which shall be determined by the Supervisor. Subject to the requirements of Article 9, Paragraph D, members of the public shall be permitted to address the Town Board on any subject not on the Calendar or under consideration at that meeting or hearing.

No stenographic transcript of this public comment period is required.

H. The Town Board may invite and permit residents of the Town or other guests to participate in a meeting.

I. The Supervisor may designate an area or areas of the meeting room to be reserved for special guests, for witnesses, or for the news media.

J. The use of handheld sound or video recording devices by the public is allowed, unless the recording devices or their use interrupt and interfere with the orderly conduct of the meeting or with the ability of the public to hear or see the proceedings.

K. The Supervisor may order anyone who violates these Rules to leave the meeting room. If the person refuses to leave, the Supervisor may direct that any law enforcement officer present shall remove the offending person from the meeting room.

L. Effective February 25, 2014, Town Board meetings shall be broadcast and accessible on the Town of North Hempstead's website. Viewing will be made available via live video streaming at the time of the meeting.

NOW, THEREFORE, BE IT

RESOLVED that the Amendments to the Rules are hereby approved.

Dated: Manhasset, New York

September 5, 2023

The vote on the foregoing resolution was recorded as follows:

Ayes:

Nays:

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[1] For a Town Board meeting scheduled on a Thursday, the third calendar day prior to the meeting shall be the preceding Monday. If the preceding Monday is a public holiday, the Town Attorney shall make the required information available no later than the preceding Tuesday at 2:00pm.

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. 525 - 2023

A RESOLUTION ACCEPTING LEAD AGENCY DESIGNATION AND MAKING CERTAIN FINDINGS AND DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT IN CONNECTION WITH THE WHITNEY POND PARK STREAM RESTORATION PROJECT.

WHEREAS, the Town of North Hempstead (the "Town") is contemplating completing a project known as the Whitney Pond Park Stream Restoration involving remedial actions to remove sediments accumulated in the streams of Whitney Pond Park, promoting natural drainage and resultant improvements to the ecosystem (the "Proposed Action"); and

WHEREAS, it is required that a "lead agency" be established to review the Proposed Action pursuant to the State Environmental Quality Review Act ("SEQRA") and its implementing regulations (the "SEQRA Regulations"); and

WHEREAS, this Board, through action of the Department of Planning and Environmental Protection (the "Planning Department") pursuant to Town Code §20-4, has established itself as lead agency and wishes to render a determination of significance pursuant to the SEQRA Regulations; and

WHEREAS, the Board has reviewed the determination of the Planning Department and the Environmental Assessment Form dated July 28, 2023, indicating that the Project be classified as a Type I action pursuant to Section 617.4 of the SEQRA Regulations which will not result in any significant adverse impacts on the environment based upon the analysis set forth in the Environmental Assessment Form for the reasons stated in the Environmental Assessment Form; and

WHEREAS, the recommendations of the Planning Department stated above for the Proposed Action shall be known as the "Recommendation"; and

WHEREAS, the Town Board wishes to make certain determinations pursuant to SEQRA and the SEQRA Regulations consistent with the foregoing.

NOW, THEREFORE, BE IT

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

RESOLVED that this Board hereby adopts the foregoing Recommendation; and be it further

RESOLVED that the Board hereby determines that the Proposed Action is a Type I action under the SEQRA Regulations which will not result in any significant adverse impact on the environment, based upon the analysis set forth in the Environmental Assessment Forms associated with the Proposed Action and upon the testimony and reports adduced at this meeting; and be it further

RESOLVED that this Board hereby authorizes the Planning Department to prepare, file, and distribute such documents as may be required pursuant to Section 617.12 of the SEQRA Regulations to effectuate the foregoing determination and finding made pursuant to the SEQRA Regulations.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Comptroller

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. 526 - 2023

A RESOLUTION ACCEPTING LEAD AGENCY DESIGNATION AND MAKING CERTAIN FINDINGS AND DETERMINATIONS PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT IN CONNECTION WITH THE MANHASSET BAY WALK PROJECT.

WHEREAS, the Town of North Hempstead (the “Town”) is contemplating completing a project known as the Manhasset Bay Walk involving the construction of a walking trail that will extend from the Town Dock to the village boundary of Port Washington North and ultimately to Manorhaven Beach Park and include improvements to sidewalk surface, restoration of shoreline, bulkhead replacement, viewing points and decorative features leading to increased opportunities for public access to the waterfront (the “Proposed Action”); and

WHEREAS, it is required that a “lead agency” be established to review the Proposed Action pursuant to the State Environmental Quality Review Act (“SEQRA”) and its implementing regulations (the “SEQRA Regulations”); and

WHEREAS, this Board, through action of the Department of Planning and Environmental Protection (the “Planning Department”) pursuant to Town Code §20-4, has established itself as lead agency and wishes to render a determination of significance pursuant to the SEQRA Regulations; and

WHEREAS, the Board has reviewed the determination of the Planning Department and the Short Environmental Assessment Form (“SEAF”) dated March 3, 2015, indicating that the Project be classified as an Unlisted Action pursuant to Section 617.2(al) of the SEQRA Regulations which will not result in any significant adverse impacts on the environment based upon the analysis set forth in the SEAF for the reasons stated in the SEAF; and

WHEREAS, the recommendations of the Planning Department stated above for the Proposed Action shall be known as the “Recommendation"; and

WHEREAS, the Town Board wishes to make certain determinations pursuant to SEQRA and the SEQRA Regulations consistent with the foregoing.

NOW, THEREFORE, BE IT

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

RESOLVED that this Board hereby adopts the foregoing Recommendation; and be it further

RESOLVED that the Board hereby determines that the Project is an Unlisted Action under the SEQRA Regulations which will not result in any significant adverse impact on the environment, based upon the analysis set forth in the SEAF associated with the Proposed Action and upon the testimony and reports adduced at this meeting; and be it further

RESOLVED that this Board hereby authorizes the Planning Department to prepare, file, and distribute such documents as may be required pursuant to Section 617.12 of the SEQRA Regulations to effectuate the foregoing determination and finding made pursuant to the SEQRA Regulations.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Comptroller

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. 527 - 2023

A RESOLUTION AUTHORIZING A TRANSFER OF FUNDS.

WHEREAS, the Town of North Hempstead (the "Town") recently received revenue in the amount of Two Million Four Hundred Thousand and 00/100 Dollars ($2,400,000.00) from the settlement of litigation (the "Revenue"), which Revenue is currently surplus in the General Fund; and

WHEREAS, the Town Board desires, pursuant to Section 113 of the Town Law, to transfer the Revenue from the General Fund to the funds of the Town of North Hempstead Sidewalk District and the Town of North Hempstead Lighting District as follows:

Amount	From	To
$1,200,000.00	General Fund	Town of North Hempstead Sidewalk District Fund, to be recorded in expense line SM017.4400 (Contingency)
$1,200,000.00	General Fund	Town of North Hempstead Lighting District Fund, to be recorded in expense line SL014.4930 (Contractual Services)

(the "Fund Transfers"); and

WHEREAS, after careful consideration, the Board finds it in the best interests of Town to authorize the Fund Transfers.

NOW, THEREFORE, BE IT

RESOLVED that the Board hereby authorizes the Fund Transfers as outlined above; and be it further

RESOLVED that the Office of the Comptroller is hereby directed to take such action as may be necessary to effectuate the foregoing.

Dated: Manhasset, New York

September 5, 2023

The vote on the foregoing resolution was recorded as follows:

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

Nays: Councilperson Adhami.

Abstain: Councilperson Walsh.

cc: Town Attorney Comptroller

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. 528 - 2023

A RESOLUTION AUTHORING THE TRANSFER OF A VEHICLE BETWEEN THE TOWN GENERAL FUND AND THE TOWN OUTSIDE VILLAGE FUND.

WHEREAS, the Town Department of Building, Safety and Inspection ("Buildings") is in possession of a 2017 Ford Escape, which is paid for by the Town Outside Village Fund and valued at $5,261.49; and

WHEREAS, the Town Department of Parks and Recreation ("Parks") is in need of a new vehicle; and

WHEREAS, Buildings has agreed to transfer the 2017 Ford Escape to Parks; and

WHEREAS, to facilitate the transfer of the 2017 Ford Escape, the Board is desirous to transfer monies from the General Fund to the Town Outside Village Fund in the amount of $5,261.49, to then be utilized to pay down related debt service in the Town Outside Village Fund; and

WHEREAS, after careful consideration, the Board finds it in the best interests of the Town to transfer the 2017 Ford Escape from Buildings to Parks (the "Vehicle Transfer") and monies from the General Fund to the Town Outside Village as outlined above (the "Fund Transfer").

NOW, THEREFORE, BE IT

RESOLVED that the Board hereby authorizes the Vehicle Transfer as outlined above; and be it further

RESOLVED that the Board hereby authorizes the Fund Transfer as outlined above; and be it further

RESOLVED that the funds transferred in this resolution shall be recorded in the Town Outside Village Fund as revenue to line DA.9901.716; and be it further

RESOLVED that the Offices of the Town Attorney and Comptroller are hereby directed to take such action as may be necessary to effectuate the foregoing.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Comptroller

PROPOSED RESOLUTION

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

RESOLUTION NO. - 2023

A RESOLUTION WAIVING APPLICABLE FEES FOR ST. FRANCIS HOSPITAL'S USE OF NORTH HEMPSTEAD BEACH PARK AND WHITNEY POND PARK FOR "WALK AND TALK WITH A DOCTOR" EVENTS.

WHEREAS, the Town Board of the Town of North Hempstead ("Town Board") is empowered pursuant to § 39-23 of the Town Code, upon recommendation of the Commissioner of the Department of Parks and Recreation (the "Commissioner"), to set the fees and charges for use of facilities and services in Town parks; and

WHEREAS, the Town Board adopted a schedule of user fees for the use of Town facilities and services, including certain facilities at various Town parks (the "Fee Schedule"); and

WHEREAS, St. Francis Hospital in Roslyn has requested access to North Hempstead Beach Park ("NHBP") on Sunday, September 3, 2023 and Whitney Pond Park ("Whitney Pond") on December 3, 2023 (collectively, the "Parks") to conduct "Walk and Talk with a Doctor" events (the "Events"); and

WHEREAS, Councilperson Mariann Dalimonte has recommended that the Town Board waive any applicable fees for St. Francis Hospital's use of the Parks for the Events, retroactive for the use of NHBP on September 3, 2023; and

WHEREAS, the Town Board wishes to waive any applicable fees for St. Francis Hospital's use of the Parks for the Events.

NOW, THEREFORE, BE IT

RESOLVED that any applicable fees for St. Francis Hospital's use of the Parks for the Event are hereby waived; and be it further

RESOLVED that except as herein modified, the Fee Schedule shall remain unchanged and in full force and effect.

Dated: Manhasset, New York

September 5, 2023

The vote on the foregoing resolution was recorded as follows:

Ayes:

Nays:

cc: Town Attorney Parks and Recreation Comptroller

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

RESOLUTION NO. 529 - 2023

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND CAPITAL PROJECTS RESERVE FUND.

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 $17,025.00 currently available in the Town's general fund 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. 27-2002) pursuant to Section 6-c of the New York General Municipal Law, for the purpose of providing funding for the purchase of one (1) vehicle for the Department of Public Safety.

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 September 5, 2023, the Town Board of the Town of North Hempstead, in the County of Nassau, New York, adopted a resolution entitled:

A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND CAPITAL PROJECTS RESERVE FUND.

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 $17,025.00 currently available in the Town's general fund 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 purchase of one (1) vehicle for the Department of Public Safety; and

SECOND: DETERMINING that such resolution is subject to a permissive referendum.

DATED: September 5, 2023
Manhasset, New York

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: None.

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 September 5, 2023, 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 5th day of September, 2023.

(SEAL) ____

Town Clerk

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. 530 - 2023

A RESOLUTION AUTHORIZING THE AMENDMENT OF THE TOWN OF NORTH HEMPSTEAD FLEXIBLE BENEFITS PLAN "CAFETERIA PLAN" PURSUANT TO SECTION 125 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Town previously adopted and implemented a Flexible Benefits Plan ("Cafeteria Plan") pursuant to §125 of the United State Internal Revenue Code, as amended, effective April 1, 2022 (the "Plan"); and

WHEREAS, the Plan permits employees to contribute, on a pre-tax basis, a portion of their salaries to temporary accounts to be used for the reimbursement of healthcare expenses; and

WHEREAS, the Town would like to amend the Plan documents, including the Flexible Benefits Plan and the Summary Plan Description to clarify the parties rights regarding the amendment or termination of the Plan (the "Amendment"), which Amendment is attached as Exhibit A and Exhibit B; and

WHEREAS, this Board finds it to be in the best interests of the Town to amend the Town's Plan documents to reflect the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Amendment be and is hereby approved; and be it further

RESOLVED that the Supervisor or her designee be and hereby is authorized and directed to execute and deliver to the Administrator of the Cafeteria Plan one or more counterparts of the Amendment.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Commissioner of Human Resources

TOWN OF NORTH HEMPSTEAD
FLEXIBLE BENEFITS PLAN

AND ALL SUPPORTING FORMS HAVE BEEN PRODUCED FOR

HEALTHEQUITY INC

TOWN OF NORTH HEMPSTEAD
FLEXIBLE BENEFITS PLAN

NOTE: THIS DOCUMENT SHOULD BE REVIEWED AND APPROVED BY THE EMPLOYER'S LEGAL COUNSEL PRIOR TO BEING ADOPTED (SIGNED AND IMPLEMENTED). ANY CHANGES SUGGESTED DURING THAT REVIEW ARE THE RESPONSIBILITY OF THE EMPLOYER.

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TOWN OF NORTH HEMPSTEAD
FLEXIBLE BENEFITS PLAN

INTRODUCTION

The Employer has adopted this Plan effective April 1, 2022, to recognize the contribution made to the Employer by its Employees. Its purpose is to reward them by providing benefits for those Employees who shall qualify hereunder and their Dependents and beneficiaries. The concept of this Plan is to allow Employees to choose among different types of benefits based on their own particular goals, desires and needs. The Plan shall be known as Town of North Hempstead Flexible Benefits Plan (the "Plan").

The intention of the Employer is that the Plan qualify as a "Cafeteria Plan" within the meaning of Section 125 of the Internal Revenue Code of 1986, as amended, and that the benefits which an Employee elects to receive under the Plan be excludable from the Employee's income under Section 125(a) and other applicable sections of the Internal Revenue Code of 1986, as amended.

ARTICLE I
DEFINITIONS

1.1 **"Administrator"** means the Employer unless another person or entity has been designated by the Employer pursuant to Section 9.1 to administer the Plan on behalf of the Employer. If the Employer is the Administrator, the Employer may appoint any person, including, but not limited to, the Employees of the Employer, to perform the duties of the Administrator. Any person so appointed shall signify acceptance by filing written acceptance with the Employer. Upon the resignation or removal of any individual performing the duties of the Administrator, the Employer may designate a successor.

1.2 **"Affiliated Employer"** means the Employer and any corporation which is a member of a controlled group of corporations (as defined in Code Section 414(b)) which includes the Employer; any trade or business (whether or not incorporated) which is under common control (as defined in Code Section 414(c)) with the Employer; any organization (whether or not incorporated) which is a member of an affiliated service group (as defined in Code Section 414(m)) which includes the Employer; and any other entity required to be aggregated with the Employer pursuant to Treasury regulations under Code Section 414(o).

1.3 **"Benefit"** or **"Benefit Options"** means any of the optional benefit choices available to a Participant as outlined in Section 4.1.

1.4 **"Cafeteria Plan Benefit Dollars"** means the amount available to Participants to purchase Benefit Options as provided under Section 4.1. Each dollar contributed to this Plan shall be converted into one Cafeteria Plan Benefit Dollar.

1.5 **"Code"** means the Internal Revenue Code of 1986, as amended or replaced from time to time.

1.6 **"Compensation"** means the amounts received by the Participant from the Employer during a Plan Year.

1.7 **"Dependent"** means any individual who qualifies as a dependent under an Insurance Contract for purposes of coverage under that Contract only or under Code Section 152 (as modified by Code Section 105(b)).

"Dependent" shall include any Child of a Participant who is covered under an Insurance Contract, as defined in the Contract, or under the Health Flexible Spending Account or as allowed by reason of the Affordable Care Act.

For purposes of the Health Flexible Spending Account, a Participant's "Child" includes his/her natural child, stepchild, foster child, adopted child, or a child placed with the Participant for adoption. A Participant's Child will be an eligible Dependent until reaching the limiting age of 26, without regard to student status, marital status, financial dependency or residency status with the Employee or any other person. When the child reaches the applicable limiting age, coverage will end at the end of the calendar year.

The phrase "placed for adoption" refers to a child whom the Participant intends to adopt, whether or not the adoption has become final, who has not attained the age of 18 as of the date of such placement for adoption. The term "placed" means the assumption and retention by such Employee of a legal obligation for total or partial support of the child in anticipation of adoption of the child. The child must be available for adoption and the legal process must have commenced.

1.8 **"Effective Date"** means April 1, 2022.

1.9 **"Election Period"** means the period immediately preceding the beginning of each Plan Year established by the Administrator, such period to be applied on a uniform and nondiscriminatory basis for all Employees and Participants. However, an Employee's initial Election Period shall be determined pursuant to Section 5.1.

1.10 **"Eligible Employee"** means any Employee who has satisfied the provisions of Section 2.1.

An individual shall not be an "Eligible Employee" if such individual is not reported on the payroll records of the Employer as a common law employee. In particular, it is expressly intended that individuals not treated as common law employees by the Employer on its payroll records are not "Eligible Employees" and are excluded from Plan participation even if a court or administrative agency determines that such individuals are common law employees and not independent contractors.

1.11 **"Employee"** means any person who is employed by the Employer. The term Employee shall include leased employees within the meaning of Code Section 414(n)(2).

1.12 **"Employer"** means Town of North Hempstead and any successor which shall maintain this Plan; and any predecessor which has maintained this Plan. In addition, where appropriate, the term Employer shall include any Participating, Affiliated or Adopting Employer.

1.13 **"Grace Period"** means, with respect to any Plan Year, the time period ending on the fifteenth day of the third calendar month after the end of such Plan Year, during which Medical Expenses and Employment-Related Dependent Care Expenses incurred by a Participant will be deemed to have been incurred during such Plan Year.

1.14 **"Insurance Contract"** means any contract issued by an Insurer underwriting a Benefit.

1.15 **"Insurance Premium Payment Plan"** means the plan of benefits contained in Section 4.1 of this Plan, which provides for the payment of Premium Expenses.

1.16 **"Insurer"** means any insurance company that underwrites a Benefit under this Plan.

1.17 **"Key Employee"** means an Employee described in Code Section 416(i)(1) and the Treasury regulations thereunder.

1.18 **"Participant"** means any Eligible Employee who elects to become a Participant pursuant to Section 2.3 and has not for any reason become ineligible to participate further in the Plan.

1.19 **"Plan"** means this instrument, including all amendments thereto.

1.20 **"Plan Year"** means the 12-month period beginning January 1 and ending December 31, except for the short Plan Year beginning April 1, 2022 and ending on December 31, 2022. The Plan Year shall be the coverage period for the Benefits provided for under this Plan. In the event a Participant commences participation during a Plan Year, then the initial coverage period shall be that portion of the Plan Year commencing on such Participant's date of entry and ending on the last day of such Plan Year.

1.21 **"Premium Expenses"** or **"Premiums"** mean the Participant's cost for the Benefits described in Section 4.1.

1.22 **"Premium Expense Reimbursement Account"** means the account established for a Participant pursuant to this Plan to which part of his Cafeteria Plan Benefit Dollars may be allocated and from which Premiums of the Participant shall be paid or reimbursed. If more than one type of insured Benefit is elected, sub-accounts shall be established for each type of insured Benefit.

1.23 **"Salary Redirection"** means the contributions made by the Employer on behalf of Participants pursuant to Section 3.1. These contributions shall be converted to Cafeteria Plan Benefit Dollars and allocated to the funds or accounts established under the Plan pursuant to the Participants' elections made under Article V.

1.24 **"Salary Redirection Agreement"** means an agreement between the Participant and the Employer under which the Participant agrees to reduce his Compensation or to forego all or part of the increases in such Compensation and to have such amounts contributed by the Employer to the Plan on the Participant's behalf. The Salary Redirection Agreement shall apply only to Compensation that has not been actually or constructively received by the Participant as of the date of the agreement (after taking this Plan and Code Section 125 into account) and, subsequently does not become currently available to the Participant.

1.25 **"Spouse"** means spouse as determined under Federal law.

ARTICLE II
PARTICIPATION

2.1 ELIGIBILITY

Any Eligible Employee shall be eligible to participate hereunder as of the date he satisfies the eligibility conditions for the Employer's group medical plan, the provisions of which are specifically incorporated herein by reference.

2.2 EFFECTIVE DATE OF PARTICIPATION

An Eligible Employee shall become a Participant effective as of the date on which he satisfies the requirements of Section 2.1.

2.3 APPLICATION TO PARTICIPATE

An Employee who is eligible to participate in this Plan shall, during the applicable Election Period, complete an application to participate in a manner set forth by the Administrator. The election shall be irrevocable until the end of the applicable Plan Year unless the Participant is entitled to change his Benefit elections pursuant to Section 5.4 hereof.

An Eligible Employee shall also be required to complete a Salary Redirection Agreement during the Election Period for the Plan Year during which he wishes to participate in this Plan. Any such Salary Redirection Agreement shall be effective for the first pay period beginning on or after the Employee's effective date of participation pursuant to Section 2.2.

Notwithstanding the foregoing, an Employee who is eligible to participate in this Plan and who is covered by the Employer's insured Benefits under this Plan shall automatically become a Participant to the extent of the Premiums for such insurance unless the Employee elects, during the Election Period, not to participate in the Plan.

2.4 TERMINATION OF PARTICIPATION

A Participant shall no longer participate in this Plan upon the occurrence of any of the following events:

(a) **Termination of employment.** The Participant's termination of employment, subject to the provisions of Section 2.5;

(b) **Death.** The Participant's death, subject to the provisions of Section 2.6; or

(c) **Termination of the plan.** The termination of this Plan, subject to the provisions of Section 10.2.

2.5 TERMINATION OF EMPLOYMENT

If a Participant's employment with the Employer is terminated for any reason other than death, his participation in the Benefit Options provided under Section 4.1 shall be governed in accordance with the following:

(a) **Insurance Benefit.** With regard to Benefits which are insured, the Participant's participation in the Plan shall cease, subject to the Participant's right to continue coverage under any Insurance Contract for which premiums have already been paid.

(b) **Dependent Care FSA.** With regard to the Dependent Care Flexible Spending Account, the Participant's participation in the Plan shall cease and no further Salary Redirection contributions shall be made. However, such Participant may submit claims for employment related Dependent Care Expense reimbursements for claims incurred up to the date of termination and submitted within 90 days after termination, based on the level of the Participant's Dependent Care Flexible Spending Account as of the date of termination.

(c) **COBRA applicability.** With regard to the Health Flexible Spending Account, the Participant may submit claims for expenses that were incurred during the portion of the Plan Year before the end of the period for which payments to the Health Flexible Spending Account have already been made. Thereafter, the health benefits under this Plan including the Health Flexible Spending Account shall be applied and administered consistent with such further rights a Participant and his Dependents may be entitled to pursuant to Code Section 4980B and Section 11.14 of the Plan.

2.6 DEATH

If a Participant dies, his participation in the Plan shall cease. However, such Participant's spouse or Dependents may submit claims for expenses or benefits for the remainder of the Plan Year or until the Cafeteria Plan Benefit Dollars allocated to each specific benefit are exhausted. In no event may reimbursements be paid to someone who is not a spouse or Dependent. If the Plan is subject to the provisions of Code Section 4980B, then those provisions and related regulations shall apply for purposes of the Health Flexible Spending Account.

ARTICLE III
CONTRIBUTIONS TO THE PLAN

3.1 SALARY REDIRECTION

Benefits under the Plan shall be financed by Salary Redirections sufficient to support Benefits that a Participant has elected hereunder and to pay the Participant's Premium Expenses. The salary administration program of the Employer shall be revised to allow each Participant to agree to reduce his pay during a Plan Year by an amount determined necessary to purchase the elected Benefit Options. The amount of such Salary Redirection shall be specified in the Salary Redirection Agreement and shall be applicable for a Plan Year. Notwithstanding the above, for new Participants, the Salary Redirection Agreement shall only be applicable from the first day of the pay period following the Employee's entry date up to and including the last day of the Plan Year. These contributions shall be converted to Cafeteria Plan Benefit Dollars and allocated to the funds or accounts established under the Plan pursuant to the Participants' elections made under Article IV.

Any Salary Redirection shall be determined prior to the beginning of a Plan Year (subject to initial elections pursuant to Section 5.1) and prior to the end of the Election Period and shall be irrevocable for such Plan Year. However, a Participant may revoke a Benefit election or a Salary Redirection Agreement after the Plan Year has commenced and make a new election with respect to the remainder of the Plan Year, if both the revocation and the new election are on account of and consistent with a change in status and such other permitted events as determined under Article V of the Plan and consistent with the rules and regulations of the Department of the Treasury. Salary Redirection amounts shall be contributed on a pro rata basis for each pay period during the Plan Year. All individual Salary Redirection Agreements are deemed to be part of this Plan and incorporated by reference hereunder.

3.2 APPLICATION OF CONTRIBUTIONS

As soon as reasonably practical after each payroll period, the Employer shall apply the Salary Redirection to provide the Benefits elected by the affected Participants. Any contribution made or withheld for the Health Flexible Spending Account or Dependent Care Flexible Spending Account shall be credited to such fund or account. Amounts designated for the Participant's Premium Expense Reimbursement Account shall likewise be credited to such account for the purpose of paying Premium Expenses.

3.3 PERIODIC CONTRIBUTIONS

Notwithstanding the requirement provided above and in other Articles of this Plan that Salary Redirections be contributed to the Plan by the Employer on behalf of an Employee on a level and pro rata basis for each payroll period, the Employer and Administrator may implement a procedure in which Salary Redirections are contributed throughout the Plan Year on a periodic basis that is not pro rata for each payroll period. However, with regard to the Health Flexible Spending Account, the payment schedule for the required contributions may not be based on the rate or amount of reimbursements during the Plan Year.

ARTICLE IV
BENEFITS

4.1 BENEFIT OPTIONS

Each Participant may elect any one or more of the following optional Benefits:

(1) Health Flexible Spending Account

(2) Dependent Care Flexible Spending Account

In addition, each Participant shall have a sufficient portion of his Salary Redirections applied to the following Benefits unless the Participant elects not to receive such Benefits:

(3) Health Insurance Benefit

4.2 HEALTH FLEXIBLE SPENDING ACCOUNT BENEFIT

Each Participant may elect to participate in the Health Flexible Spending Account option, in which case Article VI shall apply.

4.3 DEPENDENT CARE FLEXIBLE SPENDING ACCOUNT BENEFIT

Each Participant may elect to participate in the Dependent Care Flexible Spending Account option, in which case Article VII shall apply.

4.4 HEALTH INSURANCE BENEFIT

(a) **Coverage for Participant and Dependents.** Each Participant may elect to be covered under a health Insurance Contract for the Participant, his or her Spouse, and his or her Dependents.

(b) **Employer selects contracts.** The Employer may select suitable health Insurance Contracts for use in providing this health insurance benefit, which policies will provide uniform benefits for all Participants electing this Benefit.

(c) **Contract incorporated by reference.** The rights and conditions with respect to the benefits payable from such health Insurance Contract shall be determined therefrom, and such Insurance Contract shall be incorporated herein by reference.

4.5 NONDISCRIMINATION REQUIREMENTS

(a) **Intent to be nondiscriminatory.** It is the intent of this Plan to provide benefits to a classification of employees which the Secretary of the Treasury finds not to be discriminatory in favor of the group in whose favor discrimination may not occur under Code Section 125.

(b) **25% concentration test.** It is the intent of this Plan not to provide qualified benefits as defined under Code Section 125 to Key Employees in amounts that exceed 25% of the aggregate of such Benefits provided for all Eligible Employees under the Plan. For purposes of the preceding sentence, qualified benefits shall not include benefits which (without regard to this paragraph) are includible in gross income.

(c) **Adjustment to avoid test failure.** If the Administrator deems it necessary to avoid discrimination or possible taxation to Key Employees or a group of employees in whose favor discrimination may not occur in violation of Code Section 125, it may, but shall not be required to, reduce contributions or non-taxable Benefits in order to assure compliance with this Section. Any act taken by the Administrator under this Section shall be carried out in a uniform and nondiscriminatory manner. Contributions which are not utilized to provide Benefits to any Participant by virtue of any administrative act under this paragraph shall be forfeited and deposited into the benefit plan surplus.

ARTICLE V
PARTICIPANT ELECTIONS

5.1 INITIAL ELECTIONS

An Employee who meets the eligibility requirements of Section 2.1 on the first day of, or during, a Plan Year may elect to participate in this Plan for all or the remainder of such Plan Year, provided he elects to do so on or before his effective date of participation pursuant to Section 2.2.

Notwithstanding the foregoing, an Employee who is eligible to participate in this Plan and who is covered by the Employer's insured benefits under this Plan shall automatically become a Participant to the extent of the Premiums for such insurance unless the Employee elects, during the Election Period, not to participate in the Plan.

5.2 SUBSEQUENT ANNUAL ELECTIONS

During the Election Period prior to each subsequent Plan Year, each Participant shall be given the opportunity to elect, on an election of benefits form to be provided by the Administrator, which spending account Benefit options he wishes to select. Any such election shall be effective for any Benefit expenses incurred during the Plan Year which follows the end of the Election Period. With regard to subsequent annual elections, the following options shall apply:

(a) A Participant or Employee who failed to initially elect to participate may elect different or new Benefits under the Plan during the Election Period;

(b) A Participant may terminate his participation in the Plan by notifying the Administrator in writing during the Election Period that he does not want to participate in the Plan for the next Plan Year;

(c) An Employee who elects not to participate for the Plan Year following the Election Period will have to wait until the next Election Period before again electing to participate in the Plan, except as provided for in Section 5.4.

5.3 FAILURE TO ELECT

With regard to Benefits available under the Plan for which no Premium Expenses apply, any Participant who fails to complete a new benefit election form pursuant to Section 5.2 by the end of the applicable Election Period shall be deemed to have elected not to participate in the Plan for the upcoming Plan Year. No further Salary Redirections shall therefore be authorized or made for the subsequent Plan Year for such Benefits.

With regard to Benefits available under the Plan for which Premium Expenses apply, any Participant who fails to complete a new benefit election form pursuant to Section 5.2 by the end of the applicable Election Period shall be deemed to have made the same Benefit elections as are then in effect for the current Plan Year. The Participant shall also be deemed to have elected Salary Redirection in an amount necessary to purchase such Benefit options.

5.4 CHANGE IN STATUS

(a) **Change in status defined.** Any Participant may change a Benefit election after the Plan Year (to which such election relates) has commenced and make new elections with respect to the remainder of such Plan Year if, under the facts and circumstances, the changes are necessitated by and are consistent with a change in status which is acceptable under rules and regulations adopted by the Department of the Treasury, the provisions of which are incorporated by reference. Notwithstanding anything herein to the contrary, if the rules and regulations conflict, then such rules and regulations shall control.

In general, a change in election is not consistent if the change in status is the Participant's divorce, annulment or legal separation from a Spouse, the death of a Spouse or Dependent, or a Dependent ceasing to satisfy the eligibility requirements for coverage, and the Participant's election under the Plan is to cancel accident or health insurance coverage for any individual other than the one involved in such event. In addition, if the Participant, Spouse or Dependent gains or loses eligibility for coverage, then a Participant's election under the Plan to cease or decrease coverage for that individual under the Plan corresponds with that change in status only if coverage for that individual becomes applicable or is increased under the family member plan.

Regardless of the consistency requirement, if the individual, the individual's Spouse, or Dependent becomes eligible for continuation coverage under the Employer's group health plan as provided in Code Section 4980B or any similar state law, then the individual may elect to increase payments under this Plan in order to pay for the continuation coverage. However, this does not apply for COBRA eligibility due to divorce, annulment or legal separation.

Any new election shall be effective at such time as the Administrator shall prescribe, but not earlier than the first pay period beginning after the election form is completed and returned to the Administrator. For the purposes of this subsection, a change in status shall only include the following events or other events permitted by Treasury regulations:

(1) Legal Marital Status: events that change a Participant's legal marital status, including marriage, divorce, death of a Spouse, legal separation or annulment;

(2) Number of Dependents: Events that change a Participant's number of Dependents, including birth, adoption, placement for adoption, or death of a Dependent;

(3) Employment Status: Any of the following events that change the employment status of the Participant, Spouse, or Dependent: termination or commencement of employment, a strike or lockout, commencement or return from an unpaid leave of absence, or a change in worksite. In addition, if the eligibility conditions of this Plan or other employee benefit plan of the Employer of the Participant, Spouse, or Dependent depend on the employment status of that individual and there is a change in that individual's employment status with the consequence that the individual becomes (or ceases to be) eligible under the plan, then that change constitutes a change in employment under this subsection;

(4) Dependent satisfies or ceases to satisfy the eligibility requirements: An event that causes the Participant's Dependent to satisfy or cease to satisfy the requirements for coverage due to attainment of age, student status, or any similar circumstance; and

(5) Residency: A change in the place of residence of the Participant, Spouse or Dependent, that would lead to a change in status (such as a loss of HMO coverage).

For the Dependent Care Flexible Spending Account, a Dependent becoming or ceasing to be a "Qualifying Dependent" as defined under Code Section 21(b) shall also qualify as a change in status.

Notwithstanding anything in this Section to the contrary, the gain of eligibility or change in eligibility of a child, as allowed under Code Sections 105(b) and 106, and guidance thereunder, shall qualify as a change in status.

(b) **Special enrollment rights.** Notwithstanding subsection (a), the Participants may change an election for group health coverage during a Plan Year and make a new election that corresponds with the special enrollment rights provided in Code Section 9801(f), including those authorized under the provisions of the Children's Health Insurance Program Reauthorization Act of 2009 (SCHIP); provided that such Participant meets the sixty (60) day notice requirement imposed by Code Section 9801(f) (or such longer period as may be permitted by the Plan and communicated to Participants). Such change shall take place on a prospective basis, unless otherwise required by Code Section 9801(f) to be retroactive.

(c) **Qualified Medical Support Order.** Notwithstanding subsection (a), in the event of a judgment, decree, or order (including approval of a property settlement) ("order") resulting from a divorce, legal separation, annulment, or change in legal custody which requires accident or health coverage for a Participant's child (including a foster child who is a Dependent of the Participant):

(1) The Plan may change an election to provide coverage for the child if the order requires coverage under the Participant's plan; or

(2) The Participant shall be permitted to change an election to cancel coverage for the child if the order requires the former Spouse to provide coverage for such child, under that individual's plan and such coverage is actually provided.

(d) **Medicare or Medicaid.** Notwithstanding subsection (a), a Participant may change elections to cancel or reduce accident or health coverage for the Participant or the Participant's Spouse or Dependent if the Participant or the Participant's Spouse or Dependent is enrolled in the accident or health coverage of the Employer and becomes entitled to coverage (i.e., enrolled) under Part A or Part B of the Title XVIII of the Social Security Act (Medicare) or Title XIX of the Social Security Act (Medicaid), other than coverage consisting solely of benefits under Section 1928 of the Social Security Act (the program for distribution of pediatric vaccines). If the Participant or the Participant's Spouse or Dependent who has been entitled to Medicaid or Medicare coverage loses eligibility, that individual may prospectively elect coverage under the Plan if a benefit package option under the Plan provides similar coverage.

(e) **Cost increase or decrease.** If the cost of a Benefit provided under the Plan increases or decreases during a Plan Year, then the Plan shall automatically increase or decrease, as the case may be, the Salary Redirections of all affected Participants for such Benefit. Alternatively, if the cost of a benefit package option increases significantly, the Administrator shall permit the affected Participants to either make corresponding changes in their payments or revoke their elections and, in lieu thereof, receive on a prospective basis coverage under another benefit package option with similar coverage, or drop coverage prospectively if there is no benefit package option with similar coverage.

A cost increase or decrease refers to an increase or decrease in the amount of elective contributions under the Plan, whether resulting from an action taken by the Participants or an action taken by the Employer.

(f) **Loss of coverage.** If the coverage under a Benefit is significantly curtailed or ceases during a Plan Year, affected Participants may revoke their elections of such Benefit and, in lieu thereof, elect to receive on a prospective basis coverage under another plan with similar coverage, or drop coverage prospectively if no similar coverage is offered.

(g) **Addition of a new benefit.** If, during the period of coverage, a new benefit package option or other coverage option is added, an existing benefit package option is significantly improved, or an existing benefit package option or other coverage option is eliminated, then the affected Participants may elect the newly-added option, or elect another option if an option has been eliminated prospectively and make corresponding election changes with respect to other benefit package options providing similar coverage. In addition, those Eligible Employees who are not participating in the Plan may opt to become Participants and elect the new or newly improved benefit package option.

(h) **Loss of coverage under certain other plans.** A Participant may make a prospective election change to add group health coverage for the Participant, the Participant's Spouse or Dependent if such individual loses group health coverage sponsored by a governmental or educational institution, including a state children's health insurance program under the Social Security Act, the Indian Health Service or a health program offered by an Indian tribal government, a state health benefits risk pool, or a foreign government group health plan.

(i) **Change of coverage due to change under certain other plans.** A Participant may make a prospective election change that is on account of and corresponds with a change made under the plan of a Spouse's, former Spouse's or Dependent's employer if (1) the cafeteria plan or other benefits plan of the Spouse's, former Spouse's or Dependent's employer permits its participants to make a change; or (2) the cafeteria plan permits participants to make an election for a period of coverage that is different from the period of coverage under the cafeteria plan of a Spouse's, former Spouse's or Dependent's employer.

(j) **Change in dependent care provider.** A Participant may make a prospective election change that is on account of and corresponds with a change by the Participant in the dependent care provider. The availability of dependent care services from a new childcare provider is similar to a new benefit package option becoming available. A cost change is allowable in the Dependent Care Flexible Spending Account only if the cost change is imposed by a dependent care provider who is not related to the Participant, as defined in Code Section 152(a)(1) through (8).

(k) **Health FSA cannot change due to insurance change.** A Participant shall not be permitted to change an election to the Health Flexible Spending Account as a result of a cost or coverage change under any health insurance benefits.

(l) **Changes due to reduction in hours or enrollment in an Exchange Plan.** A Participant may prospectively revoke coverage under the group health plan (that is not a health Flexible Spending Account) which provides minimum essential coverage (as defined in Code §5000A(f)(1)) provided the following conditions are met:

Conditions for revocation due to reduction in hours of service:

(1) The Participant has been reasonably expected to average at least 30 hours of service per week and there is a change in that Participant's status so that the Participant will reasonably be expected to average less than 30 hours of service per week after the change, even if that reduction does not result in the Participant ceasing to be eligible under the group health plan; and

(2) The revocation of coverage under the group health plan corresponds to the intended enrollment of the Participant, and any related individuals who cease coverage due to the revocation, in another plan that provides minimum essential coverage with the new coverage effective no later than the first day of the second month following the month that includes the date the original coverage is revoked.

The Administrator may rely on the reasonable representation of the Participant who is reasonably expected to have an average of less than 30 hours of service per week for future periods that the Participant and related individuals have enrolled or intend to enroll in another plan that provides minimum essential coverage for new coverage that is effective no later than the first day of the second month following the month that includes the date the original coverage is revoked.

Conditions for revocation due to enrollment in a Qualified Health Plan:

(1) The Participant is eligible for a Special Enrollment Period to enroll in a Qualified Health Plan through a Marketplace (federal or state exchange) pursuant to guidance issued by the Department of Health and Human Services and any other applicable guidance, or the Participant seeks to enroll in a Qualified Health Plan through a Marketplace during the Marketplace's annual open enrollment period; and

(2) The revocation of the election of coverage under the group health plan corresponds to the intended enrollment of the Participant and any related individuals who cease coverage due to the revocation in a Qualified Health Plan through a Marketplace for new coverage that is effective beginning no later than the day immediately following the last day of the original coverage that is revoked.

The Administrator may rely on the reasonable representation of a Participant who has an enrollment opportunity for a Qualified Health Plan through a Marketplace that the Participant and related individuals have enrolled or intend to enroll in a Qualified Health Plan for new coverage that is effective beginning no later than the day immediately following the last day of the original coverage that is revoked.

ARTICLE VI
HEALTH FLEXIBLE SPENDING ACCOUNT

6.1 ESTABLISHMENT OF PLAN

This Health Flexible Spending Account is intended to qualify as a medical reimbursement plan under Code Section 105 and shall be interpreted in a manner consistent with such Code Section and the Treasury regulations thereunder. Participants who elect to participate in this Health Flexible Spending Account may submit claims for the reimbursement of Medical Expenses. All amounts reimbursed shall be periodically paid from amounts allocated to the Health Flexible Spending Account. Periodic payments reimbursing Participants from the Health Flexible Spending Account shall in no event occur less frequently than monthly.

6.2 DEFINITIONS

For the purposes of this Article and the Cafeteria Plan, the terms below have the following meaning:

(a) **"Health Flexible Spending Account"** means the account established for Participants pursuant to this Plan to which part of their Cafeteria Plan Benefit Dollars may be allocated and from which all allowable Medical Expenses incurred by a Participant, his or her Spouse and his or her Dependents may be reimbursed.

(b) **"Highly Compensated Participant"** means, for the purposes of this Article and determining discrimination under Code Section 105(h), a participant who is:

(1) one of the 5 highest paid officers;

(2) a shareholder who owns (or is considered to own applying the rules of Code Section 318) more than 10 percent in value of the stock of the Employer; or

(3) among the highest paid 25 percent of all Employees (other than exclusions permitted by Code Section 105(h)(3)(B) for those individuals who are not Participants).

(c) **"Medical Expenses"** means any expense for medical care within the meaning of the term "medical care" as defined in Code Section 213(d) and the rulings and Treasury regulations thereunder, and not otherwise used by the Participant as a deduction in determining his tax liability under the Code. "Medical Expenses" can be incurred by the Participant, his or her Spouse and his or her Dependents. "Incurred" means, with regard to Medical Expenses, when the Participant is provided with the medical care that gives rise to the Medical Expense and not when the Participant is formally billed or charged for, or pays for, the medical care.

A Participant may not be reimbursed for the cost of other health coverage such as premiums paid under plans maintained by the employer of the Participant's Spouse or individual policies maintained by the Participant or his Spouse or Dependent.

A Participant may not be reimbursed for "qualified long-term care services" as defined in Code Section 7702B(c).

(d) The definitions of Article I are hereby incorporated by reference to the extent necessary to interpret and apply the provisions of this Health Flexible Spending Account.

6.3 FORFEITURES

The amount in the Health Flexible Spending Account as of the end of any Plan Year (and after the processing of all claims for such Plan Year pursuant to Section 6.7 hereof) shall be forfeited and credited to the benefit plan surplus. In such event, the Participant shall have no further claim to such amount for any reason, subject to Section 8.2.

6.4 LIMITATION ON ALLOCATIONS

(a) Notwithstanding any provision contained in this Health Flexible Spending Account to the contrary, the maximum amount of salary reductions that may be allocated to the Health Flexible Spending Account by a Participant in or on account of any Plan Year is the statutory amount under Code Section 125(i)(2), as adjusted for increases in the cost of living. The cost of living adjustment in effect for a calendar year applies to any Plan Year beginning with or within such calendar year. The dollar increase in effect on January 1 of any calendar year shall be effective for the Plan Year beginning with or within such calendar year. For any short Plan Year, the limit shall be an amount equal to the limit for the calendar year in which the Plan Year begins multiplied by the ratio obtained by dividing the number of full months in the short Plan Year by twelve (12).

(b) The minimum amount that may be allocated to the Health Flexible Spending Account by a Participant in or on account of any Plan Year is $500. For any short Plan Year, the maximum amount that may be allocated to the Health Flexible Spending Account is $2,137.50.

(c) **Participation in Other Plans.** All employers that are treated as a single employer under Code Sections 414(b), (c), or (m), relating to controlled groups and affiliated service groups, are treated as a single employer for purposes of the statutory limit. If a Participant participates in multiple cafeteria plans offering health flexible spending accounts maintained by members of a controlled group or affiliated service group, the Participant's total Health Flexible Spending Account contributions under all of the cafeteria plans are limited to the statutory limit (as adjusted). However, a Participant employed by two or more employers that are not members of the same controlled group may elect up to the statutory limit (as adjusted) under each Employer's Health Flexible Spending Account.

(d) **Grace Period.** Payment of expenses from a previous year in the first months of the next Plan Year, the limit above applies to the Plan Year including the Grace Period. Amounts carried into the next Plan Year as part of the Grace Period shall not affect the limit for that next Plan Year.

6.5 NONDISCRIMINATION REQUIREMENTS

(a) **Intent to be nondiscriminatory.** It is the intent of this Health Flexible Spending Account not to discriminate in violation of the Code and the Treasury regulations thereunder.

(b) **Adjustment to avoid test failure.** If the Administrator deems it necessary to avoid discrimination under this Health Flexible Spending Account, it may, but shall not be required to, reject any elections or reduce contributions or Benefits in order to assure compliance with this Section. Any act taken by the Administrator under this Section shall be carried out in a uniform and nondiscriminatory manner. Contributions which are not utilized to provide Benefits to any Participant by virtue of any administrative act under this paragraph shall be forfeited and credited to the benefit plan surplus.

6.6 COORDINATION WITH CAFETERIA PLAN

All Participants under the Cafeteria Plan are eligible to receive Benefits under this Health Flexible Spending Account. The enrollment under the Cafeteria Plan shall constitute enrollment under this Health Flexible Spending Account. In addition, other matters concerning contributions, elections and the like shall be governed by the general provisions of the Cafeteria Plan.

6.7 HEALTH FLEXIBLE SPENDING ACCOUNT CLAIMS

(a) **Expenses must be incurred during Plan Year.** All Medical Expenses incurred by a Participant, his or her Spouse and his or her Dependents during the Plan Year including the Grace Period shall be reimbursed during the Plan Year subject to Section 2.5, even though the submission of such a claim occurs after his participation hereunder ceases; but provided that the Medical Expenses were incurred during the applicable Plan Year. Medical Expenses are treated as having been incurred when the Participant is provided with the medical care that gives rise to the medical expenses, not when the Participant is formally billed or charged for, or pays for the medical care.

(b) **Reimbursement available throughout Plan Year.** The Administrator shall direct the reimbursement to each eligible Participant for all allowable Medical Expenses, up to a maximum of the amount designated by the Participant for the Health Flexible Spending Account for the Plan Year. Reimbursements shall be made available to the Participant throughout the year without regard to the level of Cafeteria Plan Benefit Dollars which have been allocated to the fund at any given point in time. Furthermore, a Participant shall be entitled to reimbursements only for amounts in excess of any payments or other reimbursements under any health care plan covering the Participant and/or his Spouse or Dependents.

(c) **Payments.** Reimbursement payments under this Plan shall be made directly to the Participant. However, in the Administrator's discretion, payments may be made directly to the service provider. The application for payment or reimbursement shall be made to the Administrator on an acceptable form within a reasonable time of incurring the debt or paying for the service. The application shall include a written statement from an independent third party stating that the Medical Expense has been incurred and the amount of such expense. Furthermore, the Participant shall provide a written statement that the Medical Expense has not been reimbursed or is not reimbursable under any other health plan coverage and, if reimbursed from the Health Flexible Spending Account, such amount will not be claimed as a tax deduction. The Administrator shall retain a file of all such applications.

(d) **Grace Period.** Notwithstanding anything in this Section to the contrary, Medical Expenses incurred during the Grace Period, up to the remaining account balance, shall also be deemed to have been incurred during the Plan Year to which the Grace Period relates.

(e) **Claims for reimbursement.** Claims for the reimbursement of Medical Expenses incurred in any Plan Year shall be paid as soon after a claim has been filed as is administratively practicable; provided however, that if a Participant fails to submit a claim no later than the end of the month following 90 days after the end of the Plan Year, those Medical Expense claims shall not be considered for reimbursement by the Administrator. However, if a Participant terminates employment during the Plan Year, claims for the reimbursement of Medical Expenses must be submitted within 7 days after termination of employment.

6.8 DEBIT AND CREDIT CARDS

Participants may, subject to a procedure established by the Administrator and applied in a uniform nondiscriminatory manner, use debit and/or credit (stored value) cards ("cards") provided by the Administrator and the Plan for payment of Medical Expenses, subject to the following terms:

(a) **Card only for medical expenses.** Each Participant issued a card shall certify that such card shall only be used for Medical Expenses. The Participant shall also certify that any Medical Expense paid with the card has not already been reimbursed by any other plan covering health benefits and that the Participant will not seek reimbursement from any other plan covering health benefits.

(b) **Card issuance.** Such card shall be issued upon the Participant's Effective Date of Participation and reissued for each Plan Year the Participant remains a Participant in the Health Flexible Spending Account. Such card shall be automatically cancelled upon the Participant's death or termination of employment, or if such Participant has a change in status that results in the Participant's withdrawal from the Health Flexible Spending Account.

(c) **Maximum dollar amount available.** The dollar amount of coverage available on the card shall be the amount elected by the Participant for the Plan Year. The maximum dollar amount of coverage available shall be the maximum amount for the Plan Year as set forth in Section 6.4.

(d) **Only available for use with certain service providers.** The cards shall only be accepted by such merchants and service providers as have been approved by the Administrator following IRS guidelines.

(e) **Card use.** The cards shall only be used for Medical Expense purchases at these providers, including, but not limited to, the following:

(1) Co-payments for doctor and other medical care;

(2) Purchase of drugs prescribed by a health care provider, including, if permitted by the Administrator, over-the-counter medications and menstrual care products as allowed under IRS regulations;

(3) Purchase of medical items such as eyeglasses, syringes, crutches, etc.

(f) **Substantiation.** Such purchases by the cards shall be subject to substantiation by the Administrator, usually by submission of a receipt from a service provider describing the service, the date and the amount. The Administrator shall also follow the requirements set forth in Revenue Ruling 2003-43 and Notice 2006-69. All charges shall be conditional pending confirmation and substantiation.

(g) **Correction methods.** If such purchase is later determined by the Administrator to not qualify as a Medical Expense, the Administrator, in its discretion, shall use one of the following correction methods to make the Plan whole. Until the amount is repaid, the Administrator shall take further action to ensure that further violations of the terms of the card do not occur, up to and including denial of access to the card.

(1) Repayment of the improper amount by the Participant;

(2) Withholding the improper payment from the Participant's wages or other compensation to the extent consistent with applicable federal or state law;

(3) Claims substitution or offset of future claims until the amount is repaid; and

(4) if subsections (1) through (3) fail to recover the amount, consistent with the Employer's business practices, the Employer may treat the amount as any other business indebtedness.

6.9 QUALIFIED RESERVIST DISTRIBUTIONS

(a) **Qualified Reservist Distribution.** A Participant may request a Qualified Reservist Distribution, provided the following provisions are satisfied. "Qualified Reservist Distribution" means any distribution to a Participant of all or a portion of the balance in the Participant's Health Flexible Spending Account if:

(1) Such Participant was an individual who was (by reason of being a member of a reserve component (as defined in Section 101 of Title 37, United States Code)) ordered or called to active duty for a period of 180 days or more or for an indefinite period.

(2) A Participant may have been called prior to June 18, 2008, provided the individual's active duty continues after June 18, 2008 and the period of duty complies with subsection (a).

(3) The distribution is made during the period beginning on the date of the order or call that applies to the Participant and ending on the last day of the Plan Year (or Grace Period) which includes the date of such order or call.

(4) The Qualified Reservist Distribution option is offered to all Participants who qualify under this Article.

(5) Qualified Reservist Distributions may only be made if the Participant is ordered or called to active duty, not the Participant's spouse or dependents.

(6) Under Section 101 of the Title 37 of the United States Code, "reserve component" means: (1) the Army National Guard, (2) the Army Reserve, (3) the Navy Reserve, (4) the Marine Corps Reserve, (5) the Air National Guard, (6) the Air Force Reserve, (7) the Coast Guard Reserve, or (8) the Reserve Corps of the Public Health Service.

(b) **Conditions:** The following conditions apply:

(1) The Employer must receive a copy of the order or call to active duty and may rely on the order or call to determine the period that the Participant has been ordered or called to duty.

(2) Eligibility for a Qualified Reservist Distribution is not affected if the order or call is for 180 days or more or is indefinite, but the actual period of active duty is less than 180 days or is changed otherwise from the order or call.

(3) If the original order is less than 180 days, then no Qualified Reservist Distribution is allowed. However, if subsequent calls or orders increase the total days of active duty to 180 or more, then a Qualified Reservist Distribution will be allowed.

(c) **Amount:** The amount a Participant may be reimbursed from the Health Flexible Spending Account is the amount contributed by the Participant to the Health Flexible Spending Account as of the date of the distribution request, less any reimbursements received as of the date of the distribution request.

(d) **Procedure.** The Employer must specify a process for requesting the distribution. The Employer may limit the number of distributions processed for a Participant to 2 per Plan Year. The distribution request must be made on or after the call or order and before the last day of the Grace Period. The QRD shall be paid within a reasonable time but in no event more than 60 days after the date of the request.

(e) **Claims.** Claims incurred prior to the date of the request of the distribution shall be paid as any other claim. Claims incurred after the date of the distribution shall be paid on submission as any other claim.

ARTICLE VII
DEPENDENT CARE FLEXIBLE SPENDING ACCOUNT

7.1 ESTABLISHMENT OF ACCOUNT

This Dependent Care Flexible Spending Account is intended to qualify as a program under Code Section 129 and shall be interpreted in a manner consistent with such Code Section. Participants who elect to participate in this program may submit claims for the reimbursement of Employment-Related Dependent Care Expenses. All amounts reimbursed shall be paid from amounts allocated to the Participant's Dependent Care Flexible Spending Account.

7.2 DEFINITIONS

For the purposes of this Article and the Cafeteria Plan the terms below shall have the following meaning:

(a) **"Dependent Care Flexible Spending Account"** means the account established for a Participant pursuant to this Article to which part of his Cafeteria Plan Benefit Dollars may be allocated and from which Employment-Related Dependent Care Expenses of the Participant may be reimbursed for the care of the Qualifying Dependents of Participants.

(b) **"Earned Income"** means earned income as defined under Code Section 32(c)(2), but excluding such amounts paid or incurred by the Employer for dependent care assistance to the Participant.

(c) **"Employment-Related Dependent Care Expenses"** means the amounts paid for expenses of a Participant for those services which if paid by the Participant would be considered employment related expenses under Code Section 21(b)(2). Generally, they shall include expenses for household services and for the care of a Qualifying Dependent, to the extent that such expenses are incurred to enable the Participant to be gainfully employed for any period for which there are one or more Qualifying Dependents with respect to such Participant. Employment-Related Dependent Care Expenses are treated as having been incurred when the Participant's Qualifying Dependents are provided with the dependent care that gives rise to the Employment-Related Dependent Care Expenses, not when the Participant is formally billed or charged for, or pays for the dependent care. The determination of whether an amount qualifies as an Employment-Related Dependent Care Expense shall be made subject to the following rules:

(1) If such amounts are paid for expenses incurred outside the Participant's household, they shall constitute Employment-Related Dependent Care Expenses only if incurred for a Qualifying Dependent as defined in Section 7.2(d)(1) (or deemed to be, as described in Section 7.2(d)(1) pursuant to Section 7.2(d)(3)), or for a Qualifying Dependent as defined in Section 7.2(d)(2) (or deemed to be, as described in Section 7.2(d)(2) pursuant to Section 7.2(d)(3)) who regularly spends at least 8 hours per day in the Participant's household;

(2) If the expense is incurred outside the Participant's home at a facility that provides care for a fee, payment, or grant for more than 6 individuals who do not regularly reside at the facility, the facility must comply with all applicable state and local laws and regulations, including licensing requirements, if any; and

(3) Employment-Related Dependent Care Expenses of a Participant shall not include amounts paid or incurred to a child of such Participant who is under the age of 19 or to an individual who is a Dependent of such Participant or such Participant's Spouse.

(d) **"Qualifying Dependent"** means, for Dependent Care Flexible Spending Account purposes,

(1) a Participant's Dependent (as defined in Code Section 152(a)(1)) who has not attained age 13;

(2) a Dependent or the Spouse of a Participant who is physically or mentally incapable of caring for himself or herself and has the same principal place of abode as the Participant for more than one-half of such taxable year; or

(3) a child that is deemed to be a Qualifying Dependent described in paragraph (1) or (2) above, whichever is appropriate, pursuant to Code Section 21(e)(5).

(e) The definitions of Article I are hereby incorporated by reference to the extent necessary to interpret and apply the provisions of this Dependent Care Flexible Spending Account.

7.3 DEPENDENT CARE FLEXIBLE SPENDING ACCOUNTS

The Administrator shall establish a Dependent Care Flexible Spending Account for each Participant who elects to apply Cafeteria Plan Benefit Dollars to Dependent Care Flexible Spending Account benefits.

7.4 INCREASES IN DEPENDENT CARE FLEXIBLE SPENDING ACCOUNTS

A Participant's Dependent Care Flexible Spending Account shall be increased each pay period by the portion of Cafeteria Plan Benefit Dollars that he has elected to apply toward his Dependent Care Flexible Spending Account pursuant to elections made under Article V hereof.

7.5 DECREASES IN DEPENDENT CARE FLEXIBLE SPENDING ACCOUNTS

A Participant's Dependent Care Flexible Spending Account shall be reduced by the amount of any Employment-Related Dependent Care Expense reimbursements paid or incurred on behalf of a Participant pursuant to Section 7.12 hereof.

7.6 ALLOWABLE DEPENDENT CARE REIMBURSEMENT

Subject to limitations contained in Section 7.9 of this Program, and to the extent of the amount contained in the Participant's Dependent Care Flexible Spending Account, a Participant who incurs Employment-Related Dependent Care Expenses shall be entitled to receive from the Employer full reimbursement for the entire amount of such expenses incurred during the Plan Year or portion thereof during which he is a Participant.

7.7 ANNUAL STATEMENT OF BENEFITS

On or before January 31st of each calendar year, the Employer shall furnish to each Employee who was a Participant and received benefits under Section 7.6 during the prior calendar year, a statement of all such benefits paid to or on behalf of such Participant during the prior calendar year. This statement is set forth on the Participant's Form W-2.

7.8 FORFEITURES

The amount in a Participant's Dependent Care Flexible Spending Account as of the end of any Plan Year (and after the processing of all claims for such Plan Year pursuant to Section 7.12 hereof) shall be forfeited and credited to the benefit plan surplus. In such event, the Participant shall have no further claim to such amount for any reason.

7.9 LIMITATION ON PAYMENTS

(a) **Plan limits.** Notwithstanding any provision contained in this Dependent Care Flexible Spending Account to the contrary, the following limits apply in addition to the Code limits. The minimum amount that may be allocated to the Dependent Care Flexible Spending Account by a Participant in or on account of any Plan Year is $500.

(b) **Code limits.** Notwithstanding any provision contained in this Article to the contrary, amounts paid from a Participant's Dependent Care Flexible Spending Account in or on account of any taxable year of the Participant shall not exceed the lesser of the Earned Income limitation described in Code Section 129(b) or $5,000 ($2,500 if a separate tax return is filed by a Participant who is married as determined under the rules of paragraphs (3) and (4) of Code Section 21(e)).

7.10 NONDISCRIMINATION REQUIREMENTS

(a) **Intent to be nondiscriminatory.** It is the intent of this Dependent Care Flexible Spending Account that contributions or benefits not discriminate in favor of the group of employees in whose favor discrimination may not occur under Code Section 129(d).

(b) **25% test for shareholders.** It is the intent of this Dependent Care Flexible Spending Account that not more than 25 percent of the amounts paid by the Employer for dependent care assistance during the Plan Year will be provided for the class of individuals who are shareholders or owners (or their Spouses or Dependents), each of whom (on any day of the Plan Year) owns more than 5 percent of the stock or of the capital or profits interest in the Employer.

(c) **Adjustment to avoid test failure.** If the Administrator deems it necessary to avoid discrimination or possible taxation to a group of employees in whose favor discrimination may not occur in violation of Code Section 129 it may, but shall not be required to, reject any elections or reduce contributions or non-taxable benefits in order to assure compliance with this Section. Any act taken by the Administrator under this Section shall be carried out in a uniform and nondiscriminatory manner. Contributions which are not utilized to provide Benefits to any Participant by virtue of any administrative act under this paragraph shall be forfeited.

7.11 COORDINATION WITH CAFETERIA PLAN

All Participants under the Cafeteria Plan are eligible to receive Benefits under this Dependent Care Flexible Spending Account. The enrollment and termination of participation under the Cafeteria Plan shall constitute enrollment and termination of participation under this Dependent Care Flexible Spending Account. In addition, other matters concerning contributions, elections and the like shall be governed by the general provisions of the Cafeteria Plan.

7.12 DEPENDENT CARE FLEXIBLE SPENDING ACCOUNT CLAIMS

The Administrator shall direct the payment of all such Dependent Care claims to the Participant upon the presentation to the Administrator of documentation of such expenses in a form satisfactory to the Administrator. However, in the Administrator's discretion, payments may be made directly to the service provider. In its discretion in administering the Plan, the Administrator may utilize forms and require documentation of costs as may be necessary to verify the claims submitted. At a minimum, the form shall include a statement from an independent third party as proof that the expense has been incurred during the Plan Year including the Grace Period and the amount of such expense. In addition, the Administrator may require that each Participant who desires to receive reimbursement under this Program for Employment-Related Dependent Care Expenses submit a statement which may contain some or all of the following information:

(a) The Dependent or Dependents for whom the services were performed;

(b) The nature of the services performed for the Participant, the cost of which he wishes reimbursement;

(c) The relationship, if any, of the person performing the services to the Participant;

(d) If the services are being performed by a child of the Participant, the age of the child;

(e) A statement as to where the services were performed;

(f) If any of the services were performed outside the home, a statement as to whether the Dependent for whom such services were performed spends at least 8 hours a day in the Participant's household;

(g) If the services were being performed in a day care center, a statement:

(1) that the day care center complies with all applicable laws and regulations of the state of residence,

(2) that the day care center provides care for more than 6 individuals (other than individuals residing at the center), and

(3) of the amount of fee paid to the provider.

(h) If the Participant is married, a statement containing the following:

(1) the Spouse's salary or wages if he or she is employed, or

(2) if the Participant's Spouse is not employed, that

(i) he or she is incapacitated, or

(ii) he or she is a full-time student attending an educational institution and the months during the year which he or she attended such institution.

(i) **Grace Period.** Notwithstanding anything in this Section to the contrary, Employment-Related Dependent Care Expenses incurred during the Grace Period, up to the remaining account balance, shall also be deemed to have been incurred during the Plan Year to which the Grace Period relates.

(j) **Claims for reimbursement.** If a Participant fails to submit a claim no later than the end of the month following 90 days after the end of the Plan Year, those claims shall not be considered for reimbursement by the Administrator. However, if a Participant terminates employment during the Plan Year, claims for reimbursement must be submitted within 90 days after termination of employment.

ARTICLE VIII
BENEFITS AND RIGHTS

8.1 CLAIM FOR BENEFITS

(a) **Insurance claims.** Any claim for Benefits underwritten by Insurance Contract(s) shall be made to the Insurer. If the Insurer denies any claim, the Participant or beneficiary shall follow the Insurer's claims review procedure.

(b) **Dependent Care Flexible Spending Account or Health Flexible Spending Account claims.** Any claim for Dependent Care Flexible Spending Account or Health Flexible Spending Account Benefits shall be made to the Administrator. For the Health Flexible Spending Account, if a Participant fails to submit a claim no later than the end of the month following 90 days after the end of the Plan Year, those claims shall not be considered for reimbursement by the Administrator. However, if a Participant terminates employment during the Plan Year, claims for the reimbursement of Medical Expenses must be submitted within 7 days after termination of employment. For the Dependent Care Flexible Spending Account, if a Participant fails to submit a claim no later than the end of the month following 90 days after the end of the Plan Year, those claims shall not be considered for reimbursement by the Administrator. However, if a Participant terminates employment during the Plan Year, claims for reimbursement must be submitted within 90 days after termination of employment. If the Administrator denies a claim, the Administrator may provide notice to the Participant or beneficiary, in writing, within 90 days after the claim is filed unless special circumstances require an extension of time for processing the claim. The notice of a denial of a claim shall be written in a manner calculated to be understood by the claimant and shall set forth:

(1) specific references to the pertinent Plan provisions on which the denial is based;

(2) a description of any additional material or information necessary for the claimant to perfect the claim and an explanation as to why such information is necessary; and

(3) an explanation of the Plan's claim procedure.

(c) **Appeal.** Within 60 days after receipt of the above material, the claimant shall have a reasonable opportunity to appeal the claim denial to the Administrator for a full and fair review. The claimant or his duly authorized representative may:

(1) request a review upon written notice to the Administrator;

(2) review pertinent documents; and

(3) submit issues and comments in writing.

(d) **Review of appeal.** A decision on the review by the Administrator will be made not later than 60 days after receipt of a request for review, unless special circumstances require an extension of time for processing (such as the need to hold a hearing), in which event a decision should be rendered as soon as possible, but in no event later than 120 days after such receipt. The decision of the Administrator shall be written and shall include specific reasons for the decision, written in a manner calculated to be understood by the claimant, with specific references to the pertinent Plan provisions on which the decision is based.

(f) **Forfeitures.** Any balance remaining in the Participant's Health Flexible Spending Account or Dependent Care Flexible Spending Account as of the end of the time for claims reimbursement for each Plan Year and Grace Period (if applicable) shall be forfeited and deposited in the benefit plan surplus of the Employer pursuant to Section 6.3 or Section 7.8, whichever is applicable, unless the Participant had made a claim for such Plan Year, in writing, which has been denied or is pending; in which event the amount of the claim shall be held in his account until the claim appeal procedures set forth above have been satisfied or the claim is paid. If any such claim is denied on appeal, the amount held beyond the end of the Plan Year shall be forfeited and credited to the benefit plan surplus. If the Plan Administrator is unable to make payment to any Participant or other person to whom a payment is due under the Plan because it cannot ascertain the identity or whereabouts of such Participant or other person after reasonable efforts have been made to identify or locate such person, then such payment and all subsequent payments otherwise due to such Participant or other person shall be forfeited and returned to the Employer following a reasonable time after the date any such payment first became due.

8.2 APPLICATION OF BENEFIT PLAN SURPLUS

Any forfeited amounts credited to the benefit plan surplus by virtue of the failure of a Participant to incur a qualified expense or seek reimbursement in a timely manner may, but need not be, separately accounted for after the close of the Plan Year (or after such further time specified herein for the filing of claims) in which such forfeitures arose. In no event shall such amounts be carried over to reimburse a Participant for expenses incurred during a subsequent Plan Year for the same or any other Benefit available under the Plan; nor shall amounts forfeited by a particular Participant be made available to such Participant in any other form or manner, except as permitted by Treasury regulations. Amounts in the benefit plan surplus shall be used to defray any administrative costs and experience losses or used to provide additional benefits under the Plan.

ARTICLE IX
ADMINISTRATION

9.1 PLAN ADMINISTRATION

The Employer shall be the Administrator, unless the Employer elects otherwise. The Employer may appoint any person, including, but not limited to, the Employees of the Employer, to perform the duties of the Administrator. Any person so appointed shall signify acceptance by filing acceptance in writing (or such other form as acceptable to both parties) with the Employer. Upon the resignation or removal of any individual performing the duties of the Administrator, the Employer may designate a successor.

If the Employer elects, the Employer shall appoint one or more Administrators. Any person, including, but not limited to, the Employees of the Employer, shall be eligible to serve as an Administrator. Any person so appointed shall signify acceptance by filing acceptance in writing (or such other form as acceptable to both parties) with the Employer. An Administrator may resign by delivering a resignation in writing (or such other form as acceptable to both parties) to the Employer or be removed by the Employer by delivery of notice of removal (in writing or such other form as acceptable to both parties), to take effect at a date specified therein, or upon delivery to the Administrator if no date is specified. The Employer shall be empowered to appoint and remove the Administrator from time to time as it deems necessary for the proper administration of the Plan to ensure that the Plan is being operated for the exclusive benefit of the Employees entitled to participate in the Plan in accordance with the terms of the Plan and the Code.

The operation of the Plan shall be under the supervision of the Administrator. It shall be a principal duty of the Administrator to see that the Plan is carried out in accordance with its terms, and for the exclusive benefit of Employees entitled to participate in the Plan. The Administrator shall have full power and discretion to administer the Plan in all of its details and determine all questions arising in connection with the administration, interpretation, and application of the Plan. The Administrator may establish procedures, correct any defect, supply any information, or reconciles any inconsistency in such manner and to such extent as shall be deemed necessary or advisable to carry out the purpose of the Plan. The Administrator shall have all powers necessary or appropriate to accomplish the Administrator's duties under the Plan. The Administrator shall be charged with the duties of the general administration of the Plan as set forth under the Plan, including, but not limited to, in addition to all other powers provided by this Plan:

(a) To make and enforce such procedures, rules and regulations as the Administrator deems necessary or proper for the efficient administration of the Plan;

(b) To interpret the provisions of the Plan, the Administrator's interpretations thereof in good faith to be final and conclusive on all persons claiming benefits by operation of the Plan;

(c) To decide all questions concerning the Plan and the eligibility of any person to participate in the Plan and to receive benefits provided by operation of the Plan;

(d) To reject elections or to limit contributions or Benefits for certain highly compensated participants if it deems such to be desirable in order to avoid discrimination under the Plan in violation of applicable provisions of the Code;

(e) To provide Employees with a reasonable notification of their benefits available by operation of the Plan and to assist any Participant regarding the Participant's rights, benefits or elections under the Plan;

(f) To keep and maintain the Plan documents and all other records pertaining to and necessary for the administration of the Plan;

(g) To review and settle all claims against the Plan, to approve reimbursement requests, and to authorize the payment of benefits if the Administrator determines such shall be paid if the Administrator decides in its discretion that the applicant is entitled to them. This authority specifically permits the Administrator to settle disputed claims for benefits and any other disputed claims made against the Plan;

(h) To appoint such agents, counsel, accountants, consultants, and other persons or entities as may be required to assist in administering the Plan.

Any procedure, discretionary act, interpretation or construction taken by the Administrator shall be done in a nondiscriminatory manner based upon uniform principles consistently applied and shall be consistent with the intent that the Plan shall continue to comply with the terms of Code Section 125 and the Treasury regulations thereunder.

9.2 EXAMINATION OF RECORDS

The Administrator shall make available to each Participant, Eligible Employee and any other Employee of the Employer such records as pertain to their interest under the Plan for examination at reasonable times during normal business hours.

9.3 PAYMENT OF EXPENSES

Any reasonable administrative expenses shall be paid by the Employer unless the Employer determines that administrative costs shall be borne by the Participants under the Plan or by any Trust Fund which may be established hereunder. The Administrator may impose reasonable conditions for payments, provided that such conditions shall not discriminate in favor of highly compensated employees.

9.4 INSURANCE CONTROL CLAUSE

In the event of a conflict between the terms of this Plan and the terms of an Insurance Contract of an independent third party Insurer whose product is then being used in conjunction with this Plan, the terms of the Insurance Contract shall control as to those Participants receiving coverage under such Insurance Contract. For this purpose, the Insurance Contract shall control in defining the persons eligible for insurance, the dates of their eligibility, the conditions which must be satisfied to become insured, if any, the benefits Participants are entitled to and the circumstances under which insurance terminates.

9.5 INDEMNIFICATION OF ADMINISTRATOR

The Employer agrees to indemnify and to defend to the fullest extent permitted by law any Employee serving as the Administrator or as a member of a committee designated as Administrator (including any Employee or former Employee who previously served as Administrator or as a member of such committee) against all liabilities, damages, costs and expenses (including attorney's fees and amounts paid in settlement of any claims approved by the Employer) occasioned by any act or omission to act in connection with the Plan, if such act or omission is in good faith.

ARTICLE X
AMENDMENT OR TERMINATION OF PLAN

10.1 AMENDMENT

The Employer[~~,~~] **reserves the right to amend this Plan** at any time or from time to time[~~,~~] **in any manner that the Employer deems appropriate or advisable subject to Section 10.3. Any amendment to this Plan will be made in writing**. [~~may amend any or all of the provisions of the Plan without the consent of any Employee or Participant. No amendment shall have the effect of modifying any benefit election of any Participant in effect at the time of such amendment, unless such amendment is made to comply with Federal, state or local laws, statutes or regulations.~~]

10.2 TERMINATION

The Employer **established** [~~reserves the right to terminate~~] this Plan[~~, in whole or in part, at any time. In the event the Plan is terminated, no further contributions shall be made. Benefits under any Insurance Contract shall be paid in accordance with the terms of the Insurance Contract~~] **with the bona fide intention that it indefinitely remain in effect. Nevertheless, the Town has no obligation to continue the Plan for any given length of time, and it may terminate the Plan without any liability at any time subject to Section 10.3 and the requirements of Civil Service Law § 200; et. seq.**

No further additions shall be made to the Health Flexible Spending Account or Dependent Care Flexible Spending Account, but all payments from such fund shall continue to be made according to the elections in effect until 90 days after the termination date of the

Plan. Any amounts remaining in any such fund or account as of the end of such period shall be forfeited and deposited in the benefit plan surplus after the expiration of the filing period.

10.3 PARTICIPANTS' RIGHTS

No Plan amendment or termination may affect the right of any Participant to collect a benefit for that portion of the Plan Year or coverage period prior to amendment or termination to the extent those amounts are payable pursuant to the terms of the Plan in effect before the calendar month in which the Plan is amended or terminated.

10.4 EFFECTIVE DATE OF PLAN AMENDMENT OR TERMINATION

Any amendment or termination will take effect only at the end of a pay period.

ARTICLE XI
MISCELLANEOUS

11.1 PLAN INTERPRETATION

All provisions of this Plan shall be interpreted and applied in a uniform, nondiscriminatory manner. This Plan shall be read in its entirety and not severed except as provided in Section 11.12.

11.2 GENDER, NUMBER AND TENSE

Wherever any words are used herein in one gender, they shall be construed as though they were also used in all genders in all cases where they would so apply; whenever any words are used herein in the singular or plural form, they shall be construed as though they were also used in the other form in all cases where they would so apply; and whenever any words are used herein in the past or present tense, they shall be construed as though they were also used in the other form in all cases where they would so apply.

11.3 WRITTEN DOCUMENT

This Plan, in conjunction with any separate written document which may be required by law, is intended to satisfy the written Plan requirement of Code Section 125 and any Treasury regulations thereunder relating to cafeteria plans.

11.4 EXCLUSIVE BENEFIT

This Plan shall be maintained for the exclusive benefit of the Employees who participate in the Plan.

11.5 PARTICIPANT'S RIGHTS

This Plan shall not be deemed to constitute an employment contract between the Employer and any Participant or to be a consideration or an inducement for the employment of any Participant or Employee. Nothing contained in this Plan shall be deemed to give any Participant or Employee the right to be retained in the service of the Employer or to interfere with the right of the Employer to discharge any Participant or Employee at any time regardless of the effect which such discharge shall have upon him as a Participant of this Plan.

11.6 ACTION BY THE EMPLOYER

Whenever the Employer under the terms of the Plan is permitted or required to do or perform any act or matter or thing, it shall be done and performed by a person duly authorized by its legally constituted authority.

11.7 EMPLOYER'S PROTECTIVE CLAUSES

(a) **Insurance purchase.** Upon the failure of either the Participant or the Employer to obtain the insurance contemplated by this Plan (whether as a result of negligence, gross neglect or otherwise), the Participant's Benefits shall be limited to the insurance premium(s), if any, that remained unpaid for the period in question and the actual insurance proceeds, if any, received by the Employer or the Participant as a result of the Participant's claim.

(b) **Validity of insurance contract.** The Employer shall not be responsible for the validity of any Insurance Contract issued hereunder or for the failure on the part of the Insurer to make payments provided for under any Insurance Contract. Once insurance is applied for or obtained, the Employer shall not be liable for any loss which may result from the failure to pay Premiums to the extent Premium notices are not received by the Employer.

11.8 NO GUARANTEE OF TAX CONSEQUENCES

Neither the Administrator nor the Employer makes any commitment or guarantee that any amounts paid to or for the benefit of a Participant under the Plan will be excludable from the Participant's gross income for federal or state income tax purposes, or that any other federal or state tax treatment will apply to or be available to any Participant. It shall be the obligation of each Participant to determine whether each payment under the Plan is excludable from the Participant's gross income for federal and state income tax purposes, and to notify the Employer if the Participant has reason to believe that any such payment is not so excludable. Notwithstanding the foregoing, the rights of Participants under this Plan shall be legally enforceable.

11.9 INDEMNIFICATION OF EMPLOYER BY PARTICIPANTS

If any Participant receives one or more payments or reimbursements under the Plan that are not for a permitted Benefit, such Participant shall indemnify and reimburse the Employer for any liability it may incur for failure to withhold federal or state income tax or Social Security tax from such payments or reimbursements. However, such indemnification and reimbursement shall not exceed the amount of additional federal and state income tax (plus any penalties) that the Participant would have owed if the payments or reimbursements had been made to the Participant as regular cash compensation, plus the Participant's share of any Social Security tax that would have been paid on such compensation, less any such additional income and Social Security tax actually paid by the Participant.

11.10 FUNDING

Unless otherwise required by law, contributions to the Plan need not be placed in trust or dedicated to a specific Benefit, but may instead be considered general assets of the Employer. Furthermore, and unless otherwise required by law, nothing herein shall be construed to require the Employer or the Administrator to maintain any fund or segregate any amount for the benefit of any Participant, and no Participant or other person shall have any claim against, right to, or security or other interest in, any fund, account or asset of the Employer from which any payment under the Plan may be made.

11.11 GOVERNING LAW

This Plan is governed by the Code and the Treasury regulations issued thereunder (as they might be amended from time to time). In no event shall the Employer guarantee the favorable tax treatment sought by this Plan. To the extent not preempted by Federal law, the provisions of this Plan shall be construed, enforced and administered according to the laws of the State of New York.

11.12 SEVERABILITY

If any provision of the Plan is held invalid or unenforceable, its invalidity or unenforceability shall not affect any other provisions of the Plan, and the Plan shall be construed and enforced as if such provision had not been included herein.

11.13 CAPTIONS

The captions contained herein are inserted only as a matter of convenience and for reference, and in no way define, limit, enlarge or describe the scope or intent of the Plan, nor in any way shall affect the Plan or the construction of any provision thereof.

11.14 CONTINUATION OF COVERAGE (COBRA)

Notwithstanding anything in the Plan to the contrary, in the event any benefit under this Plan subject to the continuation coverage requirement of Code Section 4980B becomes unavailable, each Participant will be entitled to continuation coverage as prescribed in Code Section 4980B, and related regulations. This Section shall only apply if the Employer employs at least twenty (20) employees on more than 50% of its typical business days in the previous calendar year.

11.15 FAMILY AND MEDICAL LEAVE ACT (FMLA)

Notwithstanding anything in the Plan to the contrary, in the event any benefit under this Plan becomes subject to the requirements of the Family and Medical Leave Act and regulations thereunder, this Plan shall be operated in accordance with Regulation 1.125-3.

11.16 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

Notwithstanding anything in this Plan to the contrary, this Plan shall be operated in accordance with HIPAA and regulations thereunder.

11.17 UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA)

Notwithstanding any provision of this Plan to the contrary, contributions, benefits and service credit with respect to qualified military service shall be provided in accordance with the Uniform Services Employment And Reemployment Rights Act (USERRA) and the regulations thereunder.

11.18 COMPLIANCE WITH HIPAA PRIVACY STANDARDS

(a) **Application.** If any benefits under this Cafeteria Plan are subject to the Standards for Privacy of Individually Identifiable Health Information (45 CFR Part 164, the "Privacy Standards"), then this Section shall apply.

(b) **Disclosure of PHI.** The Plan shall not disclose Protected Health Information to any member of the Employer's workforce unless each of the conditions set out in this Section are met. "Protected Health Information" shall have the same definition as set forth in the Privacy Standards but generally shall mean individually identifiable information about the past, present or future physical or mental health or condition of an individual, including genetic information and information about treatment or payment for treatment.

(c) **PHI disclosed for administrative purposes.** Protected Health Information disclosed to members of the Employer's workforce shall be used or disclosed by them only for purposes of Plan administrative functions. The Plan's administrative functions shall include all Plan payment functions and health care operations. The terms "payment" and "health care operations" shall have the same definitions as set out in the Privacy Standards, but the term "payment" generally shall mean activities taken to determine or fulfill Plan responsibilities with respect to eligibility, coverage, provision of benefits, or reimbursement for health care. Protected Health Information that consists of genetic information will not be used or disclosed for underwriting purposes.

(d) **PHI disclosed to certain workforce members.** The Plan shall disclose Protected Health Information only to members of the Employer's workforce who are designated and authorized to receive such Protected Health Information, and only to the extent and in the minimum amount necessary for that person to perform his or her duties with respect to the Plan. "Members of the Employer's workforce" shall refer to all employees and other persons under the control of the Employer. The Employer shall keep an updated list of those authorized to receive Protected Health Information.

(1) An authorized member of the Employer's workforce who receives Protected Health Information shall use or disclose the Protected Health Information only to the extent necessary to perform his or her duties with respect to the Plan.

(2) In the event that any member of the Employer's workforce uses or discloses Protected Health Information other than as permitted by this Section and the Privacy Standards, the incident shall be reported to the Plan's privacy official. The privacy official shall take appropriate action, including:

(i) investigation of the incident to determine whether the breach occurred inadvertently, through negligence or deliberately; whether there is a pattern of breaches; and the degree of harm caused by the breach;

(ii) appropriate sanctions against the persons causing the breach which, depending upon the nature of the breach, may include oral or written reprimand, additional training, or termination of employment;

(iii) mitigation of any harm caused by the breach, to the extent practicable; and

(iv) documentation of the incident and all actions taken to resolve the issue and mitigate any damages.

(e) **Certification.** The Employer must provide certification to the Plan that it agrees to:

(1) Not use or further disclose the information other than as permitted or required by the Plan documents or as required by law;

(2) Ensure that any agent or subcontractor, to whom it provides Protected Health Information received from the Plan, agrees to the same restrictions and conditions that apply to the Employer with respect to such information;

(3) Not use or disclose Protected Health Information for employment-related actions and decisions or in connection with any other benefit or employee benefit plan of the Employer;

(4) Report to the Plan any use or disclosure of the Protected Health Information of which it becomes aware that is inconsistent with the uses or disclosures permitted by this Section, or required by law;

(5) Make available Protected Health Information to individual Plan members in accordance with Section 164.524 of the Privacy Standards;

(6) Make available Protected Health Information for amendment by individual Plan members and incorporate any amendments to Protected Health Information in accordance with Section 164.526 of the Privacy Standards;

(7) Make available the Protected Health Information required to provide an accounting of disclosures to individual Plan members in accordance with Section 164.528 of the Privacy Standards;

(8) Make its internal practices, books and records relating to the use and disclosure of Protected Health Information received from the Plan available to the Department of Health and Human Services for purposes of determining compliance by the Plan with the Privacy Standards;

(9) If feasible, return or destroy all Protected Health Information received from the Plan that the Employer still maintains in any form, and retain no copies of such information when no longer needed for the purpose for which disclosure was made, except that, if such return or destruction is not feasible, limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible; and

(10) Ensure the adequate separation between the Plan and members of the Employer's workforce, as required by Section 164.504(f)(2)(iii) of the Privacy Standards and set out in (d) above.

11.19 COMPLIANCE WITH HIPAA ELECTRONIC SECURITY STANDARDS

Under the Security Standards for the Protection of Electronic Protected Health Information (45 CFR Part 164.300 et. seq., the "Security Standards"):

(a) **Implementation.** The Employer agrees to implement reasonable and appropriate administrative, physical and technical safeguards to protect the confidentiality, integrity and availability of Electronic Protected Health Information that the Employer creates, maintains or transmits on behalf of the Plan. "Electronic Protected Health Information" shall have the same definition as set out in the Security Standards, but generally shall mean Protected Health Information that is transmitted by or maintained in electronic media.

(b) **Agents or subcontractors shall meet security standards.** The Employer shall ensure that any agent or subcontractor to whom it provides Electronic Protected Health Information shall agree, in writing, to implement reasonable and appropriate security measures to protect the Electronic Protected Health Information.

(c) **Employer shall ensure security standards.** The Employer shall ensure that reasonable and appropriate security measures are implemented to comply with the conditions and requirements set forth in Section 11.18.

11.20 MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT

Notwithstanding anything in the Plan to the contrary, the Plan will comply with the Mental Health Parity and Addiction Equity Act.

11.21 GENETIC INFORMATION NONDISCRIMINATION ACT (GINA)

Notwithstanding anything in the Plan to the contrary, the Plan will comply with the Genetic Information Nondiscrimination Act.

11.22 WOMEN'S HEALTH AND CANCER RIGHTS ACT

Notwithstanding anything in the Plan to the contrary, the Plan will comply with the Women's Health and Cancer Rights Act of 1998.

11.23 NEWBORNS' AND MOTHERS' HEALTH PROTECTION ACT

Notwithstanding anything in the Plan to the contrary, the Plan will comply with the Newborns' and Mothers' Health Protection Act.

IN WITNESS WHEREOF, this Plan document is hereby executed this ____________ day of ________________________________.

Town of North Hempstead

By ____
EMPLOYER

TOWN OF NORTH HEMPSTEAD
FLEXIBLE BENEFITS PLAN

SUMMARY PLAN DESCRIPTION

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TOWN OF NORTH HEMPSTEAD
FLEXIBLE BENEFITS PLAN

INTRODUCTION

We are pleased to announce that we have established a "Flexible Benefit Plan" for you and other eligible employees. Under this Plan, you will be able to choose among certain benefits that we make available. The benefits that you may choose are outlined in this Summary Plan Description. We will also tell you about other important information concerning the Plan, such as the rules you must satisfy before you can join and the laws that protect your rights.

One of the most important features of our Plan is that the benefits being offered are generally ones that you are already paying for, but normally with money that has first been subject to income and Social Security taxes. Under our Plan, these same expenses will be paid for with a portion of your pay before Federal income or Social Security taxes are withheld. This means that you will pay less tax and have more money to spend and save.

Read this Summary Plan Description carefully so that you understand the provisions of our Plan and the benefits you will receive. This SPD describes the Plan's benefits and obligations as contained in the legal Plan document, which governs the operation of the Plan. The Plan document is written in much more technical and precise language. If the non-technical language in this SPD and the technical, legal language of the Plan document conflict, the Plan document always governs. Also, if there is a conflict between an insurance contract and either the Plan document or this Summary Plan Description, the insurance contract will control. If you wish to receive a copy of the legal Plan document, please contact the Administrator.

This SPD describes the current provisions of the Plan which are designed to comply with applicable legal requirements. The Plan is subject to federal laws, such as the Internal Revenue Code and other federal and state laws which may affect your rights. The provisions of the Plan are subject to revision due to a change in laws or due to pronouncements by the Internal Revenue Service (IRS) or other federal agencies. We may also amend or terminate this Plan. If the provisions of the Plan that are described in this SPD change, we will notify you.

We have attempted to answer most of the questions you may have regarding your benefits in the Plan. If this SPD does not answer all of your questions, please contact the Administrator (or other plan representative). The name and address of the Administrator can be found in the Article of this SPD entitled "General Information About the Plan."

I
ELIGIBILITY

1. When can I become a participant in the Plan?

Before you become a Plan member (referred to in this Summary Plan Description as a "Participant"), there are certain rules which you must satisfy. First, you must meet the eligibility requirements and be an active employee. After that, the next step is to actually join the Plan on the "entry date" that we have established for all employees. The "entry date" is defined in Question 3 below. You will also be required to complete certain application forms before you can enroll in the Health Flexible Spending Account or Dependent Care Flexible Spending Account.

2. What are the eligibility requirements for our Plan?

You will be eligible to join the Plan once you have satisfied the conditions for coverage under our group medical plan.

3. When is my entry date?

You can join the Plan on the day you meet the eligibility requirements.

4. What must I do to enroll in the Plan?

Before you can join the Plan, you must complete an application to participate in the Plan. The application includes your personal choices for each of the benefits which are being offered under the Plan. You must also authorize us to set some of your earnings aside in order to pay for the benefits you have elected.

However, if you are already covered under any of the insured benefits, you will automatically participate in this Plan to the extent of your premiums unless you elect not to participate in this Plan.

II
OPERATION

1. How does this Plan operate?

Before the start of each Plan Year, you will be able to elect to have some of your upcoming pay contributed to the Plan. These amounts will be used to pay for the benefits you have chosen. The portion of your pay that is paid to the Plan is not subject to Federal income or Social Security taxes. In other words, this allows you to use tax-free dollars to pay for certain kinds of benefits and expenses which you normally pay for with out-of-pocket, taxable dollars. However, if you receive a reimbursement for an expense under the Plan, you cannot claim a Federal income tax credit or deduction on your return. (See the Article entitled "General Information About Our Plan" for the definition of "Plan Year.")

III
CONTRIBUTIONS

1. How much of my pay may the Employer redirect?

Each year, we will automatically contribute on your behalf enough of your compensation to pay for the insurance coverage provided unless you elect not to receive any or all of such coverage. You may also elect to have us contribute on your behalf enough of your compensation to pay for any other benefits that you elect under the Plan. These amounts will be deducted from your pay over the course of the year.

2. What happens to contributions made to the Plan?

Before each Plan Year begins, you will select the benefits you want and how much of the contributions should go toward each benefit. It is very important that you make these choices carefully based on what you expect to spend on each covered benefit or expense during the Plan Year. Later, they will be used to pay for the expenses as they arise during the Plan Year. In addition, you should also note that any previous benefit payments made from any Account under the Plan that are unclaimed (e.g., uncashed benefit checks) by the end of the Plan Year following the period of coverage in which the qualifying expense was incurred will be forfeited to the Employer.

3. When must I decide which accounts I want to use?

You are required by Federal law to decide before the Plan Year begins, during the election period (defined below). You must decide two things. First, which benefits you want and, second, how much should go toward each benefit.

If you are already covered by any of the insured benefits offered by this Plan, you will automatically become a Participant to the extent of the premiums for such insurance unless you elect, during the election period (defined below), not to participate in the Plan.

4. When is the election period for our Plan?

You will make your initial election on or before your entry date. (You should review Section I on Eligibility to better understand the eligibility requirements and entry date.) Then, for each following Plan Year, the election period is established by the Administrator and applied uniformly to all Participants. It will normally be a period of time prior to the beginning of each Plan Year. The Administrator will inform you each year about the election period. (See the Article entitled "General Information About Our Plan" for the definition of Plan Year.)

5. May I change my elections during the Plan Year?

Generally, you cannot change the elections you have made after the beginning of the Plan Year. However, there are certain limited situations when you can change your elections. You are permitted to change elections if you have a "change in status" and you make an election change that is consistent with the change in status. Currently, Federal law considers the following events to be a change in status:

-- Marriage, divorce, death of a spouse, legal separation or annulment;

-- Change in the number of dependents, including birth, adoption, placement for adoption, or death of a dependent;

-- Any of the following events for you, your spouse or dependent: termination or commencement of employment, a strike or lockout, commencement or return from an unpaid leave of absence, a change in worksite, or any other change in employment status that affects eligibility for benefits;

-- One of your dependents satisfies or ceases to satisfy the requirements for coverage due to change in age, student status, or any similar circumstance; and

-- A change in the place of residence of you, your spouse or dependent that would lead to a change in status, such as moving out of a coverage area for insurance.

In addition, if you are participating in the Dependent Care Flexible Spending Account, then there is a change in status if your dependent no longer meets the qualifications to be eligible for dependent care.

There are detailed rules on when a change in election is deemed to be consistent with a change in status. In addition, there are laws that give you rights to change health coverage for you, your spouse, or your dependents. If you change coverage due to rights you have under the law, then you can make a corresponding change in your elections under the Plan. If any of these conditions apply to you, you should contact the Administrator.

If the cost of a benefit provided under the Plan increases or decreases during a Plan Year, then we will automatically increase or decrease, as the case may be, your salary redirection election. If the cost increases significantly, you will be permitted to either make corresponding changes in your payments or revoke your election and obtain coverage under another benefit package option with similar coverage, or revoke your election entirely.

If the coverage under a Benefit is significantly curtailed or ceases during a Plan Year, then you may revoke your elections and elect to receive on a prospective basis coverage under another plan with similar coverage. In addition, if we add a new coverage option or eliminate an existing option, you may elect the newly-added option (or elect another option if an option has been eliminated) and make corresponding election changes to other options providing similar coverage. If you are not a Participant, you may elect to join the Plan. There are also certain situations when you may be able to change your elections on account of a change under the plan of your spouse's, former spouse's or dependent's employer.

These rules on change due to cost or coverage do not apply to the Health Flexible Spending Account, and you may not change your election to the Health Flexible Spending Account if you make a change due to cost or coverage for insurance.

You may not change your election under the Dependent Care Flexible Spending Account if the cost change is imposed by a dependent care provider who is your relative.

You may revoke your coverage under the employer's group health plan outside of our open enrollment period, if your employment status changes from working at least 30 hours per week to less than 30 hours. This is regardless of whether the reduction in hours has resulted in loss of eligibility. You must show intent to enroll in another health plan.

You may also revoke your coverage under our Employer sponsored group health plan if you are eligible to obtain coverage through the health exchanges.

6. May I make new elections in future Plan Years?

Yes, you may. For each new Plan Year, you may change the elections that you previously made. You may also choose not to participate in the Plan for the upcoming Plan Year. If you do not make new elections during the election period before a new Plan Year begins, we will assume you want your elections for insured benefits only to remain the same and you will not be considered a Participant for the non-insured benefit options under the Plan for the upcoming Plan Year.

IV
BENEFITS

1. Health Flexible Spending Account

The Health Flexible Spending Account enables you to pay for expenses allowed under Sections 105 and 213(d) of the Internal Revenue Code which are not covered by our insured medical plan and save taxes at the same time. The Health Flexible Spending Account allows you to be reimbursed by the Employer for expenses incurred by you and your dependents.

Drug costs, including insulin, may be reimbursed.

You may not be reimbursed for the cost of other health care coverage maintained outside of the Plan, or for long-term care expenses. A list of covered expenses is available from the Administrator.

For 2022, the most you can contribute is $2,850. After 2022, the dollar limit may increase for cost of living adjustments. The minimum amount that you may contribute to the Health Flexible Spending Account each Plan Year is $500. For any short Plan Year, the most that you can contribute to your Health Flexible Spending Account each Plan Year is $2,137.50.

In order to be reimbursed for a health care expense, you must submit to the Administrator an itemized bill from the service provider. We will also provide you with a debit or credit card to use to pay for medical expenses. The Administrator will provide you with further details. Amounts reimbursed from the Plan may not be claimed as a deduction on your personal income tax return. Reimbursement from the fund shall be paid at least once a month. Expenses under this Plan are treated as being "incurred" when you are provided with the care that gives rise to the expenses, not when you are formally billed or charged, or you pay for the medical care.

You may be reimbursed for expenses for any child until the end of the calendar year in which the child reaches age 26. A child is a natural child, stepchild, foster child, adopted child, or a child placed with you for adoption. If a child gains or regains eligibility due to these new rules, that qualifies as a change in status to change coverage.

Newborns' and Mothers' Health Protection Act: Group health plans generally may not, under Federal law, restrict benefits for any hospital length of stay in connection with childbirth for the mother or newborn child to less than 48 hours following a vaginal delivery, or less than 96 hours following a cesarean section. However, Federal law generally does not prohibit the mother's or newborn's attending provider, after consulting with the mother, from discharging the mother or her newborn earlier than 48 hours (or 96 hours as applicable). In any case, plans and issuers may not, under Federal law, require that a provider obtain authorization from the plan or the issuer for prescribing a length of stay not in excess of 48 hours (or 96 hours).

Women's Health and Cancer Rights Act: This plan, as required by the Women's Health and Cancer Rights Act of 1998, will reimburse up to plan limits for benefits for mastectomy-related services including reconstruction and surgery to achieve symmetry between the breasts, prostheses, and complications resulting from a mastectomy (including lymphedema). Contact your Plan Administrator for more information.

2. Dependent Care Flexible Spending Account

The Dependent Care Flexible Spending Account enables you to pay for out-of-pocket, work-related dependent day-care cost with pre-tax dollars. If you are married, you can use the account if you and your spouse both work or, in some situations, if your spouse goes to school full-time. Single employees can also use the account.

An eligible dependent is someone for whom you can claim expenses on Federal Income Tax Form 2441 "Credit for Child and Dependent Care Expenses." Children must be under age 13. Other dependents must be physically or mentally unable to care for themselves. Dependent Care arrangements which qualify include:

(a) A Dependent (Day) Care Center, provided that if care is provided by the facility for more than six individuals, the facility complies with applicable state and local laws;

(b) An Educational Institution for pre-school children. For older children, only expenses for non-school care are eligible; and

(c) An "Individual" who provides care inside or outside your home: The "Individual" may not be a child of yours under age 19 or anyone you claim as a dependent for Federal tax purposes.

You should make sure that the dependent care expenses you are currently paying for qualify under our Plan.

The law places limits on the amount of money that can be paid to you in a calendar year from your Dependent Care Flexible Spending Account. Each Plan Year, the minimum amount you may contribute to the Dependent Care Flexible Spending Account is $500. Generally, your reimbursements may not exceed the lesser of: (a) $5,000 (if you are married filing a joint return or you are head of a household) or $2,500 (if you are married filing separate returns); (b) your taxable compensation; (c) your spouse's actual or deemed earned income (a spouse who is a full time student or incapable of caring for himself/herself has a monthly earned income of $250 for one dependent or $500 for two or more dependents).

Also, in order to have the reimbursements made to you from this account be excludable from your income, you must provide a statement from the service provider including the name, address, and in most cases, the taxpayer identification number of the service provider on your tax form for the year, as well as the amount of such expense as proof that the expense has been incurred. In addition, Federal tax laws permit a tax credit for certain dependent care expenses you may be paying for even if you are not a Participant in this Plan. You may save more money if you take advantage of this tax credit rather than using the Dependent Care Flexible Spending Account under our Plan. Ask your tax adviser which is better for you.

3. Premium Expense Account

A Premium Expense Account allows you to use tax-free dollars to pay for certain premium expenses under various insurance programs that we offer you. These premium expenses include:

-- Health care premiums under our insured group medical plan.

Under our Plan, we will establish sub-accounts for you for each different type of insurance coverage that is available. Also, certain limits on the amount of coverage may apply.

The Administrator may terminate or modify Plan benefits at any time, subject to the provisions of any insurance contracts providing benefits described above. We will not be liable to you if an insurance company fails to provide any of the benefits described above. Also, your insurance will end when you leave employment, are no longer eligible under the terms of any insurance policies, or when insurance terminates.

Any benefits to be provided by insurance will be provided only after (1) you have provided the Administrator the necessary information to apply for insurance, and (2) the insurance is in effect for you.

If you cover your children up to age 26 under your insurance, you can pay for that coverage through the Plan.

V
BENEFIT PAYMENTS

1. When will I receive payments from my accounts?

During the course of the Plan Year, you may submit requests for reimbursement of expenses you have incurred. Expenses are considered "incurred" when the service is performed, not necessarily when it is paid for. The Administrator will provide you with acceptable forms for submitting these requests for reimbursement. If the request qualifies as a benefit or expense that the Plan has agreed to pay, you will receive a reimbursement payment soon thereafter. Remember, these reimbursements which are made from the Plan are generally not subject to federal income tax or withholding. Nor are they subject to Social Security taxes. Requests for payment of insured benefits should be made directly to the insurer. You will only be reimbursed from the Dependent Care Flexible Spending Account to the extent that there are sufficient funds in the Account to cover your request.

2. What happens if I don't spend all Plan contributions during the Plan Year?

If you have not spent all the amounts in your Health Flexible Spending Account or Dependent Care Flexible Spending Account by the end of the Plan Year, you may continue to incur claims for expenses during the "Grace Period." The "Grace Period" extends 2 1/2 months after the end of the Plan Year, during which time you can continue to incur claims and use up all amounts remaining in your Health Flexible Spending Account or Dependent Care Flexible Spending Account.

Any monies left at the end of the Plan Year and the Grace Period will be forfeited. Obviously, qualifying expenses that you incur late in the Plan Year or during the Grace Period for which you seek reimbursement after the end of such Plan Year and Grace Period will be paid first before any amount is forfeited. For the Health Flexible Spending Account, you must submit claims no later than the end of the month following 90 days after the end of the Plan Year. For the Dependent Care Flexible Spending Account, you must submit claims no later than the end of the month following 90 days after the end of the Plan Year. Because it is possible that you might forfeit amounts in the Plan if you do not fully use the contributions that have been made, it is important that you decide how much to place in each account carefully and conservatively. Remember, you must decide which benefits you want to contribute to and how much to place in each account before the Plan Year begins. You want to be as certain as you can that the amount you decide to place in each account will be used up entirely.

3. Family and Medical Leave Act (FMLA)

If you take leave under the Family and Medical Leave Act, you may revoke or change your existing elections for health insurance and the Health Flexible Spending Account. If your coverage in these benefits terminates, due to your revocation of the benefit while on leave or due to your non-payment of contributions, you will be permitted to reinstate coverage for the remaining part of the Plan Year upon your return. For the Health Flexible Spending Account, you may continue your coverage or you may revoke your coverage and resume it when you return. You can resume your coverage at its original level and make payments for the time that you are on leave. For example, if you elect $1,200 for the year and are out on leave for 3 months, then return and elect to resume your coverage at that level, your remaining payments will be increased to cover the difference - from $100 per month to $150 per month. Alternatively your maximum amount will be reduced proportionately for the time that you were gone. For example, if you elect $1,200 for the year and are out on leave for 3 months, your amount will be reduced to $900. The expenses you incur during the time you are not in the Health Flexible Spending Account are not reimbursable.

If you continue your coverage during your unpaid leave, you may pre-pay for the coverage, you may pay for your coverage on an after-tax basis while you are on leave, or you and your Employer may arrange a schedule for you to "catch up" your payments when you return.

4. Uniformed Services Employment and Reemployment Rights Act (USERRA)

If you are going into or returning from military service, you may have special rights to health care coverage under your Health Flexible Spending Account under the Uniformed Services Employment and Reemployment Rights Act of 1994. These rights can include extended health care coverage. If you may be affected by this law, ask your Administrator for further details.

5. What happens if I terminate employment?

If you terminate employment during the Plan Year, your right to benefits will be determined in the following manner:

(a) You will remain covered by insurance, but only for the period for which premiums have been paid prior to your termination of employment.

(b) You will still be able to request reimbursement for qualifying dependent care expenses incurred prior to your date of termination from the balance remaining in your dependent care account at the time of termination of employment. However, no further salary redirection contributions will be made on your behalf after you terminate. You must submit claims within 90 days after termination.

(c) For health benefit coverage and Health Flexible Spending Account coverage on termination of employment, please see the Article entitled "Continuation Coverage Rights Under COBRA." Upon your termination of employment, your participation in the Health Flexible Spending Account will cease, and no further salary redirection contributions will be contributed on your behalf. However, you will be able to submit claims for health care expenses that were incurred before the end of the period for which payments to the Health Flexible Spending Account have already been made. Your further participation will be governed by "Continuation Coverage Rights Under COBRA."

6. Will my Social Security benefits be affected?

Your Social Security benefits may be slightly reduced because when you receive tax-free benefits under our Plan, it reduces the amount of contributions that you make to the Federal Social Security system as well as our contribution to Social Security on your behalf.

7. Qualified Reservist Distributions

If you are a member of a reserve unit and if you are ordered or called to active duty, then you may request a Qualified Reservist Distribution (QRD). A Qualified Reservist Distribution is a distribution of all or a portion of the amounts remaining in your Health Flexible Spending Account. You can only request this distribution if you are called to active duty for a period of 180 days or more or for an indefinite period. The distribution must be made during the period beginning on the date of the call and ending on the last date that reimbursements could otherwise be made under the Plan for the Plan Year which includes the date of the call.

You can receive the amount you have actually contributed minus any reimbursements you have already received (or are in process). The amount you request may be adjusted if needed to conform with your actual account balance. You must request the QRD before the last day of the Grace Period. You can only request 2 QRDs for a Plan Year.

VI
HIGHLY COMPENSATED AND KEY EMPLOYEES

1. Do limitations apply to highly compensated employees?

Under the Internal Revenue Code, highly compensated employees and key employees generally are Participants who are officers, shareholders or highly paid. You will be notified by the Administrator each Plan Year whether you are a highly compensated employee or a key employee.

If you are within these categories, the amount of contributions and benefits for you may be limited so that the Plan as a whole does not unfairly favor those who are highly paid, their spouses or their dependents. Federal tax laws state that a plan will be considered to unfairly favor the key employees if they as a group receive more than 25% of all of the nontaxable benefits provided for under our Plan.

Plan experience will dictate whether contribution limitations on highly compensated employees or key employees will apply. You will be notified of these limitations if you are affected.

VII
PLAN ACCOUNTING

1. Periodic Statements

The Administrator will provide you with a statement of your account periodically during the Plan Year that shows your account balance. It is important to read these statements carefully so you understand the balance remaining to pay for a benefit. Remember, you want to spend all the money you have designated for a particular benefit by the end of the Plan Year.

VIII
GENERAL INFORMATION ABOUT OUR PLAN

This Section contains certain general information which you may need to know about the Plan.

1. General Plan Information

Town of North Hempstead Flexible Benefits Plan is the name of the Plan.

Your Employer has assigned Plan Number 000 to your Plan.

The provisions of the Plan become effective on April 1, 2022, which is called the Effective Date of the Plan.

Your Plan's records are maintained on a twelve-month period of time. This is known as the Plan Year. The Plan Year begins on January 1 and ends on December 31, except for the short Plan Year which will begin on April 1, 2022 and end on December 31, 2022.

2. Employer Information

Your Employer's name, address, and identification number are:

Town of North Hempstead
220 Plandome Rd
Manhasset, New York 11030
11-6001933

3. Plan Administrator Information

The name, address and business telephone number of your Plan's Administrator are:

Town of North Hempstead
220 Plandome Rd
Manhasset, New York 11030
516-869-7743

The Administrator keeps the records for the Plan and is responsible for the administration of the Plan. The Administrator will also answer any questions you may have about our Plan. You may contact the Administrator for any further information about the Plan.

4. Service of Legal Process

The name and address of the Plan's agent for service of legal process are:

Town of North Hempstead
220 Plandome Rd
Manhasset, New York 11030

5. Type of Administration

The type of Administration is Employer Administration.

6. Claims Submission

Claims for expenses should be submitted to:

HealthEquity Inc.
P.O. Box 14053
Lexington, KY 40512

7. Funding

The Plan is funded solely by participant contributions by means of salary reductions. The Employer has no financial responsibility for the cost of financing this plan.

8. Employees Rights, Exclusive Benefit

Employees' rights to benefits pursuant to this Plan are intended to be legally enforceable. However, neither the establishment of this Plan nor any amendment thereof will be construed as granting to any other person (including any provider of services) any legal or equitable right against the Employer or the Plan Administrator. This Plan will be maintained for the exclusive benefit of employees.

9. No Tax Advice

Employees should not accept any statement in this description as tax advice. Nor should the description be construed as giving tax advice. In all matters concerning taxation, or an employee's personal tax return, the advice of an attorney or qualified tax advisor should be obtained.

IX
ADDITIONAL PLAN INFORMATION

1. Claims Process

You should submit all reimbursement claims during the Plan Year. For the Health Flexible Spending Account, you must submit claims no later than the end of the month following 90 days after the end of the Plan Year. However, if you terminate employment during the Plan Year, you must submit your Health Flexible Spending Account claims within 7 days after your termination of employment. For the Dependent Care Flexible Spending Account, you must submit claims no later than the end of the month following 90 days after the end of the Plan Year. However, if you terminate employment during the Plan Year, you must submit your Dependent Care Flexible Spending Account claims within 90 days after your termination of employment. Any claims submitted after that time will not be considered.

Claims that are insured will be handled in accordance with procedures contained in the insurance policies. All other general requests should be directed to the Administrator of our Plan. If a dependent care or medical expense claim under the Plan is denied in whole or in part, you or your beneficiary will receive written notification. The notification will include the reasons for the denial, with reference to the specific provisions of the Plan on which the denial was based, a description of any additional information needed to process the claim and an explanation of the claims review procedure. Within 60 days after denial, you or your beneficiary may submit a written request for reconsideration of the denial to the Administrator.

Any such request should be accompanied by documents or records in support of your appeal. You or your beneficiary may review pertinent documents and submit issues and comments in writing. The Administrator will review the claim and provide, within 60 days, a written response to the appeal. (This period may be extended an additional 60 days under certain circumstances.) In this response, the Administrator will explain the reason for the decision, with specific reference to the provisions of the Plan on which the decision is based. The Administrator has the exclusive right to interpret the appropriate plan provisions. Decisions of the Administrator are conclusive and binding.

X
CONTINUATION COVERAGE RIGHTS UNDER COBRA

Under federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), certain employees and their families covered under health benefits under this Plan will be entitled to the opportunity to elect a temporary extension of health coverage (called "COBRA continuation coverage") where coverage under the Plan would otherwise end. This notice is intended to inform Plan Participants and beneficiaries, in summary fashion, of their rights and obligations under the continuation coverage provisions of COBRA, as amended and reflected in final and proposed regulations published by the Department of the Treasury. This notice is intended to reflect the law and does not grant or take away any rights under the law.

The Plan Administrator or its designee is responsible for administering COBRA continuation coverage. Complete instructions on COBRA, as well as election forms and other information, will be provided by the Plan Administrator or its designee to Plan Participants who become Qualified Beneficiaries under COBRA. While the Plan itself is not a group health plan, it does provide health benefits. Whenever "Plan" is used in this section, it means any of the health benefits under this Plan including the Health Flexible Spending Account.

1. What is COBRA continuation coverage?

COBRA continuation coverage is the temporary extension of group health plan coverage that must be offered to certain Plan Participants and their eligible family members (called "Qualified Beneficiaries") at group rates. The right to COBRA continuation coverage is triggered by the occurrence of a life event that results in the loss of coverage under the terms of the Plan (the "Qualifying Event"). The coverage must be identical to the coverage that the Qualified Beneficiary had immediately before the Qualifying Event, or if the coverage has been changed, the coverage must be identical to the coverage provided to similarly situated active employees who have not experienced a Qualifying Event (in other words, similarly situated non-COBRA beneficiaries).

There may be other options available when you lose group health coverage**.** For example, you may be eligible to buy an individual plan through the Health Insurance Marketplace. By enrolling in coverage through the Marketplace, you may qualify for lower costs on your monthly premiums and lower out-of-pocket costs. Additionally, you may qualify for a 30-day special enrollment period for another group health plan for which you are eligible (such as a spouse's plan), even if that plan generally doesn't accept late enrollees.

2. Who can become a Qualified Beneficiary?

In general, a Qualified Beneficiary can be:

(a) Any individual who, on the day before a Qualifying Event, is covered under a Plan by virtue of being on that day either a covered Employee, the Spouse of a covered Employee, or a Dependent child of a covered Employee. If, however, an individual who otherwise qualifies as a Qualified Beneficiary is denied or not offered coverage under the Plan under circumstances in which the denial or failure to offer constitutes a violation of applicable law, then the individual will be considered to have had the coverage and will be considered a Qualified Beneficiary if that individual experiences a Qualifying Event.

(b) Any child who is born to or placed for adoption with a covered Employee during a period of COBRA continuation coverage, and any individual who is covered by the Plan as an alternate recipient under a qualified medical support order. If, however, an individual who otherwise qualifies as a Qualified Beneficiary is denied or not offered coverage under the Plan under circumstances in which the denial or failure to offer constitutes a violation of applicable law, then the individual will be considered to have had the coverage and will be considered a Qualified Beneficiary if that individual experiences a Qualifying Event.

The term "covered Employee" includes any individual who is provided coverage under the Plan due to his or her performance of services for the employer sponsoring the Plan. However, this provision does not establish eligibility of these individuals. Eligibility for Plan coverage shall be determined in accordance with Plan Eligibility provisions.

An individual is not a Qualified Beneficiary if the individual's status as a covered Employee is attributable to a period in which the individual was a nonresident alien who received from the individual's Employer no earned income that constituted income from sources within the United States. If, on account of the preceding reason, an individual is not a Qualified Beneficiary, then a Spouse or Dependent child of the individual will also not be considered a Qualified Beneficiary by virtue of the relationship to the individual. A domestic partner is not a Qualified Beneficiary.

Each Qualified Beneficiary (including a child who is born to or placed for adoption with a covered Employee during a period of COBRA continuation coverage) must be offered the opportunity to make an independent election to receive COBRA continuation coverage.

3. What is a Qualifying Event?

A Qualifying Event is any of the following if the Plan provided that the Plan participant would lose coverage (i.e., cease to be covered under the same terms and conditions as in effect immediately before the Qualifying Event) in the absence of COBRA continuation coverage:

(a) The death of a covered Employee.

(b) The termination (other than by reason of the Employee's gross misconduct), or reduction of hours, of a covered Employee's employment.

(c) The divorce or legal separation of a covered Employee from the Employee's Spouse. If the Employee reduces or eliminates the Employee's Spouse's Plan coverage in anticipation of a divorce or legal separation, and a divorce or legal separation later occurs, then the divorce or legal separation may be considered a Qualifying Event even though the Spouse's coverage was reduced or eliminated before the divorce or legal separation.

(d) A covered Employee's enrollment in any part of the Medicare program.

(e) A Dependent child's ceasing to satisfy the Plan's requirements for a Dependent child (for example, attainment of the maximum age for dependency under the Plan).

If the Qualifying Event causes the covered Employee, or the covered Spouse or a Dependent child of the covered Employee, to cease to be covered under the Plan under the same terms and conditions as in effect immediately before the Qualifying Event, the persons losing such coverage become Qualified Beneficiaries under COBRA if all the other conditions of COBRA are also met. For example, any increase in contribution that must be paid by a covered Employee, or the Spouse, or a Dependent child of the covered Employee, for coverage under the Plan that results from the occurrence of one of the events listed above is a loss of coverage.

The taking of leave under the Family and Medical Leave Act of 1993, as amended ("FMLA") does not constitute a Qualifying Event. A Qualifying Event will occur, however, if an Employee does not return to employment at the end of the FMLA leave and all other COBRA continuation coverage conditions are present. If a Qualifying Event occurs, it occurs on the last day of FMLA leave and the applicable maximum coverage period is measured from this date (unless coverage is lost at a later date and the Plan provides for the extension of the required periods, in which case the maximum coverage date is measured from the date when the coverage is lost.) Note that the covered Employee and family members will be entitled to COBRA continuation coverage even if they failed to pay the employee portion of premiums for coverage under the Plan during the FMLA leave.

4. What factors should be considered when determining to elect COBRA continuation coverage?

When considering options for health coverage, Qualified Beneficiaries should consider:

- **Premiums:** This plan can charge up to 102% of total plan premiums for COBRA coverage. Other options, like coverage on a spouse's plan or through the Marketplace, may be less expensive. Qualified Beneficiaries have special enrollment rights under federal law (HIPAA). They have the right to request special enrollment in another group health plan for which they are otherwise eligible (such as a plan sponsored by a spouse's employer) within 30 days after Plan coverage ends due to one of the Qualifying Events listed above.

- **Provider Networks:** If a Qualified Beneficiary is currently getting care or treatment for a condition, a change in health coverage may affect access to a particular health care provider. You may want to check to see if your current health care providers participate in a network in considering options for health coverage.

- **Drug Formularies:** For Qualified Beneficiaries taking medication, a change in health coverage may affect costs for medication – and in some cases, the medication may not be covered by another plan. Qualified beneficiaries should check to see if current medications are listed in drug formularies for other health coverage.

- **Severance payments:** If COBRA rights arise because the Employee has lost his job and there is a severance package available from the employer, the former employer may have offered to pay some or all of the Employee's COBRA payments for a period of time. This can affect the timing of coverage available in the Marketplace. In this scenario, the Employee may want to contact the Department of Labor at 1-866-444-3272 to discuss options.

- **Medicare Eligibility:** You should be aware of how COBRA coverage coordinates with Medicare eligibility. If you are eligible for Medicare at the time of the Qualifying Event, or if you will become eligible soon after the Qualifying Event, you should know that you have 8 months to enroll in Medicare after your employment –related health coverage ends. Electing COBRA coverage does not extend this 8-month period. For more information, see medicare.gov/sign-up-change-plan**.**

- **Service Areas:** If benefits under the Plan are limited to specific service or coverage areas, benefits may not be available to a Qualified Beneficiary who moves out of the area.

- **Other Cost-Sharing:** In addition to premiums or contributions for health coverage, the Plan requires participants to pay copayments, deductibles, coinsurance, or other amounts as benefits are used. Qualified beneficiaries should check to see what the cost-sharing requirements are for other health coverage options. For example, one option may have much lower monthly premiums, but a much higher deductible and higher copayments.

Are there other coverage options besides COBRA Continuation Coverage? Yes. Instead of enrolling in COBRA continuation coverage, there may be other coverage options for Qualified Beneficiaries through the Health Insurance Marketplace, Medicaid, or other group health plan coverage options (such as a spouse's plan) through what is called a "special enrollment period." Some of these options may cost less than COBRA continuation coverage. You can learn more about many of these options at www.healthcare.gov.

5. What is the procedure for obtaining COBRA continuation coverage?

The Plan has conditioned the availability of COBRA continuation coverage upon the timely election of such coverage. An election is timely if it is made during the election period.

6. What is the election period and how long must it last?

The election period is the time period within which the Qualified Beneficiary must elect COBRA continuation coverage under the Plan. The election period must begin no later than the date the Qualified Beneficiary would lose coverage on account of the Qualifying Event and ends 60 days after the later of the date the Qualified Beneficiary would lose coverage on account of the Qualifying Event or the date notice is provided to the Qualified Beneficiary of her or his right to elect COBRA continuation coverage. If coverage is not elected within the 60 day period, all rights to elect COBRA continuation coverage are forfeited.

Note: If a covered Employee who has been terminated or experienced a reduction of hours qualifies for a trade readjustment allowance or alternative trade adjustment assistance under a federal law called the Trade Act of 2002, as extended by the Trade Preferences Extension Act of 2015, and the employee and his or her covered dependents have not elected COBRA coverage within the normal election period, a second opportunity to elect COBRA coverage will be made available for themselves and certain family members, but only within a limited period of 60 days or less and only during the six months immediately after their group health plan coverage ended. Any person who qualifies or thinks that he or she and/or his or her family members may qualify for assistance under this special provision should contact the Plan Administrator or its designee for further information about the special second election period. If continuation coverage is elected under this extension, it will not become effective prior to the beginning of this special second election period.

7. Is a covered Employee or Qualified Beneficiary responsible for informing the Plan Administrator of the occurrence of a Qualifying Event?

The Plan will offer COBRA continuation coverage to Qualified Beneficiaries only after the Plan Administrator or its designee has been timely notified that a Qualifying Event has occurred. The Employer (if the Employer is not the Plan Administrator) will notify the Plan Administrator or its designee of the Qualifying Event within 30 days following the date coverage ends when the Qualifying Event is:

(a) the end of employment or reduction of hours of employment,

(b) death of the employee,

(c) commencement of a proceeding in bankruptcy with respect to the Employer, or

(d) entitlement of the employee to any part of Medicare.

IMPORTANT:

For the other Qualifying Events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), you or someone on your behalf must notify the Plan Administrator or its designee in writing within 60 days after the Qualifying Event occurs, using the procedures specified below. If these procedures are not followed or if the notice is not provided in writing to the Plan Administrator or its designee during the 60-day notice period, any spouse or dependent child who loses coverage will not be offered the option to elect continuation coverage. You must send this notice to the Plan Administrator or its designee.

NOTICE PROCEDURES:

Any notice that you provide must be ***in writing***. Oral notice, including notice by telephone, is not acceptable. You must mail, fax or hand-deliver your notice to the person, department or firm listed below, at the following address:

Town of North Hempstead
220 Plandome Rd
Manhasset, New York 11030

If mailed, your notice must be postmarked no later than the last day of the required notice period. Any notice you provide must state:

- the **name of the plan or plans** under which you lost or are losing coverage,
- the **name and address of the employee** covered under the plan,
- the **name(s) and address(es) of the Qualified Beneficiary(ies)**, and
- the **Qualifying Event** and the **date** it happened.

If the Qualifying Event is a **divorce or legal separation**, your notice must include **a copy of the divorce decree or the legal separation agreement**.

Be aware that there are other notice requirements in other contexts, for example, in order to qualify for a disability extension.

Once the Plan Administrator or its designee receives *timely notice* that a Qualifying Event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. Each Qualified Beneficiary will have an independent right to elect COBRA continuation coverage. Covered employees may elect COBRA continuation coverage for their spouses, and parents may elect COBRA continuation coverage on behalf of their children. For each Qualified Beneficiary who elects COBRA continuation coverage, COBRA continuation coverage will begin on the date that plan coverage would otherwise have been lost. If you or your spouse or dependent children do not elect continuation coverage within the 60-day election period described above, the right to elect continuation coverage will be lost.

8. Is a waiver before the end of the election period effective to end a Qualified Beneficiary's election rights?

If, during the election period, a Qualified Beneficiary waives COBRA continuation coverage, the waiver can be revoked at any time before the end of the election period. Revocation of the waiver is an election of COBRA continuation coverage. However, if a waiver is later revoked, coverage need not be provided retroactively (that is, from the date of the loss of coverage until the waiver is revoked). Waivers and revocations of waivers are considered made on the date they are sent to the Plan Administrator or its designee, as applicable.

9. Is COBRA coverage available if a Qualified Beneficiary has other group health plan coverage or Medicare?

Qualified Beneficiaries who are entitled to elect COBRA continuation coverage may do so even if they are covered under another group health plan or are entitled to Medicare benefits on or before the date on which COBRA is elected. However, a Qualified Beneficiary's COBRA coverage will terminate automatically if, after electing COBRA, he or she becomes entitled to Medicare or becomes covered under other group health plan coverage.

10. When may a Qualified Beneficiary's COBRA continuation coverage be terminated?

During the election period, a Qualified Beneficiary may waive COBRA continuation coverage. Except for an interruption of coverage in connection with a waiver, COBRA continuation coverage that has been elected for a Qualified Beneficiary must extend for at least the period beginning on the date of the Qualifying Event and ending not before the earliest of the following dates:

(a) The last day of the applicable maximum coverage period.

(b) The first day for which Timely Payment is not made to the Plan with respect to the Qualified Beneficiary.

(c) The date upon which the Employer ceases to provide any group health plan (including a successor plan) to any employee.

(d) The date, after the date of the election, that the Qualified Beneficiary first becomes entitled to Medicare (either part A or part B, whichever occurs earlier).

(e) In the case of a Qualified Beneficiary entitled to a disability extension, the later of:

(1) (i) 29 months after the date of the Qualifying Event, or (ii) the first day of the month that is more than 30 days after the date of a final determination under Title II or XVI of the Social Security Act that the disabled Qualified Beneficiary whose disability resulted in the Qualified Beneficiary's entitlement to the disability extension is no longer disabled, whichever is earlier; or

(2) the end of the maximum coverage period that applies to the Qualified Beneficiary without regard to the disability extension.

The Plan can terminate for cause the coverage of a Qualified Beneficiary on the same basis that the Plan terminates for cause the coverage of similarly situated non-COBRA beneficiaries, for example, for the submission of a fraudulent claim.

In the case of an individual who is not a Qualified Beneficiary and who is receiving coverage under the Plan solely because of the individual's relationship to a Qualified Beneficiary, if the Plan's obligation to make COBRA continuation coverage available to the Qualified Beneficiary ceases, the Plan is not obligated to make coverage available to the individual who is not a Qualified Beneficiary.

11. What are the maximum coverage periods for COBRA continuation coverage?

The maximum coverage periods are based on the type of the Qualifying Event and the status of the Qualified Beneficiary, as shown below.

(a) In the case of a Qualifying Event that is a termination of employment or reduction of hours of employment, the maximum coverage period ends 18 months after the Qualifying Event if there is not a disability extension and 29 months after the Qualifying Event if there is a disability extension.

(b) In the case of a covered Employee's enrollment in the Medicare program before experiencing a Qualifying Event that is a termination of employment or reduction of hours of employment, the maximum coverage period for Qualified Beneficiaries ends on the later of:

(1) 36 months after the date the covered Employee becomes enrolled in the Medicare program. This extension does not apply to the covered Employee; or

(2) 18 months (or 29 months, if there is a disability extension) after the date of the covered Employee's termination of employment or reduction of hours of employment.

(c) In the case of a Qualified Beneficiary who is a child born to or placed for adoption with a covered Employee during a period of COBRA continuation coverage, the maximum coverage period is the maximum coverage period applicable to the Qualifying Event giving rise to the period of COBRA continuation coverage during which the child was born or placed for adoption.

(d) In the case of any other Qualifying Event than that described above, the maximum coverage period ends 36 months after the Qualifying Event.

12. Under what circumstances can the maximum coverage period be expanded?

If a Qualifying Event that gives rise to an 18-month or 29-month maximum coverage period is followed, within that 18- or 29-month period, by a second Qualifying Event that gives rise to a 36-months maximum coverage period, the original period is expanded to 36 months, but only for individuals who are Qualified Beneficiaries at the time of and with respect to both Qualifying Events. In no circumstance can the COBRA maximum coverage period be expanded to more than 36 months after the date of the first Qualifying Event. The Plan Administrator must be notified of the second qualifying event within 60 days of the second qualifying event. This notice must be sent to the Plan Administrator or its designee in accordance with the procedures above.

13. How does a Qualified Beneficiary become entitled to a disability extension?

A disability extension will be granted if an individual (whether or not the covered Employee) who is a Qualified Beneficiary in connection with the Qualifying Event that is a termination or reduction of hours of a covered Employee's employment, is determined under Title II or XVI of the Social Security Act to have been disabled at any time during the first 60 days of COBRA continuation coverage. To qualify for the disability extension, the Qualified Beneficiary must also provide the Plan Administrator with notice of the disability determination on a date that is both within 60 days after the date of the determination and before the end of the original 18-month maximum coverage. This notice must be sent to the Plan Administrator or its designee in accordance with the procedures above.

14. Does the Plan require payment for COBRA continuation coverage?

For any period of COBRA continuation coverage under the Plan, Qualified Beneficiaries who elect COBRA continuation coverage may be required to pay up to 102% of the applicable premium and up to 150% of the applicable premium for any expanded period of COBRA continuation coverage covering a disabled Qualified Beneficiary due to a disability extension. Your Plan Administrator will inform you of the cost. The Plan will terminate a Qualified Beneficiary's COBRA continuation coverage as of the first day of any period for which timely payment is not made.

15. Must the Plan allow payment for COBRA continuation coverage to be made in monthly installments?

Yes. The Plan is also permitted to allow for payment at other intervals.

16. What is Timely Payment for COBRA continuation coverage?

Timely Payment means a payment made no later than 30 days after the first day of the coverage period. Payment that is made to the Plan by a later date is also considered Timely Payment if either under the terms of the Plan, covered Employees or Qualified Beneficiaries are allowed until that later date to pay for their coverage for the period or under the terms of an arrangement between the Employer and the entity that provides Plan benefits on the Employer's behalf, the Employer is allowed until that later date to pay for coverage of similarly situated non-COBRA beneficiaries for the period.

Notwithstanding the above paragraph, the Plan does not require payment for any period of COBRA continuation coverage for a Qualified Beneficiary earlier than 45 days after the date on which the election of COBRA continuation coverage is made for that Qualified Beneficiary. Payment is considered made on the date on which it is postmarked to the Plan.

If Timely Payment is made to the Plan in an amount that is not significantly less than the amount the Plan requires to be paid for a period of coverage, then the amount paid will be deemed to satisfy the Plan's requirement for the amount to be paid, unless the Plan notifies the Qualified Beneficiary of the amount of the deficiency and grants a reasonable period of time for payment of the deficiency to be made. A "reasonable period of time" is 30 days after the notice is provided. A shortfall in a Timely Payment is not significant if it is no greater than the lesser of $50 or 10% of the required amount.

17. Must a Qualified Beneficiary be given the right to enroll in a conversion health plan at the end of the maximum coverage period for COBRA continuation coverage?

If a Qualified Beneficiary's COBRA continuation coverage under a group health plan ends as a result of the expiration of the applicable maximum coverage period, the Plan will, during the 180-day period that ends on that expiration date, provide the Qualified Beneficiary with the option of enrolling under a conversion health plan if such an option is otherwise generally available to similarly situated non-COBRA beneficiaries under the Plan. If such a conversion option is not otherwise generally available, it need not be made available to Qualified Beneficiaries.

18. How is my participation in the Health Flexible Spending Account affected?

You can elect to continue your participation in the Health Flexible Spending Account for the remainder of the Plan Year, subject to the following conditions. You may only continue to participate in the Health Flexible Spending Account if you have elected to contribute more money than you have taken out in claims. For example, if you elected to contribute an annual amount of $500 and, at the time you terminate employment, you have contributed $300 but only claimed $150, you may elect to continue coverage under the Health Flexible Spending Account. If you elect to continue coverage, then you would be able to continue to receive your health reimbursements up to the $500. However, you must continue to pay for the coverage, just as the money has been taken out of your paycheck, but on an after-tax basis. The Plan can also charge you an extra amount (as explained above for other health benefits) to provide this benefit.

IF YOU HAVE QUESTIONS

If you have questions about your COBRA continuation coverage, you should contact the Plan Administrator or its designee. For more information about your rights under ERISA, including COBRA, the Health Insurance Portability and Accountability Act (HIPAA), and other laws affecting group health plans, contact the nearest Regional or District Office of the U.S. Department of Labor's Employee Benefits Security Administration (EBSA). Addresses and phone numbers of Regional and District EBSA Offices are available through EBSA's website at www.dol.gov/ebsa.

KEEP YOUR PLAN ADMINISTRATOR INFORMED OF ADDRESS CHANGES

In order to protect your family's rights, you should keep the Plan Administrator informed of any changes in the addresses of family members. You should also keep a copy, for your records, of any notices you send to the Plan Administrator or its designee.

XI
AMENDMENT AND TERMINATION OF PLAN

The Employer reserves the right to change, modify, suspend temporarily, or discontinue the Plan at its discretion at any time. However, no amendment may cause any reduction in the amount credited to your account or affect your right to collect a benefit for the portion of the Plan Year prior to the amendment or termination of the Plan.

XII
SUMMARY

The money you earn is important to you and your family. You need it to pay your bills, enjoy recreational activities and save for the future. Our flexible benefits plan will help you keep more of the money you earn by lowering the amount of taxes you pay. The Plan is the result of our continuing efforts to find ways to help you get the most for your earnings.

If you have any questions, please contact the Administrator.

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. 531 - 2023

A RESOLUTION AMENDING RESOLUTION NO. 33 - 2023, ADOPTED JANUARY 24, 2023, AUTHORIZING THE EXECUTION OF AGREEMENTS WITH VARIOUS FITNESS INSTRUCTORS FOR FITNESS CLASSES AT VARIOUS LOCATIONS WITHIN THE TOWN IN CONNECTION WITH PROJECT INDEPENDENCE.

WHEREAS, pursuant to Resolution No. 33-2023, duly adopted on January 24, 2023, the Town Board authorized the execution of agreements with various fitness instructors for fitness classes at various locations within the Town in connection with Project Independence (the “Resolution”); and

WHEREAS, the Commissioner of the Department of Services for the Aging has requested that the Resolution be amended to include Andrea Bottner, 1452 Sylvan Lane, East Meadow, NY 11554, to provide general fitness, low impact aerobics and chair exercise instruction at a rate of Sixty and 00/100 Dollars ($60.00) per hour for an amount not to exceed Two Thousand Five Hundred and 00/100 Dollars ($2,500.00) for a term commencing September 18, 2023 and terminating on December 31, 2023 (the “Amendment”); and

WHEREAS, this Board finds it to be in the best interest of the Town to authorize the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that the Resolution be and hereby is amended to reflect the Amendment.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney DOSA

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. 532 - 2023

A RESOLUTION WAIVING APPLICABLE FEES FOR THE COMMUNITY SYNAGOGUE'S USE OF NORTH HEMPSTEAD BEACH PARK TO CONDUCT A BEACH CLEAN UP EVENT.

WHEREAS, the Town Board of the Town of North Hempstead ("Town Board") is empowered pursuant to § 39-23 of the Town Code, upon recommendation of the Commissioner of the Department of Parks and Recreation (the "Commissioner"), to set the fees and charges for use of facilities and services in Town parks; and

WHEREAS, the Town Board adopted a schedule of user fees for the use of Town facilities and services, including certain facilities at various Town parks (the "Fee Schedule"); and

WHEREAS, The Community Synagogue in Port Washington (the "Community Synagogue") has requested access to North Hempstead Beach Park ("NHBP") on Sunday, September 17, 2023 from 1:00pm until 6:00pm to conduct an environmental cleanup of the shoreline and beach at NHBP and to host a BBQ picnic following the cleanup for the participants (the "Event"); and

WHEREAS, the Commissioner has recommended that the Town Board waive any applicable fees for use of the beach, including for the use of the pavilions, charcoal grills and parking fees for the Event; and

WHEREAS, the Town Board wishes to waive any applicable fees for the Community Synagogue's use of NHBP for the Event.

NOW, THEREFORE, BE IT

RESOLVED that any applicable fees for the Community Synagogue's use of NHBP for the Event are hereby waived; and be it further

RESOLVED that except as herein modified, the Fee Schedule shall remain unchanged and in full force and effect.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Parks and Recreation Comptroller

PROPOSED RESOLUTION

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

RESOLUTION NO. - 2023

A RESOLUTION IN SUPPORT OF THE ACQUISITION OF SUNSET PARK FROM THE PORT WASHINGTON POLLUTION CONTROL DISTRICT.

WHEREAS, the Port Washington Water Pollution Control District ("District") is the owner of real property identified on Nassau County Tax and Land Map as Section 5, Block B, Lot 171 and hereafter known as "Sunset Park"; and

WHEREAS, the District maintains a sewage pumping station on the property and certain utility easements would need to be granted to the District to maintain same; and

WHEREAS, while commonly referred to as Sunset Park, the land currently owned by the District is not legally considered parkland, and instead merely a collection of utility easements that over the years have been traditionally used as a park in order to beautify this significant expanse of waterfront property; and

WHEREAS, the Town has shown interest in acquiring Sunset Park from the District for a number of years, but unfortunately the process has been bogged down and delayed for nearly a decade; and

WHEREAS, the Town believes that in eventually acquiring the property, Town residents will benefit immensely by its designation as an official Town park, and its ultimate addition to our roster of renowned parks, of which there are currently 52 located around Town;

WHEREAS, Sunset Park offers local residents and visitors pristine scenic views of the Manhasset Bay waterfront and nature surrounding it, over the years it has become synonymous for photography buffs as the premiere destination for sunset photos; and

WHEREAS, Sunset Park is one of the finest destinations in all of Port Washington to spend an afternoon for those looking for outdoor recreation, including walking paths, basketball courts, and baseball fields, and it is home to the renowned John Phillip Sousa Memorial Band Shell, which plays host to a number of enjoyable concerts each summer; and

WHEREAS, the Town in the last two years has allocated considerable resources to the repair and rehabilitation of its aging parks infrastructure, including the renovation of Charles Fuschillo Park in Carle Place and the installation of pickleball courts and the ongoing renovation of the track and field area at Tully Park, and the eventual acquisition of Sunset Park represents another investment in our parks inventory for the betterment of the quality of life of our residents;

WHEREAS, the Town is hereby expressing its formal support of the eventual acquisition of Sunset Park, which is an important step to confirm our commitment to the process, especially in light of the fact that there are still outstanding items that need to be finalized to eventually allow the Town to enter into an agreement with the District and acquire the property; and

NOW, THEREFORE, BE IT

RESOLVED, that based on the foregoing, the Town Board hereby expresses its intent that it is in the best interests of the Town to support the acquisition of Sunset Park from the District; and be it further

RESOLVED, that the Town Attorney is hereby directed and authorized to complete negotiations on behalf of the Town to complete the transfer with the District in order to finalize the Town's purchase herein.

Dated: Manhasset, New York

September 5, 2023

The vote on the foregoing resolution was recorded as follows:

Ayes:

Nays:

PROPOSED RESOLUTION

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

RESOLUTION NO. - 2023

A RESOLUTION WAIVING APPLICABLE FEES FOR THE WESTBURY UNION FREE SCHOOL DISTRICT'S USE OF THE NORTH HEMPSTEAD "YES WE CAN" COMMUNITY CENTER.

WHEREAS, the Town Board of the Town of North Hempstead ("Town Board") is empowered pursuant to § 39-23 of the Town Code, upon recommendation of the Commissioner of the Department of Parks and Recreation (the "Commissioner"), to set the fees and charges for use of facilities and services in Town parks; and

WHEREAS, the Town Board adopted a schedule of user fees for the use of Town facilities and services, including certain facilities at various Town parks (the "Fee Schedule"); and

WHEREAS, the Westbury Union Free School District (the "District") has requested the use of space in the North Hempstead "Yes We Can" Community Center ("YWC") to conduct its ESL/ABE/GED programs from September 1, 2023 through June 30, 2024 (the "Programs"); and

WHEREAS, Councilperson Robert Troiano has recommended that the Town Board allow the District to use space at YWC and waive any applicable fees the use of YWC for the Programs, retroactive to September 1, 2023; and

WHEREAS, the Town Board wishes to waive any applicable fees for the District's use of YWC for the Programs.

NOW, THEREFORE, BE IT

RESOLVED that any applicable fees for the District's use of the YWC for the Programs are hereby waived; and be it further

RESOLVED that except as herein modified, the Fee Schedule shall remain unchanged and in full force and effect.

Dated: Manhasset, New York

September 5, 2023

The vote on the foregoing resolution was recorded as follows:

Ayes:

Nays:

cc: Town Attorney Parks and Recreation Comptroller

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. 533 - 2023

A RESOLUTION AUTHORIZING AND APPROVING THE PAYMENT OF CLAIMS AGAINST THE TOWN OF NORTH HEMPSTEAD AND AUTHORIZING AND DIRECTING THE COMPTROLLER OR DEPUTY COMPTROLLER TO PAY THE COSTS THEREOF.

WHEREAS, the Town Attorney has requested the approval of the Town Board for settlement and payment of claims as more particularly described herein below, for the reasons set forth in a memorandum to the Board on file in the Office of the Town Attorney; and

WHEREAS, the Board deems it to be in the best interests of the Town to approve the request of the Town Attorney.

NOW, THEREFORE, BE IT

RESOLVED that the settlement and payment of the following claims, in the amounts set forth herein, be and the same is approved by this Board in all respects:

Claimant	File No.	Amount
GEICO a/s/o Lanie Baxt v. TONH	TD-22-0107	$2,750.00
Virginia Limone v. TONH	TD-21-0060	$2,142.00

RESOLVED that the Office of the Comptroller be and hereby is authorized and directed to pay the amount set forth above upon receipt of a properly executed and certified claim therefor.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Town Attorney Comptroller

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. 534 - 2023

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, 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 the below resolutions; and

WHEREAS, that employments, appointments, transfers, adjustments, corrections, changes in grade or salary, and/or terminations (the "Employment Actions") that have been adopted are subject to completion of paperwork and civil service approval and are subject to the rules and regulations of the Nassau County Civil Service Commission and New York State Civil Service Law; and be it further

WHEREAS, that the term of appointment and employment of any person to an exempt position shall be at the pleasure of the Town Board.

WHEREAS, this Board finds it to be in the best interest of the Town to authorize the Employment Actions as follows:

RESOLVED

cc: Town Attorney Human Resources

RESOLUTION NO: -1

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the full-time hire of Michael Donnelly to the title of Administrative Assistant to Town Board in the amount of $2,270.88 bi-weekly / $59,043 annually in the Town Board - CD5 effective 08/21/23.

Ayes:
Nays:

RESOLUTION NO: -2

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the part-time hire of Susan Sullivan to the title of Part-Time Clerk Typist in the amount of $40.00 hourly in the Office of the Receiver of Taxes effective 09/02/23.

Ayes:
Nays:

RESOLUTION NO: -3

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the part-time to full-time hire of James Licht to the title of Laborer I in the amount of $22.82 hourly / $47,471 annually in the Department of Parks & Recreation - Michael J. Tully Park effective 09/16/23.

Ayes:
Nays:

RESOLUTION NO: -4

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the part-time to full-time hire of Luke Lapi to the title of Public Safety Officer I in the amount of $23.41 hourly / $48,684 annually in the Department of Parks & Recreation - Parks Public Safety effective 09/16/23.

Ayes:
Nays:

RESOLUTION NO: -5

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal hire of Jonathan Sharif to the title of Lifeguard Trainee in the amount of $18.00 hourly in the Department of Parks & Recreation - Harbor Hills effective retro to 08/19/2023.

Ayes:
Nays:

RESOLUTION NO: -6

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal hire of Justin Sharif to the title of Lifeguard Trainee in the amount of $18.00 hourly in the Department of Parks & Recreation - Harbor Hills effective retro to 08/19/2023.

Ayes:
Nays:

RESOLUTION NO: -7

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal hire of Cormac DeJean to the title of Lifeguard Trainee in the amount of $18.00 hourly in the Department of Parks & Recreation - Clinton G. Martin Park effective retro to 08/19/2023.

Ayes:
Nays:

RESOLUTION NO: -8

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal hire of Joshua Fattore to the title of Lifeguard Trainee in the amount of $18.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective retro to 08/19/2023.

Ayes:
Nays:

RESOLUTION NO: -9

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal hire of Aisling Reed to the title of Lifeguard Trainee in the amount of $18.00 hourly in the Department of Parks & Recreation - Clinton G. Martin Park effective retro to 08/19/2023.

Ayes:
Nays:

RESOLUTION NO: -10

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal hire of Erik Gliszczynski to the title of Lifeguard I in the amount of $18.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective retro to 08/19/2023.

Ayes:
Nays:

RESOLUTION NO: -11

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the part-time with seasonal hours hire of Adrian Anglin to the title of Laborer I in the amount of $16.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 09/16/23.

Ayes:
Nays:

RESOLUTION NO: -12

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the part-time with seasonal hours hire of Lukas Tzikas to the title of Lifeguard I in the amount of $18.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 09/16/23.

Ayes:
Nays:

RESOLUTION NO: -13

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the part-time with seasonal hours hire of Ruth McTaire to the title of Recreation Aide in the amount of $17.00 hourly in the Department of Parks & Recreation - Yes We Can CC effective 09/16/23.

Ayes:
Nays:

RESOLUTION NO: -14

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the part-time with seasonal hours hire of Norman Tapper to the title of Recreation Aide in the amount of $17.00 hourly in the Department of Parks & Recreation - Yes We Can CC effective 09/16/23.

Ayes:
Nays:

RESOLUTION NO: -15

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Victor Morfessis in the title of Rec Aide in the amount of $20.00 hourly in the Department of Community Services effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -16

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Christian Alexander in the title of Laborer in the amount of $15.00 hourly in the Department of Highways effective 09/30/23.

Ayes:
Nays:

RESOLUTION NO: -17

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Robert Pomara in the title of Laborer in the amount of $15.00 hourly in the Department of Highways effective 09/30/23.

Ayes:
Nays:

RESOLUTION NO: -18

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Garland Shields in the title of Laborer in the amount of $15.00 hourly in the Department of Highways effective 09/30/23.

Ayes:
Nays:

RESOLUTION NO: -19

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Giuseppi Piscitelli in the title of Laborer I in the amount of $15.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -20

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Gregory Moore in the title of Laborer I in the amount of $15.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -21

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Austin Clerjeau in the title of Laborer I in the amount of $15.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -22

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Isaiah Johnson in the title of Recreation Aide in the amount of $19.00 hourly in the Department of Parks & Recreation - Yes We Can CC effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -23

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Olga Tomlinson in the title of Recreation Aide in the amount of $18.00 hourly in the Department of Parks & Recreation - Yes We Can CC effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -24

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Lucas Campuzano in the title of Lifeguard Trainee in the amount of $18.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -25

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Abhijeet Chopra in the title of Lifeguard Trainee in the amount of $18.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -26

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Joseph Mattei in the title of Lifeguard I in the amount of $18.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -27

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Rylan Tan in the title of Lifeguard I in the amount of $18.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -28

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Mason Yiu in the title of Lifeguard I in the amount of $18.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -29

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Mackenzie Moon in the title of Attendant in the amount of $15.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -30

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Prince McTaire in the title of Attendant in the amount of $15.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -31

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Philip Barsky in the title of Attendant in the amount of $15.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -32

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change with a location change of Cedric Lausane in the title of Laborer I in the amount of $15.00 hourly to the Department of Parks & Recreation - Martin "Bunky" Reid effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -33

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change with a location change of Jenne Biunno in the title of Lifeguard I in the amount of $22.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -34

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change with a location change of Justin Chin in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -35

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change with a location change of Christian Sikiric in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -36

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change with a location change of Brendan Tumulty in the title of Lifeguard Trainee in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -37

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change with a location change of Nyle Farooqi in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -38

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change with a location change of Dominic Cotsonas in the title of Attendant in the amount of $15.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -39

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change with a location change of Olivia Thomas in the title of Attendant in the amount of $15.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -40

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change with a title and location change of Michael Judge to the title of Lifeguard 1 in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -41

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change with a title and location change of Olivia Quintanilla to the title of Lifeguard 1 in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes:
Nays:

RESOLUTION NO: -42

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the merit raise for Daniel Rivera in the title of Maint. Plumber to the amount of $34.41 hourly / $71,572 annually in the Department of Parks & Recreation - Trades Crew effective 09/16/23.

Ayes:
Nays:

RESOLUTION NO: -43

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the merit raise for Bonnie Klein in the title of Horticulturist to the amount of $39.40 hourly / $81,946 annually in the Department of Parks & Recreation - Clark Gardens effective 09/16/23.

Ayes:
Nays:

RESOLUTION NO: -44

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the title, grade, step and salary change for John Horun to the title of Animal Warden to the amount of $27.30 hourly / $56,790 annually in the Division of Public Safety - Animal Shelter Department effective 09/16/23.

Ayes:
Nays:

RESOLUTION NO: -45

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the title, grade, step and salary change for Luigi Iannucci to the title of Equipment Operator 1 to the amount of $25.85 hourly / $53,773 annually in the Department of Highways effective 09/16/23.

Ayes:
Nays:

RESOLUTION NO: -46

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the title, grade, step and salary change for Travis Sandy to the title of Equipment Operator 1 to the amount of $30.03 hourly / $62,454 annually in the Department of Highways effective 09/16/23.

Ayes:
Nays:

RESOLUTION NO: -47

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the title, grade, step and salary change for Joshua Skidmore to the title of Equipment Operator 1 to the amount of $25.33 hourly / $52,689 annually in the Department of Highways effective 09/30/23.

Ayes:
Nays:

RESOLUTION NO: -48

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the title, grade, step and salary change for Enrico Vicari to the title of Equipment Operator 1 to the amount of $25.33 hourly / $52,689 annually in the Department of Highways effective 09/30/23.

Ayes:
Nays:

RESOLUTION NO: -49

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the title, grade, step and salary change for Devin Talt to the title of Equipment Operator 1 to the amount of $25.33 hourly / $52,689 annually in the Department of Highways effective 09/30/23.

Ayes:
Nays:

RESOLUTION NO: -50

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the title, grade, step and salary change for Christian Sanchez to the title of Equipment Operator 1 to the amount of $25.33 hourly / $52,689 annually in the Department of Highways effective 09/30/23.

Ayes:
Nays:

RESOLUTION NO: -51

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the hourly rate change for part-time employee Nelson Guevara in the title of Recreation Aide to the amount of $19.00 hourly in the Department of Parks & Recreation - Yes We Can CC effective 09/16/23.

Ayes:
Nays:

RESOLUTION NO: -52

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the hourly rate change for part-time employee Humza Butt in the title of Recreation Aide to the amount of $18.00 hourly in the Department of Parks & Recreation - Yes We Can CC effective 09/16/23.

Ayes:
Nays:

RESOLUTION NO: -53

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Carolyn Moglia in the title of Lifeguard II in the amount of $21.00 hourly to the Department of Parks & Recreation Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -54

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Christopher Manetta in the title of Lifeguard I in the amount of $19.75 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -55

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee John Cutajar in the title of Lifeguard II in the amount of $21.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -56

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Lucia Piccirillo in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -57

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Nicholas Rubinic in the title of Lifeguard III in the amount of $23.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -58

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Caroline Thomson in the title of Lifeguard I in the amount of $18.75 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -59

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Benjamin Hanim in the title of Lifeguard I in the amount of $18.25 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -60

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Antonio Lazo in the title of Lifeguard II in the amount of $22.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -61

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Jasmine Willis in the title of Recreation Aide in the amount of $19.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -62

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Nicholas Zimmerman in the title of Lifeguard II in the amount of $22.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/18/23.

Ayes:
Nays:

RESOLUTION NO: -63

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Matthew Novella in the title of Lifeguard II in the amount of $21.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -64

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Alexa Brown in the title of Lifeguard II in the amount of $24.50 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -65

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Elizabeth Duke in the title of Lifeguard IV in the amount of $27.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -66

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Nicole Fee in the title of Lifeguard II in the amount of $24.50 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -67

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Maiken Bursig in the title of Lifeguard II in the amount of $22.25 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -68

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Sarah Pincay in the title of Lifeguard I in the amount of $18.25 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -69

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Skylar Truong in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -70

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Audrey Koenig in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -71

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Bridget Koenig in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -72

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Bryan Lo in the title of Lifeguard I in the amount of $18.25 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -73

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Jacqueline Manetta in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -74

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Jenna Novella in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -75

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Arianna Sikiric in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -76

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Abigail Sollecito in the title of Lifeguard II in the amount of $21.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -77

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Marcia Trice Noel in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -78

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Logan Yiu in the title of Lifeguard I in the amount of $18.25 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -79

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Christopher DiCanio in the title of Lifeguard I in the amount of $19.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -80

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Gregory Nold in the title of Lifeguard IV in the amount of $27.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -81

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Jonathan Ng in the title of Lifeguard II in the amount of $21.50 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -82

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Gavin Hwang in the title of Lifeguard I in the amount of $22.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -83

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee James Brandvold in the title of Lifeguard I in the amount of $20.50 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -84

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Alexander Skeries in the title of Lifeguard I in the amount of $19.75 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -85

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Jack Nichols in the title of Lifeguard I in the amount of $20.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -86

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Nicholas Treibman in the title of Recreation Aide in the amount of $17.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -87

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Kendall Krasinski in the title of Recreation Aide in the amount of $17.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -88

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Luca Van Velsor in the title of Attendant in the amount of $15.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -89

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Amanda Fishkin in the title of Recreation Aide in the amount of $19.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/18/23.

Ayes:
Nays:

RESOLUTION NO: -90

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Michael Baltzer in the title of Lifeguard III in the amount of $23.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -91

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Kaitlyn Hand in the title of Lifeguard I in the amount of $18.75 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -92

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Nathan Gaysynsky in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -93

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Daniel Gillette in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -94

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Liam Flanagan in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -95

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Leann Ferron in the title of Attendant in the amount of $16.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -96

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Jack Kiley in the title of Recreation Aide in the amount of $19.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -97

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Thomas Rubinic in the title of Recreation Aide in the amount of $19.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -98

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Jordan Stoner in the title of Attendant in the amount of $15.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -99

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Emily Eng in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -100

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Kamran Qureshi in the title of Lifeguard Trainee in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes:
Nays:

RESOLUTION NO: -101

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change with a title change for Lily Atighehchi to the title of Administrative Intern in the amount of $17.00 hourly in the Town Board - CD4 effective 08/30/23.

Ayes:
Nays:

RESOLUTION NO: -102

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the retirement of full-time employee Susan Sullivan in the title of Administrative Officer 1 in the amount of $3,662.70 bi-weekly / $95,230 annually in the Receiver of Taxes effective 08/31/23.

Ayes:
Nays:

RESOLUTION NO: -103

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the resignation of full-time employee Kristen Schwaner in the title of Town Comptroller in the amount of $6,153.85 bi-weekly / $160,000 annually in the Comptroller's Office effective 08/11/23.

Ayes:
Nays:

RESOLUTION NO: -104

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the resignation of full-time employee Christina Bonfiglio-Scali in the title of Buyer in the amount of $2,418.10 bi-weekly / $62,870 annually in the Department of Highways effective 08/25/23.

Ayes:
Nays:

RESOLUTION NO: -105

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the resignation of full-time employee Allan Teran in the title of Public Safety Officer I in the amount of $24.34 hourly / $50,635 annually in the Department of Parks & Recreation - Parks Public Safety effective 08/20/23.

Ayes:
Nays:

RESOLUTION NO: -106

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the resignation of full-time employee Kevin O'Reilly in the title of Parking Meter Servicer in the amount of $27.94 hourly / $58,111 annually in the Port Washington Public Parking District effective 08/08/23.

Ayes:
Nays:

RESOLUTION NO: -107

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the resignation of part-time employee Ronald Carnicom in the title of Laborer 1 in the amount of $30.00 hourly in the DoITT effective 08/03/23.

Ayes:
Nays:

RESOLUTION NO: 534 -1

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the full-time hire of Michael Donnelly to the title of Administrative Assistant to Town Board in the amount of $2,270.88 bi-weekly / $59,043 annually in the Town Board - CD5 effective 08/21/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -2

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the part-time hire of Susan Sullivan to the title of Part-Time Clerk Typist in the amount of $40.00 hourly in the Office of the Receiver of Taxes effective 09/02/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -3

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the part-time to full-time hire of James Licht to the title of Laborer I in the amount of $22.82 hourly / $47,471 annually in the Department of Parks & Recreation - Michael J. Tully Park effective 09/16/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -4

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the part-time to full-time hire of Luke Lapi to the title of Public Safety Officer I in the amount of $23.41 hourly / $48,684 annually in the Department of Parks & Recreation - Parks Public Safety effective 09/16/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -5

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal hire of Jonathan Sharif to the title of Lifeguard Trainee in the amount of $18.00 hourly in the Department of Parks & Recreation - Harbor Hills effective retro to 08/19/2023.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -6

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal hire of Justin Sharif to the title of Lifeguard Trainee in the amount of $18.00 hourly in the Department of Parks & Recreation - Harbor Hills effective retro to 08/19/2023.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -7

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal hire of Cormac DeJean to the title of Lifeguard Trainee in the amount of $18.00 hourly in the Department of Parks & Recreation - Clinton G. Martin Park effective retro to 08/19/2023.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -8

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal hire of Joshua Fattore to the title of Lifeguard Trainee in the amount of $18.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective retro to 08/19/2023.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -9

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal hire of Aisling Reed to the title of Lifeguard Trainee in the amount of $18.00 hourly in the Department of Parks & Recreation - Clinton G. Martin Park effective retro to 08/19/2023.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -10

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal hire of Erik Gliszczynski to the title of Lifeguard I in the amount of $18.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective retro to 08/19/2023.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -11

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the part-time with seasonal hours hire of Adrian Anglin to the title of Laborer I in the amount of $16.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 09/16/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -12

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the part-time with seasonal hours hire of Lukas Tzikas to the title of Lifeguard I in the amount of $18.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 09/16/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -13

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the part-time with seasonal hours hire of Ruth McTaire to the title of Recreation Aide in the amount of $17.00 hourly in the Department of Parks & Recreation - Yes We Can CC effective 09/16/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -14

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the part-time with seasonal hours hire of Norman Tapper to the title of Recreation Aide in the amount of $17.00 hourly in the Department of Parks & Recreation - Yes We Can CC effective 09/16/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -15

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Victor Morfessis in the title of Rec Aide in the amount of $20.00 hourly in the Department of Community Services effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -16

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Christian Alexander in the title of Laborer in the amount of $15.00 hourly in the Department of Highways effective 09/30/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -17

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Robert Pomara in the title of Laborer in the amount of $15.00 hourly in the Department of Highways effective 09/30/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -18

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Garland Shields in the title of Laborer in the amount of $15.00 hourly in the Department of Highways effective 09/30/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -19

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Giuseppi Piscitelli in the title of Laborer I in the amount of $15.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -20

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Gregory Moore in the title of Laborer I in the amount of $15.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -21

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Austin Clerjeau in the title of Laborer I in the amount of $15.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -22

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Isaiah Johnson in the title of Recreation Aide in the amount of $19.00 hourly in the Department of Parks & Recreation - Yes We Can CC effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -23

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Olga Tomlinson in the title of Recreation Aide in the amount of $18.00 hourly in the Department of Parks & Recreation - Yes We Can CC effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -24

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Lucas Campuzano in the title of Lifeguard Trainee in the amount of $18.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -25

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Abhijeet Chopra in the title of Lifeguard Trainee in the amount of $18.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -26

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Joseph Mattei in the title of Lifeguard I in the amount of $18.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -27

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Rylan Tan in the title of Lifeguard I in the amount of $18.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -28

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Mason Yiu in the title of Lifeguard I in the amount of $18.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -29

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Mackenzie Moon in the title of Attendant in the amount of $15.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -30

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Prince McTaire in the title of Attendant in the amount of $15.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -31

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change of Philip Barsky in the title of Attendant in the amount of $15.00 hourly in the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -32

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change with a location change of Cedric Lausane in the title of Laborer I in the amount of $15.00 hourly to the Department of Parks & Recreation - Martin "Bunky" Reid effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -33

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change with a location change of Jenne Biunno in the title of Lifeguard I in the amount of $22.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -34

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change with a location change of Justin Chin in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -35

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change with a location change of Christian Sikiric in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -36

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change with a location change of Brendan Tumulty in the title of Lifeguard Trainee in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -37

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change with a location change of Nyle Farooqi in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -38

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change with a location change of Dominic Cotsonas in the title of Attendant in the amount of $15.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -39

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change with a location change of Olivia Thomas in the title of Attendant in the amount of $15.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -40

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change with a title and location change of Michael Judge to the title of Lifeguard 1 in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -41

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change with a title and location change of Olivia Quintanilla to the title of Lifeguard 1 in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 10/01/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -42

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the merit raise for Daniel Rivera in the title of Maint. Plumber to the amount of $34.41 hourly / $71,572 annually in the Department of Parks & Recreation - Trades Crew effective 09/16/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -43

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the merit raise for Bonnie Klein in the title of Horticulturist to the amount of $39.40 hourly / $81,946 annually in the Department of Parks & Recreation - Clark Gardens effective 09/16/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -44

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the title, grade, step and salary change for John Horun to the title of Animal Warden to the amount of $27.30 hourly / $56,790 annually in the Division of Public Safety - Animal Shelter Department effective 09/16/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -45

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the title, grade, step and salary change for Luigi Iannucci to the title of Equipment Operator 1 to the amount of $25.85 hourly / $53,773 annually in the Department of Highways effective 09/16/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -46

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the title, grade, step and salary change for Travis Sandy to the title of Equipment Operator 1 to the amount of $30.03 hourly / $62,454 annually in the Department of Highways effective 09/16/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -47

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the title, grade, step and salary change for Joshua Skidmore to the title of Equipment Operator 1 to the amount of $25.33 hourly / $52,689 annually in the Department of Highways effective 09/30/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -48

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the title, grade, step and salary change for Enrico Vicari to the title of Equipment Operator 1 to the amount of $25.33 hourly / $52,689 annually in the Department of Highways effective 09/30/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -49

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the title, grade, step and salary change for Devin Talt to the title of Equipment Operator 1 to the amount of $25.33 hourly / $52,689 annually in the Department of Highways effective 09/30/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -50

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the title, grade, step and salary change for Christian Sanchez to the title of Equipment Operator 1 to the amount of $25.33 hourly / $52,689 annually in the Department of Highways effective 09/30/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -51

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the hourly rate change for part-time employee Nelson Guevara in the title of Recreation Aide to the amount of $19.00 hourly in the Department of Parks & Recreation - Yes We Can CC effective 09/16/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -52

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the hourly rate change for part-time employee Humza Butt in the title of Recreation Aide to the amount of $18.00 hourly in the Department of Parks & Recreation - Yes We Can CC effective 09/16/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -53

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Carolyn Moglia in the title of Lifeguard II in the amount of $21.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -54

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Christopher Manetta in the title of Lifeguard I in the amount of $19.75 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -55

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee John Cutajar in the title of Lifeguard II in the amount of $21.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -56

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Lucia Piccirillo in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -57

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Nicholas Rubinic in the title of Lifeguard III in the amount of $23.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -58

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Caroline Thomson in the title of Lifeguard I in the amount of $18.75 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -59

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Benjamin Hanim in the title of Lifeguard I in the amount of $18.25 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -60

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Antonio Lazo in the title of Lifeguard II in the amount of $22.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -61

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Jasmine Willis in the title of Recreation Aide in the amount of $19.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -62

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Nicholas Zimmerman in the title of Lifeguard II in the amount of $22.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/18/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -63

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Matthew Novella in the title of Lifeguard II in the amount of $21.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -64

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Alexa Brown in the title of Lifeguard II in the amount of $24.50 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -65

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Elizabeth Duke in the title of Lifeguard IV in the amount of $27.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -66

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Nicole Fee in the title of Lifeguard II in the amount of $24.50 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -67

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Maiken Bursig in the title of Lifeguard II in the amount of $22.25 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -68

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Sarah Pincay in the title of Lifeguard I in the amount of $18.25 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -69

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Skylar Truong in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -70

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Audrey Koenig in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -71

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Bridget Koenig in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -72

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Bryan Lo in the title of Lifeguard I in the amount of $18.25 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -73

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Jacqueline Manetta in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -74

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Jenna Novella in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -75

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Arianna Sikiric in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -76

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Abigail Sollecito in the title of Lifeguard II in the amount of $21.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -77

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Marcia Trice Noel in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -78

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Logan Yiu in the title of Lifeguard I in the amount of $18.25 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -79

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Christopher DiCanio in the title of Lifeguard I in the amount of $19.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -80

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Gregory Nold in the title of Lifeguard IV in the amount of $27.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -81

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Jonathan Ng in the title of Lifeguard II in the amount of $21.50 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -82

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Gavin Hwang in the title of Lifeguard I in the amount of $22.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -83

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee James Brandvold in the title of Lifeguard I in the amount of $20.50 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -84

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Alexander Skeries in the title of Lifeguard I in the amount of $19.75 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -85

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Jack Nichols in the title of Lifeguard I in the amount of $20.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -86

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Nicholas Treibman in the title of Recreation Aide in the amount of $17.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -87

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Kendall Krasinski in the title of Recreation Aide in the amount of $17.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -88

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Luca Van Velsor in the title of Attendant in the amount of $15.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -89

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Amanda Fishkin in the title of Recreation Aide in the amount of $19.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/18/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -90

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Michael Baltzer in the title of Lifeguard III in the amount of $23.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -91

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Kaitlyn Hand in the title of Lifeguard I in the amount of $18.75 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -92

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Nathan Gaysynsky in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -93

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Daniel Gillette in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -94

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Liam Flanagan in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -95

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Leann Ferron in the title of Attendant in the amount of $16.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -96

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Jack Kiley in the title of Recreation Aide in the amount of $19.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -97

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Thomas Rubinic in the title of Recreation Aide in the amount of $19.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -98

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Jordan Stoner in the title of Attendant in the amount of $15.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -99

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Emily Eng in the title of Lifeguard I in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -100

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the location change for part-time employee Kamran Qureshi in the title of Lifeguard Trainee in the amount of $18.00 hourly to the Department of Parks & Recreation - Michael J. Tully Park effective 09/06/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -101

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the seasonal to part-time status change with a title change for Lily Atighehchi to the title of Administrative Intern in the amount of $17.00 hourly in the Town Board - CD4 effective 08/30/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -102

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the retirement of full-time employee Susan Sullivan in the title of Administrative Officer 1 in the amount of $3,662.70 bi-weekly / $95,230 annually in the Receiver of Taxes effective 08/31/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -103

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the resignation of full-time employee Kristen Schwaner in the title of Town Comptroller in the amount of $6,153.85 bi-weekly / $160,000 annually in the Comptroller's Office effective 08/11/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -104

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the resignation of full-time employee Christina Bonfiglio-Scali in the title of Buyer in the amount of $2,418.10 bi-weekly / $62,870 annually in the Department of Highways effective 08/25/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -105

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the resignation of full-time employee Allan Teran in the title of Public Safety Officer I in the amount of $24.34 hourly / $50,635 annually in the Department of Parks & Recreation - Parks Public Safety effective 08/20/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -106

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the resignation of full-time employee Kevin O'Reilly in the title of Parking Meter Servicer in the amount of $27.94 hourly / $58,111 annually in the Port Washington Public Parking District effective 08/08/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

RESOLUTION NO: 534 -107

The following resolution was offered by the Town Board:

BE IT RESOLVED, that the Town Board approves the resignation of part-time employee Ronald Carnicom in the title of Laborer 1 in the amount of $30.00 hourly in the DoITT effective 08/03/23.

Ayes: Councilperson Adhami, Councilperson Dalimonte, Councilperson Lurvey, Councilperson Troiano, Councilperson Zuckerman, Supervisor DeSena.
Nays: None.
Abstain: Councilperson Walsh.

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. 535 - 2023

A RESOLUTION APPROVING THE ACTION OF THE FIRE-MEDIC CO., NO. 1, PORT WASHINGTON, NEW YORK, IN ADDING MAYA LAPTER AND REBECCA MICHAELS TO MEMBERSHIP.

WHEREAS, the Fire-Medic Co. No. 1, Port Washington, New York, has advised of adding Maya Lapter and Rebecca Michaels to membership.

NOW, THEREFORE, BE IT

RESOLVED that the action of the Fire-Medic Co. No. 1, 65 Harbor Rd, Port Washington, NY 11050, of adding Maya Lapter, 37 Richards Road, Port Washington, NY, 11050 and Rebecca Michaels, 38 Sintsink Drive West, Port Washington, NY 11050 to membership hereby is approved and the Town Clerk directed to record their names in the Minutes of the Town Board.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Fire-Medic Co. No. 1 Town Attorney Comptroller

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

RESOLUTION NO. 536 - 2023

A RESOLUTION APPROVING THE ACTION OF THE ATLANTIC HOOK & LADDER CO. NO. 1, PORT WASHINGTON, NEW YORK, IN RECLASSIFYING THOMAS PETTY, MATTHEW RUBINSTEIN, MARK TETA, AND TODD SAUNDERS FROM REGULAR TO ASSOCIATE MEMBERS AND REMOVING JONATHAN MARKS FROM MEMBERSHIP.

WHEREAS, the Atlantic Hook & Ladder Company No. 1, Port Washington, New York, has advised in reclassifying Thomas Petty, Matthew Rubinstein, Mark Teta, and Todd Saunders from regular to associate members and removing Jonathan Marks 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, in reclassifying Thomas Petty, Matthew Rubinstein, Mark Teta, and Todd Saunders from regular to associate members and removing Jonathan Marks from membership hereby is approved and the Town Clerk is directed to record this name in the Minutes of the Town Board.

Dated: Manhasset, New York

September 5, 2023

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: None.

cc: Atlantic Hook & Ladder Co. No. 1 Town Attorney Comptroller

PROPOSED RESOLUTION

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

RESOLUTION NO. - 2023

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE TOWN BOARD RULES OF PROCEDURE.

WHEREAS, Town Law §63 allows the Town Board to adopt Rules of Procedure (the "Rules"); and

WHEREAS, the Town Board has heretofore adopted such rules and subsequently amended same; and

WHEREAS, the Town Board wishes to further amend the Rules as follows (the "Amendment"):
(Strikeout font indicates text being deleted. Bold/Underlining indicates text being added.)

TOWN BOARD
RULES OF PROCEDURE

Article 1: Declaration of Intent

It is the intent of this Town Board that its meetings and public hearings be conducted in as efficient a manner as practicable. It is also this Town Board's intention that participants recognize the importance of the business being conducted, and the importance of basic courtesy, respect and decorum in the Board's proceedings. These Rules of Procedure are intended to encourage efficiency and courtesy in the conduct of the business of the people of this Town.

Article 2: Definitions

For the purposes of this resolution,

A. "Calendar" means a list or schedule of resolutions or other legislative items for consideration or disposition, or an agenda.

B. “Members” means members of the Town Board, comprising the Town Supervisor and the Council members.

C. “Reserve decision” means to refrain from taking a final vote or other disposition on a proposal until a future date.

D. “Town Board” means the Town Supervisor and the Council members.

E. “Town Law” means the New York State Town Law.

F. “Urgent or of an emergency nature” means a pressing or critical situation that poses or may pose an immediate risk to, or have an immediate negative impact upon, health, life, safety, property, economy, environment or Town governance requiring prompt action or attention. For purposes of this definition, a resolution approving the action of a fire company to add to, or remove from, membership shall be deemed urgent.

Article 3: Scope

These Rules of Procedure shall apply to all meetings and public hearings of the Town Board and of all special districts or other bodies for which the Town Board serves as Commissioners, Directors or Trustees.

Article 4: Conditions of Meetings and Hearings

A. Location of Meetings. All meetings and public hearings of the Town Board shall, unless otherwise specified in public notices, be held in the Main Hearing Room on the second floor of Town Hall, 220 Plandome Road. By a majority vote, and with appropriate public notice, the Town Board may designate alternative meeting and public hearing locations within the Town, or use videoconferencing when authorized by local law adopted by the Town Board and in accordance with Section 103-a of the Public Officers Law, or authorize meetings to be held remotely by conference call or similar service when authorized by New York State law.

B. Time of Meetings. Meetings and hearings of the Town Board, unless otherwise specified in public notices, shall begin at 7:00 p.m. Special or emergency meetings may be scheduled between 8:00 a.m. and 8:00 p.m.

C. Time limits of Meetings. In the event that a public hearing continues beyond 12:00 midnight, the Board shall reserve decision, unless by majority vote the Town Board determines that delay is not in the public interest.

D. Quorum. Four or more members of the Town Board, present at a meeting or hearing, constitute a quorum. If no quorum is present, no official votes on any resolution or local law may be taken, and the meeting may be adjourned on the motion of one member of the Town Board.

E. Actions. No action, resolution, local law or ordinance shall be adopted without the affirmative vote of a majority of Members then in office.

Article 5: Organization of the Town Board

A. If present, the Supervisor shall preside at all meetings and hearings of the Town Board. If the Supervisor is absent, the Deputy Supervisor shall preside. If both the Supervisor and the Deputy Supervisor are absent, the members present shall select by majority vote a presiding officer for the meeting or hearing. The Supervisor may, in the course of a meeting or hearing, temporarily designate another Member as acting presiding officer.

B. During meetings or hearings, the Town Attorney or his/her designee shall act as counsel to the Town Board and as Parliamentarian.

C. (1) During meetings or hearings, the Town Clerk shall act as secretary of the Town Board.

(2) Notwithstanding any other responsibilities pursuant to state law, the Town Clerk shall be responsible for keeping summary minutes, including a written record of all proceedings and votes, and for maintaining and publishing such records. The minutes shall be made available to the public by the Town Clerk within seven calendar days of any meeting or hearing.

(3) A certified stenographic reporter shall be present to record a precise transcript of all proceedings. The transcript shall be made available to the public by the Town Clerk within twenty-one calendar days of any meeting or hearing.

Article 6: Calendar of the Town Board

A. The Town Attorney shall be responsible for preparation of the Calendar of each Town Board meeting. The Calendar shall include all items properly submitted to the Town Attorney in accordance with this Article. Each item on the Calendar shall include a “synopsis” of the item’s effect in plain English, where the caption is not otherwise clear.

B. Members wishing to place resolutions or other legislation on a Town Board Calendar shall submit a memorandum in writing, electronically through the agenda management system utilized by the Town, to the Town Attorney or the Town Attorney’s designee with appropriate descriptions and support materials attached. The memorandum shall include a suggested “synopsis” for the calendar which explains in plain English the effect of the proposal. Such memorandum shall be submitted not later than 5 p.m. on the fourteenth calendar day prior to a scheduled Town Board meeting. Applications for approval of a site plan must demonstrate compliance with the Long Island Workforce Housing Act, where applicable.

The Town Attorney shall prepare in proper form for consideration by the Town Board any resolution or other legislation submitted in such manner.

If a proposed item is not in proper form, or if the submission is otherwise insufficient, the Town Attorney’s office shall notify the Member making the proposal in writing within three business days of its receipt by the Town Attorney as to the nature of the deficiency and, upon request, shall assist said Member in making the necessary corrections.

C. No resolution or other legislation shall be placed on the Calendar of any meeting without the written request of a Member.

D. Members, and their designees, shall be notified contemporaneously upon the submission of each and every item submitted through the electronic agenda management system. Members, and their designees, shall at all times have equal and unrestricted access to view all Calendars and all backup materials for any prior or future meeting of the Town Board, including draft Calendars. No Member or their designee shall have access to the electronic agenda management system that is not the same as any other Member. Only the Town Attorney or his/her designee shall have the authority to delete Calendar items.

E. Not later than 5PM on the third calendar day[1] prior to a scheduled meeting, the Town Attorney shall make available to each Member and the Town Clerk, the Calendar in its final form, together with all backup materials, and a copy of each resolution or other legislation which has been placed on a Calendar, except that a proposed Local Law must be placed on the desk of each member not less than seven (7) calendar days, exclusive of Sunday, prior to its final passage or otherwise delivered to each of the Members in accordance with Municipal Home Rule Law Section 20(4).

F. The Member who submitted the written request that a resolution or other legislation be placed on the Calendar may withdraw the request and remove the item from consideration at any time prior to the call to order of the meeting. The Supervisor will announce the change in the Calendar at the appropriate time pursuant to Article 7.

G. Urgent or Emergency Matters.

(1) Additional resolutions or legislation considered urgent or of an emergency nature may be added to the Calendar after 5 p.m. on the fourteenth calendar day prior to a scheduled Town Board meeting, but prior to the Calendar being publicly posted, in the following manner:

(a) If the resolution is to schedule a matter for a Public Hearing at a future date or to approve the action of a fire company to add to, or remove from, membership, it may be added by any member; or

(b) All other resolutions may be added only at the request of the Supervisor or two Members of the Town Board.

The request shall be submitted in writing, electronically through the agenda management system, and shall identify the Member(s) making the request, together with an explanation identifying the urgent or emergency nature. Such resolutions or legislation will be added at the end of the Calendar.

(2) Once a regular meeting Calendar has been publicly posted, additional resolutions or legislation considered urgent or of an emergency nature (also referred to as an "added starter" resolution) may be added to the Calendar after the Calendar is publicly posted, including after commencement of any meeting, by the Town Supervisor or by a majority vote of the Town Board, only in an extraordinary circumstance, provided that no local law may be adopted by emergency by the Town Board except in accordance with Municipal Home Rule Law Section 20(4). Added resolutions or legislation will be added to the end of the Calendar. Except where impracticable, a resolution or legislation sought to be added to the Calendar under this section shall be distributed to all Members, the Town Clerk and the Town Attorney, not later than three hours prior to the scheduled start of the Town Board meeting.

The request shall be submitted in writing, electronically through the agenda management system, and shall identify the Member(s) making the request, together with a statement identifying: (i) the urgent or emergency nature; and (ii) the extraordinary circumstance. As used in this section, "extraordinary circumstance" shall mean a circumstance where the sponsoring Member could not anticipate or foresee the need for the added starter resolution prior to the Calendar being publicly posted.

H. The Town Attorney is authorized to recommend specific guidelines, requirements or formats for requests that a resolution or other legislation be placed on the Calendar. Any such guidelines, requirements or formats shall be described in writing and shall apply to all Members.

I. <u>Procedures related to Fiscal Impact Statements</u>

<u>In accordance with Chapter 24, Article XV, of the Town Code, the following shall apply:</u>

(1) <u>As referenced in Town Code Section 24-122(A), fiscal impact statements, when required under Section 24-113, shall be submitted through the electronic agenda management system no later than 5:00 p.m on the twelfth calendar day prior to the scheduled meeting at which the legislation is to be considered.</u>

(2) <u>As referenced in Town Code Section 24-122(C)(3), requests made by the Comptroller or his/her designee to the department head or member of the Town Board seeking additional</u>

information or a detailed justification shall be in writing and made no later than 5 p.m. on the seventh calendar day prior to the scheduled meeting at which the legislation is to be considered.

(3) As referenced in Town Code Section 24-122(C)(3), a department head or member of the Town Board who has received a request for additional information or for a detailed justification from the Comptroller or his/her designee, shall respond to the Comptroller or his/her designee within two business days.

Article 7: Order of Business

Unless suspended or changed, without debate, by a majority vote of the Members, the following shall be the order of business of meetings:

A. Call to order by the Supervisor or acting presiding officer

B. Recital of the Pledge of Allegiance to the flag

C. Roll Call of Members by Town Clerk to determine attendance and quorum

D. Announcements and Special Presentations

E. Public Comments

F. Announcement of changes in the Calendar

G. Disposition of the Calendar, which shall be arranged in the following order:

i. Site plan review business
ii. Public Hearings
iii. Resolutions
iv. Other hearings

H. Adjournment

I. Additional Public Comments, if any

Article 8: Motions and Proceedings

A. The vote on every question shall be by "ayes" and "noes." An abstention, silence or absence shall not be considered either an affirmative or a negative vote for the purposes of determining the final vote on a matter. A Member may pass his or her vote once per question and will be called on again after the voting order is completed. When polled by the Town Clerk, voting shall be done in council district order with the Supervisor being polled last.

B. The names of the Members present and their votes upon every question shall be entered in the minutes and transcripts of the Town Board.

C. The following motions shall be received by the Supervisor or acting presiding officer, and these motions shall have precedence in the order stated:

1. For an adjournment of the meeting or hearing, or to continue a hearing past midnight.
2. For a Call of the Town Board (a roll call to determine attendance or quorum)
3. To temporarily suspend the Rules of Procedure.
4. To change the arrangement of the Calendar
5. To enter an Executive Session, pursuant to the Open Meetings Law
6. To recess the Town Board temporarily
7. To lay on the table (to temporarily place a matter aside) or to take from the table
8. To postpone to a certain day (to reserve decision or)
9. Refer a resolution or other legislation to a Committee of the Board, consisting of not less than one nor more than three Members for a period not to exceed ninety (90) days. Said Committee shall report its findings to the Board in writing at least seven calendar days before a scheduled Town Board meeting within the aforementioned ninety day period and the resolution or legislation shall be placed on the calendar of the next scheduled Town Board meeting after said report is made to the Members.
The Committee shall be appointed by a majority vote of the Town Board as part of the motion to Refer
10. For the previous question (to call for a vote on the matter under consideration)
11. To amend

D. A motion to reconsider a vote may be made only during the same meeting on which the vote proposed to be reconsidered was taken. A motion to reconsider may be made under any order of business. This subsection shall not be deemed to limit the authority of the Town Board, at a subsequent meeting, to pass a resolution rescinding or modifying any previous resolution.

E. Neither debate, nor a motion to reconsider, shall be entertained for any motion to adjourn, for a Call of the Town Board, to lay on the table, to take from the table, or for the previous question.

F. Except as otherwise required by law, any rule of the Town Board may at any time be temporarily suspended for special reasons by a majority vote of all of the Members of the Town Board. Whether "special reasons" present themselves is to be decided on a case-by-case basis and shall be stated on the record prior to voting on a motion to suspend the rules. No permanent alteration may be made except, in writing, by resolution of the Town Board, duly filed prior to the meeting in accordance with these rules.

Article 9: Conduct of Meetings

A. The Supervisor shall maintain order at Town Board meetings.

B. No member of the public shall be permitted to address the Town Board unless recognized by the Supervisor or acting presiding officer.

C. Persons addressing the Town Board shall address their remarks to the Town Board only, and not to other members of the audience in the form of a debate.

D. Persons addressing the Town Board, including during public comment, shall state their name and home community, and shall state their business or question within three minutes. The Supervisor may allow a speaker to continue if time permits.

E. Members of the public shall be permitted to address the Town Board regarding any resolution or other legislative proposal then under consideration, after Members have had a chance to address questions or comments on the proposal. For resolutions not subject to a public hearing, the Supervisor may limit the number of such questions or comments.

F. Speakers who wish to submit documents to the Town Board for consideration during a Public Hearing shall provide a copy of the document to the Town Clerk who shall mark each of the documents with the date of the meeting, the agenda number, the name of the speaker and if more than one document is submitted, each document shall be itemized AName of Speaker- document 1" etc.

G. For regularly scheduled meetings, there may be a period of public comment not exceeding 30 minutes in duration, except that the Supervisor, in his/her discretion, may extend such time limitation. This period of public comment shall occur prior to the announcement of changes in the Calendar, if any, or disposition of the Calendar. After adjournment, there shall be an additional period of public comment, the duration of which shall be determined by the Supervisor. Subject to the requirements of Article 9, Paragraph D, members of the public shall be permitted to address the Town Board on any subject not on the Calendar or under consideration at that meeting or hearing. No stenographic transcript of this public comment period is required.

H. The Town Board may invite and permit residents of the Town or other guests to participate in a meeting.

I. The Supervisor may designate an area or areas of the meeting room to be reserved for special guests, for witnesses, or for the news media.

J. The use of handheld sound or video recording devices by the public is allowed, unless the recording devices or their use interrupt and interfere with the orderly conduct of the meeting or with the ability of the public to hear or see the proceedings.

K. The Supervisor may order anyone who violates these Rules to leave the meeting room. If the person refuses to leave, the Supervisor may direct that any law enforcement officer present shall remove the offending person from the meeting room.

L. Effective February 25, 2014, Town Board meetings shall be broadcast and accessible on the Town of North Hempstead's website. Viewing will be made available via live video streaming at the time of the meeting.

NOW, THEREFORE, BE IT

RESOLVED that the Amendments to the Rules are hereby approved.

Dated: Manhasset, New York

September 5, 2023

The vote on the foregoing resolution was recorded as follows:

Ayes:

Nays:

[1] For a Town Board meeting scheduled on a Thursday, the third calendar day prior to the meeting shall be the preceding Monday. If the preceding Monday is a public holiday, the Town Attorney shall make the required information available no later than the preceding Tuesday at 2:00pm.

PROPOSED RESOLUTION

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

RESOLUTION NO. - 2023

A RESOLUTION ESTABLISHING ADDITIONAL REQUIREMENTS RELATED TO FISCAL IMPACT STATEMENTS.

WHEREAS, the Town Board has adopted Article XV of Chapter 24 of the Town Code entitled "Fiscal Impact Statement"; and

WHEREAS, pursuant to that article, the Town Board is authorized to require additional information to be included in fiscal impact statements as well as provide for additional requirements related to such statements (the "Additional Information and Requirements"); and

WHEREAS, the Town Board wishes to establish the Additional Information and Requirements related to fiscal impact statements.

NOW, THEREFORE, BE IT

RESOLVED, that statements of fiscal impact shall be in the format and contain, in sum and substance, the information set forth in Schedule A annexed hereto; and be it further

RESOLVED, that the Department of Information Technology is authorized to create and implement an electronic version of Schedule A, and make such electronic version available for use by Town officials and departments within 5 business days of adoption of this resolution.

Dated: Manhasset, New York

September 5, 2023

The vote on the foregoing resolution was recorded as follows:

Ayes:

Nays:

cc: Town Attorney Comptroller IT All departments

SCHEDULE A

FISCAL IMPACT STATEMENT
OF PROPOSED TOWN OF NORTH HEMPSTEAD TOWN BOARD ACTION

A. Type of Legislation

Resolution _____ Local Law_____ Ordinance_____

B. Title of Proposed Legislation:

C. Purpose of Proposed Legislation:

D. Will the proposed legislation have a fiscal impact?
Yes _____ No_____ (If no, please skip to section I)

E. If the answer to section D is "yes", please complete the following:

(1) **Are the expenses budgeted in the annual operating budget or capital budget?**
Yes____ No_____

If Yes, list budget code and amount:
- Budget Code:______________
- Amount: $_________________

(2) **Will this require a budget amendment?** Yes____ No_____

If yes, list budget code funding will be transferred from: ___________ and budget code funding will be transferred to:________________.

List amount: $________________

F. Will the item incur continuing costs beyond the budget year?
Yes ____ No______

If yes, describe the total Financial Cost of Funding over 5 Years:

G. Proposed Original Source of Funding (mark as many as applicable)

(1) Annual operating budget
(2) Capital budget
(3) Grant or other Revenue Source (list and describe)

H. Timing of Impact (specify whether the impact is immediate or dependent on other legislation or budgetary matters):

I. Type Name & Title of Preparer:	**J. Signature of Preparer:** ____________________	**K. Date:** __________________

FOR COMPTROLLER USE ONLY

L. Comptroller Staff Name & Title:	**M. Signature of Comptroller Staff:** ______________________	**N. Date:** __________________