

**Town Board Meeting – October 22, 2020**

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**TOWN OF NORTH HEMPSTEAD  
TOWN BOARD  
VIRTUAL ZOOM MEETING**

Town Hall

220 Plandome Road

Manhasset, New York 11030

Tuesday, October 22, 2020 7:00 o'clock p.m.

**P R E S E N T :**

JUDI BOSWORTH, Supervisor

MARIANN DALIMONTE, Councilwoman

ANGELO FERRARA, Councilman

VERONICA A. LURVEY, Councilwoman

VIVIANA L. RUSSELL, Councilwoman

LEE SEEMAN, Councilwoman

PETER ZUCKERMAN, Councilman

WAYNE H. WINK, Jr., Town Clerk

LEONARD KAPSALIS, ESQ., Town Attorney

WAYNE H. WINK, JR., Town Clerk

TANYA ORENSTEIN, Comptroller

MICHAEL LEVINE, Planning Commissioner

SUPERVISOR BOSWORTH: All right. Good evening, everyone. If you would please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

SUPERVISOR BOSWORTH: Mr. Wink, if you'd please call the meeting to order

MR. WINK: Town of North Hempstead Board meeting, Thursday, October 22nd, 2020.  
Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Here.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Here.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Here.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Here.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Here.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Here.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Here. And Mr. Wink, would you please now begin tonight's agenda.

MR. WINK: Public hearings. Item 1, a public hearing to consider the preliminary budget of the Town of North Hempstead together with the budgets for all special improvement districts and the assessment rolls of the Belgrave Water Pollution Control District, Great Neck Water Pollution Control District and the Port Washington Water Pollution Control District for the year 2021.

SUPERVISOR BOSWORTH: (Zoom inaudible) 2021 preliminary budget, which includes the budget for Commissioner operated special districts. I'd like to thank all the Districts for their cooperation during the budget process and for being present via Zoom this evening. Since the meeting is being conducted via Zoom and there are a lot of Commissioners and District representatives present, we will only hear from a District representative if there are questions for that District. If any member of the public has questions or comments for a specific District, please notify us now by using the Chat function. Our District Commissioners, Chief and their representatives are present and available to address any questions or concerns that you may have. We will call on residents who have indicated that they have questions after I have announced all of the District Commissioners and Chiefs--so I'm going to go through all of them and we will take whatever questions there are. So first up we have the Library District. We have Shelter Rock Library District: Trustees Louise Sobin; Kenneth Vey; Tharakaram Ravishankar; Toby Shepbiro; Gale Zeidman; Michael Castelli; Emilio Susa; and, Graciella Meyers. We have the Gold Coast Library District, Trustees: Nancy Benchimol; Rosemarie Ryba; Jennine Benesby, Amalie

Kempton; and, Barbara Palermo;

Rosemary Cartagine; Craig Hennenberg; David Martin; and, Anthony Papiro. The Carle Place Library Funding District, Trustees: Bill Ruth; Peter McDonnell; David Evans; Michelle Abbatiello; and, Paster Medina. We also have our fire and water districts. Garden City Park Fire and Water District, Commissioners: Kenneth Borchers; Chris Engel; and, Peter Chimenti; and, The Chief of the Department, Salju Thomas. We have the Manhasset Lakeville Fire and Water District, Commissioners: Brian Morris; Steven Flynn; and, Mark Sauvigne. Chief of the Department, William Mazurkiewicz. We have the Westbury Fire and Water District, Commissioners: Rodney Caines; Barry Green; and, William Olson. Chief of the Department, Ken Gass, Jr. We have our fire district, New Hyde Park Fire Districts. Commissioners: Michael Bonura (phonetic); Michael Stein; Ronald Sakowich; Reid Sakowich; and, Ernest Gentile. Chief of the Department, Patrick Lyons. We have our water district. The Albertson Water District, Commissioners: Howard Abbondandolo; Kenneth Vey; and, Richard Ockovic;. Carle Place Water District, Commissioners: Commissioners District: Commissioners Commissioners District: Commissioners Italo Vacchio; Timothy Stellato; and, Lawrence Zaino, Jr. Glenwood Water District, Bernard McCabe; Peter Hesse; and, Kenneth Uhlein. The Port Washington Water David Brackett; Mindy Germane; Peter Meyer. Roslyn Water District: Michael Kosinski; Sanford Klein; and, William Costigan. We have our garbage districts. Carle Place Garbage District, Commissioners Joanne DelVecchio; James Mezey; and, John Hommel. Glenwood Garbage District, Jennifer Paradis; Patricia Kimmel; and, Stacey Lacomba. The Port Washington Garbage District; Bill Scaglione; Mary Giordano; and, Paul Oieksiw. The Roslyn Garbage District Commissioner, Arlene Tucholski; James McCann; and, Ralph Milliken. We also have our Park District. Great Neck Park District: Frank Cilluffo; Robert Lincoln, Jr.; Tina Stellate Manhasset Park District: David Patterson; Mark Sauvigne; and, Kenneth Weigand. We have our Port Washington Police District, Commissioners: Angela Lawlor-Mullins; Frank Scobbo; and, Tommy Rice. Chief Bob DelMuro. We have our Port Washington Business Improvement District. Board President Bill Gordon; and, Executive Director, Holly Byrne. Last but not least, our Water Pollution Control District. Great Neck Water Pollution Control District, Commissioners: Steve Reiter; Patricia Katz; and, Jerry Landsberg. Port Washington Water Pollution Control District, Commissioners: Meland Cassens; Donald Kurz; and, Eddy Marinelli. The Belgrave Water Pollution Control District: Brian Levings; Francis Bridges; and, James Pitzer. So we appreciate all of you being here, for your cooperation as we formulated budgets. Mr. Wink, are there any questions for our Commissioners?

MR. WINK: I've received no questions regarding any of the special districts.

SUPERVISOR BOSWORTH: Okay. That being the case, again, just a thank you for the Special District Commissioners, Chiefs and their representatives for joining us and for their continuous cooperation during this budget season. I'm now going to continue with the rest of the Town's budget portion. For those who wish to sign off Zoom, please feel free to do so. If you want to stay on and stay with us, of course we'll be happy to have you with us as part of the meeting. So good evening and welcome to our preliminary budget public hearing, where we will review the Town's 2021 preliminary budget. The process under State law is that we submit the tentative budget to the Town Board, which we did at our September 24th, 2020 Town Board meeting. We held a public work session with members of the Town Board where we were able to ask questions and provide comment on the tentative budget. Additionally, we held a public hearing on the tentative budget to provide our residents an opportunity outside of normal work

hours to give feedback and ask us any questions. And, of course, all through the process, our Town Councilmembers have --were constantly back and forth with any questions they may have. The final version of the budget will be presented for a vote on October 29th, which is, as always now, before Election Day. This process is in keeping with my administration's commitment to open and transparent government and it is, after all, the blueprint of your Town government and it shows how our tax dollars are being utilized. As I've mentioned repeatedly throughout this process, our fiscal operations have been impacted by the COVID-19 pandemic. Whose life had not been? I applaud my administration's ability to adapt under the current circumstances as we thoughtfully work to balance the need for budgetary reductions while continuing to provide essential services for our residents. Our commitment to effective financial management was once again recognized by Moody's Investor Service. Moody's again affirmed our Town financial rating of AAA on August 31st, noting that the Town's conservative fiscal management practices and noted that the management actively monitors budget performance across funds throughout the year to ensure balanced operations and makes changes to expenditures as needed. I can assure you that we will maintain the same level of fiscal vigilance in the coming years as well. We're presented tonight with the preliminary budget. We have some changes, which is to be expected. This year, however, the adjustments are largely minor and our Comptroller will address these in detail shortly. The budget gives a picture of administration's planning and is, again, ready for analysis, suggestions and reactions by the public. Our Town Council members throughout the budget process, been continuing to submit their questions and suggestions and will certainly continue to do so until the final vote. Once again, I want to acknowledge the incredible efforts of our Comptroller, Tanya Orenstein, and the entire budget team, including: Hillary Grossman; Allen Goldman; Sharon Glassman; Diana Long; Director of Finance, Steven Pollock; and, My Chief of Staff, Jeanine Dillon. Thank you all for your dedication in preparing this budget and for your hard work every day. I'd also like to thank our Commissioners and Department heads for their input. And now I'm going to turn this over to our Comptroller, Tanya Orenstein, to begin her presentation. So, Tanya, it's all yours.

MS. ORENSTEIN: Thank you, Supervisor Bosworth. Good evening, Supervisor Bosworth and the members of the Board. We distributed the 2021 preliminary budget to the Town Board members. The preliminary budget stays within the State mandated tax cap and limits the financial impact on our taxpayers, while maintaining our current services. The minor changes that the Supervisor mentions are as follows: The environmental facilities contractual services line, decreased by \$96,000 due to the finalization of the proposed 2021 Solid Waste Management Authority budget. The contractual administrative fee for Workers' Compensation Plan was added as well, which resulted in an increase of expenses from the General Fund of \$14,877, \$32,891 and TOV in \$625 in public parking. Additional funds in the amount of \$15,000 were added to the landscaping line per the suggestions from our board members in the Highway Department for preventative tree maintenance. Personnel changes in the TOV from HR resos resulted in an expense or increase \$6,688; and, Personnel changes across all parts remain in line with the Human Resources resolution passed by the board in the month of September and October and resulted in a change of \$13,068 in the General Fund. I'd like to take a moment, again, to thank my incredible team, in particular: Hilary, Allen and Sharon. I truly appreciate their dedication, diligent work ethic and enthusiasm they bring, especially this time of year and under these conditions. I understand that the budget process can be frustrating for our Commissioners and Department heads at times but I always appreciate your patience and understanding. Jeanine and Steve, thank you for listening to me on the endless phone calls and for your guidance and

support. Thank you sincerely to the Town Board. I appreciate every question that we received and I hope my team and I were able to address them to your satisfaction. And lastly, thank you to the Supervisor for giving me this opportunity to guide the budget process and entrusting me with this responsibility. And we're happy to take any additional questions at this time.

SUPERVISOR BOSWORTH: So if the board would like to hear if there are any comments from the public? Mr. Wink, do you have any comments ?

MR. WINK: Seemingly the only comment that seems to be requested is Pete Gaffney. Mr. Gaffney, are you available to make your comments?

MR. GAFFNEY: Can you hear me?

MR. WINK: Yeah, we can hear you.

MR. GAFFNEY: Okay. I had sent in a whole series of questions. Just with regard to the special districts, I had sent in a couple of questions also. One was a general one, just like who and when actually does the audit. There's been some recently in the last few years. There's been some issues with some of the funding. That was just one question that wasn't answered. And Tanya did a great job. In less than a day's time she sent back a whole bunch of things but I had sent some stuff back that I needed some clarification on. And then the other one was -- the other operating expenses were --

SUPERVISOR BOSWORTH: I was just going to say that we're doing our best to get the answers to your questions. I know that Tanya sent you back a lot of them. You sent some more. I think she has answers to some of them. Whatever she wasn't able to do in the short time that she had the questions, we'll have those answers to you. I assume by tomorrow.

MR. GAFFNEY: Yeah, that'll be great. She did a fantastic job in getting me the answers back to me. Just the other one question was the other expense on the Garden City Fire Department -- Garden City Park Fire District. \$75,000. Just to say other, that's a lot of money. That's all I'm going to say. Okay. And then the rest of them, fine, she's going to get back to me on the answers. That's okay. I just wanted it noted on the -- on the budget hearing meeting that I sent in these questions. That's all. Okay.

SUPERVISOR BOSWORTH: You know, it's noted and I would like to say that we appreciate the time and the effort that you make to go through the budget. I was just talking with Councilwoman Russell right before the meeting and we were talking about how thorough your questions are. I know that our Director of Finance, Steve Pollock, actually said that you, you have been responsible for some changes in how we view the budget. You've asked well thought out questions that -- and we appreciate them. And I just wanted you to know that.

MR. GAFFNEY: Thanks. I appreciate that. But, you know, you guys do a great job. I'm just, you know, I'm on the outside looking in that's all. And it's always nice to know what's going on.

SUPERVISOR BOSWORTH: Absolutely.

MR. GAFFNEY: Thank you very much.

COUNCILWOMAN RUSSELL: And we value your questions and your thoughts and your ideas that you bring to the table. So thank you.

MR. GAFFNEY: Okay. And the only other one that I had on the budget was --it was a dollar difference in the -- for -- for the panel there and I was just wondering, is that going to be split six

ways?

MR. GAFFNEY: It was a joke. It was a joke.

SUPERVISOR BOSWORTH: Nice to laugh during these times.

MR. GAFFNEY: Yeah, tell me about it. Thank you. But, you know, I look forward to having those answers. I just wanted it made known and, you know, and I've seen actual changes and streamlining in the budget, which, you know, a couple of years ago I had made a suggestion. But thank you very much. I have no further comments on this.

MR. WINK: Thank you, Mr. Gaffney. While I have you on the phone, I do recognize that you sent in specific questions regarding items 15, 21, 27 and 33.

MR. GAFFNEY: Correct.

MR. WINK: Unless you — excuse me?

MR. GAFFNEY: Yeah, minor questions.

MR. WINK: Unless you would like to present them directly, if not, I will, when those items come up, indicate that you've requested the following questions be answered.

MR. GAFFNEY: Yeah, that's all. I think they're pretty straightforward. If there's problem, I'll raise my hand.

MR. WINK: No, they seem very straightforward -- so.

MR. GAFFNEY: Okay.

MR. WINK: All right. Thank you.

MR. GAFFNEY: Thanks much. Appreciate it.

COUNCILWOMAN RUSSELL: Thank you.

SUPERVISOR BOSWORTH: Thank you, Mr. Wink, do you have any additional comments?

MR. WINK: I have no additional comments at this time.

SUPERVISOR BOSWORTH: Okay. That being the case, I'd like to move to close the public hearing.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.



MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

MR. WINK: Item 2, a public hearing to consider the adoption of a local law amending Chapter 70 of the Town Code entitled "Zoning."

COUNCILWOMAN RUSSELL: This is a proposed local law that will make certain changes to Chapter 70.196.j of the Town Code to include hanging signs and blade signs in the Business and Industrial Districts. Mr. Wink, do we have any cards?

MR. WINK: I have no request for comments on this item.

COUNCILWOMAN RUSSELL: Any comments from the board?

COUNCILWOMAN RUSSELL: Seeing none, I'd like to close the public hearing, offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Before I vote, I just want to say thank you to all those that were involved in the Building Department and the Planning Department. Commissioners, thank you so much for you input. Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 451 - 2020**

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

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

**WHEREAS**, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend Chapter 70 of the Town Code entitled "Zoning" in order to include hanging signs and blade signs in business or industrial districts; and

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

**WHEREAS**, due notice was heretofore given of a public hearing to be held on October 22, 2020 via Zoom, concerning the adoption of the proposed Local Law, which Local Law was available for viewing by the public on the Town's website and during regular business hours in the Office of the Town Clerk; and

**WHEREAS**, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on October 22, 2020 via Zoom, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

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

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

**NOW, THEREFORE, BE IT**

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

**RESOLVED** that Local Law No. 14 of 2020 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. 14 OF 2020**

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

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

Section 1. Legislative Intent.

The Board finds that it is in the best interest of the Town of North Hempstead to amend Chapter 70 of the Town Code entitled “Zoning” in order to include hanging signs and blade signs in business or industrial districts.

Section 2.

Chapter 70 of the Town Code is hereby amended as follows:

§ 70-196 (J) Signs in business or industrial districts. The following signs shall be permitted only in business or industrial districts in accordance with the requirements of this article:

(1) Wall sign, attached to and parallel to a building wall on a public street or parking area and advertising only the business conducted in such building; provided that:

(a) There be only one such sign for each wall on any wall where such sign is permitted.

(b) The sign on the building wall facing upon a public street shall not exceed 4 1/2 feet in vertical measurement or two square feet per linear foot of wall width. The sign on the building wall facing upon a parking area shall not exceed two feet in vertical measurement or one square foot per linear foot of wall width, but in no case shall exceed 24 square feet in area.

(c) The sign is not wider than the building upon which it is placed.

(d) The sign or any part thereof, including lighting devices and reflectors, does not project more than one foot from such wall, but in no case shall extend into any right-of-way.

(e) The sign does not extend higher than the roof of any building.

(f) The sign is not higher than the distance between the head of the windows of one story and the lower sill course of the windows of the next higher story, or the top of the parapet wall if a one-story building, and in no event shall the top of the sign be higher than 18 feet above the mean level of the ground.

(g) Any such sign shall be maintained in a good state of repair, in working order and neatly painted; all projecting lighting devices, including reflectors and all parts thereof, shall be painted aluminum on the outside.

(h) The provisions of Subsections J(1)(a) through J(1)(g) above shall not prohibit a sign projecting not more than one foot from the wall of any building and not more than one foot by one foot in area used to indicate the location on the premises of a public telephone or other public utility facility for the use of the general public.

(i) All signs in shopping centers shall be uniform in appearance, construction and dimensions.

[Added 8-26-1980 by L.L. No. 13-1980]

(2) Detached or ground sign, advertising only the business conducted on the premises upon which the sign is located, provided that:

(a) There be only one such sign detached from a building.

(b) Such sign shall not exceed 24 square feet in area or 15 feet in height from the mean level of the ground.

(c) Such sign shall be located not less than 10 feet from any property line.

(d) An open space of at least three feet in height shall be maintained between the bottom of the sign and the ground.

(e) The area between the sign and front property line shall be maintained free of weeds and debris.

(3) A tower sign, advertising only the business conducted in such building, provided that:

(a) Said sign is an integral part and made of the same material as the front of the building.

(b) There be only one such sign.

(c) The sign shall not exceed 100 square feet in area nor 10 feet in any dimension.

(d) The top of the sign shall not exceed 35 feet in height from the mean level of the ground.

(e) There shall be no moving parts or any flashing, changing, intermittent or varying illumination in connection therewith.

(4) Window signs, provided that the total area of all such window signs located in a window does not exceed one-third (1/3) of the total area of such window. For purposes of this subsection, a "window sign" shall mean a sign of any material which is either temporarily or permanently attached or affixed to the interior or exterior surface of a display window and is used for advertisements, announcements or notices, directional matters, company names or trade names and which is related to the business, products or services provided. Window signs shall not require permits as otherwise provided herein.

[Added 8-26-1980 by L.L. No. 13-1980]

**(5) Hanging sign or blade sign, attached to and perpendicular to a building wall on a public street or parking area and advertising only the business conducted in such building; provided that:**

- (a) There be only one such sign per business in addition to any other permitted signage.
- (b) The signs shall not exceed 6 square feet of surface area per side.
- (c) The sign is 6 or less inches thick.
- (d) The sign is attached to the building wall no more than 15 feet from the entrance of the business it advertises.
- (e) There are no other blade or hanging signs within 15 feet.
- (f) The blade or hanging sign extends no further than the lesser of 42 inches from the building, or a distance equivalent to one half the width of the sidewalk.
- (g) No portion of the blade or hanging sign is more than 15 feet above grade or the roof of the building.
- (h) No portion of the blade or hanging sign is less than 8 feet above grade.
- (i) There shall be no means of internal illumination.
- (j) Exterior lighting shall be from above or the side of the sign attached to the building wall, facade, or soffit face; lamps shall not project more than one and 1/2 feet from the building wall, facade, or soffit face; such illumination shall not result in confusion with traffic signals, either because of color or proximity.
- (k) Signs must be durable, sturdy, and stable and must be designed, constructed and installed to withstand one-hundred-ten-mile-per-hour gusts of wind and rain.
- (l) The bracket holding the hanging sign shall be mounted above the sign only; brackets shall be attached to the building wall, facade, or soffit face only; brackets attached to the top of the soffit or roof shall be prohibited.

### Section 3.

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

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

**NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE** that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on October 22, 2020 via Zoom, Local Law No. 14 of 2020 was adopted. The Local Law amends Chapter 70 of the Town Code entitled “Zoning” in order to include hanging signs and blade signs in business or industrial districts.

Dated: Manhasset, New York  
October 22, 2020

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

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Town Clerk      Planning      Building



# NEWSDAY AFFIDAVIT OF PUBLICATION

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

STATE OF NEW YORK)

Legal Notice No.

0021612183

:SS.:

COUNTY OF SUFFOLK)

Darryl Murphy of Newsday Media Group., Suffolk County, N.Y., being duly sworn, says that such person is, and at the time of publication of the annexed Notice was a duly authorized custodian of records of Newsday Media Group, the publisher of NEWSDAY, a newspaper published in the County of Suffolk, County of Nassau, County of Queens, and elsewhere in the State of New York and other places, and that the Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

Sunday

October 11, 2020

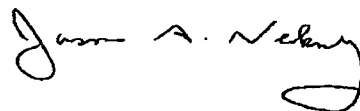
Nassau

**SWORN** to before me this  
14 Day of October, 2020.



---

Jason A. Neknez  
Notary Public - State of New York  
No. 01NE6219108  
Qualified in Suffolk County  
My Commission Expires 03/22/2022





**Ad Content**

Legal Notice # 21612183  
NOTICE OF HEARING

PLEASE TAKE NOTICE, that effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, all future Town Board hearings and meetings will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meetings can visit: northhempsteadny.gov/townboardlive. If a resident has a comment related to an item on the agenda, they can email: comments@northhempsteadny.gov. Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit northhempsteadny.gov/townboardlive on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of North Hempstead, on the 22nd day of October, 2020, at 7:00 P.M. via Zoom, to consider the adoption of a Local Law amending Chapter 70 of the Town Code entitled "Zoning" in order to make certain changes to Section 70-196 (J) of the Code to include hanging signs and blade signs in business or industrial districts.

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  
October 8, 2020

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

**NEWSDAY PROOF**

Advertiser: TOWN OF NORTH HEMP TOWN CLERK  
Agency: TOWN OF NORTH HEMP TOWN CLERK  
Ad Number: 0021612183  
Start Date: 10/11/2020  
End Date: 10/11/2020  
Price: \$348.00  
Ordered By: Legaladv@newsday.com

Phone: 5168697625  
Contact: PAUL GARILLE  
Section: Legals  
Class: 11100  
Size: 2 x 44 Times: 1  
Date: 10/14/2020  
Zone(s): C-Nassau

Signature of Approval: \_\_\_\_\_

Date: \_\_\_\_\_



# NEWSDAY AFFIDAVIT OF PUBLICATION

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

STATE OF NEW YORK)

Legal Notice No.

0021614988

:SS.:

COUNTY OF SUFFOLK)

Darryl Murphy of Newsday Media Group., Suffolk County, N.Y., being duly sworn, says that such person is, and at the time of publication of the annexed Notice was a duly authorized custodian of records of Newsday Media Group, the publisher of NEWSDAY, a newspaper published in the County of Suffolk, County of Nassau, County of Queens, and elsewhere in the State of New York and other places, and that the Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

Tuesday

October 27, 2020

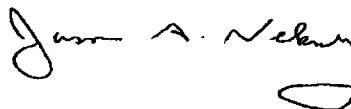
Nassau

**SWORN** to before me this  
27 Day of October, 2020.



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Jason A. Neknez  
Notary Public – State of New York  
No. 01NE6219108  
Qualified in Suffolk County  
My Commission Expires 03/22/2022



**Ad Content**

Legal Notice # 21614988  
NOTICE OF ADOPTION  
PLEASE TAKE NOTICE that  
pursuant to the provisions of  
Article 9 of the New York  
State Constitution, the Mu-  
nicipal Home Rule Law, and  
the Town Law, at a meeting  
of the Town Board duly held  
on October 22, 2020 via  
Zoom, Local Law No. 14 of  
2020 was adopted. The Local  
Law amends Chapter 70 of  
the Town Code entitled "Zo-  
ning" in order to include  
hanging signs and blade  
signs in business or industri-  
al districts.  
Dated: Manhasset, New York  
October 22, 2020  
BY ORDER OF THE TOWN  
BOARD OF THE TOWN OF  
NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
Town Clerk

**NEWSDAY PROOF**

Advertiser: TOWN OF NORTH HEMP TOWN CLERK  
Agency: TOWN OF NORTH HEMP TOWN CLERK  
Ad Number: 0021614988  
Start Date: 10/27/2020  
End Date: 10/27/2020  
Price: \$108.00  
Ordered By: Legaladv@newsday.com

Phone: 5168697625  
Contact: Paul  
Section: Legals  
Class: 11100  
Size: 1 x 27 Times: 1  
Date: 10/27/2020  
Zone(s): C-Nassau

Signature of Approval: \_\_\_\_\_

Date: \_\_\_\_\_

MR. WINK: Item 3, a public hearing to consider amending Resolution No. 64-2020, adopted February 27, 2020, authorizing the execution of contracts with various Fire Protection Companies to provide Fire Protection Services in Town-operated Fire Protection Districts and to provide certain contributions to length of service award programs.

SUPERVISOR BOSWORTH: So this proposed action is the amendment of the Town's agreement with the Vigilant Engine Hook and Ladder and Hose Co., in order to align with the company's adopted budget. Do we have any comments on that?

MR. WINK: I have no comments on this item.

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

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

MR. WINK: You're on mute.

COUNCILWOMAN LURVEY: I'm sorry. Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 452 - 2020**

**A PUBLIC HEARING TO CONSIDER AMENDING RESOLUTION NO. 64-2020, ADOPTED FEBRUARY 27, 2020, AUTHORIZING THE EXECUTION OF CONTRACTS WITH VARIOUS FIRE PROTECTION COMPANIES TO PROVIDE FIRE PROTECTION SERVICES IN TOWN-OPERATED FIRE PROTECTION DISTRICTS AND TO PROVIDE CERTAIN CONTRIBUTIONS TO LENGTH OF SERVICE AWARD PROGRAMS.**

**WHEREAS**, pursuant to Resolution No. 64-2020, duly adopted on February 27, 2020 (the “Original Resolution”), the Town Board authorized the execution of agreements with various fire protection companies to provide fire protection services within Town-operated fire protection districts and to make certain contributions to length of service award programs; and

**WHEREAS**, the Original Resolution authorized the execution of an agreement with the Vigilant Engine, Hook & Ladder & Hose Company, Inc. (the “Company”) for the above-described purposes, in consideration of an amount not to exceed Three Hundred Ninety-Four Thousand Nine Hundred Seventy-Seven and 00/100 Dollars (\$394,977.00) for the year 2020; and

**WHEREAS**, pursuant to Resolution No. 397-2020, duly adopted by the Town Board on September 24, 2020, the Town Board set October 22, 2020 as the date for a public hearing to amend the Original Resolution to increase the amount to be paid to the Company for fire protection services in an amount not to exceed Twelve Thousand One Hundred Thirty-One and 00/100 Dollars (\$12,131.00) in order to accurately reflect the final adopted budget of the Company (the “Amendment”); and

**WHEREAS**, on October 22, 2020, the Town Board held a public hearing to consider the Amendment, during which the public had the opportunity to speak to the Town Board regarding the Amendment; and

**WHEREAS**, having completed the public hearing and after considering the Amendment, 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  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney





**Ad Content**

Legal Notice # 21611218  
NOTICE OF HEARING

PLEASE TAKE NOTICE, that effective immediately and based upon notices and health advisories issued by Federal, State and local officials related to the COVID-19 virus, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, all future Town Board hearings and meetings will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, Town Board room will not be open to the public and there will be no in-person access to the meeting. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meetings can visit: northhempsteadny.gov/townboardlive. If a resident has a comment related to an item on the agenda, they can email: comments@northhempsteadny.gov. Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit northhempsteadny.gov/townboardlive on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of North Hempstead on the 22nd day of October, 2020 at 7:00 P.M. via Zoom, to consider an amendment to Town Board Resolution No. 64-2020, adopted February 27, 2020, to adjust the amount to be paid to the Vigilant Engine, Hook & Ladder & Hose Company, Inc. for fire protection services to correspond to the Company's final adopted budget relating to services provided to the Town, as follows:

Service	Fire Protection Services
Approved Amount	\$ 394,977.00
Amended	\$ 407,108.00
Dated: Manhasset, New York	
September 2, 2020	

BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
Town Clerk

**NEWSDAY PROOF**

Advertiser: TOWN OF NORTH HEMP TOWN CLERK  
Agency: TOWN OF NORTH HEMP TOWN CLERK  
Ad Number: 0021611218  
Start Date: 10/07/2020  
End Date: 10/07/2020  
Price: \$324.00  
Ordered By: Legaladv@newsday.com

Phone: 5168697625  
Contact: Nick Guariglia  
Section: Legals  
Class: 11100  
Size: 2 x 41 Times: 1  
Date: 10/5/2020  
Zone(s): C-Nassau

Signature of Approval: \_\_\_\_\_ Date: \_\_\_\_\_

MR. WINK: Item 4, a public hearing to consider the application of 55 Harbor Park Drive LLC for site plan review for the premises located at 55 Harbor Drive, Port Washington and designated on the Nassau County Land and Tax Map as Section 6, Block 89, Lot 2.

COUNCILWOMAN DALIMONTE: I think that we have a few people that we need to let in. Jessica Leis; Lee Rodsky; Jeff Rodsky. To speak -- to present to the board. Jessica, who else will be joining you?

MS. LEIS: So actually the people were -- John Gursky, he's from H2M.

COUNCILWOMAN DALIMONTE: Okay.

MS. LEIS: And then Art Anaed is also -- me and Jeff Rodsky. They were all part of the group. So it's just art and I.

COUNCILWOMAN DALIMONTE: Okay. So when everyone from your --

MS. LEIS: I believe they're all -- I'm sorry. They're all shown on the screen. Yes.

COUNCILWOMAN DALIMONTE: Okay.

MR. WINK: Yeah.

COUNCILWOMAN DALIMONTE: So if you would like to begin.

MS. LEIS: Great. Thank you very much. Good evening. My name is Jessica Leis. I am an attorney with Forchelli Deegan Terrana, with offices at 333 Earle Ovington Boulevard in Uniondale, New York. We represent the applicant and the owner of the subject property at 55 Harbor Park Drive in Port Washington, New York. So the property is located within the Town's Planned Industrial Park District. And our application this evening is for a site plan review. What triggers site plan review is interior alterations to the building to permit the construction of and, also, to legalize certain interior mezzanine space. So the application -- the wording of it appears that we're legalizing all of it. There's actually two separate building applications. The Building Department permit application that triggered, first the legalization of certain mezzanine space that as it was existing in the warehouse there was some minor alterations to that. So that's the -- all of the maintaining and legalizing. And what triggered site plan review was the construction of 11,083 square feet of mezzanine space that is to be constructed for storage. So prior -- oh, in addition to that, the other site alterations, in addition to the interior work, the applicants are also sealing and re-striping the parking lot, as well as adding handicapped accessible parking. To present you with some background on site operations -- and this is an existing industrial site, the current tenant on the premises is a pharmaceutical legal printing company and they are in need of the additional storage space. So prior to appearing here this evening, we had submitted an application and appeared before the Board of Zoning Appeals for two variances related to the parking. So the addition of the storage space, what we're proposing the mezzanine storage space, trigger a parking variance because we have insufficient amount of spaces -- parking spaces, according to the Code. And then, also, we were proposing spaces that were less than the required stall size, whereas industrial sites permit a 20 percent reduced size, we were proposing 100 percent. I believe those variances were granted by the Board of Appeals on August 12th, 2020. So what we're now proposing -- was triggered, the interior alterations trigger site plan review because it's greater than 750 square feet of floor area being added. The building footprint, however, is not changing. It's remaining -- the footprint is to remain the same. And aside from the re-paving the parking area, the existing site circulation, the drainage,

the lighting and landscaping is also to remain the same. And these conditions were actually approved by this board in 2008 under site plan review. So as such, the site as it exists, along with the interior building alterations and site wall paving will not cause any negative impacts to the community. And as I mentioned, the exterior changes -- exterior conditions are to remain the same. And it is just the interior alteration. So we are respectfully requesting that the board approve the site modifications. And if you do have any questions, I have John Gursky from H2M available here to answer specific questions about the site.

COUNCILWOMAN DALIMONTE: Does anyone from the board have any questions?

COUNCILWOMAN DALIMONTE: Mr. Wink, do we have any cards?

MR. WINK: I have no requests for comments on this item.

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

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

COUNCILWOMAN DALIMONTE: Thank you very much, Jessica, for explaining everything to us.

MS. LEIS: Thank you.

COUNCILWOMAN DALIMONTE: Have a great evening.

MS. LEIS: You too.

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. 453 - 2020**

**A PUBLIC HEARING TO CONSIDER THE APPLICATION OF 55 HARBOR PARK DRIVE LLC FOR SITE PLAN REVIEW FOR THE PREMISES LOCATED AT 55 HARBOR PARK DRIVE, PORT WASHINGTON AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 6, BLOCK 89, LOT 2.**

**WHEREAS**, 55 Harbor Park Drive LLC (the “Applicant”) has applied (the “Application”) to the Town to legalize an 11,083 s.f. interior addition to the second floor of a 53,407 s.f. building on a 3.26-acre site on property located at 55 Harbor Park Drive, Port Washington and identified on the Nassau County Land and Tax Map as Section 6, Block 89, Lot 2 (the “Premises”); and

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

**WHEREAS**, all necessary reports, recommendations, and comments on the Project have been filed with this Board by the Commissioner of Planning and Environmental Protection (the “Planning Commissioner”) pursuant to Town Code § 70-219(A)(4); and

**WHEREAS**, the Town Clerk, pursuant to and in accordance with Town Code §§ 70-219(F)(1) and 70-240(A), has published notice of a public hearing scheduled for October 22, 2020 for the site plan review (the “Public Hearing”), as authorized and directed by the Town Board pursuant to Resolution No. 396-2020, adopted on September 24, 2020; and

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

**WHEREAS**, the Town's Department of Building Safety, Inspection and Enforcement (the "Building Department") issued a Notice of Disapproval on February 22, 2020 citing the following items: (1) the plans submitted provide for one hundred and three (103) parking spaces instead of the one hundred and forty four (144) parking spaces required pursuant to §70-103(A)(1); (2) the proposed parking space sizes are 9'-0" x 18'-0" which is more than the 20% permitted in an Industrial Zone pursuant to §70-103(B); and (3) the application requires site plan review pursuant to Town Code § 70-219 as the plans submitted propose to maintain an 11,083 square foot area used for storage; and

**WHEREAS**, on August 12, 2020, pursuant to Appeal #20919, the Town of North Hempstead Board of Zoning Appeals ("BZA") granted variances to Town Code §§ 70-103(A)(1) and 70-103(B); and

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

**WHEREAS**, at least thirty (30) days have elapsed since such materials have been submitted to the Commission without a response by the Commission, and accordingly this Board may take final action on the Application pursuant to General Municipal Law § 239-m; and

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

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

Compilation of Codes, Rules, and Regulations of the State of New York (“SEQRA Regulations”); and

**WHEREAS**, he BZA has established itself as “lead agency,” and has issued a Negative Declaration dated July 8, 2020 determining that the Action constitutes an “unlisted” action pursuant to Section 617.2 (a1) of the SEQRA Regulations and has further determined that the Action will not result in any significant adverse impacts on the environment based upon the analysis set forth in the Full Environmental Assessment Form Parts 1, 2 and 3 (the “FEAF”) for the reasons that: (1) the legalization of prior construction of interior alterations to an existing warehouse is not anticipated to cause a substantial adverse change in ground or surface water quality or quantity; air quality; a substantial increase in solid waste production; a substantial increase in the potential for erosion, flooding, leaching or drainage problems; (2) will not cause significant impacts to vegetation or wildlife; (3) will not adversely affect aesthetic resources; (4) will not adversely impact the character of the community or neighborhood; (5) will not cause a major change in the use of either the quantity or type of energy; (6) will not create a hazard to human health; and

**WHEREAS**, the Board wishes to concur in the BZA’s determination that the Action constitutes an “unlisted action” pursuant to Section 617.2 (a1) of the SEQRA Regulations and which will not result in any significant adverse impacts on the environment; and

**WHEREAS**, this Board has carefully considered the Application, testimony and other relevant evidence at the Public Hearing held on October 22, 2020 via Zoom, and afforded all interested persons the opportunity to be heard; and

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

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Board recognizes that the BZA has designated itself “lead agency” under the SEQRA Regulations for the Action; and be it further

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

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

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

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

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None





**Ad Content**

Legal Notice # 21611199  
NOTICE OF HEARING

PLEASE TAKE NOTICE, that effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, all future Town Board hearings and meetings will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meetings can visit: northhempsteadny.gov/townboardlive. If a resident has a comment related to an item on the agenda, they can email: comments@northhempsteadny.gov. Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit northhempsteadny.gov/townboardlive on the day of the meeting. There will be a Zoom link available for this 90 minutes prior to the start of the meeting.

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of North Hempstead on October 22, 2020 at 7:00 p.m. via Zoom, on the application for site plan review submitted by 55 Harbor Park Drive LLC to legalize a 11,083 s.f. interior addition to the second floor of a 53,407 s.f. building on a 3.26-acre site.

PLEASE TAKE FURTHER NOTICE that the property which is the subject of this application is known as 55 Harbor Park Drive, Port Washington and designated on the Nassau County Land and Tax Map as Section 6, Block 89, Lot 2.  
Dated: Manhasset, New York  
September 24, 2020

BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
Town Clerk

**NEWSDAY PROOF**

Advertiser: TOWN OF NORTH HEMP TOWN CLERK  
Agency: TOWN OF NORTH HEMP TOWN CLERK  
Ad Number: 0021611199  
Start Date: 10/07/2020  
End Date: 10/07/2020  
Price: \$296.00  
Ordered By: Legaladv@newsday.com

Phone: 5168697625  
Contact: Nick Guariglia  
Section: Legals  
Class: 11100  
Size: 2 x 37 Times: 1  
Date: 10/5/2020  
Zone(s): C-Nassau

Signature of Approval: \_\_\_\_\_ Date: \_\_\_\_\_

MR. WINK: Item 5, a public hearing to consider the adoption of an ordinance affecting 4th Avenue in Westbury, New York.

COUNCILWOMAN RUSSELL: This is an application for a handicapped -- reserved handicapped parking spot. Do we have any questions from the audience, Mr. Wink?

MR. WINK: I have no requests for comment.

COUNCILWOMAN RUSSELL: Any from the board?

COUNCILWOMAN RUSSELL: Seeing none, I'll offer the close the public hearing, offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: COUNCILWOMAN Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 454 - 2020**

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING 4TH AVENUE IN WESTBURY, 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 establish a reserved parking space at the northwest side of 4th Avenue, Westbury, New York, from a point 500 feet northeast of the northeast curb line of 6th Street, northeast, for a distance of 40 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 establishing a reserved parking space at the northwest side of 4th Avenue, Westbury, New York, from a point 500 feet northeast of the northeast curb line of 6th Street, northeast, for a distance of 40 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 22nd day of October, 2020 at

7:00 P.M. via Zoom, duly adopted an ordinance establishing 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:

**AN ORDINANCE ESTABLISHING A RESERVED PARKING SPACE AT THE NORTHWEST SIDE OF 4TH AVENUE, WESTBURY, NEW YORK.**

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, 2020 and October 22, 2020 is further amended by adding thereto a new subdivision as follows:

“117” A reserved parking space is established on the northwest side of 4th Avenue, Westbury, New York from a point 500 feet northeast of the northeast curb line of 6th Street, northeast, for a distance of 40 feet.

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  
October 22, 2020

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

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Comptroller      Traffic Safety      Public Safety



**Ad Content**

Legal Notice # 21611226

**NOTICE OF HEARING**

PLEASE TAKE NOTICE that a public hearing will be held by the Town Board of the Town of North Hempstead at a regularly scheduled meeting of the Board on October 22, 2020, at 7:00 p.m. via Zoom, to consider the enactment of an ordinance establishing a reserved parking space, pursuant to the authority contained in Section 1660 of the Vehicle and Traffic Law.

PLEASE TAKE FURTHER NOTICE that the proposed ordinance would establish a reserved parking space at the Northwest side of 4th Avenue, Westbury, New York from a point 500 feet Northeast of the Northeast curb line of 6th Street, Northeast, for a distance of 40 feet.

PLEASE TAKE FURTHER NOTICE that a copy of the proposed ordinance is posted on the Town's website and on file in the Office of the Town Clerk where it may be viewed during regular business hours, Monday through Friday.

Dated: Manhasset, New York  
September 24, 2020

BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
Town Clerk

**NEWSDAY PROOF**

Advertiser: TOWN OF NORTH HEMP TOWN CLERK  
Agency: TOWN OF NORTH HEMP TOWN CLERK  
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Start Date: 10/07/2020  
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Phone: 5168697625  
Contact: Nick Guariglia  
Section: Legals  
Class: 11100  
Size: 2 x 23 Times: 1  
Date: 10/5/2020  
Zone(s): C-Nassau

Signature of Approval: \_\_\_\_\_

Date: \_\_\_\_\_

MR. WINK: Item 6, a public hearing to consider the adoption of a local law amending Chapter 70 of the Town Code, entitled "Zoning."

COUNCILWOMAN DALIMONTE: Okay. I'm just going to read a statement. The BW Zone covers the private/commercial properties extending from Sunset Park to Manhasset Bay Yacht Club. The areas most affected by these zoning regulations are the properties from Louie's Restaurant south to Manhasset Bay Yacht Club. To the east across Main Street for more than 100 single-family homes and apartments, the residents there enjoy views of Manhasset Bay and patronizing the shops and amenities in the BW Zone. They also tolerate the heavy traffic of Main Street and the overflow parking onto residential streets when the BW Zone gets busy. It is widely known in Port Washington that the Knickerbocker Yacht Club, as constructed, is unpopular with many nearby residents and others in the broader community. This is why in December of 2017, my predecessor in office proposed a development moratorium for the BW Zone so we can have the opportunity to reexamine the zoning regulations. An Advisory Steering Committee was formed in the summer of 2019 to help develop a balanced and accessible new Code for adoption. My term as Councilwoman began on January 1st, 2020. I have convened 17 meetings with the Steering Committee and public since taking office. With their valuable input, Planning Commissioner, Michael Levine, has drafted 11 versions of the new proposed Code. The members of the Steering Committee have been thoughtfully deliberating over their oftentimes competing interests of the residents and community with those of the commercial property owners. Despite the Steering Committee having reached a number of compromises, there are many people who are still not satisfied, including myself. Over these past nine months, in addition to all of my discussions with the Steering Committee, I have had hundreds of e-mails and phone calls from people concerned about the height, bulk and density of any future development in the BW Zone. As both a life-long resident and a representative of Port Washington, I requested some additional changes be made to the final proposed Code before us today. I believe the Code we will be voting on tonight is the right Code for Port Washington. So with that, Mr. Wink, do we have any cards?

MR. WINK: We do indeed. The first person requesting to speak is Lori Rothstein. I'll remind all the speakers that you have three minutes to make your comments. And we thank you to stay within that time period.

COUNCILWOMAN DALIMONTE: Okay. Lori.

MS. ROTHSTEIN: Can you hear me?

COUNCILWOMAN DALIMONTE: Yes.

MR. WINK: Yes.

MS. ROTHSTEIN: My name is Lori Rothstein. I live at 29 Fifth Avenue, Port Washington. And I've been honored to serve as a member of the Waterfront Business District's Steering Committee, representing the Mitchell Farms Neighborhood Association. I want to very sincerely thank Supervisor Bosworth, Councilwoman Dalimonte and the entire board for making this process possible. I ask that the board vote in support of the proposed Code, which balances the interest of all stakeholders. As this long and often difficult process played out, the importance the broad community input became increasingly clear. Moving forward from tonight's vote, I hope that it will borne in mind that the execution is just as important as the intent. The current special use hearing notification stated 300 feet in all directions, may not prove adequate for the BW



Zone due to traffic impact and the stated legislative intent, which is tied to the broader community. I hope they'll be an opportunity for dialogue on that issue in the future. Thank you so much.

MR. WINK: Thank you, Ms. Rothstein. Our next speaker is Lowell Peterson. If we can invite Mr. Peterson in.

MR. PETERSON: Thank you very much. I'm a relative newcomer. I've only lived in Port Washington for 30 years. We own our house at Third Avenue, a half a block from the waterfront at issue tonight. But even when I lived away from the waterfront, I was part of the broad consensus of our community that the waterfront is the treasure of the Town, the Town of North Hempstead and Port Washington. And getting this zoning right will affect that treasure for generations to come. You have one opportunity to vote on a rezoning but when the development starts, those developments will be there essentially forever. As a resident in the neighborhood, I know all of us would prefer developments that would engage people, invite people to use the waterfront. It's not clear that a residential structure would do that. Nonetheless, we understand the difficulty of navigating the cross currents of rezoning the waterfront district with the interest of the property owners and the residents in the entire community all competing, as the Councilmember said. I want to thank Councilwoman Dalimonte for the very difficult work that she's done. We support the proposed rezoning that she has placed on the table. We wish it was less height, less bulk. We wish that there were -- two stories I guess is about as few as you can do. But as compromises go, we -- we feel that the Councilwoman listened to us and that the property owners will have more than adequate opportunity to turn a profit. And we certainly hope that the community's goals, which are visual and physical access to the waterfront will be met as plans are actually rolled out under the revised zoning. And I would echo the prior speaker's concern about making sure that as many people as possible get notice of any plans or proposed variances because those things can make a great deal of difference to the fundamental goals of congestion and access to the water. Thank you.

MR. WINK: Thank you, Mr. Peterson. The next speaker is Joel Ziev.

MR. WINK: Mr. Ziev, I'm going to ask you to unmute yourself.

MR. WINK: Still muted.

COUNCILWOMAN DALIMONTE: Joel.

COUNCILWOMAN DALIMONTE: Should we go on to the next person.

MR. WINK: Mr. Ziev —

COUNCILWOMAN DALIMONTE: Oh, there he goes.

MR. WINK: He's okay.

DR. ZIEV: I'm Dr. Joel Ziev. I live in Port. I moved here in '76. I've been around for awhile. I served as Chair of the Waterfront Commission for five years and worked as an advisor to the Town on waterfront and ADA compliance issues. The comment I want to make today is that this zoning change is major. But I want to keep in mind before the fact that the Town's assurance, that the Town will comply and will have the developer comply with ADA, Americans with Disabilities Act, the Fair Housing Act, the State Human Rights Law and Regulations, which is especially relevant in this project. Any public accommodation which is a store, an office, anything would fall under the requirements of the ADA in terms of accessibility to the

waterfront. Also, Chapter 42 of the Town Code addresses waterfront and we tried at that time and it's been amended to make it accessible for people to enjoy and walk through and have it -- that's also easy to be done. When Knickerbocker was done, there's no walkway there across the front of it, as required by 42 and I want to say, before the fact in developing it, site plan review that we adhere to these things rather than after the fact when it gets to be really contentious. I think it's really important to do that. I'm happy to answer any questions but I'm just asking for consciousness to be right, to do it right the first time without having to come back and do it later on under federal law. Thank you.

MR. WINK: Thank you, Mr. Ziev. Our next speaker is John Dunne. Mr. Dunne, if we can invite the counselor into the meeting.

COUNCILWOMAN DALIMONTE: John.

MR. WINK: Mr. Dunne.

MR. WINK: I don't see a mute for him so --

COUNCILWOMAN DALIMONTE: Should we go on to the next --

MR. WINK: -- just waiting for his audio to appear. Counselor, can you hear us?

COUNCILWOMAN DALIMONTE: Can we do the next person and then go back to him?

MR. WINK: Okay. Mr. Dunne, we'll call on you again in a moment. The next speaker is Mitch Schwartz. If we can invite Mr. Schwartz into the meeting. If you can unmute yourself.

MR. SCHWARTZ: Hi. Mitch Schwartz, Port Washington Chamber of Commerce.

MR. WINK: Thank you.

MR. SCHWARTZ: I was also happy and proud to serve on the Steering Committee. This takes me back about two years when you guys were about to vote on a new zoning code that seemed to have totally excluded the wishes of the developers. When I stepped up and volunteered to, you know, try and navigate some of the differences and thankfully, Councilwoman Dina DeGiorgio stepped in and took over that mediation and Councilwoman Dalimonte took it over from her. We spent a good, almost two years, coming up with a compromise that everyone, including -- every constituency, including the residents who live close, agreed. Everybody gave some, took some. And then at the last minute when a lot of voices started complaining, that two years of work just went away. So I am urging that you guys do not vote for this proposal because I don't think the developers will be able to economically develop the properties. And I see no indication that there's been any studies with this zoning that they will be able to. So I urge you turn this down. Thanks.

COUNCILWOMAN DALIMONTE: Mr. Schwartz, are you speaking on behalf of the Port Washington Chamber of Commerce board or yourself?

MR. SCHWARTZ: Myself.

COUNCILWOMAN DALIMONTE: Okay. We just need to make that clear because you said Port Washington Chamber of Commerce. So we would need to know if that was an approved statement from the board.

MR. SCHWARTZ: Didn't ask.

COUNCILWOMAN DALIMONTE: Okay. So we just have to make sure for the record, Mr.

Wink, that that is stated that that's his personal opinion, not the Port Washington Chamber of Commerce's opinion.

MR. WINK: That will be so reflected in the minutes.

COUNCILWOMAN DALIMONTE: Thank you.

MR. WINK: I believe Mr. Dunne is continuing to have some difficulties with his microphone so in the meantime we'll --Mr. Dunne, are you there now?

MR. WINK: I see you're still on mute according to my screen. Can you hear me?

MR. WINK: Okay. Mr. Dunne, I know you're working on your microphone. With your permission, we'll go on to the next speaker and we'll try you again in a moment.

COUNCILWOMAN DALIMONTE: Okay. While we're waiting for him, I just want everyone to know that it was last year, it's not two years worth of work. The Code that was presented was in July of 2019.

MR. WINK: Okay. The next speaker I have listed is Jennifer Rimmer. Ms. Rimmer, if you can be invited into the meeting. Are you there:

MS. RIMMER: I am here. Good evening.

MR. WINK: Okay.

MS. RIMMER: Good evening, Madam Supervisor, Councilperson Dalimonte, board members. My name is Jennifer Rimmer and I reside at 2 Anchor Way, Port Washington. Thank you for the opportunity to speak tonight on the BW Zone. The BW Zone as defined, includes Sunset Park. At present the special district owner of this property is entertaining an offer, or multiple offers, to privatize this site. Though this property is not currently legally defined as a park, Sunset Park is considered a park by the greater Port Washington community and beyond. It is a gathering site for concerts, ball games, walks along Manhasset Bay, spectacular waterfront views and amazing sunsets. Port Washington is the only community in the Town of North Hempstead providing public access to the waterfront. Under this zone, a private owner will be permitted as of right to build 30 feet buildings on Sunset Park. This will forever change this bucolic setting. This is of tremendous concern. So I am asking with the passage of this new zone: How will the Town protect the site? How will there be transparency and forthcomingness about to the Port Washington residents? Will you purchase it and dedicate it as parkland as has been requested for the protection and enjoyment of generations of Port Washington residents to come? Thank you.

MR. WINK: Thank you, Ms. Rimmer.

COUNCILWOMAN DALIMONTE: Mr. Levine, can I have Mr. Levine speak on behalf of that because just so everyone's aware, because there's 61 people on -- 61 people on this Zoom. So I want to make sure that the record is set straight and the truth is told. Sunset Park is owned by the Port Washington Water Pollution Control District. That is correct. They do want to get rid of this piece of property. The Supervisor and I will not allow -- and I'll state it again, will not allow this property to be transferred into private hands. It will always remain public per the sewer district, who meets every Tuesday meeting, you can attend any of their meetings. You can speak with them. They are the owners of this property. They will tell you that they -- no one can build on Sunset Park. There are sewer lines throughout that entire park and they have easements

to them. They own this property. We are waiting for an answer from the New York State Comptroller's office to find out exactly what can be done with this property and if it can remain in the Sewer District's hands using taxpayers' money for anyone that belonged to the Port Washington Sewer District. Currently right now, I am one of the people paying into the Sewer District and I will, as a resident and the Councilperson, make sure that this remains in public hands. And if anyone was to lease this property from the Town or from the Sewer District, since it's owned by the Sewer District, I will make sure in that lease that no additional structures, no additional height on the current buildings could be there. I lived -- my family's fourth generation in this community and I will not let that park go into private hands. So I want everyone, the 62 of you that are on this call right now to understand that the Supervisor and I will not let that happen. Supervisor Bosworth, would you like to say anything?

SUPERVISOR BOSWORTH: I would actually. And I think what you stated was stated well. Whether Sunset Park is dedicated parkland or not, it is certainly thought of as a park. It has been used a park for decades. And if there were any sense of anything done with that land other than it being the green space that it currently is, that would be considered alienation of parkland. And so it would need to be approved not only by the Town of North Hempstead, it would, in fact, need to be approved by the State as well. State is very committed to the parklands that they have, the green space that they have green and it would not be something that would be taken lightly. So I understand that there are several members of the community that are raising these concerns but, Councilwoman, you're quite right. This is the land that belongs to the Port Washington Water Pollution Control District. It is their land and whatever leases that they enter into need to be very clear about what is allowed there and what is not.

COUNCILWOMAN DALIMONTE: Thank you. I think we answered it. Michael, I just wanted you to be on here just to hear -- because I know that we had talked about this alienation of parkland and we have gone back and forth.

MR. LEVINE: Right. That regardless of what -- it's not a zoning issue. Regardless of what zoning district it's in and regardless of who owns it, the one issue where we and the district, you have a difference of opinion, is whether this is subject to alienation. So the district has said because they're not eligible to operate a park, this can't be a park. And they described it as simply vacant land owned by the district. But no, and Jennifer said, it does not matter if there was ever a formal dedication of parkland or not. If it is established and here there's no question, not only the appearance of how it's been used, how it's been maintained, this is established as a park. So it is subject to alienation legislation and then whatever long-term conditions are put on that. So we're taking the position and both the Councilwoman and Supervisor have stated, this is always going to be a park. And, again, it -- the fact that it may transfer to private hands -- it may not. If it does, it does not mean it's eligible for development parcel. So, you know, as you can see, we're going to stay on top of the issue.

COUNCILWOMAN DALIMONTE: Right. And we're not going to let this transfer into private hands. Because I know that I will be lobbying everyone on this board to vote no on that, that it remains in public hands. And I know the Supervisor 110 percent backs me up that. Thank you. Next -- I'm sorry, Mr. Wink, I just had -- I just didn't want the 61 people that are watching to think that there was going to be building done on Sunset Park. So I just wanted to clear the matter. Thank you.

MR. WINK: Okay. Shall we try John Dunne again. Is Mr. Dunne available?

MR. DUNNE: I see your name. I still see a mute button -- a mute symbol on your -- on your screen.

COUNCILWOMAN RUSSELL: Can Dan unmute him?

MR. WINK: I don't know if this is a Dan problem. The impression I got from what of the texts is that Mr. Dunne was having difficulty with his -- with his microphone on his computer. That may still be the case. Mr. Dunne, I see no more mute button. Are you there?

MR. WINK: Okay. I see no mute button but it still seems to be muted. Mr. Dunne, we'll try you again. All right. The next speaker --

COUNCILWOMAN RUSSELL: Is there also a call-in number?

MR. WINK: What?

COUNCILWOMAN RUSSELL: Is there a call-in number that someone can give to Mr. Dunne?

RACHEL: Sorry. This is Rachel. I'm going to get that number for you and we'll get it to him.

MR. WINK: If you can pass it along to Nick so he can text it to Dan.

RACHEL: Of course. I'll send him the information right now.

MR. WINK: Okay. Thank you. All right. The next speaker I have listed is Dawn Serignese.

MR. WINK: Okay. Are you there?

MS. SERIGNESE: Yes, hi. Good evening.

MR. WINK: Good evening.

MS. SERIGNESE: Good evening. My name is Dawn Serignese. I live on Bayview Avenue in Port Washington and I represent Residents Forward. I'd like to start by thanking Supervisor Bosworth and Councilwoman Dalimonte for putting forth a very productive process with transparency and compromise. Since December of 2018, Residents Forward has participated in this working group advocating for public access, walkability to and along the waterfront with resiliency measure to combat extreme water and flooding and connectivity between neighboring Town dock, Sunset Park, our beloved Sunset Park, Main Street and Bay Walk. We at Residents Forward believe that good walking leads to good business. While we are thrilled the Code includes a 25-foot setback, enough room for an ADA compliant walkway, we are disappointed that the Code falls short of requiring it. We are told that this request must come at site plan review with each individual project. While we think this walkway is essential for the public to truly feel invited to shop, stroll, dine and relax along Manhasset Bay, Councilwoman, we are asking for you to go on record tonight to advance this community goal at every site plan review. Thank you.

MR. WINK: Thank you, Ms. Serignese.

COUNCILWOMAN DALIMONTE: They're asking me to go on record to say every site plan review?

SUPERVISOR BOSWORTH: That would be your goal to have access and walkability.

COUNCILWOMAN DALIMONTE: Well, of course, we all want access to the water and we all

want that. But, you know, it's in the site plan review, as Ms. Serignese said, so I mean I can only -- I'm only here as long as I'm elected. But everybody knows that you have to stay involved with the community. And sign up for my newsletter because you'll know about it while I'm here. I mean, I guess we move on to the next person.

MR. WINK: Okay. Has Mr. Dunne been able to access via the phone number. I'll try this once more.

MR. WINK: Okay. I don't see Mr. Dunne.

MR. BRINN: We sent it to him. Let's give him a minute to dial in.

MR. WINK: Okay. I suggest we -- he's on the phone. Says he's muted. Okay. Is that you, Mr. Dunne, 516-567-7548?

MR. DUNNE: Can you hear me?

MR. WINK: Yeah. Is that you, Mr. Dunne.

MR. DUNNE: That is me.

MR. WINK: All right. Welcome aboard.

MR. DUNNE: I totally apologize for this. Yes, I'm sorry about that. Can you hear me now?

MR. WINK: Yes, we can hear you.

MR. DUNNE: Okay. Yeah, I just wanted to call in because I -- I represent the owner of the Inspiration Wharf and I've been on the -- a member of the Steering Committee since its inception, approximately 18 months ago. So I urge the board to vote against the most recent version of the proposed Code promulgated by Councilwoman Dalimonte for three reasons. First, the proposed Code realized and advised by the Councilwoman in September does not reflect the joint efforts of the Steering Committee, the Councilwoman and the residents. Second, the proposed Code unilaterally advised by Councilwoman Dalimonte in September does not provide a sufficiently reasonable return on investment to incentivize the private owners to redevelop the property to include public amenities that will jointly benefit the owners and the citizens. And perhaps, most importantly, for the residents, No. 3, the proposed Code unilaterally advised by Councilman Dalimonte in September turns a blind eye to the vast majority of residents that attended the meetings specifically stating what's most important to them. And by the way, I think you've already heard it tonight, which is public access to the water in the form of a promenade or a walkway along the waterfront, potentially running from the boundary of MBYC to the Town dock. And to put my objection in context, the alternative proposed Code drafted as recently as August of 2020 with the Steering Committee, the Councilwoman, the Town Attorney, the local business interests and the residents group, did consider all of the above and would have resulted in the redevelopment that could have offered amenities for the public, including a waterfront promenade. In fact, the August 2020 Code was the culmination of approximately 20 meetings between the public and the Steering Committee and others over almost 18 months. At every meeting members of the public or residence groups emphasized the strong desire to have some type of significant waterside access such as a walkway. While the private owners are certainly not legally required to provide such public use for their property, the owners did listen to the residents' concerns. In fact, they did more than listen. The property owners, at their own expense, produced a mockup of what potentially could be offered to the public in terms of a public promenade so the public could see in detail how they could enjoy the wonderful views

and sunsets along the shoreline rather than from the street. Our mockup appeared to be very well received and the consideration for the possibility of such an amenity that would benefit all the Town residents, not just the ones residing close to the waterfront, the Steering Committee, the Town representatives and Councilwoman Dalimonte drafted in August of 2020, that the property and business owners and the Steering Committee what was believed to be the final Code. That August Code recognized the need for reasonable return on investments to the owners and the need to underwrite the cost of the possibility of constructing a waterfront promenade for the public. So the August --

MR. WINK: Mr. Dunne, I'm going to ask you to wrap up your comments, please.

MR. DUNNE: Yes. So the August Code included up to 20 dwelling units per acre, maximum height of 35 feet instead of 45. Maximum three stories and some on-grade parking. With the above limitations designed to restrict development in a manner desired by the residents, it was contemplated that private property owners could redevelop the property in a manner that would improve the sight lines and view corridors to the water. It would lower the minimum height permitted by ten feet and it would enable property owners to -- private property owners to offer the public a vastly enhanced waterfront development and experience the public promenade.

MR. WINK: Mr. Dunne, I'm going to ask you to wrap up. I -- I am going to indicate for the record -- Mr. Dunne, if I could, I am going to indicate for the record to include in the record, two letters submitted by you, both via e-mail and I suspect perhaps mailed directly; one dated September 21st of this year and a follow up letter dated October 16th of this year, addressing these very issues. Am I correct with that?

MR. DUNNE: You are. And then there was one additional letter sent I believe it was Monday. But -- let me just -- I will briefly --

COUNCILWOMAN DALIMONTE: Mr. Dunne, you can't -- he can't get more than three minutes that other people can't get. He can't have more than three minutes and someone else can't. So --

MR. DUNNE: I'm going to wrap up just --

COUNCILWOMAN DALIMONTE: It's not --

MR. DUNNE: Just like other people have wrapped up in the past when they've gone over three minutes.

COUNCILWOMAN DALIMONTE: But you have continued to over --

MR. DUNNE: The point being is that consequence --

COUNCILWOMAN DALIMONTE: Wait --

MR. DUNNE: -- of this unilateral change is there's not going to be a waterfront promenade for the public. We want it for the public but it's been taken away by virtue of the unilateral change in the Code. That's the message I just want to get to the residents.

COUNCILWOMAN DALIMONTE: Yes.

MR. DUNNE: So this treasure of the Town unfortunately is not going to be as great as it could be. Thank you for your time.

MR. WINK: Thank you, Mr. Dunne.

COUNCILWOMAN DALIMONTE: So from now on when people are coming on, you have to -- if they're going to be three minutes, you have to cut them off at three minutes. It's not fair for someone else that wanted to keep on going on. We have to keep this fair.

MR. WINK: Councilwoman -- Councilwoman, I would just remind you, I don't chair the meeting. I keep track of the time but I'm not the chair of the meeting so I don't get to unilaterally turn people off -- so.

COUNCILWOMAN DALIMONTE: Okay. So whoever is in charge of the mic, let's turn it off. I'd like to just state with him that when we had our Steering Committee meetings, I'd like the board to know that when we had our Steering Committee meetings, we asked the public -- Residents Forward and also other people kept on asking for public access. When it was brought up, if we could put it in the Code. It was like absolutely not. So here they are now saying at the 11th hour, oh, we were going to do this, we were going to do that. When we asked for it to be in the Code because it would be a taking of their property, we were told, no, that it can't be in the Code. So I find that very, very strange and frustrating. Also, we did have a Steering Committee after the changes were made with the density and height and that is what we heard from all the residents was density and height and how they wanted that decreased. So I just, you know, I just want everyone to understand that. And what do you have to give up for public access, height and density. Let's go on to the next person.

MR. WINK: The next speaker I have is Kevin Muller.

MR. MULLER: Hi. Can you hear me?

MR. WINK: You have three minutes.

MR. MULLER: Hi. Can you hear me?

MR. WINK: Yes, we can.

COUNCILWOMAN DALIMONTE: We can hear you.

MR. MULLER: Hi. First, I'd like to thank Councilwoman for all of her efforts and the Steering Committee. As she stated, the Knickerbocker is not popular in the Town. No one wants another Knickerbocker and this Code is the beginning to prevent another Knickerbocker. It does not go far enough but I think some of that can be addressed once this Code is passed and we can ensure that the legislative intent of public access can fit with the neighborhood beauty. The community implores that the entire board, the BZA, Mr. Levine and all involved actively publicly notify the larger community of requests of any variances that could allow another Knickerbocker to be a stain on the community. So we fully support this Code and thank the Councilwoman for her passion and for her leadership in driving this Code. In reference to the previous speakers' comments, there is no -- there has been no discussion of a promenade. There were no site plans offered and his statement was almost entirely false. Thank you so much.

MR. WINK: Thank you, Mr. Muller. The next speaker I have listed is Nicole Arnet.

MS. ARNET: Hi. Can you hear me?

MR. WINK: Yes, we can.

MS. ARNET: Great. I just wanted to take a moment to thank Councilwoman Dalimonte. I am a local resident and I'd like to speak in favor of the proposed Code changes. As Mr. Muller just said, the -- to find out from developers that a promenade had been -- had been considered as part



of -- as part of the offering for all of this, it comes as a bit of a surprise. For my end, I'd like to speak in support of the Code and to make sure to make the point that I think Mr. Muller and others made, that while the Code we feel -- I feel has really come a long way to bring in -- kind of rein into a reasonable -- reasonable parameters, height and density that as we go forward that the opportunities for variances through BZA appeals would be considered further down the road to continue to maintain the spirit and the intent and the hard work with which the Steering Committee, the Councilwoman and the board have put into getting the Code where it is. So that's -- that's all I have to say. Thank you.

MR. WINK: Thank you, Ms. Arnet. Shanaz Autz.

MR. WINK: Ms. Autz.

COUNCILWOMAN DALIMONTE: I don't see here in here.

MR. WINK: Ms. Antz, are you on as Port Washington MFNA? You don't have anything? Okay. You did ask to speak as I understood. Okay. We'll go on to the next speaker.

MS. AUTZ: Thank you. Can you hear me?

COUNCILWOMAN DALIMONTE: Yes, we hear you.

MS. AUTZ: Thank you. I would like to thank you for this opportunity and --

MR. WINK: Who's speaking right now?

MS. AUTZ: Oh, I'm sorry. My name is Shana Autz. I live on 10 Prospect Avenue. I'm a member of MFMA and I would like to thank the board, Supervisor Judi Bosworth and especially our Councilwoman Mariann Dalimonte. Because this has been a long arduous process and I appreciate all the efforts. And also, I want to thank her staff for spending a lot of time to put this Code together. I would like to speak in favor of the proposed Code. The MFMA has worked tirelessly and reached out to local groups to help formulate the balanced Code that prevents our waterfront from overdevelopment. We have been consistent in asking for limits in height, density and bulk of the buildings. We have been persistent in representing the concern of the entire Port Washington community in protecting the waterfront and the quality of life in the surrounding neighborhoods. We have also asked for meaningful public access to the waterfront. Over 1,300 residents signed our petition to encourage us in our efforts. I just want to take this opportunity and bring some of these voices to the board from the residents of Port Washington. One resident writes: People move to and settle in Port Washington because of the water access and the water views. These are natural places that should not be defiled for the enjoyment of a few. They belong to all of us. Another resident writes: The water is a huge part of what makes Port Washington the Town it is. We love going down to the water to watch the sunset. No three-story building. If you must change something. Choose more public access and restaurants or cafes for the water that more people can enjoy on the water. Another resident: Need to take public input access to the waterfront seriously and allow for more studies, intelligent options considering the potential for overcrowding and the loss of a unique shared area. Last: Think better access to the beautiful views, not buildings, that will limit the open environment. These are the concerns of the residents of Port Washington and I -- I would like to say that it has been difficult to bring in all the competing interests of the involved stakeholders but this Code has been a balance to show that the -- we also need to benefit from the change of the Code. So I don't understand. If you have only 25 feet water way on the other side of huge buildings that are completely blocking the views and are privatized and go through to actually

get to those walkways, I don't think that that was our priority and I don't think it is the priority of the community as a whole.

MR. WINK: Ms. Autz, I'm going to ask you to wrap up your comments, please.

MS. AUTZ: If you want meaningful waterfront access and open vistas so that the residents can enjoy all the amenities of the waterfront with commercial, little cafes and walkways -- Thank you.

MS. DALIMONTE: Thank you Shanaz, thank you.

MR. WINK: Thank you, Ms. The next speaker I have is Kate Hirsch. Ms. Hirsch, can you unmute yourself?

MS. HIRSCH: Yes. I think I did. Okay.

MR. WINK: How are you?

MS. HIRSCH: Good. How are you?

MR. WINK: Thanks. Good.

MS. HIRSCH: Good. Thank you for the opportunity to comment. And thank you to everyone on the board for all the efforts you've made on this. I do want to circle back to Jennifer Rimmer's comments because I've been following this issue -- I won't say, you know, since it's been going on but this is the first I was hearing about what Jennifer said about Sunset Park. So I was going to ask for some clarification about that if I could. My question is, if the intent is never to have Sunset Park be allowed to develop, why is it included in the zoning change? I would ask that the Town dedicate Sunset Park as a park and not to be part of the zoning, which seems to me relates to residential, commercial and multi-unit buildings. So I do appreciate your assurances that you never would allow the -- the development of the property but as you said, I think Councilwoman Dalimonte just said, you are only here as long as you are elected to the position. You cannot guarantee that any successor to office won't feel differently. And my concern is, you know, the only way to protect that park is to affirmatively designate it as a park or somehow legally protect it from development. So my concern is the assurances regarding the park are based on history, past use, et cetera and what, you know, you as a personally, you know -- residents of Port Washington and Councilwoman Dalimonte want but if you want the person, you know, in five years making a decision, what's to guarantee it's not going to be different. So that's my concern. And, again, if there's something I missing, I'm sorry I'm not that familiar with the issue. But when Ms. Rimmer brought it up, it concerned me. Thanks very much.

COUNCILWOMAN DALIMONTE: Michael, could you address her concerns?

MR. LEVINE: We have to de-couple parkland dedication from zoning designation. There's no zoning district called parkland. So your options for zoning are residential, industrial or business, of which --and we have several sub districts within business, A Business, B Waterfront Business. So the, you know, our position that this is established parkland regardless of whether the Water Pollution Control District ever formally did so by resolution, it is still established parkland. It's still subject to alienation laws and is not eligible as a development parcel. So that's independent of what zoning district it's in. We're not making a decision today to include it in the zoning district. But it was rezoned from Business B to Waterfront Business in 2009. It could be rezoned back to Business B or to another district but that doesn't address the question of dedicated parkland. So as we responded to Jennifer earlier, the Town is firmly in a position to

establish this as parkland, it is not eligible for development. And then that's, again, independent of what zoning district it's in.

COUNCILWOMAN DALIMONTE: Thank you, Michael.

MR. WINK: Okay. The next speaker is George Autz. Can you hear me. Mr. Autz?

MR. AUTZ: Yes. Hi. Thank you. My name is George Autz. I live over on Prospect Avenue. I'm part of the MFMA, also the Port Washington Waterfront Association and I sat on the Steering Committee for the Town and was at all the meetings. I want to speak first in favor of the Code. I think Councilwoman Dalimonte has done a great job balancing the interests of all the stakeholders that were present. This Code I think clearly will allow for development along the waterfront. Maybe not quite as lucrative as some of the property owners would like, however certainly there is enough in it to allow them to be profitable. Also, I think it will balance the development with the concerns of the local community as well as the greater Port Washington community. I want to now just speak directly to Mr. Dunne's comments a little bit. Because it was totally out of context. And I would like Mr. Dunne to actually go back to the minutes of the Town -- of the Town Steering Committee meetings and show me directly the statements that support what he was talking about. The truth is the most consistent theme that could classify the community from the community representative at the Steering Committee regarded changes to the zoning Code has always been related to limiting the height, bulk and density of any development. Our goal has always been from day one to prevent overdevelopment along the waterfront, the prime example being the Knickerbocker, which I think most people are now familiar with. It's too large, too bulky and it privatizes the entire property. The MFMA and representatives of the MBYA have never stated at any Town meeting that a continuous walkway from the boatyard to Louie's is our goal. That has never been our goal at all. The -- in terms of what Mr. Dunne said about some of the plans that were shown as examples, he leaves out the fact that for each plan that was ever presented, there was never a uniform plan presented by more than one property owner, a point emphasized many times during Steering Committee meetings. In fact, the lack of vision in cooperation between the adjacent property owners was a major leavening factor in discussion during the Steering Committee meeting. The owners always emphasized that each plan presented was concept only and was site specific. Despite often making changes on adjacent properties, but each time you asked that property representative, do you agree with this or are you even aware of this? The answer was no. We can't speak whatsoever, we have no plans like that.

MR. WINK: Mr. Autz, I'm going to ask you to wrap up your comments.

MR. AUTZ: So in general, I just want to speak in favor. I think Councilwoman Dalimonte has struck the correct balance here. I think it will preserve the waterfront for a live long change and yet it will balance the development as well. It should all work out well. And thank you very much.

MR. WINK: Thank you, Mr. Autz. The next speaker is Michael Sharpf.

MR. SHARPF: Hi. Can you hear me?

MR. WINK: Yes, we can.

MR. SHARPF: Hi. My name is Mike Sharpf. I live on Third Avenue. I'm a member of MFMA. I want to thank Councilwoman Dalimonte for the improvements to the Waterfront Business District Code and to the Councilwoman and Mike Levine for taking the time to respond

to several questions that I've had with regard to the Code. I truly appreciate their time. I have to respectfully disagree with Mr. Dunne's perspective. I think I call on Councilwoman's revisions to the Code unilateral. It is a completely unfair characterization that many of the residents on this phone call would agree with and can understand and spot. As a resident, I want to make it clear that Mr. Dunne does not speak for the interests of the residents, certainly not my interests. With regard to the Code, I just want to remind everyone on this call that this is a Waterfront Business District Code. I don't believe there's another Code like this in Chapter 70. I think there's a Waterfront Residential Code, which I think many of the private owners would love to have. But this is a Waterfront Business District Code and the residents of this community and the larger community of Port Washington want business to thrive here. And I think that the Councilwoman's changes to the Code are in sync with that and are focused on that and are focused on making sure that it remains Waterfront Business Code. You know, with the Knickerbocker, there is no waterfront. You walk by the sidewalk and you can't even see the water. From lot line to lot line, it is now all residential. Instead of 100 percent commercial ground floor, it's now through use variances, it's only 15 percent of six hotel rooms on that ground floor that aren't even used and are closed right now. So it's been carved off as a completely residential space in a Waterfront Business District. That's the concern for the residents and we're going to remain vigilant but I hope that the Councilwoman and the Town in the future will listen to kind of what Lori Rothstein had started off the comments with and -- and think about changes that can help improve the notice, radius and the timing because as it stands now, out of 100 single-family homes that are adjacent to the Waterfront Business District, under the 300-foot notice for BZA meetings, only about maybe four, possibly five homes will get notice for that. And in essence, in practicality they'll probably only have about three or four days from the time that they get it. So in order to stop another Knickerbocker, to voice the community's concerns, we ask that that be something we look forward to going through. I'm in favor of the Code. And, again, I want to thank the Councilwoman for her leadership. Thank you.

MR. WINK: Thank you, Mr. Sharpf. The next speaker I have is Nick Daniello.

SUPERVISOR BOSWORTH: Wayne.

MR. WINK: Yes.

SUPERVISOR BOSWORTH: So I just want to comment on what Mr. Sharpf said. I agree with you. I think that Councilwoman Dalimonte has shown an amazing commitment to do what is right in that area. I've never seen anybody fight as passionately and in such a dedicated way to do what she believes is in the best interest of the district, the people who live in Port Washington, certainly Mitchell Farms but, in fact, all the people who live there. And I am honored to work with her and really to see this process as it has evolved and continues to evolve. So I really appreciate your comments and your acknowledgement of what this process has been.

COUNCILWOMAN DALIMONTE: Thank you, Supervisor.

MR. WINK: Okay. Mr. Daniello.

MR. DANIELLO: So unfortunately, Supervisor Bosworth, you just took the words right out of my mouth. So, yes, I would just like to thank Councilwoman Dalimonte and everyone here, really just for the process of being able to fold the community in this -- in this important decision. I know it's a longer road. I know it's a harder road. I won't -- I know it's certainly a noisier road. But I do feel that it helps mitigate all the down street impact that could happen if

something does develop. And really more than anything else, I think, Councilwoman Dalimonte, has just acted as a truly, you know, elected official for the community and provided really just the counterbalance for us just to, you know, not feel like we've gotten all we wanted. We

certainly don't. But just enough that we feel listened to and we do feel like we've struck a good balance as to, you know, the Code being offered. And to that point, you know, we just want to make sure that that tone is upheld through the rest of the process. We certainly feel like the changes made with respect to, you know, truly capturing, you know, what anything would be developed what it looks like in a site plan review, you know, with all different pictures, you know, and angles that you guys had suggested. So we just hope that that, you know, truly is upheld and look forward to what happens next.

COUNCILWOMAN DALIMONTE: Thank you.

MR. WINK: Thank you, Mr. Daniello. I have no other additional comments at this time.

COUNCILWOMAN DALIMONTE: I'd like to thank everyone for all of your comments. I'd like to thank the Town Board for listening and this has been a long process and I truly feel that I am putting up a Code that is the best for the community. And I would like to close the public hearing, offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

MR. WINK: You're on mute.

COUNCILWOMAN RUSSELL: Before I vote aye, I just want to commend Councilwoman Dalimonte who came in here and inherited this issue. And you've done a yeoman's job in making sure that the residents of Port Washington got a good compromise, where everyone is not 100 percent happy but it's what's best for the community. So I vote aye.

COUNCILWOMAN DALIMONTE: Thank you.

MR. WINK: COUNCILWOMAN Seeman.

COUNCILWOMAN SEEMAN: Yes. I want to thank you, Councilwoman Dalimonte for being with these people in your district and keeping their enjoyment of the beautiful waterfront. And I was so happy to be with you this morning looking over things. And I vote aye.

COUNCILWOMAN DALIMONTE: Thank you.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: I vote aye. And I also want to commend Councilwoman Dalimonte for her fine work with this -- with this whole issue. And please keep up the good work.

COUNCILWOMAN DALIMONTE: Thank you.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

COUNCILWOMAN DALIMONTE: Thank you.

**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. 455 - 2020**

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

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

**WHEREAS**, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend Chapter 70 of the Town Code entitled "Zoning" in order to revise the standards of the "Waterfront Business" zoning district regarding permitted uses, building height, allowable density, setbacks and parking regulations; and

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

**WHEREAS**, due notice was heretofore given of a public hearing to be held on the 3<sup>rd</sup> day of September, 2020 via Zoom, which hearing was continued to October 22, 2020, 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**, pursuant to General Municipal Law § 239-m, the Nassau County Planning Commission (the "Commission") was furnished with a copy of the Short Environmental Assessment Form (the "SEAF"); and

**WHEREAS**, pursuant to Resolution No. 10391-20 adopted October 1, 2020, the Nassau County Planning Commission recommended local determination; and

**WHEREAS**, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on October 22, 2020 via Zoom, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

**WHEREAS**, it is required that a “lead agency” be established to review the Action pursuant to the rules and regulations for the implementation of the New York State Environmental Quality Review Act as set forth in Section 617.6 of Title 6, Part 617 of the Official Compilation of Codes, Rules and Regulations of the State of New York (the “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 October 22, 2020, 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 Form Environmental Assessment Form (the “SEAF”) Parts 1 and 2 (the “Determinations and Negative Declaration”) for the reasons stated in the SEAF; and

**WHEREAS**, the Board wishes to conclude that the action constitutes an “unlisted action” pursuant to Section 617.2(al) of the SEQRA Regulations and that it will not result in any significant adverse impacts on the environment; and



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

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town Board 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 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 determinations and findings made pursuant to the SEQRA Regulation; and be it further

**RESOLVED** that Local Law No. 15 of 2020 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. 15 OF 2020**

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

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

**Section 1. Legislative Intent.**

The Town of North Hempstead has unique waterfront resources. However, the Town Board has found that portions of the existing zoning ordinance controlling waterfront development is inadequate and in some cases incompatible for properly developing and redeveloping lands in the Waterfront Business District.

After establishing a moratorium on development within the Waterfront Business District to review the code, and receiving invaluable comments from interested residents, businesses, community groups and public officials, the Town Board seeks to enact code changes that will provide for compatible land uses to exist side-by-side.

The Town recognizes that the preservation, enhancement and utilization of the natural and man-made resources along the waterfront should take place in a coordinated and comprehensive manner to insure the proper balance between those natural resources and the need to accommodate population growth and economic development.

It is intended that lands within the Waterfront Business District be developed in a manner that permits the beneficial use of waterfront resources while preventing the loss of living marine resources and wildlife, diminution of open space areas or public access to the waterfront, shoreline erosion, impairment of scenic beauty, or permanent adverse changes to ecological systems. It is further intended that development within the district enhance the waterfront's recreational, historic, scenic, cultural and commercial qualities, and to preserve and enhance these qualities for the future.

## **Section 2.**

Article XVIIIA of Chapter 70 of the Town Code is hereby amended as follows:

§ 70- 148.1. Legislative Intent.

The Waterfront Business district is hereby established to promote, enhance and encourage water dependent uses, **promote environmental sustainability, hazard mitigation and resiliency** and increase opportunities for public access along the Town's commercial waterfront.

**The Town recognizes that the preservation, enhancement and utilization of the natural and man-made resources along the waterfront should take place in a coordinated and comprehensive manner to insure the proper balance between those natural resources and the need to accommodate population growth and economic development.**

§ 70-148.2. Application of provisions.

The provisions of this article shall apply to a Waterfront Business District.

§ 70-148.3. Permitted uses.

A building **or structure** may be erected, altered or used and a lot or premises may be used for any of the purposes set forth in this article and for no other:

- A. The sale and display of new or used boats and marine supplies, marine engines, parts, marine electronic equipment, fishing supplies, marine fuel and oils, and sporting equipment for use with or in conjunction with boats **or other personal watercraft.**
- B. The storage and dockage of boats both in and out of water.
- C. Public or private marinas.
- D. Assembly of marine-related equipment and incidental light manufacturing.
- E. The manufacture, construction, repair, and maintenance of boats in and out of water and assembly of marine-related equipment and repair of boat engines and their accessories, provided all such activities are conducted in enclosed buildings.
- F. The storage of equipment for boats and the fishing industry in open lots.
- G. Recreational and commercial fishing and boating facilities.
- H. Public or private yacht clubs and beach clubs, including pools, cabanas, and lockers.
- I. Restaurants [~~and/or catering facilities~~] provided that the site has direct waterfront access for boats, subject to regulations under **§ 70-148.5 and** § 70-148.7.
- J. Parks, playgrounds, and water-based recreationalal uses.
- K. Offices, financial institution.
- L. Retail store, except those listed in § 70-126B and F [~~and stores of the type known as "farmers' markets"~~] and stores of a type known as "big-box commercial use" as defined in § 70-140B.
- M. Sale or repair of jewelry, watches, clocks or optical goods, musical, professional or scientific instruments.
- N. Flower shops.
- O. Public art gallery, public museum, municipal park for recreational use, government or municipal buildings.
- P. Gym, health club, dance studio or other similar place of assembly or public assembly.**
- Q. Retail grocery, retail food use, delicatessen or other store primarily selling food items packaged in units of more than one portion for consumption off the premises having a gross floor area of less than 2000 s.f..**

~~[P.]~~ **R.** Accessory uses on the same lot with and customarily incidental to any of the above permitted uses, except for accessory drive-through facilities, which shall be subject to the provisions of § 70-203T, and for below-grade parking structures, which shall be subject to the provisions of § 70-203U.

~~[\§ 70-148.4. Conditional uses]~~

~~[A building may be erected, altered or used and a lot or premises may be used for any of the purposes set forth in this article when authorized by the Board of Zoning and Appeals pursuant to the provisions of Article XXIV and for no other:]~~

~~[A. — Restaurants and/or catering facilities other than those as described in § 70-148.3.I. and subject to the regulations prescribed under § 70-148.7.]~~

~~[B. — Retail grocery, delicatessen or other store primarily selling food items packaged in units of more than one portion for consumption off the premises.]~~

~~[C. — The operation of not more than two amusement devices in conjunction with a lawfully established business. No amusement device shall be operated as authorized herein except on the following conditions:]~~

~~[(1) — No amusement device shall be located outside of a building.]~~

~~[(2) — No amusement device shall be located in any premises within 500 feet of any public, private or parochial school. For the purposes of this section only, the term "public, private or parochial school" shall not include schools whose students are primarily over the age of 18 years or are high school graduates.]~~

~~[(3) — An amusement device may be operated only between the hours of 9:00 a.m. and 9:00 p.m. This limitation shall not apply to amusement devices located in bars, inns, diners, taverns and bowling alleys.]~~

§ 70-148.5. Special uses.

The following special uses may be permitted only when authorized by the Town Board after a public hearing. Prior to authorizing the issuance of a permit for any such special uses, the Town Board shall follow the procedures and make appropriate findings, as set forth in § 70-225.B.(1) of this ordinance and the additional criteria set forth in § 70-148.6.

A. Hotel or Boatel as defined in Article XXV of this Chapter.

B. Mixed use building(s) consisting of retail, office, ~~[hotel/boatel]~~ and/or restaurant space on the lowest floor and ~~[senior housing]~~ **residential** units on the upper floors.

- C. [~~Senior residence, as defined in Article XXV, which provides access to the waterfront by way of a promenade, dock or boating slip and conforming to the density regulations contained in § 70-148.11.~~]

**C. Restaurants not having direct waterfront access and subject to the regulations prescribed under § 70-148.7.**

**D. Retail grocery, retail food use, delicatessen or other store primarily selling food items packaged in units of more than one portion for consumption off the premises having a gross floor area of 2000 s.f. or greater.**

§ 70-148.6. Criteria for the approval of special uses.

In addition to the criteria set forth in § 70-225.B(1) of this ordinance, applications for special uses described in § 70-148.5 shall conform to the following additional criteria as determined by the Town Board:

- A. Whether the proposed action will further the goal of establishing, **maintaining,** [~~and~~] promoting, **expanding or servicing businesses or facilities that provide or allow for the growth of** water dependent uses within the district;
- B. Whether the proposed action will create opportunities for increased public access to the waterfront;
- C. Whether the proposed action will create excessive stormwater runoff to surface waters;
- D. Whether the proposed use by reason of excess height or bulk will block water views from neighboring properties;

**E. Whether the proposed design will be in harmony with the general architectural character of the surrounding neighborhood.**

**F. Whether the proposed design promotes sustainability through the use of elements such as permeable pavements, stormwater quality controls, photovoltaic cells and energy efficient lighting and building systems.**

§ 70-148.7. Restaurants [~~and catering facilities.~~]

Any restaurant [~~and/or catering facility~~] as identified in § 70-148.3.I. or [~~§ 70-148.4.B.~~] **§ 70-148.5.C.** shall conform to the following:

- A. A refrigerated garbage locker shall be required within the building. There shall be no outdoor storage of putrescible waste generated by the [proposal] restaurant at any time. The applicant shall arrange for indoor carry-out pick-up with licensed sanitation collector and shall forward a copy of the contract in the Building Official prior to the issuance of a Certificate of Occupancy.
- B. All exterior doors shall be of solid construction, equipment with self closing hardware; and shall remain closed at all times except for ingress & egress.
- C. Grease traps shall be required on sewage disposal systems and are subject to Nassau County Department of Health standards.
- D. **There shall be no outdoor seating, bar, lounge or gathering space in association with a restaurant above the ground floor of any building.**

§ 70-148.8. Compliance with other regulations

**A. Structures in waterways**

Any proposed construction in or adjacent to any waterway or boat operation is subject to requirements outlined in Chapters 42 and 69 of the Town Code, as well as federal and state laws and rules and regulations of any appropriate federal and state agency having jurisdiction thereof.

**B. Floodplain Management**

**Any construction within a federally-designated flood zone or Special Flood Hazard Area shall be subject to the requirements of Chapter 21 of the Town Code and any applicable regulations promulgated by the Federal Emergency Management Agency and the State of New York.**

§ 70-148.9. Parking requirements.

**Vehicular** parking shall be provided in accordance with the requirements set forth in § 70-103 **except as noted herein.**

- A. Parking for all categories of residential buildings or for the residential portion of a multiple-use building shall be provided at the rate of at least two spaces per dwelling unit.**
- B. In addition to vehicular parking spaces, racks or lockers shall be provided for the short-term parking of at least four bicycles plus one additional bicycle for every 10,000 s.f. of gross floor area or portion thereof.**

## § 70-148.10. Impervious coverage

For all new construction, alterations or landscaping changes, the lot may not be covered more than ~~[ 70%]~~ **60%** by any impervious material or other type of paving.

## § 70-148.11. Plot area; frontage; density of population

A. No building or structure shall be constructed on a lot containing an area of less than 2,000 square feet.

~~[B.— The maximum allowable density for a single use senior housing facility shall be 25 dwelling units per acre. In the case of fractional acreage, the density shall be prorated accordingly.]—~~

**B. No building or structure shall be constructed on a lot containing less than 50 feet of frontage on a public street or thoroughfare.**

C. For a ~~[mixed]~~ **multiple** -use building or development, the maximum density for the residential portion shall be ~~[20]~~ **15** dwelling units per acre. In the case of fractional acreage, the density shall be prorated.

**D. At least 40% of the dwelling units in any building or site shall be designated Senior Citizen housing as defined in Article XXV of this Chapter.**

**E. No more than 20% of the total number of dwelling units in a building or site may consist of two or more bedrooms.**

**F. The maximum allowable density for hotel or boatel rooms shall be 30 rooms per acre.**

## § 70-148.12. Height

A. No building shall exceed two stories, with a maximum height of ~~[35]~~ **30** feet~~[- except as noted in § 70-148.12B].~~

~~B. — [For all uses authorized under §70-148.5.B, no building shall exceed a total of three stories, with a maximum height of 45 feet.]~~

**B. Minor structural and/or architectural elements may extend a maximum of ten feet above the allowable roof height, provided they comprise no more than 10% of the total roof area and be set back a minimum of ten feet from the front building wall and five feet from all other building walls.**

**§ 70-148.12.A. Lot coverage**

**Buildings and structures may occupy up to 60% of the lot area.**

§ 70-148.13. Front yard.

~~A. No front yard is required [except where a building has vehicular entrance doors facing a street, in which case, such entrance doors shall be set back a distance of at least 18 feet from the street line, and an open, unoccupied space shall be maintained between said doors and the street line.]~~ **for single-story buildings not exceeding 20 feet in height.**

**B. A front yard of at least 10-feet is required for all buildings exceeding one story or 20 feet in height.**

§ 70-148.14. Side yards.

~~[Other than accessory driveways no side yard shall be required for buildings used for commercial purposes except where the side line boundaries of the plot adjoin a residence-district, in which event minimum side yard setbacks of 15 feet shall be maintained on each side adjoining the residence district.]~~

**No building or structure shall be constructed with less than two side yards, each having a minimum width of 15 feet between the respective side of the building and the side property line of the lot. In no case shall a building wall be less than 30' from any dwelling unit on an adjoining property.**

§ 70-148.15. Rear yard.

~~[No]~~ **A** rear yard setback **of at least 25 feet** shall be required where the rear yard of the lot abuts a waterway. Lots with rear yards abutting a land parcel shall have a minimum setback of twenty feet.

§ 70-148.16. Fences.

Fences shall not exceed six feet in height.

§ 70-148.17. Stormwater Management.

**A.** Water flow from pav[ed] **ment, roofs and other impervious** areas must be controlled to alleviate excessive runoff into surface waters.

**B.** **The onsite stormwater management system shall have sufficient capacity to store, dispose, and/or recycle a five-inch rainfall.**

**C.** All catch basins or other catch basin structures must be fitted with sediment control inserts **or equivalent technology.**



**D. To the greatest extent practicable, stormwater shall be controlled through the use vegetated roofs, swales, rain gardens, bio-retention cells, or with the expansion of stormwater infiltration infrastructure, upgradient from the site and within the watershed.**

§ 70-148.18. Sewage disposal.

All proposed buildings must be connected to a municipal sewer system.

**Section 3.**

Section 70-219 of Chapter 70 of the Town Code is hereby amended as follows:

D. Submission requirements and standards. The applicant shall prepare and submit plans and documentation to the Building Department for review and approval at a public hearing by the Town Board. All plans and accompanying documents shall be prepared by the appropriate professional(s) licensed in the State of New York and shall be prepared at a scale sufficient to clearly present the required information for review. The application shall include two complete sets of plans and documents for initial review, and supplemental sets as requested by the Planning and/or Building Department. Upon request by the Planning Department, the applicant shall submit additional full-size and reduced-size sets of documents prior to the public hearing. Unless otherwise waived or modified by both the Commissioner of Buildings and the Commissioner of Planning and Economic Development, each submission shall include, but not be limited to, the following general considerations and format:

[Amended 11-15-2005 by L.L. No. 11-2005; 5-29-2007 by L.L. No. 5-2007]

(1) A title page which shall include the following:

(a) A key map at a minimum scale of one inch equals 1,000 feet, showing clearly and accurately the location of the property in relation to the neighboring streets and the location of the nearest bus routes and bus stops, if applicable.

(b) A zoning/site data analysis in a format acceptable to the Commissioner of Buildings. This analysis shall include zoning district information; permitted and proposed data for all zoning criteria, including, but not limited to, floor areas by use, lot coverage, building height, parking; and the quantities of pervious and impervious surfaces. All zoning calculations shall be based on gross floor area as required in this chapter.

(c) Names of the appropriate water and sewer districts.

(d) The name and address of the applicant, and the name and address of the owner of the site, if different from the applicant. If the applicant or owner is a corporation or partnership, the names of all principals shall be included.

(e) The name(s) and contact information of the professional engineer, land surveyor, architect, landscape architect and/or land planner involved in preparing the plans.

(f) An area map of the subject site and all properties within a radius of 300 feet of any contiguous property owned by the applicant. The area map shall include all proposed principal and accessory buildings, the names of abutting property owners, as well as section, block, and lot information for all properties within the three-hundred-foot radius.

(g) The name of all abutting streets and whether said streets are Town, county or state highways.

(h) A list of drawings included in the submission set, with the original drawing dates and all revision numbers and dates indicated.

(2) A site plan, fully dimensioned, which shall include the following:

(a) Location, arrangement, design and general site compatibility of all buildings, structures, equipment, landscaping, signs, and lighting.

(b) All proposed parking and loading facilities, circulation aisles servicing those facilities, and all pavement markings.

(c) If the site has or is proposed to have vehicular access to or from an adjoining property, plans of such adjoining property, including, but not limited to, uses, building footprints, parking, site circulation, and pavement markings.

(d) Adjacent roadways indicating traffic flow directions and showing vehicular access and circulation to and from the site, including intersections, road widths, pavement surfaces, dividers, traffic controls, and street lighting.

(e) Right-of-way improvements or road widening in conformance with the requirements of the Superintendent of Highways, and to provide a minimum of 60 feet of right-of-way in industrial areas. Any road surfacing required by the widening of existing pavement shall be equal to or better than the existing pavement and shall meet all specifications of the Highway Department which pertain to the area.

(f) Arrangement of pedestrian traffic access and circulation, including, but not limited to, walkway structures, control of intersections with vehicular traffic, handicapped accessibility, and overall pedestrian convenience and safety.

(g) Location of, and type of equipment provided for adequate storage and disposal of garbage and refuse.

(3) Floor plans, which shall include the following: floor plans of each level, including, but not limited to, basements, cellars, mezzanines and attics, and labeling of all interior spaces with their uses.

(4) Building elevations and section, which shall include the following:

(a) Existing and proposed grades in Nassau County Vertical Datum.

(b) Finished floor elevations for each level.

(c) Building height elevation(s).

(d) Building/site section(s) as required by the Commissioner of Buildings or Commissioner of Planning and Economic Development to adequately analyze the site development.

(e) Proposed finish materials for all exterior surfaces.

(f) Sketches to scale, indicating the design, color and material of signs, accompanied by a brief narrative explaining the lighting mechanism.

(5) Building perspectives ~~[(s)]~~, **and/or photo simulations** which shall include the following:

(a) The main building as viewed from all public rights-of-way.

(b) The main building as viewed on approach from within the site if substantially different from the above view(s).

(c) Any other proposed structures as required by the Commissioner of Buildings or Commissioner of Planning [~~and Economic Development~~] to adequately analyze the site development.

**(d) all perspective drawings and photo simulations must be drawn to scale and must accurately depict adjoining properties, buildings and the contextual relationship to the surrounding neighborhood.**

(6) Landscape plan, which shall include the following:

(a) All existing and proposed landscaping, specifying the type, size and location of trees, shrubs, and other landscaping materials. Tree size shall include diameter at four feet six inches above grade as well as height of the tree.

(b) All fencing, specifying style, material, and height.

(c) All lawn irrigation, specifying the water utilization in gallons per minute. Sprinkler heads or plumbing systems shall not be installed, maintained or allowed to encroach upon any public rights-of-way.

(d) All retaining walls, which shall require a building permit, and must be designed by a qualified professional licensed to practice in the State of New York. Retaining walls shall conform to the requirements of § 70-202.1.

(e) When a planted buffer is required as a screen for adjacent properties, it shall consist of a ten-foot-wide strip planted with coniferous material six feet tall on seven-foot centers in the case of a single row. When a double row is required, the planting strip shall be 20 feet wide planted with staggered rows of coniferous material six feet tall. Plantings shall be of sufficient quality and quantity to provide a pleasing appearance and shall include the maximum retention of existing vegetation. All required buffers shall be maintained, and replacement vegetation shall be planted as required to maintain the required screening in perpetuity.

(f) Curbs, sidewalks and street trees in accordance with the specifications of the Highway Department of the Town of North Hempstead, and subject to the approval of the Superintendent of Highways. Curbs, sidewalks or trees may be deleted if, in the opinion of the Town Board, they would be deemed unnecessary or inappropriate.

(7) Drainage and sediment/erosion control plan(s), which shall include the following:

(a) Existing/proposed grades, by contours and spot elevations (in Nassau County Vertical Datum), in sufficient numbers to adequately depict how the land will drain.

- (b) Schematic drawing of the roofs of all proposed buildings and equipment, showing the drainage system and direction of water flow.
  - (c) Limits and runoff direction for each drainage area, in plan view.
  - (d) The location, size and type of drainage facilities, with top and invert elevations.
  - (e) Table showing that the stormwater and drainage system, as designed by a licensed professional, adequate to dispose of a minimum five-inch rainfall. The drainage system shall comply with the minimum standards of the Nassau County Department of Public Works rules and regulations governing approval for erection of buildings on county highways.
  - (f) Location of on-site water supply and sewage disposal facilities and their connections.
  - (g) The depth and limits of all cuts and fills.
  - (h) The footprint and first-floor elevation of all structures.
  - (i) Drainage on existing roads as required by the Commissioner of Public Works. Any proposed structures or improvements made upon the right-of-way must receive the approval of the Superintendent of Highways.
  - (j) Methods and materials to be used to address erosion and sediment and slope stabilization both during and after construction, in plan and narrative form.
- (8) Lighting plan, which shall include the following:
- (a) The location of all proposed lighting fixtures, height of standards and the intensity and type of fixture, located and designed so as not to have an adverse effect on surrounding property.
  - (b) Illumination levels for the entire site, not exceeding 0.5 footcandle at the property line, except as otherwise approved by the Town Board.
  - (c) Catalog cut or picture of the light fixture and the manufacturer's specification sheet.

(9) Reports and documentation, including, but not limited to, the following:

(a) A full environmental assessment form in the format required by the State Environmental Quality Review Act.

(b) Traffic analysis, including capacity and level-of-service for the nearest signalized intersections.

(c) Water and sewer availability letters.

(d) Copies of any restrictive covenants existing on any portion of the site.

(e) Copies of all variances granted for the site.

(f) Copies of access permit application and curb cut approvals from the appropriate jurisdiction(s).

(g) Existing conditions survey.

(h) Photographs of all properties abutting the parcel and across from the parcel within 300 feet.

(10) Where applicable, a statement setting forth whether the proposed use conforms to, or deviates from, a community visioning or vision plan which has been adopted by the Town Board as a planning document for the Town. In the event that the proposed use deviates from such plan, the statement shall set forth how it deviates and the reasons why it should be approved despite this deviation.

#### **Section 4.**

Section 70-231 of Chapter 70 of the Town Code is amended as follows:

§ 70-231 Definitions.

Hotel

~~[A commercial building primarily for transient guests, consisting of three or more stories and having only one dining room and one kitchen for the serving of food to be consumed primarily in said dining room.]~~

**A building or a group of buildings used primarily for providing short-term sleeping accommodations for transient occupants in which ingress and egress to and from individual rooms is made through an inside lobby. Accommodations are offered to the general public on a daily rate and may include additional services, such as restaurants, meeting rooms and recreational facilities as an accessory use within a principal structure.**

### Section 5.

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

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

#### NOTICE OF ADOPTION

**PLEASE TAKE NOTICE** that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on October 22, 2020 via Zoom, Local Law No. 15 of 2020 was adopted. The Local Law amends Chapter 70 of the Town Code entitled "Zoning" in order to revise the standards of the "Waterfront Business" zoning district regarding permitted uses, building height, allowable density, setbacks and parking regulations.

Dated: Manhasset, New York  
October 22, 2020

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

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Town Clerk      Planning      Building





**Ad Content**

Legal Notice # 21601060

**NOTICE OF HEARING**

PLEASE TAKE NOTICE that effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Town Board of the Town of North Hempstead will not be holding in person hearings. Until further notice, all future Town Board hearings and meetings will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meetings can visit: northhempsteadny.gov/townboardlive. If a resident has a comment related to an item on the agenda, they can email: comments@northhempsteadny.gov. Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit northhempsteadny.gov/townboardlive on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

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 September, 2020, at 7:00 P.M. via Zoom, to consider the adoption of a Local Law amending Chapter 70 of the Town Code entitled "Zoning" in order to revise the standards of the "Waterfront Business" zoning district regarding permitted uses, building height, allowable density, setbacks and parking regulations.

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  
August 13, 2020

BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
Town Clerk

**NEWSDAY PROOF**

Advertiser: TOWN OF NORTH HEMP TOWN CLERK  
Agency: TOWN OF NORTH HEMP TOWN CLERK  
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End Date: 08/21/2020  
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Contact: Paul Garille  
Section: Legals  
Class: 11100  
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Zone(s): C-Nassau

Signature of Approval: \_\_\_\_\_ Date: \_\_\_\_\_



# NEWSDAY AFFIDAVIT OF PUBLICATION

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

STATE OF NEW YORK)

Legal Notice No.

0021614990

:SS.:

COUNTY OF SUFFOLK)

Darryl Murphy of Newsday Media Group., Suffolk County, N.Y., being duly sworn, says that such person is, and at the time of publication of the annexed Notice was a duly authorized custodian of records of Newsday Media Group, the publisher of NEWSDAY, a newspaper published in the County of Suffolk, County of Nassau, County of Queens, and elsewhere in the State of New York and other places, and that the Notice of which the annexed is a true copy, was published in the following editions/counties of said newspaper on the following dates:

Tuesday

October 27, 2020

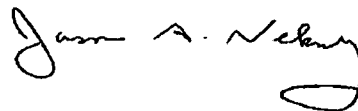
Nassau

**SWORN** to before me this  
27 Day of October, 2020.



---

Jason A. Neknez  
Notary Public - State of New York  
No. 01NE6219108  
Qualified in Suffolk County  
My Commission Expires 03/22/2022



**Ad Content**

Legal Notice # 21614990  
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 TownBoard duly held on October 22, 2020 via Zoom, Local Law No. 15 of 2020 was adopted. The Local Law amends Chapter 70 of the Town Code entitled "Zoning" in order to revise the standards of the "Water-front Business" zoning district regarding permitted uses, building height, allowable density, setbacks and parking regulations.  
Dated: Manhasset, New York  
October 22, 2020  
BY ORDER OF THE TOWN BOARD OF THE TOWN OF NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
Town Clerk

**NEWSDAY PROOF**

Advertiser: TOWN OF NORTH HEMP TOWN CLERK  
Agency: TOWN OF NORTH HEMP TOWN CLERK  
Ad Number: 0021614990  
Start Date: 10/27/2020  
End Date: 10/27/2020  
Price: \$120.00  
Ordered By: Legaladv@newsday.com

Phone: 5168697625  
Contact: Paul  
Section: Legals  
Class: 11100  
Size: 1 x 30 Times: 1  
Date: 10/27/2020  
Zone(s): C-Nassau

Signature of Approval: \_\_\_\_\_

Date: \_\_\_\_\_

MR. WINK: Resolutions. Item 7, a resolution setting a date for a special meeting of the Town Board of the Town of North Hempstead for December 3, 2020 at 10:00 O'clock A.M.

SUPERVISOR BOSWORTH: All right. So this is setting a date for the 2021-2025 Capital Plan Work Session. I offer the resolution setting a date for the special meeting of the Town Board for December 3rd, 2020.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 456 - 2020**

**A RESOLUTION SETTING A DATE FOR A SPECIAL MEETING OF THE TOWN BOARD OF THE TOWN OF NORTH HEMPSTEAD FOR DECEMBER 3, 2020 AT 10:00 A.M.**

**WHEREAS**, the Town Board desires to set a Special Meeting of the Town Board (the "Board") to conduct a work session relating to the Town's 2021 Capital Plan, known as the 2021-2025 Multi-Year Capital Plan, and to further consider any other matters that may come before the Board.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a Special Meeting of the Town Board shall be held via Zoom on December 3, 2020 at 10:00 a.m. to conduct a work session relating to the Town's 2021 Capital Plan, known as the 2021-2025 Multi-Year Capital Plan, and to further consider any other matters that may come before the Board; and be it further

**RESOLVED** that the Town Clerk be and hereby is authorized and directed to publish a notice of such Special Meeting, which notice shall be in substantially the following form:

**NOTICE OF SPECIAL MEETING**

**PLEASE TAKE NOTICE**, that effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, all future Town Board hearings and meetings will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at 10 A.M. Residents who are interested in viewing the meetings can visit: [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive). If a resident has a comment related to an item on the agenda, they can email: [comments@northhempsteadny.gov](mailto:comments@northhempsteadny.gov). Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive) on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

**PLEASE TAKE NOTICE** that a Special Meeting of the Town Board of the Town of North Hempstead will be held on December 3, 2020 at 10:00 a.m. via Zoom, to conduct a work session relating to the Town's 2021 Capital Plan, known as the 2021-2025 Multi-Year Capital Plan, and to further consider any other matters that may come before the Board.

Dated: Manhasset, New York  
October 22, 2020

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

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney                      Town Clerk



MR. WINK: Item 8, a resolution setting a date for a public hearing to consider the adoption of a local law amending Chapter 2 of the Town Code entitled "Administration and Enforcement."

COUNCILWOMAN LURVEY: So the purpose of the proposed local law is to amend the requirements for a tree removal permit to further preserve the tree density throughout the Town. Are there any comments on this, Mr. Wink?

MR. WINK: I have no comments on this item.

COUNCILWOMAN LURVEY: So I offer the resolution to set a hearing date of December 17th, 2020.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: COUNCILWOMAN Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: I just want to say -- so this is a Code that will be for the entire Town. I think it's fitting that Councilwoman Lurvey is the one who is offering the resolution because she has spent so much time and effort working with the community and working with so many others to get to this point. I vote aye.

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

**RESOLUTION NO. 457 - 2020**

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

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

**WHEREAS**, this Board wishes to set a date for a public hearing to consider the adoption of a Local Law amending Chapter 2 of the Town Code entitled "Administration and Enforcement" in order to make amendments to the tree removal permit requirements in Town Code Section 2-9(T) relative to the preservation of trees on private property.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by this Board on the 17th day of December, 2020, at 7:00 P.M. via Zoom, for the purpose of considering the adoption of a Local Law amending Chapter 2 of the Town Code entitled "Administration and Enforcement" in order to make amendments to the tree removal permit requirements in Town Code Section 2-9(T) relative to the preservation of trees on private property; and 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 effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19

virus, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, all future Town Board hearings and meetings will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meetings can visit: [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive). If a resident has a comment related to an item on the agenda, they can email: [comments@northhempsteadny.gov](mailto:comments@northhempsteadny.gov). Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive) on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

**PLEASE TAKE NOTICE** that a public hearing will be held by the Town Board of the Town of North Hempstead via Zoom, on the 17th day of December, 2020, at 7:00 P.M., to consider the adoption of a Local Law amending Chapter 2 of the Town Code entitled "Administration and Enforcement" in order to make amendments to the tree removal permit requirements in Town Code Section 2-9(T) relative to the preservation of trees on private property.

**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 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  
October 22, 2020

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

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Town Clerk      Planning      Buildings

MR. WINK: Item 9, a resolution setting a date for a public hearing to consider the adoption of a local law amending Chapter 20A of the Town Code entitled "Environmental Planning and Control of Trees."

COUNCILWOMAN LURVEY: So this is related to the one that we just voted on. And it's the purpose of the proposed local law. <sup>is to make</sup> ~~is an~~ amendment ~~to~~ of the Town's Tree Code for the preservation of trees on public and private property. So I offer the resolution to set a hearing date of December 17th, 2020.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 458 - 2020**

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

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

**WHEREAS**, this Board wishes to set a date for a public hearing to consider the adoption of a Local Law amending Chapter 20A of the Town Code entitled "Environmental Planning And Control of Trees" in order to make amendments to the Town's tree code relative to the preservation of trees on public and private property.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by this Board on the 17th day of December, 2020, at 7:00 P.M. via Zoom, for the purpose of considering the adoption of a Local Law amending Chapter 20A of the Town Code entitled "Environmental Planning And Control of Trees" in order to make amendments to the Town's tree code relative to the preservation of trees on public and private property; and 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 effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, all future Town Board hearings and meetings will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meetings can visit: [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive). If a resident has a comment related to an item on the agenda, they can email: [comments@northhempsteadny.gov](mailto:comments@northhempsteadny.gov). Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive) on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

**PLEASE TAKE NOTICE** that a public hearing will be held by the Town Board of the Town of North Hempstead via Zoom, on the 17th day of December, 2020, at 7:00 P.M., to consider the adoption of a Local Law amending Chapter 20A of the Town Code entitled "Environmental Planning And Control of Trees" in order to make amendments to the Town's tree code relative to the preservation of trees on public and private property.

**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 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  
October 22, 2020

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

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Town Clerk      Planning      Buildings



MR. WINK: Item 10, a resolution setting a date for a public hearing to consider the adoption of a local law amending Chapter 70 of the Town Code entitled "Zoning."

COUNCILWOMAN RUSSELL: This is a local law that will require certain performance standards in the Industrial B Zone. So this is actually a part two of an earlier change to the Code where we changed the penalties for those that are not in compliance. It's to ensure that residents and businesses that are adjacent to Residential B -- sorry, the Industrial B District are not infiltrated with environmental hazards. I'd like to offer the resolution setting a public hearing date of November 9th.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye. So I am going to make a comment. So this, again, is something that will affect all the industrial parks in the Town and so it will affect Councilman Ferrara's district and Councilwoman Dalimonte's district. And I know that they will have much to offer and contribute but Councilwoman Russell has really been working so hard on the industrial area in New Cassel. And so we're grateful to her for the work that she's done. And I say aye.

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

**RESOLUTION NO. 459 - 2020**

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

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

**WHEREAS**, this Board wishes to set a date for a public hearing to consider the adoption of a Local Law amending Chapter 70 of the Town Code entitled "Zoning" in order to require compliance with certain performance standards for properties and uses within the Industrial B zoning district.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by this Board on November 19, 2020, at 7:00 P.M. via Zoom, for the purpose of considering the adoption of a Local Law amending Chapter 70 of the Town Code entitled, "Zoning" in order to require compliance with certain performance standards for properties and uses within the Industrial B zoning district; and be it further

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

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE**, that effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until

further notice, all future Town Board hearings and meetings will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meetings can visit:

[northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive). If a resident has a comment related to an item on the agenda, they can email: [comments@northhempsteadny.gov](mailto:comments@northhempsteadny.gov). Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive) on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

**PLEASE TAKE NOTICE** that a public hearing will be held by the Town Board of the Town of North Hempstead, on the 19th day of November, 2020, at 7:00 P.M. via Zoom, to consider the adoption of a Local Law amending Chapter 70 of the Town Code entitled "Zoning" in order to require compliance with certain performance standards for properties and uses within the Industrial B zoning district.

**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  
October 22, 2020

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

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Town Clerk

MR. WINK: Item 11, a resolution setting a date for a public hearing to consider the adoption of a local law amending Chapter 70 of the Town Code entitled "Zoning."

SUPERVISOR BOSWORTH: So the purpose of this law is to further assist those establishments required to operate at reduced interior capacity due to the anticipated continuation of COVID-19 related executive orders from the Governor but extending the time frame to continue allowing temporary outdoor seating and other temporary outdoor uses and to the further requirements for uses of outdoor heaters and temporary tents. Right now this is currently allowed to December 1st. This would be extending it to May 1st. We want to do everything we can to support our local businesses during this time of pandemic and to afford our residents the ability to enjoy these services in a safe way. And we know that outdoors is the safest way. So I offer the resolution and set the date for November the 19th.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 460 - 2020**

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

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

**WHEREAS**, this Board wishes to set a date for a public hearing to consider the adoption of a Local Law amending Chapter 70 of the Town Code entitled "Zoning" in order to further assist those establishments required to operate at a reduced interior capacity due to the anticipated continuation of a COVID-19 related executive order from the Governor by extending the timeframe to continue allowing temporary outdoor seating and other temporary outdoor uses; and to confirm the requirements for use of outdoor heaters and temporary tents in accordance with the New York State Fire Code and the Nassau County Fire Ordinance.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by this Board on November 19, 2020, at 7:00 P.M. via Zoom, for the purpose of considering the adoption of the Local Law amending Chapter 70 of the Town Code entitled, "Zoning" in order to further assist those establishments required to operate at a reduced interior capacity due to the anticipated continuation of a COVID-19 related executive order from the Governor by extending the timeframe to continue allowing temporary outdoor seating and other temporary outdoor uses; and to confirm the requirements for use of outdoor heaters and temporary tents in accordance with the New York State Fire Code and the Nassau County Fire Ordinance; 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 effective immediately and based upon notices and health advisories issued by Federal, State and Local officials related to the COVID-19 virus, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, all future Town Board hearings and meetings will be held via videoconferencing, as permitted by the NYS Open Meetings Law. Due to public health and safety concerns, Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its regularly scheduled time at 7 P.M. Residents who are interested in viewing the meetings can visit: [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive). If a resident has a comment related to an item on the agenda, they can email: [comments@northhempsteadny.gov](mailto:comments@northhempsteadny.gov). Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the agenda, should visit [northhempsteadny.gov/townboardlive](http://northhempsteadny.gov/townboardlive) on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

**PLEASE TAKE NOTICE** that a public hearing will be held by the Town Board of the Town of North Hempstead, on the 19th day of November, 2020, at 7:00 P.M. via Zoom, to consider the adoption of a Local Law amending Chapter 70 of the Town Code entitled "Zoning" in order to further assist those establishments required to operate at a reduced interior capacity due to the anticipated continuation of a COVID-19 related executive order from the Governor by extending the timeframe to continue allowing temporary outdoor seating and other temporary

outdoor uses; and to confirm the requirements for use of outdoor heaters and temporary tents in accordance with the New York State Fire Code and the Nassau County Fire Ordinance.

**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  
October 22, 2020

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

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Town Clerk



MR. WINK: Item 12, a resolution authorizing the preparation and submission of a grant application to the Federal Emergency Management Authority's building resilient infrastructure and communities grant program and the taking of related action.

SUPERVISOR BOSWORTH: So this would be authorizing the application for a FEMA Building Resilient Infrastructure Community Grant. It would be used to improve the shoreline at North Hempstead Beach Park. It's a \$4 million grant. Seventy-five percent is the grant. Twenty-five percent is a local match. So it would come out to be \$5 million in total. I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: COUNCILWOMAN Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 461 - 2020**

**A RESOLUTION AUTHORIZING THE PREPARATION AND SUBMISSION OF A GRANT APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AUTHORITY'S BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES GRANT PROGRAM AND THE TAKING OF RELATED ACTION.**

**WHEREAS**, the Town Board (the "Board") of the Town of North Hempstead (the "Town") is desirous of improving its shoreline along North Hempstead Beach Park in Port Washington; and,

**WHEREAS**, the Grants Coordinator has recommended that the Town submit a grant application for the Federal Emergency Management Authority's Building Resilient Infrastructure and Communities Grant Program (the "Grant") in the amount of Four Million and 00/100 Dollars (\$4,000,000.00); and

**WHEREAS**, the Grant requires a 25% local match; and

**WHEREAS**, the Board wishes to authorize the preparation of the application for the Grant to assist the Town with the construction of protections and the undertaking of vegetation management activities to reduce the hazards associated with shoreline erosion, wave action and flooding (the "Project").

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Board hereby authorizes the preparation of the Application for the Grant for the undertaking and completing of the Project; and, be it further;

**RESOLVED** that the Board hereby authorizes the Supervisor to execute any and all contracts, project agreements and other instruments or documents required in connection with the awarding and receipt of the Grant ("Contract Documents"), file the Contract Documents in the Office of the Town Clerk, submit Project documentation, and take such other action as my be

reasonably required to undertake and complete the Project and receive the Grant; and be it further

**RESOLVED** that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Contract Documents in connection with the Project and the Grant.

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

MR. WINK: Item 13, a resolution authorizing the preparation and submission of a grant nomination through the Dormitory Authority of the State of New York and the taking of related action.

SUPERVISOR BOSWORTH: So this would be accepting a grant nomination from Senator Anna Kaplan for a grant from the Dormitory Authority of New York and it would be used for the rehabilitation of the North Hempstead Beach Park. It would be in the amount of -- a little more than \$1 million. There's no match required. And if it were awarded, this grant could be used as the local match for the previous grant application if we were fortunate enough to receive it. So I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: COUNCILWOMAN Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 462 - 2020**

**A RESOLUTION AUTHORIZING THE PREPARATION AND SUBMISSION OF A GRANT NOMINATION THROUGH THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK AND THE TAKING OF RELATED ACTION.**

**WHEREAS**, the Town Board (the “Board”) of the Town of North Hempstead (the “Town”) is desirous of rehabilitating North Hempstead Beach Park in Port Washington (the “Project”); and,

**WHEREAS**, the Grants Coordinator has recommended that the Town accept a grant nomination from Senator Anna Kaplan for a grant from the Dormitory Authority of the State of New York (the “Grant”); and

**WHEREAS**, the Grant is in the amount of One Million Fifty Thousand and 00/100 Dollars (\$1,050,000.00), with no local match requirement; and

**WHEREAS**, the Board wishes to accept the grant nomination from Senator Anna Kaplan for a grant from the Dormitory Authority of the State of New York.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Board hereby accepts the grant nomination from Senator Anna Kaplan for a grant from the Dormitory Authority of the State of New York for the rehabilitation of North Hempstead Beach Park in Port Washington; and, be it further;

**RESOLVED** that the Board hereby authorizes the Supervisor or the Deputy Supervisor to execute any and all contracts, project agreements and other instruments or documents required in connection with the awarding and receipt of the Grant (“Contract Documents”), file the Contract Documents in the Office of the Town Clerk, submit Project

documentation, and take such other action as may be reasonably required to undertake and complete the Project and receive the Grant; and be it further

**RESOLVED** that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Contract Documents in connection with the Project and the Grant.

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

MR. WINK: Item 14, a resolution authorizing the preparation and submission of multiple grant applications to the New York State Environmental Facilities Corporation's Clean Vessel Assistance Program and the taking of related action.

SUPERVISOR BOSWORTH: So you can see Tom Devaney has been very, very busy. So this is authorizing the application for multiple grants from the New York State Environmental Facilities Corporation's Clean Vessel Assistance Program. The grants include: \$5,000 for the operation of each of our two pump-out boats; \$2,000 for the operation of a stationary pump that unit would have at the dock; \$60,000 for the replacement of the M9 boat; and, \$20,000 for the replacement of the M4 boat. I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 463 - 2020**

**A RESOLUTION AUTHORIZING THE PREPARATION AND SUBMISSION OF MULTIPLE GRANT APPLICATIONS TO THE NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION'S CLEAN VESSEL ASSISTANCE PROGRAM AND THE TAKING OF RELATED ACTION.**

**WHEREAS**, the Town Board (the "Board") of the Town of North Hempstead (the "Town") is desirous of advancing its commitment to environmental issues; and,

**WHEREAS**, the Grants Coordinator has recommended that the Town submit grant applications to the New York State Environmental Facilities Corporation's Clean Vessel Assistance Program ("CVAP") for Operations and Maintenance (the "O&M Grant") and for Construction and Upgrades (the "C&U Grants") (collectively "the Grants"); and

**WHEREAS**, the O&M Grant is in the amount of Twelve Thousand and 00/100 Dollars (\$12,000.00), and the C&U Grants are in the amounts of Sixty Thousand and 00/100 Dollars (\$60,000.00) and Seventeen Thousand Six Hundred Seventy and 00/100 Dollars (\$17,670.00) respectively; and

**WHEREAS**, the Grants require a 25% match in local contributions; and

**WHEREAS**, the Board wishes to authorize the preparation of the application for the O&M Grant to assist with the Town's operation and maintenance of 2 pumpout boats and the operations and maintenance of a stationary dock unit; and

**WHEREAS**, the Board further wishes to authorize the preparation of the application for the C&U Grants for the replacement of a marine vessel and to replace the motor on another vessel (collectively the "Projects").

**NOW, THEREFORE, BE IT**



**RESOLVED** that the Board hereby authorizes the preparation of the Applications for the Grants for the undertaking and completing of the Projects; and, be it further;

**RESOLVED** that the Board hereby authorizes the Supervisor or the Deputy Supervisor to execute any and all contracts, project agreements and other instruments or documents required in connection with the awarding and receipt of the Grants (“Contract Documents”), file the Contract Documents in the Office of the Town Clerk, submit Project documentation, and take such other action as may be reasonably required to undertake and complete the Project and receive the Grants; and be it further

**RESOLVED** that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Contract Documents in connection with the Projects and the Grants.

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

MR. WINK: Item 15, a resolution authorizing the award of a bid for Port Washington Safe Routes to School, Port Washington, New York DPW Project No. 12-18R2.

COUNCILWOMAN DALIMONTE: So Safe Routes to School project will provide modifications to make the pedestrian routes to all the Port Washington schools safer. This -- actually, the plan was approved by the Port Washington School District Facilities Department before I was Councilwoman. And it is federally funded and I believe we do have the match of \$30,000. Do we have any cards? I thought someone voted about this?

MR. WINK: Yes, Pete Gaffney requested -- he had two questions on this. One is, who won the bid? And is there a license current?

COUNCILWOMAN DALIMONTE: So I believe we're going to have either Victor Thomas, the head of the -- the Acting Commissioner of DPW speak on this.

MR. THOMAS: I'm here, Councilwoman.

COUNCILWOMAN DALIMONTE: Thank you, Victor.

MR. THOMAS: So for this project, the lowest bidder was TDI. They --they were vetted through the New York State system because this project is -- is funded through New York State DOT. So, yes, they're licensed. It's been vetted by us. It's been vetted by New York State and -- and they're the contractor. They're local. They're in Middle Village so -- so we're very excited to have them on board and excited to get this project going.

COUNCILWOMAN DALIMONTE: Thank you.

SUPERVISOR BOSWORTH: Councilwoman, I'd just like to add that our match is about \$30,000. The cost of the project that is going to be grant funded is \$465,000. So this is a really wonderful grant and we're so excited to be able to do this to make these schools -- the access to walking to the Port Washington Schools that much safer.

COUNCILWOMAN DALIMONTE: And I think this grant's been -- we've had this grant for a long time, like it went from, I think, Port North to the School District and then to the Town of North Hempstead. So like there's a long history with this grant as well, if I remember correctly.

MR. THOMAS: Yes. It's a hybrid of multiple municipalities working together.

COUNCILWOMAN DALIMONTE: That's great.

SUPERVISOR BOSWORTH: That's how it's supposed to be, right?

COUNCILWOMAN DALIMONTE: Yes. Working together. We're a team. Together everyone achieves more. So if we don't have any other questions, I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 464 - 2020**

**A RESOLUTION AUTHORIZING THE AWARD OF A BID FOR PORT WASHINGTON SAFE ROUTES TO SCHOOL, PORT WASHINGTON, NEW YORK. DPW PROJECT NO. 12-18R2.**

**WHEREAS**, the Town Clerk solicited bids for Port Washington Safe Routes to School, Port Washington, NY, DPW Project No. 12-18R2 (the "Project"); and

**WHEREAS**, bids in response to the solicitation (the "Bids") were received and were opened, which Bids are as follows; and

<b>Bidder</b>	<b>Bid Deposit</b>	<b>Price</b>
Coastal Contracting Corp. 152 Railroad Street Huntington Station, NY 11746	5%	\$1,037,406.00
J. Anthony Enterprises, Inc. 175 Engineers Road Hauppauge, NY 11788	5%	\$736,109.70
Laser Industries, Inc. 1775 Route 25 Ridge, NY 11961	5%	\$615,438.70
Macedo Contracting Services 685 Station Road Bellport, NY 11713	5%	\$680,595.15
Pioneer Landscaping & Asphalt Paving, Inc. 168 Townline Road Kings Park, NY 11754	5%	\$627,652.00
Roadwork Ahead, Inc. 2186 Kirby Lane Syosset, NY 11791	5%	\$531,457.26
S & S Kings Corp. 98-12 66 <sup>th</sup> Avenue, Suite 1 Rego Park, NY 11374	5%	\$1,134,816.00
TDI Construction, Inc. 60-70 74 <sup>th</sup> Street Middle Village, NY 11379	5%	\$460,351.00 <i>Corrected:</i> \$465,352.18

**WHEREAS**, after a review of the Bids, a calculation error was apparent on the face of TDI Construction, Inc.'s bid and the corrected bid price is Four Hundred Sixty Five Thousand Three Hundred Fifty-Two and 18/100 Dollars (\$465,352.18); and

**WHEREAS**, having examined the Bids, the Acting Commissioner of the Town's Department of Public Works (the "Acting Commissioner") determined that TDI Construction Inc. remains the lowest responsible bidder; and

**WHEREAS**, the Acting Commissioner has recommended that the contract for the Project be awarded to TDI Construction, Inc., 60-70 74th Street, Middle Village, NY 11379 (the "Contractor"), as the lowest responsible bidder at its corrected bid price of Four Hundred Sixty Five Thousand Three Hundred Fifty-Two and 18/100 Dollars (\$465,352.18); and

**WHEREAS**, the Town Board desires to authorize the award of a contract to the Contractor as recommended by this Acting Commissioner.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a Contract for the Project is hereby awarded to the Contractor, as the lowest responsible bidder, at its corrected bid price of Four Hundred Sixty Five Thousand Three Hundred Fifty-Two and 18/100 Dollars (\$465,352.18), as more particularly set forth in an agreement which will be filed in the Office of the Town Clerk (the "Award"); and be it further

**RESOLVED** that the Supervisor is hereby authorized to execute the contract documents, 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 is hereby authorized and directed to supervise the execution of the contract documents to effectuate the Award; and be it further

**RESOLVED** that the Comptroller is hereby authorized and directed to pay the cost thereof upon receipt of a duly executed contract and certified claims therefor.

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

MR. WINK: Item 16, a resolution authorizing the execution of a professional services agreement with NV5 New York - Engineers, Architects, Landscape Architects and Surveyors to provide construction administration services for DPW Project No. 12-18R2, Safe Routes to School, Port Washington.

COUNCILWOMAN DALIMONTE: Do we have any cards on this?

MR. WINK: I have no questions about this.

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

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 465 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH NV5 NEW YORK - ENGINEERS, ARCHITECTS, LANDSCAPE ARCHITECTS AND SURVEYORS TO PROVIDE CONSTRUCTION ADMINISTRATION SERVICES FOR DPW PROJECT NO. 12-18R2, SAFE ROUTES TO SCHOOL, PORT WASHINGTON.**

**WHEREAS**, the Acting Commissioner of Public Works (the “Acting Commissioner”) for the Town of North Hempstead (the “Town”) has recommended that this Board authorize the retention of an engineering consulting firm to provide professional engineering services related to the Safe Routes to School project in Port Washington, DPW Project No. 12-18R2 (the “Services”); and

**WHEREAS**, following the review and analysis of proposals submitted for the Services, the Acting Commissioner has recommended the retention of NV5 New York - Engineers, Architects, Landscape Architects and Surveyors f/k/a the RBA Group, 40 Marcus Drive, Suite 201, Melville, New York 11747 to provide the Services in consideration of an amount not to exceed Seventy-Two Thousand Five Hundred Thirty-Six and 00/100 Dollars (\$72,536.00) (the “Agreement”); and

**WHEREAS**, the Acting Commissioner has requested that this Board authorize the Agreement.

**NOW, THEREFORE, BE IT**

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

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



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

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

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Comptroller      DPW

MR. WINK: Item 17, a resolution authorizing the execution of an agreement with D&B Engineers & Architects, P.C., for on-call petroleum bulk storage facility consulting services.

SUPERVISOR BOSWORTH: So a Class A operator is needed for compliance activities required by the New York State DEC and the New York State DOA related to our underground fuel storage tanks. The Town will now be bringing the Class A operator services in house and it will be handled by our employees. It had been outsourced in the past and we're really happy that it's going to be handled by our great staff. We do want to have an on-call contract in place to ensure the Town can rely on them for any guidance that we might need while working to get the new system in place. So I offer this resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 466 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH D&B ENGINEERS & ARCHITECTS, P.C. FOR ON-CALL PETROLEUM BULK STORAGE FACILITY CONSULTING SERVICES.**

**WHEREAS**, the Town of North Hempstead (the Town”) requires on-call petroleum bulk storage facility consulting services (the “Services”); and

**WHEREAS**, the Director of Purchasing has recommended that the Town enter into an agreement with D&B Engineers and Architects, P.C., 330 Crossways Park Drive, Woodbury, New York 11797 to provide the Services for one (1) year on a task order basis in consideration of an amount not to exceed Nineteen Thousand Five Hundred and 00/100 Dollars (\$19,500.00) payable in accordance with an agreed upon rate schedule (the “Agreement”); and

**WHEREAS**, this Board wishes to authorize the Agreement.

**NOW, THEREFORE, BE IT**

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

**RESOLVED** that the Supervisor be and hereby is authorized and directed to execute the Agreement on behalf of the Town, which Agreement shall be on file with the Office of the Town Clerk, and to take such other action as may be necessary to effectuate the foregoing; and be it further

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

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

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Comptroller

MR. WINK: Item 18, a resolution authorizing the execution of an agreement with the MTA/LIRR for the repair and replacement of a sidewalk on Plandome Road, Manhasset.

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

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 467 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE MTA/LIRR FOR THE REPAIR AND REPLACEMENT OF A SIDEWALK ON PLANDOME ROAD, MANHASSET.**

**WHEREAS**, the Town of North Hempstead (the "Town") wishes to repair/replace the sidewalk over the Plandome Road bridge in Manhasset, New York; and

**WHEREAS**, the Long Island Rail Road (the "LIRR") has offered to enter in to a cost-sharing agreement with the Town to effectuate the repair/replacement of the sidewalk; and

**WHEREAS**, the Town will pay for a portion of the work to be done by the LIRR for an amount not to exceed Seventy Seven Thousand Five Hundred and 00/100 Dollars (\$77,500.00); and

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

**NOW, THEREFORE, BE IT**

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

**RESOLVED** that the Supervisor be and hereby is authorized and directed to execute the Agreement on behalf of the Town, which Agreement shall be on file with the Office of the Town Clerk, and to take such other action as may be necessary to effectuate the foregoing; and be it further

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

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

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney                      Comptroller

MR. WINK: Item 19, a resolution authorizing the execution of an agreement with N2 Design & Architecture for professional services related to the construction of the 9/11 Memorial at Manhasset Valley Park, Manhasset.

SUPERVISOR BOSWORTH: I offer the -- I'm sorry. I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye. And the hope is that the next 9/11 we will have this beautiful memorial placed at Manhasset Valley Park. And, Wayne, I know that's something that you're so much a part of.

MR. WINK: Absolutely. It's going to be wonderful and doing it in person again, it would be wonderful once we get past this pandemic.



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

**RESOLUTION NO. 468 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH N2 DESIGN + ARCHITECTURE FOR PROFESSIONAL SERVICES RELATED TO THE CONSTRUCTION OF THE 9/11 MEMORIAL AT MANHASSET VALLEY PARK, MANHASSET.**

**WHEREAS**, the Town of North Hempstead (the "Town") desires to construct a 9/11 Memorial at Manhasset Valley Park in Manhasset as a memorial to the victims and families of the Town of North Hempstead residents lost on September 11, 2001 (the "Project"); and

**WHEREAS**, it has been recommended that the Town enter into an agreement with N2 Design +Architecture PC, 315 Main Street, Port Washington, New York 11050 (the "Contractor") to provide professional architectural services and construction administration for the Project in an amount not to exceed Nineteen Thousand Five Hundred and 00/100 Dollars (\$19,500.00) (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 on behalf of the Town, which Agreement shall be on file with 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 of the Project upon receipt of the duly executed Agreement and certified claims therefor.

Dated:           Manhasset, New York  
                    October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays:           None

cc:           Town Attorney       Comptroller

MR. WINK: Item 20, a resolution authorizing the execution of an agreement with Breakwater Marine Construction, Inc. for the installation of pilings at the North Hempstead Town Dock.

COUNCILWOMAN DALIMONTE: I offer the -- do we have any cards?

MR. WINK: I have no cards on this item. Sorry.

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

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 469 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BREAKWATER MARINE CONSTRUCTION, INC. FOR THE INSTALLATION OF PILINGS AT THE NORTH HEMPSTEAD TOWN DOCK.**

**WHEREAS**, the Town of North Hempstead Department of Parks and Recreation (the "Department") requires the installation of pilings at the Town Dock in Port Washington, New York (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**, Breakwater Marine Construction, Inc., 92 A Lexington Avenue, Oyster Bay, NY 11771 (the "Contractor") submitted the lowest quote, proposing to perform the Services for a sum not to exceed Ten Thousand One Hundred and 00/100 Dollars (\$10,100.00) Dollars (the "Contract Amount"); and

**WHEREAS**, the Director has recommended that the Town enter into an agreement with the Contractor to perform the Services for the Contract Amount (the "Agreement"); and

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

**NOW, THEREFORE, BE IT**

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

**RESOLVED** that the Supervisor be and hereby is authorized and directed to execute the Agreement on behalf of the Town, which Agreement shall be on file with the Office of the Town Clerk, and to take such other action as may be necessary to effectuate the foregoing; and be it further

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

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

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney Comptroller

MR. WINK: Item 21, a resolution authorizing the execution of an agreement with Chaminade High School for the construction of a crew team storage facility at North Hempstead Beach Park, Port Washington.

COUNCILMAN FERRARA: Mr. Wink, do we have cards on this item?

MR. WINK: I have one comment from the aforementioned, Pete Gaffney. The questions are -- there are three of them. Who is building the storage facility? What is the size of the building? And who is paying for the construction and maintenance of the building?

COUNCILMAN FERRARA: The first answer is Chaminade. The second answer is, it's going to be within the same footprint of the building that is presently there; and, The third response is Chaminade will also be building and paying for it and maintaining it,

MR. WINK: Okay.

COUNCILMAN FERRARA: Any other questions?

MR. WINK: I have no other comments.

COUNCILMAN FERRARA: Okay. Then I'd like to offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 470 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CHAMINADE HIGH SCHOOL FOR THE CONSTRUCTION OF A CREW TEAM STORAGE FACILITY AT NORTH HEMPSTEAD BEACH PARK, PORT WASHINGTON.**

**WHEREAS**, the Town of North Hempstead owns and operates certain real property known as North Hempstead Beach Park located on West Shore Road in Port Washington (the "Park"); and

**WHEREAS**, Chaminade High School ("Chaminade"), currently utilizes a portion of the Park for its rowing activities; and

**WHEREAS**, Chaminade has requested to use a portion of the southern area of the Park adjacent to the Department of Parks and Recreation's storage facility to construct a Crew Team Storage Facility for boat and equipment storage for its rowing activities, including obtaining necessary soil samples prior to the start of construction (the "License"); and

**WHEREAS**, the License would be on terms satisfactory to the Supervisor, and shall include a payment by Chaminade for the use of the Park; and

**WHEREAS**, the Board wishes to grant the License and to authorize the Town to execute an agreement with Chaminade 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 be and hereby is authorized and directed to execute the Agreement on behalf of the Town, which Agreement shall be on file with the Office of the Town Clerk, and to take such other action as may be necessary to effectuate the foregoing; and be it further

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

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Comptroller



MR. WINK: Item 22, a resolution authorizing the execution of an amendment to an agreement with Harder Services, Inc. for arborists services (TNH034-2017).

SUPERVISOR BOSWORTH: Are there any questions on this item?

MR. WINK: I have no comments on this item.

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

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 471 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH HARDER SERVICES, INC. FOR ARBORISTS SERVICES (TNH034-2017).**

**WHEREAS**, pursuant to a resolution, duly adopted by this Board, the Town entered into an agreement with Harder Services, Inc., 63 Jerusalem Avenue, Hempstead, New York 11550 (the "Contractor"), for arborists services (the "Services"); and

**WHEREAS**, the Original Agreement contained the option to renew the Original Agreement for two (2) additional one (1) year periods with the same terms and conditions (the "Options"); and

**WHEREAS**, the Director of Purchasing (the "Director") has recommended that the Town exercise the first of the Options, amending the Original Agreement to allow for a one (1) year extension of the term of the Original Agreement commencing October 25, 2020 and ending October 24, 2021 (the "Amendment"); and

**WHEREAS**, the Town Board finds it in the best interests of the Town to authorize the Amendment.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Amendment be and hereby is authorized; and be it further

**RESOLVED** the Supervisor is authorized and directed to execute, on behalf of the Town, the Amendment, all as more particularly set forth in a copy of the Amendment, which shall be on file in the Office of the Town Clerk; and be it further

**RESOLVED** that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Amendment; and be it further

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

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney Comptroller

MR. WINK: Item 23, a resolution authorizing the execution of an amendment to an agreement with Datatrace d/b/a "Munitrax" for online E-Check transactions.

SUPERVISOR BOSWORTH: So this is an amendment to an agreement that will continue the fee reduction so that it encourages our residents to make online tax payments due to COVID-19. The amendment is until the end of the year. The fee is one cent for the resident, 99 cents for the Town. It will revert back to \$2.00 per transaction after the first of the year. I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 472 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH DATATRACE D/B/A "MUNITRAX" FOR ONLINE E-CHECK TRANSACTIONS.**

**WHEREAS**, pursuant to resolutions, duly adopted by this Board, the Town entered into an agreement, as amended, with Red Vision Systems, LLC, now known as Datatrace, doing business as "Munitrax" (the "Contractor") for online tax bill/statement/payment status, presentment, and credit card/electronic check payment processing system (the "Agreement"); and

**WHEREAS**, the Receiver of Taxes (the "Receiver") has recommended that the Town further amend the Original Agreement to reduce the fee to \$0.01 to the taxpayer for online echeck transactions during the period November 1, 2020 through December 31, 2020 with the Town to be billed \$0.99 per school tax transaction during that period (the "Amendment"); and

**WHEREAS**, the fee will return to \$2.00 per online echeck transaction beginning January 1, 2021 for the remainder of the term of the Agreement; and

**WHEREAS**, the Town Board finds it in the best interests of the Town to authorize the execution of the Amendment.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Amendment be and hereby is authorized; and be it further

**RESOLVED** the Supervisor is authorized and directed to execute, on behalf of the Town, the Amendment, all as more particularly set forth in a copy of the Amendment, which shall be on file in the Office of the Town Clerk; and be it further

**RESOLVED** that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Amendment; and be it further

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

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney Purchasing

MR. WINK: Item 24, a resolution authorizing the execution of an amendment to an agreement with Forte Payment Systems to temporarily reduce E-Check transaction fees.

SUPERVISOR BOSWORTH: So this is now a Forte Payment System temporarily reducing the cost of E-Check service fees at the Clerk's office, the Animal Shelter, Building, Planning and Highway Departments. It's reducing the fees a dollar from \$1.75 to 75 cents. And it will be in effect until the end of the year. I'd like to offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 473 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH FORTE PAYMENT SYSTEMS TO TEMPORARILY REDUCE ECHECK TRANSACTION FEES.**

**WHEREAS**, pursuant to Resolution No. 16-2020, adopted January 2, 2020, the Town entered into an agreement with Forte Payment Systems, 500 W. Bethany Drive, Suite 200, Allen, Texas 75013 (the “Contractor”) for credit card processing services, to be integrated with the Town’s licensing software, chiefly for the Office of the Town Clerk, the Town Animal Shelter and the Department of Building Safety, Inspection and Enforcement (the “Agreement”); and

**WHEREAS**, due to the coronavirus pandemic, the Contractor offered to temporarily reduce the eCheck service fees charged to the Town's customers from \$1.75 to \$0.75 per transaction retroactive from June 11, 2020 for sixty days; and

**WHEREAS**, the Town and the Contractor executed an amendment to reduce the eCheck service fees charged to the Town's customers from \$1.75 to \$0.75 per transaction retroactive from June 11, 2020 until August 11, 2020; and

**WHEREAS**, the Contractor then offered to extend the service fee reduction for an additional sixty days from August 12, 2020 through October 11, 2020 and the Town and the Contractor executed a second amendment to reduce the eCheck service fees charged to the Town's customers from \$1.75 to \$0.75 per transaction for that period; and

**WHEREAS**, the Contractor has now offered to extend the service fee reduction to reduce the eCheck service fees charged to the Town's customers from \$1.75 to \$0.75 per transaction through December 31, 2020 (the “Amendment”); and



**WHEREAS**, the eCheck service fee will return to \$1.75 per transaction from January 1, 2021 for the remainder of the term of the Agreement; and

**WHEREAS**, the Town Board finds it in the best interests of the Town to authorize the Amendment.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Amendment be and hereby is authorized; and be it further

**RESOLVED** the Supervisor is authorized and directed to execute, on behalf of the Town, the Amendment, all as more particularly set forth in a copy of the Amendment, which shall be on file in the Office of the Town Clerk; and be it further

**RESOLVED** that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Amendment.

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney Purchasing

MR. WINK: Item 25, a resolution authorizing the purchase of software maintenance and technical support services for the Department of Information Technology and Telecommunications.

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

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: (Zoom inaudible).

MR. WINK: I'm sorry. Could you repeat that, Councilwoman.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Thank you.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 474 - 2020**

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

**WHEREAS**, the Department of Information Technology and Telecommunications (the “Department”) requires technical support for the Town’s fuel management software program (the “Fuel Management Support”); and

**WHEREAS**, the Director of Purchasing has recommended that the Town purchase the Fuel Management Support from E.J. Ward, Inc., 8801 Tradeway, San Antonio, Texas, 78217 for a term of one (1) year in consideration of an amount not to exceed Eleven Thousand Nine Hundred Sixty Nine and 00/100 Dollars (\$11,969.00) (the “Fuel Management Support Purchase”); and

**WHEREAS**, this Board finds it to be in the best interest of the Town to authorize the Fuel Management Support Purchase (the “Purchase”).

**NOW, THEREFORE, BE IT**

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

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

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

MR. WINK: Item 26, a resolution authorizing the rental of equipment from Sunbelt Rentals for Harbor Links Golf Course.

SUPERVISOR BOSWORTH: This is for the rental of a diesel air compressor that will be used to blow out the irrigation system at Harbor Links. I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 475 - 2020**

**A RESOLUTION AUTHORIZING THE RENTAL OF EQUIPMENT FROM SUNBELT RENTALS FOR HARBOR LINKS GOLF COURSE.**

**WHEREAS**, the Town of North Hempstead Department of Parks and Recreation (the "Department") requires the rental of a diesel air compressor for use at the Harbor Links Golf Course (the "Equipment"); and

**WHEREAS**, the Department has recommended that the Town rent the Equipment from Sunbelt Rentals, Inc., 40 Charlotte Avenue, Hicksville, New York 11802 (the "Rental") in an amount not to exceed Three Thousand and 00/100 Dollars (\$3,000.00) (the "Payment"); and

**WHEREAS**, it has been recommended that the Town Board authorize the Rental and the Payment; and

**WHEREAS**, this Board finds it to be in the best interest of the Town to authorize the Rental and the Payment.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Rental and the Payment are hereby authorized; and be it further

**RESOLVED** that the Comptroller be and hereby is authorized and directed to make the Payment upon receipt of certified claims therefore.

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Comptroller      Parks

MR. WINK: Item 27, a resolution amending the Town of North Hempstead 2020 Capital Plan.

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

MR. WINK: I do have a – my apologies, Supervisor. I do have a question from Pete Gaffney on this item. The question is, why is a resolution needed to amend the 2020 capital plan?

MR. POLLOCK: Good evening. This is Steven Pollock, the Director of Finance. The reason for the resolution is that the Town Board on an annual basis adopts the 2020 capital plan. When we have to redesignate the purpose of funding that's borrowed that is approved from that plan, we should put it in front of the board to ensure that they're aware of the information of the funds and what the purpose will be. We have passed a few resolutions like this in the past. They are rare but the two items that are part of this resolution are required by the current administration and the two departments that are using this funding. So that's why we need a resolution.

MR. WINK: Okay. Thank you.

SUPERVISOR BOSWORTH: Do I need to offer the resolution again.

MR. WINK: Yeah. I'm going to ask you to move it.

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

MR. WINK: Thank you. Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 476 - 2020**

**A RESOLUTION AMENDING THE TOWN OF NORTH HEMPSTEAD 2020 CAPITAL PLAN.**

**WHEREAS**, pursuant to Resolution No. 600-2019, duly adopted by this Board on December 17, 2019, the Town Board adopted the 2020 Capital Plan and the 2020-2024 Multi-Year Capital Plan for the General Fund, the Town Outside Village Fund and the Town-Operated Special Districts; and

**WHEREAS**, the Town desires to allow the Solid Waste Management Authority to repurpose the sum of \$300,000 in outstanding capital funds previously allocated for design plans and specifications for the installation of a baler system to be re-designated for design plans and specifications for roadway, drainage and structural improvements to the North Hempstead Transfer Station, Port Washington (the “SWMA Improvements”); and

**WHEREAS**, in addition, the Town desires to repurpose the sum of \$101,000 previously allocated for the purchase of an F-550 Truck to be re-designated for the purchase of a tractor and beach rake for the Department of Parks and Recreation (the “Parks Improvements”).

**WHEREAS**, the Town desires to amend the 2020 Capital Plan to repurpose the funds to allow for the SWMA Improvements and the Parks Improvements (the “Amendment”); and;

**WHEREAS**, the total authorized spending for the Solid Waste Management Authority and the Parks and Recreation Department in the 2020 Capital Plan remains unchanged; and;

**WHEREAS**, the Town Board finds it in the best interests to amend the 2020 Capital Plan to reflect the Amendment.



**NOW, THEREFORE, BE IT**

**RESOLVED** that the 2020 Capital Plan be and hereby is amended to reflect the  
Amendment.

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney                      Comptroller

MR. WINK: Item 28, a resolution amending Resolution No. 431-2020, adopted October 8, 2020, authorizing the execution of an agreement with K & G Electric Motor & Pump Corp., d/b/a KG Power Systems for the replacement of a compressor at the Denton Avenue Highway Yard.

SUPERVISOR BOSWORTH: So this is just putting the right place that the compressor is going to go to. It is going to be going to the Shore Road yard. I'd like to offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 477 - 2020**

**A RESOLUTION AMENDING RESOLUTION NO. 431-2020, ADOPTED OCTOBER 8, 2020, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH K&G ELECTRIC MOTOR & PUMP CORP. D/B/A KG POWER SYSTEMS FOR THE REPLACEMENT OF A COMPRESSOR AT THE DENTON AVENUE HIGHWAY YARD.**

**WHEREAS**, pursuant to Resolution No. 431-2020, duly adopted on October 8, 2020, the Town Board authorized the execution of an agreement with K & G Electric Motor & Pump Corp. d/b/a KG Power Systems, 150 Laser Court, Hauppauge, New York 11788 (the “Contractor”) for the replacement of a compressor at the Denton Avenue Highway Yard in New Hyde Park, New York for a sum not to exceed Three Thousand Eight Hundred Ninety and 00/100 Dollars (\$3,890.00) (the “Resolution”); and

**WHEREAS**, the compressor that requires replacement is located at the Highway Department’s Shore Road facility; and

**WHEREAS**, the Director of Purchasing (the “Director”) has requested that the Resolution be amended to provide for the replacement of the compressor at the Shore Road Highway Yard (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  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

MR. WINK: Item 29, a resolution designating the Acting Commissioner of the Department of Public Works as the responsible local official for the New York State Department of Transportation EBO Management System.

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

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 478 - 2020**

**A RESOLUTION DESIGNATING THE ACTING COMMISSIONER OF THE DEPARTMENT OF PUBLIC WORKS AS THE RESPONSIBLE LOCAL OFFICIAL FOR THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION EBO MANAGEMENT SYSTEM.**

**WHEREAS**, the New York State Department of Transportation (“NYSDOT”) Region 10 serves as the conduit for funding to federally funded local transportation projects; and

**WHEREAS**, the Town of North Hempstead (the “Town”) is the recipient of funding for capital projects through the NYSDOT Region 10 for the Safe Routes to School, Port Washington, DPW Project No 12-18R2 (the “Local Capital Project”); and

**WHEREAS**, the NYSDOT has regulations governing equitable business and civil rights reporting, and maintains an internet based reporting system known as the Equitable Business Opportunities (“EBO”) system, used to streamline reporting requirements associated with Federal and State funding provided through the NYSDOT; and

**WHEREAS**, the NYSDOT Region 10 requires a Responsible Local Official (“RLO”) to serve as the designated official who has the authority to access the online EBO system, progress a transportation project, grant project approvals and is a point of contract for the Local Capital Project; and

**WHEREAS**, the Board wishes to designate the Acting Commissioner of the Department of Public Works (the “Acting Commissioner”), Victor Thomas, to serve as the RLO for the Town.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Acting Commissioner, Victor Thomas, shall hereby be designated as the Town's RLO for the online EBO system of the NYSDOT Region 10 for the Local Capital Project.

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Comptroller

MR. WINK: Item 30, a resolution authorizing the transfer of funds from the Highway Funds Reserve Fund.

SUPERVISOR BOSWORTH: Are there any comments, Mr. Wink?

MR. WINK: I have no comments on this item.

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

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.



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

**RESOLUTION NO. 479 - 2020**

**A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE HIGHWAY FUND'S RESERVE FUND.**

**WHEREAS**, the Town Board (the "Board") of the Town of North Hempstead (the "Town") has heretofore established a Highway Fund's Capital Project Reserve Fund (the "Fund"), pursuant to applicable law, for payment on various projects and related expenses; and

**WHEREAS**, the Town has available funds in the Fund; and

**WHEREAS**, the Board desires to transfer monies from the Fund to a capital account for vehicles for the Highway Department in the amount of \$235,409.17; and

**WHEREAS**, after careful consideration, the Board finds it in the best interests of the Town to transfer monies from the Fund to the account as outlined above (the "Transfer").

**NOW, THEREFORE, BE IT**

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

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

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney Comptroller

MR. WINK: Item 31, a resolution authorizing and approving a settlement and the taking of such actions as necessary to effectuate the terms of the settlement. We do have people wishing to speak on this item.

SUPERVISOR BOSWORTH: Okay.

MR. WINK: The first person who wishes to speak is Lorraine Miller. If we can invite Ms. Miller in.

COUNCILWOMAN DALIMONTE: Am I allowed to make a statement or should I wait until after everyone speaks?

SUPERVISOR BOSWORTH: Councilwoman you can --

COUNCILWOMAN DALIMONTE: All right. I'll wait until -- I mean, I'll wait until after everyone speaks.

MR. WINK: Okay. Ms. Miller, are you there?

MS. MILLER: Yes, I am. Can you hear me? Good evening.

MR. WINK: Okay. I'm going to ask you to keep your comments to three minutes, please.

MS. MILLER: Sure.

MR. WINK: Thank you.

MS. MILLER: Thank you, members of the board. I live at 14 Oakland Drive in Port Washington and I am here tonight to request the potential Extenet Verizon node at 12 Oakland Drive be moved off our block. The pole is within 50 feet of my seven-year old's bedroom. There are young children living in the houses surrounding all sides of that pole. I am in very close proximity to this pole and there are a total of 20 young children on Oakland Drive. For those of you who are parents, I'm sure you can imagine that there's nothing more precious to us than our children, their health and their well being. No one on the block who I've spoken to wants the pole there. And what's so disturbing is that residents were not given a public hearing. Protocols were not followed. This is not acceptable. Also, we were never told why we were not notified back in the fall of 2019 that Extenet filed applications to install these nodes and we absolutely should have been notified back then. We hope you will give us an answer on that as it was the beginning of the problems that brought us to this nightmare that we are in today. My husband and I have lived in Port Washington for over 13 years and the situation with the Town and Extenet has been the most awful thing we've experienced since moving here. While I'm sure you would love to be done with this issue, we need to know, as our elected officials, what will you do to continue to fight for us to get this node moved so it doesn't harm our child and our neighbors' children? We know through scientific studies that children absorb microwave radiation much more than adults, making them more vulnerable to serious health problems and that means that this problem will never go away until the node goes away. Thank you.

MR. WINK: Thank you, Ms. Miller. The next speaker identifies herself as Lori. Lori, if you can come into the meeting and unmute yourself.

MS. STEINBERG: Hi.

MR. WINK: Lori, can you please give us your full name for the record.

MS. STEINBERG: Sure. It's Lori. Lori Steinberg.

MR. WINK: Lori Steinberg. Thank you.

MS. STEINBERG: No problem. Thank you for letting us speak. We implore you to vote no to cell nodes being installed on 12 Oakland Drive, a cell node that will be less than 40 feet from my young children's windows. We never had a proper town hall, as outlined in Town regulations. Extenet never followed protocols to alert affected houses. In light of the breaches of the procedure, we ask that you please reject this plan and work out another option as you have had for others. Thank you.

MR. WINK: Okay. Thank you, Ms. Steinberg. Matt Steinberg, do you wish to be heard now?

MR. MATT STEINBERG: I do.

MR. WINK: Good evening.

MR. MATT STEINBERG: Thank you, board members. I also implore you to vote no for this resolution. As Lorraine Miller had stated, this house is very close to many children on the block. We live across the street from this pole. It is within 40 feet of our three and five-year old's bedrooms. There was no hearing, as was stated earlier. There was no notification from Extenet, as is mandated in 2019. Extenet's own application shows that the distance from this particular pole for this 3, 4 and 5 G node is way shorter than the allowable limit of the FDC. There is also no way to monitor the radioactive -- I'm sorry, the radiation frequencies coming from this node. In other words, Extenet, or Verizon, can increase the power from this with no notification and no way to monitor it. I implore you to vote no for this as we, and hundreds of other families, have been dedicating ourselves to this for the better part of a year as soon as we found out about this. Thank you very much.

MR. WINK: Thank you, Mr. Steinberg. That's all the requests I have for comment on this item. Councilwoman.

COUNCILWOMAN DALIMONTE: Okay. So I'm just going to -- I'm going to make this statement. Extenet filed a lawsuit against the Town of North Hempstead in federal court earlier this year seeking approval of their applications to install 16, small wireless facilities in Port Washington. Though the Town of North Hempstead vigorously defended the lawsuit, the court ruled in favor of Extenet and ordered the Town to award them their permits. The Town went on to appeal that decision. During the appeal, the court required the Town and Extenet to participate in mediation to determine whether all 16, small wireless facilities were necessary. The Town and Extenet, through the expertise of their respective engineers, determined that if two small wireless facilities were relocated with increased height, then three could be eliminated, bringing the total down to 13. The resolutions before the board today is whether to approve the settlement agreement for 13 small wireless facilities, as opposed to the original 16 that Extenet had applied for. If this settlement is rejected, Extenet will still be entitled to install all 16 small wireless facilities per the federal court order. I don't want to approve any wireless facilities being installed right outside of people's homes. But I believe this is an acceptable compromise under the circumstances. The federal law has us backed into a corner. My choices are either to approve the 13 or reject the 13 and clear the way for 16. So I will be voting to approve this settlement because it's the better of the alternative and that's -- that's what's sad here. If we, as a board, deny it, they're going to put 16 in. If we accept it, they're going to put 13 in. We're in a no win situation and we can't use health as a reason. We can't say, it's by kids' bedrooms. The federal law needs to change. It's not right that they -- that we have no say what goes in our

right-of-way. I mean, does the Supervisor or the Town Attorney want to add anything to that?

SUPERVISOR BOSWORTH: But Mariann, I am going to ask Len to comment. But I think you summed it up. We tried to fight it. We were sued. We lost. We appealed the suit. We lost again, which gave Extenet -- the fact that Extenet was told they needed to mediate with us was actually very, very unusual because they didn't have to. They -- we lost the suit. They had every right to just go in and start putting up the -- the nodes. So they did meet with us and that was confidential. You're not by federal law, when we were instructed by the mediators, we're not allowed to discuss it, they reduced it by three and so you're very right. What's in front of us now is not whether we can fight further, we -- we were sued by Extenet. We lost the suit. We appealed. We lost the appeal. The fact that we are in a situation now where they have agreed to decrease it by three, it is, you know, you can say 13 is better than 16. None would be better than 16. But this is -- this is where we are. So the choice that we have is not, are we going to fight. The choice is are we going to okay the settlement for 13 or are we going to say no and then tomorrow they start putting in the 16. Len, I don't know if there's anything else that you can add to this to --

MR. KAPSALIS: There's very little I can add to that. Supervisor, Councilwoman, you've stated our current situation position correctly and completely. What's before the board this evening is either to accept or reject the proposal to install 13 nodes rather than 16. And Extranet has already secured the right to install 16. And we did succeed in getting that number reduced by way of mediation to 13. But underscoring all of this is the simple fact that federal law severely ties our hands and our ability to regulate where these nodes and facilities can be placed and that's why we are where we are.

SUPERVISOR BOSWORTH: Yeah. So I'm just going to add, it's actually ridiculous because we're told that we need to okay the right-of-way. If we don't okay the right-of-way, then we're sued. And if we're sued, we lose the suit. That's where we are. The changes need to happen at the federal level. This is where we are. They come with, we want to put this in your right-of-way and if we say no, then we get sued, which we did. We defended the suit. We lost that. Really, you know, in pretty devastating terms. So through a lot of the negotiations it was, in fact, then reduced to 13, as opposed to 16. But that -- that's where we are. And so it's a matter of either voting to accept the 13 or voting no and know that there will then be 16.

COUNCILWOMAN DALIMONTE: It's a no win situation. It really is.

MR. WINK: Ms. Miller has requested to make one more brief comment. Ms. Miller, can you unmute yourself.

MS. MILLER: Yes. Thank you.

MR. WINK: I'm going to ask you to keep your comments as brief as can be. Thank you.

MS. MILLER: I have three questions, two of which I already asked, which were not answered.

1. Why were we not notified last year before Councilwoman Dalimonte took office that Extenet filed their applications?
2. What are you going to do to continue to fight for your residents given the situation?
3. And why -- why was -- why were those three locations eliminated all in the same area and no consideration given to other areas and no -- no type of Town hearing with the rest of the locations and people that live in the rest of the locations before you had the mediation?

MR. KAPSALIS: The decision on which sites to eliminate were driven by the engineers. We didn't choose those sites. The federal law gives the wireless carrier entitlement to create a network to give the carrier the level of signal coverage that it feels it needs for the area. And the array of 16 nodes that they applied for create essentially a single network. And the result of that is, it's not possible to remove one or two, arbitrarily pick one or two or based on any other criteria except what the engineering would allow. And that there was a team of engineers on both sides of this that looked at the entire application and determined that these were the only sites that could be changed.

MS. MILLER: And you didn't argue for families with small children? You didn't look into that and weigh those options?

MR. KAPSALIS: No, we understand how you feel --

MS. MILLER: You could not possibly understand how I feel unless this is happening to you.

MR. KAPSALIS: The unfortunate -- the most unfortunate part is that federal law does not allow us to raise health or environmental considerations to oppose the placement of cell facilities. So it really limits our ability to affect where they're placed. It only allows us to -- to regulate the placement based on aesthetics, not on health or environmental considerations. That's a serious limit on local governments for years.

COUNCILMAN FERRARA: And that's been in place since cell towers first came into being.

MR. KAPSALIS: Yes.

COUNCILMAN FERRARA: And a lot of municipalities fought them for years but the federal government prevailed for those same amount of years saying that you cannot raise those issues to stop cell towers from being installed.

MS. MILLER: Okay. Why were the protocols not followed? Why were we not notified last fall that this was going to happen? That question has still not been answered.

MR. KAPSALIS: That's not before the board this evening and really this is -- we're not able to look backwards.

MS. MILLER: You need to be transparent and tell us why when Extenet filed those applications we were not notified.

COUNCILMAN FERRARA: Well, I think part of the reason might be, and I don't know for sure, but part of the reason might be that the Town had no intention of just allowing it to happen. We had gone to the courts to stop this from happening. So it's not like it was imminent on the part of the Town.

MR. MILLER: But then you failed to respond to the shot clock and you had, you had several opportunities to fight this and there were several missteps and you're not giving me an answer as to why you didn't notify us. And so that leaves a big question mark for the residents of this Town, not just the people involved but everyone in this Town. That information needs to be made public.

COUNCILWOMAN RUSSELL: So, Ms. Miller, we again, like the Town Attorney said, we can't go back. The person that was in office at the time in your district is no longer here and so we cannot not speak to why the residents in your community were not notified of this. But, again --

MS. MILLER: Again, was there a record of it? You don't have a record of what happened last year?

COUNCILWOMAN RUSSELL: It's not a matter of having a record, the question was --

MS. MILLER: The nightmare that this has created by not following protocol.

SUPERVISOR BOSWORTH: So I, you know, clearly this was -- there were lawsuits involved in this and we need to have our Town Attorney respond.

MS. MILLER: Well, then you need to let them respond. I've been asking you for an answer for awhile now, Supervisor Bosworth, so please come up with an answer to that.

SUPERVISOR BOSWORTH: Len, can you just wrap this up.

MR. KAPSALIS: I'm sorry. We're really getting off track here. The item that's before the board tonight is -- is to either approve or reject this settlement. And that's -- that's where we are at this point. And that's all --

MS. MILLER: So then what are you going to do moving forward? You're just going to be done with it once it's approved, you're done with it and moving on and it's not your concern anymore? That was my other question. Because this --

(Overlapping conversation.)

MS. MILLER: -- node is not going away. This is going to be my problem day in and day out and next door to my house. The same thing with the Steinbergs. The same thing with the 20 other children on this block. And as our elected officials, you -- you need to do something. You cannot just get this resolution approved and move on and forget about us because we are not going away.

COUNCILWOMAN RUSSELL: Ms. Miller, I can assure you that we, as a board, and I'm hoping that I'm speaking for our entire board, we are not taking this lightly. This is something that we really have no say in how the federal government allows the cell phone companies to do what they do with the cell towers. However --

(Overlapping conversation.)

MS. MILLER: If you would've just notified us from day 1, if you would have....

COUNCILWOMAN RUSSELL: Can I just finish. Ms. Miller, if I could just finish. We will continue to advocate with the federal government so that we will have some say in our own right-of-way. But right now, we do not have the ability to do that. And so what we can do, we will continue to do and that is to do -- put pressure on our federal government to change the rules so we can have more say locally so that this kind of thing does not happen. But I would encourage you to reach out to your federal representatives with regards to this because this is not a local matter that we can make a decision on.

COUNCILWOMAN DALIMONTE: Also -- Ms. Miller, excuse me.

SUPERVISOR BOSWORTH: We have tried everything. We have been involved in lawsuits. We have spent a lot of money on the lawsuits. The federal elected officials need to step in and help because that is the only place where you're going to see any changes made.

MS. MILLER: And have you notified residents to -- as to how to contact elected officials? Have you done a campaign to get residents involved? Because I'm one person and I can only

do so much. I've gotten people I know involved. I've done a lot. But the whole Town needs to be aware. The Town isn't even aware. My next door neighbor just moved in. He doesn't even know this pole is going in in front of his house. And we were not notified. So it really doesn't hold a lot of weight when you say you've done all this work and last year you didn't even tell us this was happening.

SUPERVISOR BOSWORTH: Okay. So you've made your point. I think we've answered as best we can at this point. This is not something that we're taking lightly. It's something that we're continuing to work on. I know that Councilwoman Dalimonte received many e-mails about this, as did I. We urged people to get in touch with their federal elected officials. I know that Congressman Suozzi wrote a very strong letter about this. But if the will is not in the federal government to change this, these laws, they're not changing. And we can have ten more lawsuits but it needs to be changed on the federal level. And we will be dealing with this in greater detail but right now, as our Town attorney has said, the item in front of us is this and -- and that is the item that we're discussing. And we appreciate your comments and the concerns you are expressing.

MR. WINK: Madam Supervisor, we have two additional speakers on this item. The first one is Angela Ferrante. Ms. Ferrante, if you can unmute yourself.

MS. FERRANTE: Hi. Good evening. Can you hear me okay?

MR. WINK: Yes, we can hear you.

MS. FERRANTE: Thank you. Thanks for taking my last minute request for a question. I have two questions. The first is, I did read a case law and what you guys were saying, from my reading of the law correct, there's very little we can do to argue about the health risks and what have you. But given that, I have a procedural question and that is, if you vote in favor of this this evening while running the risk that they have the ability to install all 16 versus 13, does that set a bad precedent in terms of you having actually physically approved it versus disapproving it, which would note to the federal government should further intervention happen in the future that the Town has actually approved it? That's one question. The second is --

SUPERVISOR BOSWORTH: One --

MR. KAPSALIS: I'd like to answer that. It doesn't create a precedent going forward. Each set of applications is going to stand on its own. And as you probably know from your reading of the federal law, the law is structured so that the local governments must approve some -- most, if not all of the applications for the sites that are applied for. So the precedential value, there is no precedential value to the carriers in our approving this settlement.

MS. FERRANTE: Okay. Thank you. The second question is, the only sort of component that I have read that we can possibly argue about and/or win about and we -- I've been communicating with Ms. Dalimonte extensively about this, is their appearance -- is the Town going to continue to advocate for, you know, the least intrusive, you know, appearance of each of those nodes and towers? And is there anything in the settlement agreement that specifically denotes what they will look like and that they will be, you know, as aesthetically pleasing as possible.

COUNCILWOMAN DALIMONTE: You know, Len, could you address that they're not towers, that it's a node.

MR. KAPSALIS: They're not towers. They're poles like every other utility pole and, in fact,

the -- the application showed that the poles are going to be replaced with poles that are similar but are newer and better in appearance. Appearance is one of the things that we can regulate and negotiate. But the poles that are going to be used for these installations, to replace the older ones, will be more aesthetically pleasing than the ones they're replacing.

COUNCILWOMAN DALIMONTE: But it's a telephone pole. Like I don't want them thinking like in Munsey Park they have an actual tower that is disguised as a flag pole. It is a telephone pole made out of wood.

MR. KAPSALIS: It is not a tower. Correct.

COUNCILWOMAN DALIMONTE: Correct. Okay.

MR. WINK: The next speaker I have is Kate Hirsch.

MS. HIRSCH: Hi. Thanks very much. I just have a couple of quick questions, a couple of quick comments. Thanks for letting me talk. I just want to follow up on what, I think your name was Lorraine Miller, I'm sorry, I don't know you. But I just wanted to follow up on some of the things that Ms. Miller said and comment on some of the comments I've heard from the board. The board's hands may be tied now on these issues but they weren't to start. And when Extenet made its application, initially made its application, the -- this board should have, you know, organized some public hearings on this. You know, you kick the can down the road, you blew the shot clock and you lost. Whatever limited say you have in this process that you have, and that's -- I'm trying to be fair. I really am. It doesn't sound like I am but that's really what happened. So to say that you've been engaged in lawsuits, you're ignoring everything that happened up to that lawsuit, which is that Extenet made an application. It was ignored and the shot clock ran. And if you had held public hearings, Extenet would have been required to give public notice. I think you said that Extenet didn't give notice. But I don't believe, and correct me if I'm wrong, did Extenet have an obligation to give public notice if no public hearing was set on their application? Because that, I think, would have triggered their notice requirements, which would have given these residents an opportunity to comment on something that's going to have a significant impact on their -- their living in this Town. So you can't just brush it off. I didn't plan on talking on this issue but it really annoys me. And you could have had public hearings discussing the aesthetics of it and let these residents come in and talk about it. And by failing to do that and by doing it in a mediation that was not public, now no one knows how it came about that those three locations were gotten rid of. And I understand what you're saying, believe me, I get this law. You're saying that the engineers came up with that. But, you know, the engineers could have come up with different skews too. And if it was part of a public hearing everyone would be aware of it. So now there's going to be suspect that something, you know, wrong happened because it wasn't transparent. And that's just not fair. And another, a last thing, which was not brought up and I don't know if anyone's even aware of it but by saying that you gave us some height on two poles, one thing that everyone needs to be aware of, and I'm not saying whether or not I think you should take the settlement, believe me, I get that your hands are tied. And Councilwoman Dalimonte, you're saying 13 versus 16. But everyone should be aware that when you take those 13 nodes, and I know they're nodes, there is a separate federal law that allows Extenet, without any need to apply, they don't even have to make an application, they can raise the height of the poles that they're putting in and they can change the size of the node. So I forget what the language is in the law but it's something about a significant size of something. So what you're agreeing to in the settlement is now where it's going to end. Thank you.



MR. WINK: Thank you, Ms. Hirsch. We've been requested by Matt -- Matt, if you could come onto the meeting, unmute yourself and identify yourself for the record.

MR. WINK: I don't believe it's Matt Steinberg. Right. It was someone different. Someone who's identified as "I" in the chat. Okay. Matt, if you can identify yourself, your full name for the record.

MR. STEINBERG: Yeah. This is Matt Steinberg. The question was never really answered. Why did this board know about this earlier? And I know three people have asked this and never let anybody know, let the shot clock run out. We just want an answer to that question. It's clear where this board is going but as other people have said, there is certainly a lot of suspicion in the neighborhood. And I think we deserve an answer to that and I think it behooves you to respond to that question. It's your choice if you want to, obviously. But I'm leaving that out there for you. Thank you.

MR. WINK: Thank you, Mr. Steinberg.

COUNCILWOMAN DALIMONTE: Are those all the comments, Wayne?

MR. WINK: Those are all the comments I've had requested of me.

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

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Before I vote, I want everyone to know, I don't want to be voting on this. But it's either 16 or 13 and I have reached out to our federal representatives, along with the Supervisor and I will reach out to them again. We will continue this fight so more don't -- to look into what we can do. But I'm urging everyone that's on this call as residents -- wherever you are in the Town of North Hempstead, to please reach out to your federal representatives. They need to change the law because it's not fair that we have no say. Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Well, as I mentioned earlier, we've been fighting this battle for years with the first cell towers that went up for the same reasons, because of the concern for our children. I have five children and I have ten grandchildren today and I have the same concerns and the same fears. But unfortunately until our federal elected officials get behind us, there's really not a lot we can do. We can fight it, we can spend money, we can go through lawsuits, which is exactly what we did. It wasn't that somebody sat on their hands and did nothing. We did take a stand to say no and that's how we wound up in a lawsuit. And recognizing where we are and the lousy laws that exist right now that do tie our hands, the lesser of the two evils, I vote aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: So before I vote, I want to join the Councilmembers who have already spoken to say that I wish there was another way and I commit to continue to advocate with our federal elected officials to change the federal laws that strips us of the right to approve or disapprove the placement of these facilities on health grounds and to make unilateral changes after the fact. I vote aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: And, again, I share the sentiments of my colleagues. And it's worth saying again, it's an unfortunate situation. You know, our hands are tied. It is the lesser of two evils. I would say, that we cannot use health concerns or environmental concerns as an argument against this and obviously those are the concerns of our constituents but because our hands are tied and because we are put in this position of 13 or 16, I ultimately have to vote for the 13. So I vote aye.

MR. WINK: Councilwoman Seeman

COUNCILWOMAN SEEMAN: I vote aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: I vote aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: I vote aye.

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

**RESOLUTION NO. 480 - 2020**

**A RESOLUTION AUTHORIZING AND APPROVING A SETTLEMENT AND THE TAKING OF SUCH ACTIONS AS NECESSARY TO EFFECTUATE THE TERMS OF THE SETTLEMENT.**

**WHEREAS**, on January 22, 2020, ExteNet Systems, Inc. (“ExteNet”) commenced an action in United States District Court for the Eastern District of New York against the Town of North Hempstead and the Town Board of the Town of North Hempstead (collectively the “Town”) entitled ExteNet Systems, Inc. v Town of North Hempstead et al. (Docket No. 2:20-cv-00354) (the “Action”); and

**WHEREAS**, in the Action, ExteNet alleged, among other things, that the Town had violated the federal Telecommunications Act (42 U.S.C. § 332) by failing to take timely action on certain application materials submitted by ExteNet; and

**WHEREAS**, on July 12, 2020, the Eastern District (Hon. Edward R. Korman, presiding) granted summary judgment in favor of ExteNet and directed the Town to issue to ExteNet all necessary approvals, including a Right of Way Access Agreement and Antennae Location Permits, for the installation of 16 small wireless facilities as described in the Action (the “Judgment”); and

**WHEREAS**, on July 29, 2020, the Town filed a Notice of Appeal of the Judgment to the United States Court of Appeals for the Second Circuit, and the same day sought a stay of the Judgment pending appeal; and

**WHEREAS**, on July 30, 2020, the Eastern District (Hon. Edward R. Korman, presiding) denied the Town’s application for a stay pending appeal; and

**WHEREAS**, on July 31, 2020, the Town complied with the Judgment and issued to ExteNet all permits and approvals necessary for the installation of the 16 small wireless facilities described in the Action; and

**WHEREAS**, on September 3, 2020, ExteNet and the Town participated in a mandatory Civil Appeals Mediation Program (“CAMP”) conference to mediate the parties’ dispute with the assistance of a court-appointed mediator and discuss potential resolution of the Town’s appeal; and

**WHEREAS**, the Town retained Cityscape Consultants, Inc., as radio frequency engineers, to review and assist the Town with any terms of a potential settlement; and

**WHEREAS**, in discussions held at the CAMP conference and thereafter, ExteNet proposed to reduce the overall number of small wireless facilities installed pursuant to the Judgment from 16 to 13, by: (a) increasing the height of Node “2” (North Plandome Road; near 1 Murray Avenue; Latitude: 40.82565248; Longitude: -73.69514457) to approximately 50 feet and

thereby eliminating Nodes “3” (Carlton Avenue; near 36 Murray Avenue; Latitude 40.82566598; Longitude -73.69789665) and 4 (North Court; near 4 North Court; Latitude: 40.825789; Longitude: -73.703833); and (b) moving Node “9” from its initial proposed location (Beachway; near 15 Beachway; Latitude: 40.82184405; Longitude: -73.7044538) approximately 150’ north (Beachway; near 1 Yacht Club Drive; Latitude: 40.82221; Longitude: -73.704541), increasing the height of the relocated Node “9” to approximately 50 feet, and thereby eliminating Node “58” (Capi Lane; island cul-de-sac 1 Yacht Club Drive; Latitude: 40.82363199; Longitude: -73.70384441) (the “Proposal”); and

**WHEREAS**, by correspondence dated October 6, 2020, CityScope confirmed that the Proposal is technically viable, would provide similar coverage to ExteNet’s initial application, and would result in the overall reduction of the numbers of Nodes installed; and

**WHEREAS**, by correspondence dated October 7, 2020, CityScope noted that due to the proposed height of Node 2 under the Proposal, ExteNet might be able to claim that Node 2 constituted an “Eligible Facility” under the Spectrum Act subject to as-of-right height increases in the future; and

**WHEREAS**, the parties engaged in further negotiations concerning the issue identified by CityScope in its October 7, 2020 correspondence, and ExteNet agreed and consented that (1) all 13 installations under the Judgment and the Proposal shall be deemed “small wireless facilities” within the meaning of 47 CFR 1.6002; and (2) it shall cap the height for all 13 installations under the Judgment and the Proposal as shown on the application material submitted by ExteNet in August and October 2019, and the technical information provided by ExteNet during the negotiations of this Proposal; and (3) it shall waive any claim and shall not allow or otherwise seek any height extension of the 13 installations as an “Eligible Facilities” or make an “Eligible Facilities Request” with respect to the height of the installations under the Spectrum Act and applicable related FCC regulations (together with the Proposal, the “Settlement”); and

**WHEREAS**, by correspondence dated October 14, 2020, CityScope confirmed that the terms of the Settlement were acceptable and addressed the previous concerns identified in their October 7, 2020 correspondence; and

**WHEREAS**, the Board finds it in the best interests of the Town to enter into the Settlement because it will reduce the overall number of Nodes being installed, reduce the impacts from ExteNet’s installations by removing installations proposed for residential areas, while increasing the height of two installations in less residential areas along North Plandome Road and near the Yacht Club, provide similar coverage to ExteNet’s initial application, and eliminate the need for further costly and time-consuming litigation.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town Board approves the Settlement and authorizes the Supervisor, Town Attorney, special legal counsel, and building and planning department to take such actions as may be necessary to effectuate the forgoing, including, without limitation,

making appropriate judicial application to effectuate the terms of the Settlement and issuing modified Antennae Location Permits to reflect the terms of the Settlement.

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney

MR. WINK: Item 32, a resolution authorizing and approving a stipulation of settlement.

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

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 481 - 2020**

**A RESOLUTION AUTHORIZING AND APPROVING A STIPULATION OF SETTLEMENT.**

**WHEREAS**, the Board of Zoning Appeals (the “BZA”) of Town of North Hempstead (the “Town”) is a respondent in a lawsuit filed in Nassau Supreme Court (the “Court”) under Index No. 614813/2018; and

**WHEREAS**, by decision and order dated December 18, 2019, the Court reversed the decision of the BZA and directed the issuance of requested variances; and

**WHEREAS**, the Town timely filed a Notice of Appeal of the decision and order to the Appellate Division, Second Department; and

**WHEREAS**, the Town Attorney has requested the approval of the Town Board to execute a Stipulation of Settlement between the BZA and the petitioner for the purpose of resolving issues related to the lawsuit and appeal, as more particularly described in the Stipulation of Settlement, a copy of which will be on file in the Office of the Town Attorney; and

**WHEREAS**, after careful consideration, the Board finds it in the best interests of the Town to authorize the execution of the Stipulation of Settlement.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board hereby authorizes the execution of the Stipulation of Settlement between the BZA and the petitioner to resolve the issues related to the lawsuit and appeal as more particularly described above and in the Stipulation of Settlement, a copy of which will be on file in the Office of the Town Attorney.

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney



MR. WINK: Item 33, a resolution authorizing the Town Clerk to transmit to the Nassau County Legislature and the Board of Assessment of the County of Nassau the lists of unpaid water rents filed by special districts in the Town of North Hempstead for the purpose of having same levied against the property liable.

SUPERVISOR BOSWORTH: I offer the resolution --

MR. WINK: Madam Supervisor, again, Pete Gaffney and the question is: Why? Please advise.

MR. KAPSALIS: I can respond to that. State law requires water districts to give the Town lists of unpaid water rents each year because these unpaid water rents become liens on the property. And so the Town must forward these to the County because the County levies the taxes and then will include these amounts on the tax bills for the properties responsible.

SUPERVISOR BOSWORTH: Thank you. This is something that's done annually. I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 482 - 2020**

**A RESOLUTION AUTHORIZING THE TOWN CLERK TO TRANSMIT TO THE NASSAU COUNTY LEGISLATURE AND THE BOARD OF ASSESSMENT OF THE COUNTY OF NASSAU THE LISTS OF UNPAID WATER RENTS FILED BY SPECIAL DISTRICTS IN THE TOWN OF NORTH HEMPSTEAD FOR THE PURPOSE OF HAVING SAME LEVIED AGAINST THE PROPERTY LIABLE.**

**WHEREAS**, the Board of Commissioners of certain water districts of the Town of North Hempstead have, pursuant to Section 215 of the Town Law, as amended, filed with the Town Board statements showing unpaid water rents and requesting the Town Board to submit such statements to the Nassau County Legislature at their next meeting in order that the unpaid sums may be levied against the property where the water was used.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town Clerk is hereby authorized and directed to forward to the Nassau County Legislature and the Department of Assessment of the County of Nassau copies of the annexed statements of the following water districts filed in the Town Clerk's Office showing unpaid water rents for the purpose of having same levied against the property liable:

Albertson Water District	\$52,698.81
Carle Place Water District	\$12,891.42
Garden City Park Water District	\$129,126.04
Glenwood Water District	\$11,506.74
Manhasset-Lakeville Water District	\$223, 845.42
Port Washington Water District	\$142,287.50
Roslyn Water District	\$99,099.28
Westbury Water District	\$201,0885.01

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney, Comptroller, NC Legislature, NC Dept. of Assessment

MR. WINK: Item 34, 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.

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

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: No.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 483 - 2020**

**A RESOLUTION AUTHORIZING THE EMPLOYMENT, APPOINTMENT, TRANSFER, ADJUSTMENT, CORRECTION, CHANGE IN GRADE OR SALARY AND/OR TERMINATION OF EMPLOYEES AND/OR OFFICIALS IN VARIOUS DEPARTMENTS OF THE TOWN.**

**WHEREAS**, the approval of this Board has been requested for the employment, appointment, transfer, adjustment, correction, change in grade or salary and/or termination of certain individuals, employees and/or officials in various departments of the Town of North Hempstead (the "Town") as more particularly set forth in a memorandum on file in the Office of the Commissioner of Human Resources; and

**WHEREAS**, the Board believes it is in the best interests of the Town to approve the request.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the following employments, appointments, transfers, adjustments, corrections, changes in grade or salary, and/or terminations are hereby adopted and approved:

**ALL APPOINTMENTS PENDING COMPLETION OF PAPERWORK AND CIVIL SERVICE APPROVAL**

**SEE EXHIBIT A ATTACHED**

; and be it further

**RESOLVED** that the above listed employments, appointments, transfers, adjustments, corrections, and/or changes in grade or salary are hereby appointed to the respective positions at a rate of compensation shown next to their names; and be it further

**RESOLVED** that the appointments and employments are subject to the satisfactory completion of a physical examination by a physician; and be it further

**RESOLVED** that the term of appointment and employment of any person to an exempt position shall be at the pleasure of the Town Board; and be it further

**RESOLVED** that the effective date of the foregoing employments, appointments, transfers, adjustments, corrections, and/or changes in grade or salary of said individuals, employees and/or officials in the various departments of the Town shall be that date certified by the Commissioner of Finance; and be it further

**RESOLVED** that the foregoing appointments, employments and terminations are subject to the rules and regulations of the Nassau County Civil Service Commission and New York State Civil Service Law.

Dated:           Manhasset, New York  
                  October 22, 2020

The vote of the foregoing resolution was recorded as follows:

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

Nays:           Councilperson Russell

Exhibit A

10/22/2020 3:30 PM

PERSONNEL RESOLUTION

Type	Department Name	Employee Name	Employee Title	Employee Rate	Grade/Step	Current Dept #	New Dept #	Current Budget Code #	New Budget Code #	Effective Date
FT Location Chg	Parks & Rec Harbor Hills to NHBP	Daniel Rowdan	Laborer 2	\$23.58 hrly \$49,052 ann.	Grade 11, Step 2	405000	123200	SP152.1000	A.05.7183.1000	11/1/2020
FT Title and Location Chg	SWMA to Town Attorney's Office	Jennifer Quinn	Secretary to SWMA to Secretary to the Town Attorney	\$56,954 ann / \$2,190.54 bi-weekly	N/A	104000	127600	CL.08.8161.1000	A.11.1420.1000	
FT Title and Location Chg	Town Attorney's Office to SWMA	Donelle Benjamin	Secretary to the Town Attorney to Secretary to SWMA	\$58,983 ann / \$2,266.58 bi-weekly	N/A	127600	104000	A.11.1420.1000	CL.08.8161.1000	
FT Merit Raise	Parks & Rec/COM	Michael O'Neill	Park Supervisor 1	\$78,764 ann / \$3,177 hrly to \$82,397 ann / \$3,240 hrly	Grade 21, Step 1 to Grade 21, Step 1	410000	N/A	SP152.1000	N/A	
FT Merit Raise	Parks & Rec/Trades	Raymond Marmoroski	Maintenance Electrician	\$62,397 ann / \$2,420 hrly to \$69,488 ann / \$3,141 hrly	Grade 19, step 1 to Grade 19, step 7.5	123600	N/A	A.05.7112.1000	N/A	
FT New Hire	Comptroller	Christopher Rivezzo	Auditing Assistant 1	\$52,340 ann / \$2,013.07 bi-weekly	Grade 14, Step 1	121800	N/A	A.03.1315.1000	N/A	
FT New Hire	Comptroller	Gaetanaric Ramonant	Auditing Assistant 1	\$52,340 ann / \$2,013.07 bi-weekly	Grade 14, Step 1	121800	N/A	A.03.1315.1000	N/A	
FT New Hire	Highways	Myles Gunnopouros	Laborer 1	\$45,627 ann / \$2,194 hrly	Grade 9, step 1	311000	N/A	DA.07.5117.1000	N/A	
FT New Hire	Highways	Christian Sanchez	Laborer 1	\$45,627 ann / \$2,194 hrly	Grade 9, step 1	311000	N/A	DA.07.5117.1000	N/A	
FT Title Chg	Receiver of Taxes	Lynnda Del Balzo	Community Liaison	\$43,175 ann / \$1,660.60 bi-weekly to \$57,878 ann / \$2,226.08 bi-weekly	N/A	125600	N/A	A.09.1330.1000	N/A	
FT Title, Grade, Step & Salary Chg	Parks & Rec/Trades Crew	Donald Smallwood III	Labor Supervisor 1 to Carpenter	\$58,156 ann / \$2,796 hrly to \$60,428 ann / \$2,905 hrly	Grade 17, step 2 to Grade 19, step 1	123600	N/A	A.05.7112.1000	N/A	
PT Deceased	Parks & Rec/Tully	Calvin Leonard	Attendant	\$13.00 hrly	N/A	930000	N/A	A.05.7181.1200	N/A	7/22/2018
PT New Hire	Parks & Rec/YWCCC	Edward Callender	Laborer 1	\$14.50 hrly	N/A	933300	N/A	A.05.7141.1200	N/A	
PT Resignation	Buildings	Joseph Capoue	Clerk 1	\$18.00 hrly	N/A	905600	N/A	B.33.3622.1200	N/A	10/23/2020
PT Resignation	Public Safety	Eric Wooden	Laborer 1	\$15.00 hrly	N/A	923800	N/A	A.06.3989.1200	N/A	9/27/2020
PT Termination	Parks & Rec	Daniel Karlin	Lifeguard 1	\$17.00 hrly	N/A	931000	N/A	A.05.7182.1200	N/A	8/17/2020
PT Termination	Parks & Rec/Harbor Hills	Keith Morris	Rec Aide	\$16.00 hrly	N/A	981000	N/A	SP152.1000	N/A	6/19/2020
PT Termination	Parks & Rec/Tully	David Murphy	Attendant	\$13.00 hrly	N/A	934000	N/A	A.05.7181.1200	N/A	6/12/2020
PT Resignation	Parks & Rec/Tully	Kevin Byrne	Lifeguard 1	\$17.00 hrly	N/A	930000	N/A	A.05.7181.1200	N/A	12/12/2018
PT Termination	Parks & Rec/Tully	Stephen Pouch	Lifeguard 1	\$15.00 hrly	N/A	930000	N/A	A.05.7181.1200	N/A	2/28/2020
PT Termination	Parks & Rec/Tully	Victor Shersky	Lifeguard 1	\$15.00 hrly	N/A	930000	N/A	A.05.7181.1200	N/A	1/18/2019
PT Termination	Parks & Rec/Harbor Hills	Parsa Ashrafi	Lifeguard 1	\$16.00 hrly	N/A	981000	N/A	SP152.1000	N/A	9/16/2018
PT to FT	Receiver of Taxes	Fallon Beckerman	Laborer 1 P/T to Community Liaison	\$23,600 hrly to \$42,340 ann / \$1,628.46 bi-weekly	Grade 6, Step 1	943000	125600	A.09.1330.1200	A.09.1330.1000	
PT to FT	Parks & Rec/Martin Road	Timothy Prewitt	Laborer 1	\$16.50 hour to \$45,627 ann / \$1,754.90 bi	Grade 9, step 1	935000	123500	A.05.7111.1200	A.05.7111.1000	

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**PERSONNEL RESOLUTION**

Type	Department Name	Employee Name	Employee Title	Employee Rate	Grade/Step	Current Dept #	New Dept #	Current Budget Code #	New Budget Code #	Effective Date
PT w/Loc Chg	Parks & Rec Manorhaven to Fuschillo	Matthew Collins	Laborer 1	\$13.25 hrly	N/A	931000	935000	A.05.7182.1200	A.05.7111.1200	
PT w/Loc Chg	Parks & Rec Fuschillo to Manorhaven	Raymond Winans	Laborer 1	\$13.75 hrly	N/A	935000	931000	A.05.7111.1200	A.05.7182.1200	
Seasonal to PT	Parks & Rec Tully	Amanda Frukin	Attendant	\$13.00 hrly	N/A	830000	930000	A.05.7181.1200	N/A	
Seasonal to PT w/Title Chg	DoITT Supervisor	Patrick Farrell Ryan Motchkavitz	Laborer Clerk Typist Seasonal to Laborer 1 PT	\$13.00 hrly \$13.00 hrly	N/A N/A	947000 846000	N/A 946000	A.27.1680.1200 A.10.1220.1200	N/A N/A	10/1/2020 10/1/2020
Seasonal to PT w/Loc Chg	Parks & Rec Manorhaven to Tully	Brian Deery	Attendant	\$13.50 hrly	N/A	831000	930000	A.05.7182.1200	A.05.7181.1200	
Seasonal to PT w/Loc Chg	Parks & Rec CGM to Tully	Maria Ferrigno	Attendant	\$13.25 hrly	N/A	882000	930000	SP154.1200	A.05.7181.1200	
Seasonal to PT w/Loc Chg	Parks & Rec CGM to Tully	Thomas Rubinc	Attendant	\$13.25 hrly	N/A	882000	930000	SP154.1200	A.05.7181.1200	
Seasonal to PT w/Loc Chg	Parks & Rec NHBP to Tully	Pia Santodonato- Sehnauf	Lifeguard IV	\$24.00 hrly	N/A	832000	930000	A.05.7183.1200	A.05.7181.1200	
Seasonal to PT w/Loc Chg	Parks & Rec Tully	Matthew Rubinc	Attendant	\$13.25 hrly	N/A	882000	930000	SP154.1200	A.05.7181.1200	10/14/2020
FT Title, Grade, Step & Sal Chg	Supervisor/Purchasing	Viviana Trabulsi	Buyer Trainee to Buyer 1	\$53,461 ann/\$2056.20 bi/wk to \$58,466 ann/\$2248.70 bi/wk ann	Gr 14/SH 2.0 to Gr 18/SH 1.0	127300	n/a	A.10.1345.1000	n/a	11/16/2020
FT Salary & Location Change & Recreation Yes We Can CC	Supervisor to Parks & Recreation Yes We Can CC	Jennifer Eberhardt	Administrative Assistant to the Supervisor	\$57988.06 ann to \$65,000 ann			N/A	A.10.1220.1000	N/A	6/15/2020
Merit Raise	Parks & Recreation Yes We Can CC	Frank Fabiano	Recreation Leader/Program Administrator	\$51,164 ann/\$24.60/hr to \$52,726 ann/\$25.35/hr	Gr 13/SH 1.5 to Gr 13/SH 3.0	133300		A.05.7141.1000	N/A	
PT New Hire	311 Call Center	Tyra Brooks	Attendant/311 Call Ref	\$15.00/hour		903100		A.30.1480.1200		8/23/2020
PT New Hire	311 Call Center	Alexes Eden	Attendant/311 Call Ref	\$15.00/hour		903100		A.30.1480.1200		8/23/2020



MR. WINK: Item 35, a resolution approving the action of the Alert Engine, Hook, Ladder and Hose Co. No. 1 Inc., Great Neck, New York in adding to membership Ryan Plakstis.

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

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: So I'm going to vote aye. But I just want to make a comment that this is Tom McDonough's nephew, Ray Plakstis' son. And so there's something very touching and poignant about him joining the Alert, you know. And I vote aye.

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

**RESOLUTION NO. 484 - 2020**

**A RESOLUTION APPROVING THE ACTION OF THE ALERT ENGINE, HOOK, LADDER AND HOSE CO. NO. 1 INC., GREAT NECK, NEW YORK, IN ADDING TO MEMBERSHIP RYAN PLAKSTIS.**

**WHEREAS**, the Alert Engine, Hook, Ladder and Hose Co. No. 1, Inc., Great Neck, New York, has advised of adding to membership Ryan Plakstis

**NOW, THEREFORE, BE IT**

**RESOLVED** that the action of Alert Engine, Hook, Ladder and Hose Co. No. 1, Inc., 555 Middle Neck Rd., Great Neck, NY 11023 in adding to membership Ryan Plakstis, 2 Allen Lane, Great Neck, NY, 11024, be and the same hereby are approved and the Town Clerk directed to record their names in the Minutes of the Town Board.

Dated:           Manhasset, New York  
                  October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays:           None

cc:           Alert Fire Co.           Town Attorney           Comptroller

MR. WINK: Item 36, a resolution approving the action of the Atlantic, Hook and Ladder Co. No. 1, Port Washington, New York, in adding Luis DeLao and changing the status of Glen Willert from active to associate member.

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

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell

COUNCILWOMAN RUSSELL: Aye

MR. WINK: Councilwoman Seeman

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman

COUNCILMAN ZUCKERMAN: Aye

MR. WINK: Supervisor Bosworth

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 485 - 2020**

**A RESOLUTION APPROVING THE ACTION OF THE ATLANTIC, HOOK AND LADDER CO. NO. 1, PORT WASHINGTON, NEW YORK, IN ADDING LUIS DeLAO AND CHANGING THE STATUS OF GLEN WILLERT FROM ACTIVE TO ASSOCIATE MEMBER.**

**WHEREAS**, the Atlantic Hook and Ladder Co. No. 1, Port Washington, New York, has advised of adding Luis DeLao to membership and changing the status of Glen Willert from active to associate member

**NOW, THEREFORE, BE IT**

**RESOLVED** that the action of Atlantic Hook and Ladder Co. No. 1, 25 Carlton Avenue, Port Washington, New York, 11050 in adding Luis DeLao, 69 Juniper Rd., Port Washington, NY, 11050, to membership and changing the status of Glen Willert from active to associate member, be and the same hereby are approved and the Town Clerk directed to record their names in the Minutes of the Town Board.

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Atlantic Hook & Ladder, Engine & Hose Co.      Town Attorney  
Comptroller

MR. WINK: Item 37, a resolution approving the action of the Protection Engine Company 1, Port Washington, New York in adding to membership Wilman Lopez.

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

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye.

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 486 - 2020**

**A RESOLUTION APPROVING THE ACTION OF THE PROTECTION ENGINE COMPANY 1, PORT WASHINGTON, NEW YORK IN ADDING TO MEMBERSHIP WILMAN LOPEZ.**

**WHEREAS**, the Protection Engine Company 1, 14 S. Washington Street, Port Washington, New York, 11050 has advised of adding Wilman Lopez to membership.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the action of the Protection Engine Company 1, 14 S. Washington Street, Port Washington, New York, 11050 in adding Wilman Lopez, 70 Valley Road, Port Washington, NY, 11050, to membership, be and the same hereby is approved and the Town Clerk directed to record the names in the Minutes of the Town Board.

Dated: Manhasset, New York  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Protection Engine Company 1      Town Attorney      Comptroller

MR. WINK: Added starters. Item 38, a resolution authorizing the execution of an agreement with Firefly Drone Shows LLC for a Halloween drone light show at North Hempstead Beach Park, Port Washington.

SUPERVISOR BOSWORTH: So we know that Halloween this year is going to be very different because of COVID and I have to commend so many of the people here in the Town that have been working to find different ways to have our kids be able to enjoy the holiday. This is to okay a drone light show on -- actually on Halloween night. It will be synched to music broadcast through car radios. It's the first of its kind in the area. There are all kinds of other Halloween activities. There's the Not So Spooky Walk on Saturday, October 24th and Sunday, October 25th from 12:00 to 4:00 at Clark Botanic Gardens. There's a pumpkin painting event Wednesday at Clark at 4:00 p.m. that you have to register for. There is a trick or treat event and drive-in movie, Friday, October 30th. They're going to be showing Hotel Transylvania. And again the Halloween drone show assuming that if we okay it. So -- and I know many of you have read Halloween stories. There will be a virtual Halloween program that hopefully, you know, many of the children will enter. So after saying all of that, I offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell.

COUNCILWOMAN RUSSELL: Aye

MR. WINK: Councilwoman Seeman.

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

COUNCILMAN ZUCKERMAN: Aye

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

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

**RESOLUTION NO. 487 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH FIREFLY DRONE SHOWS, LLC FOR A HALLOWEEN DRONE LIGHT SHOW AT NORTH HEMPSTEAD BEACH PARK, PORT WASHINGTON.**

**WHEREAS**, the Town of North Hempstead (the "Town") wishes to provide a Halloween drone light show performance at North Hempstead Beach Park, Port Washington on October 31, 2020, or alternatively on October 30, 2020 or November 1, 2020, if necessary (the "Services"); and

**WHEREAS**, it has been recommended that the Town enter into an agreement with Firefly Drone Shows, LLC, 5105 Williams Lake Road, Waterford, MI 48329, to provide the Services in consideration of an amount not to exceed Nineteen Thousand Five Hundred and 00/100 Dollars (\$19,500.00) (the "Agreement"); and

**WHEREAS**, 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 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  
October 22, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney Comptroller

SUPERVISOR BOSWORTH: I move to adjourn.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye

MR. WINK: Councilman Ferrara

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell

COUNCILWOMAN RUSSELL: Aye.

MR. WINK: Councilwoman Seeman

COUNCILWOMAN SEEMAN: Aye.

MR. WINK: Councilman Zuckerman.

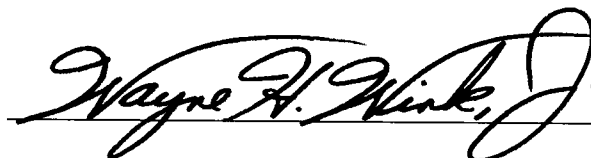
COUNCILMAN ZUCKERMAN: Aye

MR. WINK: Supervisor Bosworth.

SUPERVISOR BOSWORTH: Aye.

(At 9:42 p.m., the proceedings were concluded.)

Compiled from Stenographer's Transcript, MGR Reporting, File Name 102220tnhtb.docx

A handwritten signature in black ink, reading "Wayne A. Wink, J.", written over a horizontal line.

Town Clerk