

**Town Board Meeting – November 19, 2020**

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

Town Hall

220 Plandome Road

Manhasset, New York 11030

Tuesday, November 19, 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

LEONARD KAPSALIS, ESQ., Town Attorney

SUPERVISOR BOSWORTH: Okay. Good evening. We're about to start our meeting. If everybody could please rise for the Pledge of Allegiance.

(Pledge of Allegiance.)

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

MR. WINK: Town of North Hempstead Board meeting, Thursday, November 19th, 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, if you'd please begin tonight's agenda.

MR. WINK: Continuations. Item 1, a public hearing to consider the adoption of a local law amending Chapter 75 of the Town Code entitled "Wireless Telecommunications Facilities."

SUPERVISOR BOSWORTH: Okay. So last year we adopted comprehensive changes to Chapter 75 of the Town Code to assist us in managing the installation of wireless telecommunication facilities within the Town's right-of-way. During this past year, we've learned through experience and through input from members of the community and consultants, that some changes were needed. And so before the Town Board this evening is a set of amendments to that chapter of the Code that are designed to give it us a higher degree of input into the placement of these facilities in the Town's right-of-way. Federal law gives wireless companies the right to install the equipment they need to provide cell service and limits the ability of local governments to regulate where they're placed. Towns cannot refuse to allow these installations. We are able though to set certain standards to minimize their impact on the community while complying with federal law. So I'm now going to ask our Town Attorney, Len Kapsalis, to explain the amendment that we propose to adopt this event. Len.

MR. KAPSALIS: Thank you, Supervisor. This proposed local law is intended to accomplish two main objectives. First, it eliminates the two-step application process that exists in the current Code that requires applicants to first apply to the Town Board for a right-of-way agreement and then the process of special permits and then telecommunication permits. Under the Code as it will be amended, all applications will be filed at once and review of the component parts of the

application by the proper departments will take place simultaneously rather than sequentially. It will require that all applications be made to one central Town department, which will be the Planning Department, with an interoffice review to follow and then a combined discretionary approval or disapproval by the Town Board. And if the Town Board approves the special permit and right-of-way agreement, then other needed permits, such as the antenna location permits will be issued --or may be issued by the Building Department and the other departments as appropriate. These changes will allow the streamline of the process and will result in the increased efficiency and a more expeditious review, which will better enable the Town to comply with the very short and strict FCC time limits for approval of applications. Secondly, the second objective is it refines the application criteria and the design elements for these installations. And these are intended to minimize the visual obtrusiveness of these nodes and facilities. I won't be able to go over every single provision but, for example, the amendments add a requirement that the applicant disclose the identities of all related third parties on whose behalf it is applying. It adds -- it requires certification by a radio frequency engineer that the small cell installations address an existing and significant gap in coverage; It requires that the insurance that the provide for the Town's benefit not exclude coverage for claims related to radio frequency emissions; It requires data showing the maximum and minimal levels of radio frequency emissions when the site is fully operational and a plan for monitoring, tracking and recording daily levels of those emission in order to comply with FCC regulations and limits for those emissions; It requires signage to identify the owner and operator of the facility and it requires applicants to demonstrate an increased review of alternative sites and establishment of need; It requires increased measures to minimize the visual obtrusiveness of these sites as much as possible by means of screening, concealment and camouflage. For example, similar design with poles already existing in the area and mimicking decorative poles where -- where that's applicable. So these additions and amendments to the Code are intended to minimize the size and number of the facilities that are needed in order to allow the carriers to provide an adequate level of coverage. They're really the result of an extensive review of the Code. But like any other legislation, they're subject to amendment as needs change and as we learn from experience. But they are -- they are now our best efforts to strike the appropriate balance between the Town's right to regulate land use and the wireless carrier's right to deploy their equipment.

SUPERVISOR BOSWORTH: Thank you Len. And I know a tremendous amount of time and effort went into this. And I note that Councilmembers have devoted a tremendous amount of time as well. And so I'd just like to open this up to our Councilmembers. Is there anybody who wants to make a comment about this?

COUNCILWOMAN DALIMONTE: I would just like to thank everyone that's been involved with this. I would like to also really thank Doug Wood from Grass Roots Environmental, for his knowledgeable input and for always taking my phone calls, and all of our phone calls, when we had any questions. I think this is -- this needed to be done and I am happy that we are making these changes.

SUPERVISOR BOSWORTH: Thank you. Viviana, did you want to say something?

COUNCILWOMAN RUSSELL: Yeah. I just also want to thank everyone involved; the Town Attorney's office, as well as the Councilmembers and everyone that has worked on this. And I just really want the public to understand that the position that we're in, we really don't have a choice as to whether or not these cell phone companies are allowed to put in these nodes or facilities or devices but we can, to the best of our ability, regulate how they impact our residents.

And so I think with this legislation, this has given us the opportunity to do what's within our realm of authority to do to protect our residents. And I just hope that they understand that. That this has been a very arduous process, all of us in an effort to protect our residents.

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

MR. WINK: The first comment we have is from Richard Lambert. Mr. Lambert, we can invite him in to speak.

MR. LAMBERT: Yes. Good evening.

SUPERVISOR BOSWORTH: Good evening.

MR. WINK: Okay. Mr. Lambert, I'm going to ask you to do your best to confine your comments to three minutes.

MR. LAMBERT: Oh, sure. No problem. Good evening, Supervisor and Councilmembers. My name is Richard Lambert. I'm the Director of External Relations for ExteNet Systems. Thank you for allowing me to address this body tonight. I applaud your hard work for this amendment. When I began working with the Town, to deploy wireless structure and rights with the Town -- right -- back in January of 2017. From our initial meetings, we were motivated to develop a positive and trusting relationship with the Town where patience related to the Town's -- with how they wanted to proceed with this new and necessary infrastructure. Two years later, we hoped our numerous discussions would result in a clear and fair law written to conform with federal law. To our dismay, at that time, the Town on March 19th, 2017, adopted new zoning Code language that was neither clear nor fair nor did it comport with federal law. The Code contained ambiguous language, outright contradictions to some points. But we still continued to work with the Town and the Zoning framework provided and had a conversation with Linda Brickman, Lester Riggs and others in the Building Department and Planning to understand what the Town was actually asking for and how they wanted us to proceed. Their very staff was confounded by the document before you. After a month or two of general debate within your staff, we were finally provided direction. Although we disagreed with your process, we tried our best to satisfy them. As you know, nothing happened. Our application, years of working with your staff, all disappeared. Any question of where or what -- how it ended. So Extenet and the Town of North Hempstead started litigation -- ExteNet developed a positive and trusting relations with the Town moving forward to collaborate and meet the community need for small cells and services. And now we have another amendment before us. And I know you put many hours and may days and weeks into this work and you worked hard and you all asked questions and I understand that you're trying to find a medium--some common place for the telecommunications as well as the Town's needs. However, there are still a lot of issues with the Code. There's still inconsistencies. There's still ambiguous language and there's still the language that does not comport with federal law. So even after the hard work, there's still some work that could be done to improve on this language. We urge you all to table this conversation and maybe work further along with telecommunications officials, someone more attuned to FCC installations and law, to make further improvements on this. Because the last thing we want to do -- the industry wants to do, is to come back -- legal situations with the Town because language in this new document still does not comport with federal law. So thank you for listening to me tonight. God Bless.

SUPERVISOR BOSWORTH: Thank you for your comments.

MR. WINK: Mr. Lambert, could you just identify what your title is with ExteNet?

MR. LAMBERT: Yes. Director of External Affairs. My title was changed a few months ago. It's External Affairs.

MR. WINK: All right. Are you aware that a letter was submitted via e-mail today from a Ron Rashes (phonetic).

MR. LAMBERT: That's correct. Yes.

MR. WINK: Okay.

MR. LAMBERT: Yes. To all the members.

MR. WINK: Right. A two-page letter, as well as an 11-page statement on behalf of ExteNet in which he identifies himself in one spot as senior counsel for regulatory affairs and in another as director of external relations.

MR. LAMBERT: That is correct.

MR. WINK: Okay. All right. We're going to incorporate the letter as well as the 11-page statement into the record. And we thank you for your comments.

MR. LAMBERT: Thank you. Have a great evening.

MR. WINK: Okay. At this time -- is there anyone else wishing to be heard on this? Well, we have -- we have -- unless someone wishes to be heard in person, or such as Zoom may allow, we do have a -- an e-mail from Pete Gaffney, who has requested information with respect to identifying 5G as a probable or known human carcinogen. He is making certain recommendations that -- that these nodes be installed a minimum of 30 feet off of the ground and that they be kept away from schools, playgrounds, et cetera. His language, not mine. Companies must have visible name plate ID for all wire and equipment. That their contract installers should also identify the companies to whom they're working with -- or with whom they're working. And that companies must sign an agreement that they cannot store or sell third-party private information. So he has requested that be included into the record as well. Additionally, we have a letter, which has been circulated to the board -- and by the way, Mr. Gaffney's e-mail, as you know, has been circulated to all of you as well. We also have a two-and-a-half page letter from Verizon, with respect to this matter and Verizon has requested that the proposed law not be adopted in its current form. They did provide the Town Board with a list of what appears to be six concerns regarding the proposed amendment and I know that they are part of your backup for this meeting and they will be -- and that letter will be included in the record as well.

SUPERVISOR BOSWORTH: All right. Does anyone else wish to say something? So, Len, what is your recommendation based on -- on this?

MR. KAPSALIS: Based on all this, it's my recommendation that the board adopt these amendments as written.

SUPERVISOR BOSWORTH: You know, the thing with Codes is -- Len, as you said, when we started the discussion, they can always be amended. But it's important that we have an update to the Code as it is presently written to make sure that going forward we are situated in a way that best protects the residents of our Town. So that being said, I'd like to close the public hearing, offer the resolution and move for its adoption.

MR. WINK: Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Again, I'd like to thank everyone for all your hard work, Len. Really, I am happy to say, aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye.

MR. WINK: Councilwoman Lurvey.

COUNCILWOMAN LURVEY: Aye.

MR. WINK: Councilwoman Russell

MR. WINK: Councilwoman. You're on mute,

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, Len, we thank you for all the work that you've done with this Code and with guiding through the challenges we face. Supervisor.

MR. KAPSALIS: Thank you, Glad to be of assistance.



**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. 498 - 2020**

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 75 OF THE TOWN CODE ENTITLED "WIRELESS TELECOMMUNICATIONS FACILITIES."**

**WHEREAS**, the Town Board, as the legislative body of the Town of North Hempstead (the "Town") 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 75 of the Town Code entitled "Wireless Telecommunications Facilities" in order to make certain changes to Chapter 75 to address the expansion of wireless networks throughout the Town; 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 24th day of September, 2020 via Zoom, which hearing was continued to October 8, 2020 and further continued to November 19, 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**, the Town Board has carefully considered the proposed Local Law during the seven-day period, conducted a public hearing on November 19, 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 Codes § 20-4, has established itself as lead agency and wishes to render a determination of significance pursuant to the SEQRA Regulations; and

**WHEREAS**, this Board previously enacted Local Law 8-2019 to make comprehensive changes to Chapter 75, and in doing so reviewed the determination of the Planning Department, dated January 31, 2019, and the Negative Declaration indicating that the Action constituted a “Type I Action” pursuant to Section 617.2 (aj) of the SEQRA Regulations which would not result in any significant adverse impacts on the environment based upon the analysis set forth in the Full Environmental Assessment Form (the “FEAF”) Parts 1, 2 and 3 (the “Determinations and Negative Declaration”) for the reasons stated in the FEAF (the “2019 SEQRA Determination”); and

**WHEREAS**, the Planning Department has determined that the 2019 SEQRA Determination is still valid as applied to the amendments to Chapter 75 currently under consideration as the amendments are procedural in nature and do not affect the size, nature or number of facilities that would be permitted under the Chapter; and

**WHEREAS**, therefore the Board wishes to conclude that the action constitutes 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 declares itself “lead agency” under the SEQRA Regulations for the Action; and be it further

**RESOLVED** that this 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. 16 of 2020 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. 16 OF 2020**

**A LOCAL LAW AMENDING CHAPTER 75 OF THE TOWN CODE  
ENTITLED “WIRELESS TELECOMMUNICATIONS FACILITIES”**

**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 75 of the Town Code entitled “Wireless Telecommunications Facilities” in order address the expansion of wireless networks throughout the Town.

**Section 2.**

Chapter 75 of the Town Code is hereby amended as follows:

§ 75-1. Legislative intent.

This chapter is enacted in order to assure access of our local residents to telecommunications technologies while at the same time maintaining the aesthetic qualities of our neighborhoods, scenic locales and historic areas, [~~preventing the uncontrolled~~] **managing the deployment and controlling the potential proliferation** of Wireless Telecommunications Facilities, ensuring meaningful input by the community into important land use decisions, encouraging cooperation between telecommunications providers and resulting in the fewest possible intrusions on traffic, streets and sidewalks. This chapter is intended to minimize the aesthetic impacts of wireless communications facilities by encouraging the exploration of alternatives that use methods to disguise or camouflage the facilities, by minimizing the height of the facilities, by encouraging collocation of facilities and by locating facilities on existing structures whenever possible. This chapter is not intended to prohibit or have the effect of prohibiting the provision of personal wireless services, nor to discriminate among providers of functionally equivalent services.

§ 75-2. Definitions.

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

**ABANDONED**

Any Wireless Telecommunications Facility which has not been operational for six consecutive months.

**ACCESSORY STRUCTURE**

A structure such as a storage shed or other type of enclosure for equipment, equipment cabinets, support structures for equipment or other appurtenances used in conjunction with the operation of a wireless telecommunications facility as defined herein and located on the same lot as, or in the general vicinity of, the wireless telecommunications facility.

**ANTENNA**

A system of electrical conductors that transmits or receives radio frequency signals. Such signals shall include, but not be limited to, those associated with cellular telephone, personal communication services and microwave communications. For the purpose of this chapter an antenna shall include any panels, boxes, dishes or other type of enclosures which contain the actual transmitting or receiving devices.

**ANTENNA LOCATION PERMIT**

A type of building permit issued by the Building Department in accordance with the requirements set forth in § 70-5 for the placement of Wireless Telecommunications Facilities.

**APPLICANT**

A person, firm, organization or company applying for either an antenna location permit or a Special Permit under the provisions of this section. An applicant must qualify as a wireless carrier/service provider as defined herein.

**BASE STATION**

A. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless telecommunications between user equipment and a communications network. The term

does not encompass a tower as defined herein or any equipment associated with a tower. "Base station" Includes, without limitation:

(1) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems and small cell networks).

(3) Any structure other than a tower that, at the time the relevant application is filed with the Town under this section, supports or houses equipment defined as a "wireless telecommunications facility" that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process.

B. The term does not include any structure that, at the time the relevant application is filed with the Town under this chapter, does not support or house equipment defined as a "wireless telecommunications facility."

### **BUILDING COMMISSIONER**

The Commissioner of the Building Department.

### **BUILDING DEPARTMENT**

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

### **CAMOUFLAGE**

A method of disguising a wireless telecommunications facility which makes it appear as part of the surroundings, either natural or man-made.

### **CELL ON WHEELS**

A wireless telecommunications facility which is usually affixed to a truck, trailer or other mobile base and is located temporarily at a particular site.

### **COLLOCATION**

The mounting or installation of Wireless Telecommunications Facilities on an Eligible Support Structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

### **DISTRIBUTED ANTENNA SYSTEMS or DAS**

A network of partially separated antenna nodes connected to a tower, Right-of-Way Structure or Public Utility Structure via a fiber system or other transport medium that provides wireless telecommunications services within a limited geographic area or structure.

### **ELIGIBLE FACILITY REQUEST**

A. Any request for modification of an existing tower or existing base station or an existing Right-of-Way Structure that is not a substantial change to the physical dimensions of such tower, base station or structure and involves:

(1) The collocation of new transmission equipment; or

(2) The removal of transmission equipment; or

(3) The replacement of transmission equipment.

B. A request for the modification of an existing Right-of-Way Structure shall not be an Eligible Facility Request unless the applicant has obtained a Right-of-Way Use Agreement from the Town in compliance with this chapter.

#### **ELIGIBLE SUPPORT STRUCTURE**

Any tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with Building Department under this chapter.

#### **EQUIPMENT**

Computers, batteries, generators, transmission equipment and cabinets, etc., which are utilized to power and/or operate a wireless telecommunications facility.

#### **HEIGHT**

The distance measured vertically from the average level of the curb of the lowest adjoining street or from the lowest point within a radius of 200 feet measured radially from the facility, whichever is lower, to the highest point on the building, structure, or freestanding wireless telecommunications facility as prescribed in Chapter 70 of the Code.

#### **INCUMBENT WIRELESS TELECOMMUNICATIONS FACILITY**

Any wireless telecommunications facility legally constructed, erected and operated as of the date of adoption of this chapter, or one erected under a Special Permit issued by the town in accordance with this chapter and for which any applicable permits have been acquired from all appropriate government authorities.

#### **NONCOMPLIANT STRUCTURE or NONCOMPLIANT USE**

A structure or use that does not conform to the regulations of the district in which it is situated.

#### **PLANNING COMMISSIONER**

The Commissioner of the Planning Department.

#### **PLANNING DEPARTMENT**

The Town of North Hempstead Department of Planning and Environmental Protection.

#### **PUBLIC RIGHT-OF-WAY**

Any right-of-way owned or maintained by the Town of North Hempstead.

#### **PUBLIC UTILITY**

Any company authorized (either by the New York State Public Service Commission, a municipality or other such authority) to provide water, electric, gas or telephone services to the public.

#### **PUBLIC UTILITY STRUCTURE**

Any structure erected for the purposes of providing a public utility service, including, but not limited to, water towers, electric transmission towers/poles and telephone poles, but not including a Right-of-Way Structure.

### **RIGHT-OF-WAY STRUCTURE**

Any pole or other structure within the Public Right-of-Way.

### **SMALL CELL FACILITY**

A Wireless Telecommunications Facility that meets each of the following conditions;

A. The structure on which Wireless Telecommunications Facility is mounted:

(1) Is 50 feet or less in height; or

(2) Is no more than 10% taller than other adjacent structures; or

(3) Is not extended to a height of more than 10% above its preexisting height as a result of the collocation of new antenna facilities; and

B. Each antenna (excluding associated antenna equipment) is no more than three cubic feet in volume; and

C. All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume; and

D. The facility does not require antenna structure registration under applicable federal regulations; and

E. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR § 1.1307(b).

### **SMALL CELL NETWORK**

One or more small cell facilities connected by a fiber to a carrier switching system or other means of interconnection for provision of wireless services within a limited geographic area or structure.

### **SPECIAL PERMIT**

A permit for a use which is deemed allowable within a given zoning district, but which is potentially incompatible with other uses and is subject to special standards and conditions set forth by the Town Board, consistent with § 274-b of the Town Law.

### **STEALTH TECHNOLOGY/STEALTH STRUCTURE**

A method of installing/constructing Wireless Telecommunications Facilities which conceals, hides or camouflages their presence. Some examples of stealth structures are man-made antenna supports which resemble trees, flagpoles and light poles.

### **SUBSTANTIAL CHANGE**

A modification to the physical dimensions of an Eligible Support Structure if it meets any of the following criteria;

A. The mounting of the proposed antenna on existing towers that increases the existing height of the tower by more than 10%, or the mounting of an additional antenna array with separation from the nearest existing antenna exceeding 20 feet, whichever is greater;

- B. The mounting of a proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter;
- C. The mounting of the proposed antenna would involve adding an appurtenance to the body of existing towers, other than towers in the public rights-of-way that would protrude from the edge of the towers more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater;
- D. The modification would involve excavation outside the current existing tower or base station site, defined as the current boundaries of the leased or owned property surrounding the existing tower or base station and any access or utility easements currently related to the site;
- E. The modification defeats concealment elements of the support structure; or
- F. The modification does not comply with prior conditions of the approval for the existing tower or base station; provided, however, that this limitation does not apply to any modification that is noncompliant only in a manner that would not exceed the thresholds in Subsections A through D above.

## **TOWER**

Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antenna(s) and their associated facilities, including structures that are constructed for wireless communications services, including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. Street light poles, public utility and traffic light poles without an attached approved wireless Telecommunications Facility or Right-of-Way Structures shall not be considered a tower.

## **WIRELESS CARRIER/SERVICE PROVIDER**

Any company which is licensed by the FCC to operate Wireless Telecommunications Facilities.

## **WIRELESS TELECOMMUNICATIONS FACILITY**

Antenna(s) and associated equipment used to transmit and/or receive audio, video, data and other information using radio frequency energy and other electronic or electromagnetic systems. The antenna(s) and equipment of each wireless carrier, including Small Cell and DAS Networks, shall be separately considered a wireless telecommunications facility.

§ 75-3. Enabling authority.

Any Wireless Telecommunications Facility which is established, installed, erected, constructed, reconstructed or significantly altered subsequent to the date of adoption of this chapter must conform to the provisions herein. The Building Department is authorized to review, approve, approve with modifications or disapprove applications for Antenna Location Permits for Wireless Telecommunications Facilities as provided for herein. Those applications for a Wireless Telecommunications Facility that do not qualify for an Antenna Location Permit will require a Special Permit from the Town Board in accordance with this chapter. The Town Board is authorized to review, approve, approve with modifications, or disapprove all such applications for Special Permits for Wireless Telecommunications Facilities as provided for herein.



A. Nothing in this chapter shall be construed to exempt an applicant from the site plan review requirements described in § 70-219 of the Town Code should any proposed work at a site meet the conditions described in Subsection A of that section; provided, however, that any application for a Special Permit in accordance with this Chapter may be made simultaneously with an application for site plan review in accordance with § 70-219 of the Town Code.

B. All Incumbent Wireless Telecommunications Facilities without a Special Permit shall be allowed to continue in their present usage as a noncompliant use and shall be treated as a noncompliant use provided that a certificate of existing use is obtained from the Building Department. Such certificate must be renewed in accordance with the provisions set forth in § 75-5C of this chapter. Routine maintenance shall be permitted on such existing Wireless Telecommunications Facilities.

C. All existing Wireless Telecommunications Facilities which were constructed without obtaining the necessary permits and approvals and which do not qualify as Incumbent Wireless Telecommunications Facilities will be required to conform to the provisions of this chapter within one year following its adoption, or shall be considered in violation of this chapter and will be subject to the penalties specified in § 75-9 of this chapter.

§ 75-4. Exemptions.

Satellite dish antennas that are regulated separately by § 70-100.2J of the Town Code are exempt from the provisions of this chapter.

§ 75-4.1. Installations within the Public Right-of-Way.

**A. Notwithstanding any other provisions in Chapter 75, an applicant seeking approval for deployment of Wireless Telecommunications Facilities within the Town's right-of-way shall be required to first apply for a Special Permit as approved by the Town Board pursuant to §75-6, a Right of Way Use Agreement as approved by the Town Board and an Antenna Location Permit from the Building Department, together with all other ancillary permits associated therewith, such as street opening permits, electrical permits, and grading permits and the like. No Antenna Location Permit shall be issued unless the Town Board approves the Special Permit and Right of Way Use Agreement. If approved, the Special Permit and Right of Way Use Agreement will authorize the issuance of Antenna Location Permits, provided such construction, plans, drawings are compliant with all applicable construction related laws, rules and regulations, and if all other required ancillary permits have been issued.**

**B. No application for the deployment of any Wireless Telecommunications Facilities shall be deemed complete until all required permit applications have been applied for and determined by the Planning Department to be complete.**

[A] **C.** All installations of Wireless Telecommunications Facilities, whether or not the installation is a Small Cell Facility, a Small Cell Network or a DAS network, within the Public Right-of-Way shall be subject to this §7[6]5-4.1.

[B] **D.** No Wireless Telecommunications Facility may be installed within the Public Right-of-Way unless[.] **all permits noted above shall have been obtained and** [prior to the installation of the facility, the Town and] the applicant **and the Town have** executed a right-of-way use agreement. [governing the use of the Public Right of Way and the installation of Wireless Telecommunications Facilities within the Public Right of Way, which agreement shall be in a

~~form approved by the Town Board.]~~ All requests for Town Board issuance of a right-of-way use agreement shall be subject to a public hearing.

~~[C]~~**E.** Any person or entity proposing to install Wireless Telecommunications Facilities within the Public Right-of-Way shall apply to the Planning Department to be granted a **Special Permit and Right-of-Way Use Agreement** by the Town Board. **The applicant shall also file completed applications for Antenna Location Permits and all other ancillary permits associated therewith, such as street opening permits, electrical permits, and grading permits and the like.**

(1) **In addition to the applicable requirements of §75-6,** ~~[F]~~the application shall include:

(a) The name, business address and telephone number of the applicant, and the name of the applicant's authorized representative and the representative's phone number and e-mail address~~[-]~~ **and the full names and contact information for all related third parties on whose behalf the applicant is acting, including contracting parties and co-locaters.**

(b) Drawings **and before and after photo simulations** showing ~~[a typical]~~ **the proposed design, appearance** and installation of a Wireless Telecommunications Facility within the Public Right-of-Way, including pole-mounted antennas and equipment, aboveground cable installations, ground equipment and underground installations demonstrating compliance with § 75-7D of this chapter. **The applicant shall also demonstrate that the proposed facilities comply with any applicable Order issued by the Federal Communications Commission regulating deployment of 5G technology.**

(c) **Elevations showing the height of all proposed antennas, equipment and supporting structures (i.e., monopoles, towers, etc.) from ground level. Dimensions of all antennas and equipment and the distances of each from the top of any structures upon which they are located shall also be shown.**

~~[(e)]~~ **(d)** A listing of those Public Rights-of-Way within which the applicant is applying to be permitted to install Wireless Telecommunications Facilities.

~~[(d)]~~ **(e)** A full statement explaining in detail how each of the proposed facilities conform to the design requirements stated in § 75-7D below.

~~[(e)]~~ **(f)** A statement indicating:

**[1] a location map to scale indicating the location of the proposed facility or facilities;**

**[2] the section, block and lot number(s) of the property on which the proposed facility or facilities will be located;**

**[3] whether the applicant anticipates installing any new poles within the Public Rights-of-Way and, if so, the approximate number and location of the new poles;**

**[4] whether the applicant anticipates installing ground equipment within the Public Right-of-Way and, if so, the approximate number and location of such equipment**

~~[[H]]~~ **[5]** The maximum number of facilities that may be installed in compliance with § 75-7D below within the Public Rights-of-Way referenced in the application. ~~[;and]~~

~~[[2] Whether the applicant anticipates installing any new poles within the Public Rights-of-Way and, if so, the approximate number and location of the new poles; and]~~

~~[[3] Whether the applicant anticipates installing ground equipment within the Public Right-of-Way and, if so, the approximate number and location of such equipment.]~~

**(g) If applicable, a copy of an agreement between the applicant and the owner of each proposed site which authorizes the use of the site as a location for the proposed wireless telecommunications facility, or, if the Wireless Telecommunications Facility is to be located within a Public Right-of-Way or the right-of-way of another municipality, an executed franchise agreement with the municipality owning or controlling the right-of-way.**

**(h) Certification by an Radio Frequency Engineer that the proposed small cell installation(s) addresses an existing and significant gap in coverage in the service area, such certification to include a detailed map of the "gap areas" and documentation of such gaps causing an inability for a user to connect with the land-based national telephone network or maintain a connection capable of supporting a reasonably uninterrupted communication.**

**(i) Documentation demonstrating potential alternative locations for the location of the small cell installations in non-residential areas, including but not limited to changes to the proposed small cell network.**

~~[(f)]~~ **(j) A completed full environmental assessment form Part 1, together with a visual assessment addendum[-] and demonstrate compliance with NEPA requirements as set forth by the FCC, unless exemption is claimed. If exempt, applicant must state the basis is for such exemption and provide proof, including all supporting documents, that each and every exempt installation meets prescribed requirements.**

~~[(g)]~~ **(k) A certificate of insurance naming the Town of North Hempstead as an additional insured, in the types and amounts shown in the Town's standard form Right-of-Way Use Agreement [-] and does not exclude coverage for claims due to exposure to radio-frequency microwave radiation.**

~~[(h)]~~ **(l) A copy of any Federal Communications Commission licenses and approvals allowing the applicant to operate a Wireless Telecommunications Facility.**

~~[(i)]~~ **(m) The application fee stated in the Town of North Hempstead Fee Schedule.**

**(n) Performance specifications and data that identify the maximum and minimum amount or level of radio-frequency emissions that are produced by the proposed equipment when it is in full operating mode, and a monitoring plan for the Applicant's equipment capable of tracking and recording the daily amounts or levels of radio-frequency emissions that are produced by the equipment in order to verify compliance with applicable FCC regulations.**

(2) Upon receipt of an application, the Planning Commissioner shall notify the councilmember or councilmembers representing the Town Council district or districts in which the applied-for Public Rights-of-Way are located that an application has been filed. Upon review of the application, the Planning Commissioner, **or designee**, shall determine whether the application is complete or not sufficient to demonstrate compliance with this chapter. If the application is not complete, the Planning Commissioner shall so inform the applicant. The applicant shall

have 30 days after being informed that its application is incomplete in order to provide the required additional documents and materials to complete the application. If the required additional documents and materials are not provided within 30 days of the Planning Commissioner's notice, the application will be deemed abandoned and the applicant will be required to ~~[make another application]~~ **re-apply**.

~~[D]~~**F.** If the Planning Commissioner deems the applicant's **Special Permit** application complete, the Planning Commissioner shall request that the Town Board set a date for a public hearing **within 30 days** to consider ~~[approval of]~~ the **Special Permit** application **and Right of Way Use Agreement**. The Planning Commissioner shall inform the applicant of the date of the hearing when the date is made known to the Planning Commissioner. ~~[Upon being informed of the hearing date, and]~~ ~~[a]~~**A**t least ~~[14]~~ **10** days prior to the public hearing, the applicant shall deliver, by certified mail, return receipt requested, and regular mail, a notice to the owners (as shown on the property tax rolls maintained by the Receiver of Taxes) of all properties within 350 feet of the **proposed location(s) within the** Public Rights-of-Way applied for in the applicant's application. The notice shall be on the applicant's letterhead and shall state that an application **for a Special Permit and Right of Way Use Agreement** ~~[has]~~ been filed with the Planning Department ~~[for Right-of-Way Use Agreement]~~, a map showing the Public Rights-of-Way applied for and the date, time and location of the public hearing. The applicant shall, ~~[within]~~ **at least** five days ~~[of]~~ **before the date of the public hearing**, ~~[delivering the notices required by this section,]~~ submit to the Planning Department an affidavit of mailing ~~[on a form maintained by the Planning Department]~~ evidencing compliance with this section.

~~[E]~~**G.** The Town Board may review any documentation or hear any testimony in favor of or in opposition to the application, and may adjourn the public hearing to any future date if deemed necessary by the Town Board. The applicant shall ensure that representatives of the applicant attend the public hearing to answer questions regarding the application either from representatives of the Town or members of the public. In the event that the application demonstrates compliance with **applicable provisions of §75-6 and § 75-7D** of this chapter and otherwise complies with the requirements for an application as stated in this section and otherwise complies with any other requirement stated in this chapter, the Town Board shall approve the **Special Permit** application and authorize the execution of a Right-of-Way Use Agreement.

~~[F]~~**H.** The **granting of a Special Permit and** issuance of a right-of-way use agreement **pursuant to this Section** shall not permit the applicant to begin installation of Wireless Telecommunications Facilities within the Public Rights-of-Way. Each individual installation shall also require the issuance of an Antenna Location Permit, **as set forth in 75-4.1(A), and all other required permits required to be issued by the Town**. ~~[in accordance with § 75-5 of this chapter and may require the issuance of a Special Permit in accordance with § 75-6 of this chapter.]~~

~~[G]~~**I.** Once a Wireless Telecommunications Facility is installed within the Public Right-of-Way, the Building Commissioner may, at such times as deemed necessary by the Building Commissioner, test any facility for its compliance with the radiofrequency exposure limitations set forth in 47 CFR 1.1307(b) and 1.1310.

(1) In the event that such test finds that that the radiofrequency emissions generated by a tested facility exceed those limitations set forth in 47 CFR § 1.1307(b) and 1.1310, the Building Commissioner shall:

(a) In the case of a first test showing emissions in excess of those permitted by 47 CFR 1.1307(b) and 1.1310 with regard to a specific facility, order that the Wireless Telecommunications Facility be modified such that the facility is brought into compliance with 47 CFR 1.1307(b) and 1.1310 and provide documentation showing such compliance; and

(b) In the case of a subsequent test showing emissions in excess of those permitted by 47 CFR 1.1307(b) and 1.1310, revoke the permit for such Wireless Telecommunications Facility and order that the Wireless Telecommunication Facility be removed at the owner's expense.

(2) For any violation of the limitations stated in 47 CFR 1.1307(b) and 1.1310, the owner of the Wireless Telecommunications Facility shall reimburse the Town for the cost of the test and pay a fine in the amount shown in § 75-9 below.

§ 75-5. Antenna Location Permits.

A. Wireless Telecommunications Facility installations eligible for Antenna Location Permits. The Building Department is authorized to issue antenna location permits for the following Wireless Telecommunications Facilities, provided that all of the requirements set forth herein are met.

(1) Nonresidential zoning districts. Parking District (P), Transportation District (T), Business AA District (B-AA), Business A District (B-A), Business B District (B-B), Planned Industrial Park District (PIP), Industrial A District (I-A), Industrial B (I-B), Modified Planned Industrial Park District (MPIP):

(a) Small Cell Facilities, Small Cell Networks and DAS networks upon an existing or new Right-of-Way Structure within the Public Right-of-Way, ~~provided that an increase in the height of an existing structure is not required and that all applicable height, setback and design requirements as set forth in § 75-7 can be met. Any equipment cabinets, shelters, etc., must also comply with the applicable standards set forth in § 75-7 herein~~ **provided that a Special Permit is granted by the Town Board and Right of Way Use Agreement is executed by the Town and applicant.**

(b) An Eligible Facilities Request, where such application does not result in a Substantial Change to the Eligible Support Structure. If a Substantial Change is proposed, the application shall require a Special Permit pursuant to § 75-6 of this Chapter.

(c) New Wireless Telecommunications Facilities on existing commercial or industrial buildings, provided that all applicable height, setback and design requirements as set forth in § 75-7 herein can be met. Any accessory structures, including, but not limited to, equipment, equipment cabinets, equipment sheds/shelters, etc., must also comply with the applicable standards set forth in § 75-7 herein.

(d) Minor modifications to existing Wireless Telecommunications Facilities, that do not result in Substantial Change as defined herein, if a substantial change is proposed, the application shall require a Special Permit pursuant to § 75-6 of this chapter.

(2) Residential Zoning Districts, Residence Open Space District (R-O-S), Residence AAA District (R-AAA), Residence AA District (R-AA), Residence A District (R-A), Residence B District (R-B), Residence C District (R-C), Residence D District (R-D), Residence District Multiple (RM), Residence District, Public Housing (RPH), Golden Age Residence District (GAR), Senior Residence District (R-S):

(a) Small Cell Facilities, Small Cell Networks and DAS networks upon an existing or new Right-of-Way Structure within the Public Right-of-Way, [~~provided that an increase in the height of an existing structure is not required and that all applicable height, setback and design requirements as set forth in § 75-7 can be met. Any accessory structures including, but not limited to, equipment cabinets, shelters/sheds, etc., must also comply with the applicable standards set forth in § 75-7 herein~~] **provided that a Special Permit is granted by the Town Board and Right of Way Use Agreement is executed by the Town and applicant.**

(b) An Eligible Facilities Request of Wireless Telecommunications Facilities, where such application does not result in a Substantial Change. If a substantial change is proposed, the application shall require a Special Permit pursuant to § 75-6 of this Chapter.

B. Term and fees for Antenna Location Permits. The fee for an antenna location permit shall be in the amount indicated in the Town of North Hempstead Fee Schedule, and the permit expires and must be renewed every three years.

C. Renewal of antenna location permits. At the expiration of its three-year term, an application for renewal of the antenna location permit shall be filed with the Building Commissioner together with the fee stated in the Town of North Hempstead Fee Schedule and current certification by a licensed professional engineer or other qualified person that the wireless telecommunications facility is within the nonionizing electromagnetic radiation levels adopted by the FCC. The permit may be renewed upon a finding that the wireless facility and all associated equipment and support structures are structurally sound and comply with the provisions of the law.

D. Antenna Location Permit application requirements. The Building Commissioner is authorized to design appropriate application forms, if necessary, to assist in the completion and evaluation of an application packet. The following materials shall be submitted in triplicate to the Building Commissioner, who shall certify that an application packet is complete before an Antenna Location Permit is issued:

(1) Completed Antenna Location Permit application form.

(2) Name, address and telephone number of the applicant.

- (3) Name, address and telephone number of the owner of the property on which the Wireless Telecommunications Facility will be located.
- (4) Section, block and lot number(s) of the property on which the proposed facility will be located.
- (5) A copy of an agreement between the applicant and the owner of the site which authorizes the use of the site as a location for the proposed wireless telecommunications facility, or, if the Wireless Telecommunications Facility is to be located within a Public Right-of-Way or the right-of-way of another municipality, an executed franchise agreement with the municipality owning or controlling the right-of-way.
- (6) A location map to scale indicating the location of the proposed facility.
- (7) A site plan or plans to scale specifying the location of the proposed facility on the property. All setbacks of the facility from front, rear and side yards shall be shown. (If the facility is located upon an existing structure, the setbacks of the existing structure from front, rear and side yards shall be shown and the location of the facility on the existing structure, including all dimensions, shall be shown).
- (8) Elevations showing the height of all proposed antennas, equipment and supporting structures (i.e., monopoles, towers, etc.) from ground level. Dimensions of all antennas and equipment and the distances of each from the top of any structures upon which they are located shall also be shown.
- (9) Construction/engineering drawings to be reviewed by the Building Commissioner to determine whether the proposed facility meets with all applicable building, fire and safety codes and showing that the facility includes appropriate deicing equipment.
- (10) A completed full environmental assessment form Part 1, together with a visual assessment addendum.
- (11) A cash deposit or bond from a surety company that is both an admitted carrier in the State of New York and has a Best's Rating of B- or better, or a Best's rating of four or better.
- (a) The cash deposit or bond must be in an amount equal to 200% of the estimated cost of removing any wireless telecommunications facility, if it is abandoned, and of restoring the site, except that this requirement may be waived for a cells on wheels.
- (b) In the event that a penalty is assessed pursuant to the provisions of this chapter, the Building Commissioner or the Town Comptroller may deduct the amount of such penalty from the cash deposit.
- (c) The applicant must maintain the required cash deposit or bond at all times.
- (12) A certificate of insurance naming the Town of North Hempstead as an additional insured.

(13) A copy of any Federal Communications Commission licenses and approvals allowing the applicant to operate a Wireless Telecommunications Facility.

(14) Certification by a licensed professional engineer or other qualified person that the proposed facility will not cause interference with existing communication devices and that electromagnetic radiation levels at the proposed site are within any threshold levels that have been adopted by the Federal Communications Commission.

~~[(15) If the application involves the installation of a Small Cell Facility or DAS facility within the Public Right of Way, a listing of those addresses to which the applicant would be required to submit a notice of the application in compliance with Subsection E below.]~~

~~[E. Within five days of filing an application for an Antenna Location Permit that proposes to install a Small Cell Facility or DAS facility within the Public Right of Way, the applicant shall deliver, by certified mail, return receipt requested, and regular mail, a notice to the owners (as shown on the property tax rolls maintained by the Receiver of Taxes) of all properties within 350 feet of the proposed installation. The notice shall be on the applicant's letterhead and shall state that a Small Cell Facility or DAS facility is proposed to be installed within 350 feet of the owner's property, that an application has been filed with the Building Department for an Antenna Location Permit for the facility, the date of the application, a map showing the location of the proposed Small Cell Facility or DAS facility, and an e-mail address maintained by the applicant where information regarding the application may be requested. The applicant shall, within five days of delivering the notices required by this section, submit to the Building Department an affidavit of mailing on a form maintained by the Building Department evidencing compliance with this section. The Building Commissioner shall provide a copy of this affidavit to the councilperson for the Town Council district in which the facility is to be located. In addition, within five days of the filing of an application described in this subsection, the Building Commissioner or his or her designee shall give notice to the councilperson for the Town Council district in which the facility is to be located that an application for an Antenna Location Permit has been filed and shall provide a copy of the application to the councilperson.]~~

~~[F]~~E. Review of applications for antenna location permits. Upon receipt of a complete application for an Antenna Location Permit, the Building Commissioner or his or her designee shall review such application to determine whether the application so qualifies for an Antenna Location Permit as defined in this chapter. If determined to be eligible for an Antenna Location Permit, such application shall be approved **or denied** within the following time frames, **unless such time periods are lawfully extended:**

(1) Installation of a Small Cell Facility on an existing Right-of-Way Structure: 60 days.

(2) Installation of any other Wireless Telecommunications Facility on an Existing Support Structure: 90 days.

(3) Installation of a Small Cell Facility on a new Right-of-Way Structure: 90 days, unless it has been determined that the application creates a Substantial Change or otherwise does not meet the criteria of an Eligible Facilities Request, in which case other applicable provisions of this chapter apply, and further provided that the above time periods may be tolled if the Building



Commissioner or his or her designee finds that the application is incomplete or if the Building Commissioner or his or her designee finds that additional information is needed to evaluate the application within 10 days of its submission. Once an Eligible Facilities request application has been approved, the Building Inspector shall issue the Antenna Location Permit and a building permit.

§ 75-6. Special Permits.

A. Wireless Telecommunications Facility Installations eligible for a Special Permit. Subject to the provisions of this section, the Town Board is authorized to review and approve, or approve with modifications, applications for Special Permits for all Wireless Telecommunications Facility Installations **pursuant to §75-4.1 and those** not eligible for an Antenna Location Permit as provided for in § 75-5 above.

B. Priority list. **Except as provided in §75-4.1**, [F]the following is a list of priorities (in order of preference with (1) being the most preferred) for the placement of Wireless Telecommunications Facilities which do not qualify for an Antenna Location Permit as provided for in § 75-5 above:

(1) New Wireless Telecommunications Facilities (including cells on wheels) in the Industrial A (I-A), Industrial B (I-B), Planned Industrial Park (PIP), Modified Planned Industrial Park (MPIP) and Transportation (T) Zoning Districts which:

(a) Are designed or located so that the visual impact of the facility is minimized either by:

[1] Utilizing some type of stealth technology to camouflage their appearance as Wireless Telecommunications Facilities; or

[2] By being located on a portion of the site where they are not visible from any residential area, public roadway, public property, site of historical significance or scenic area; and

(b) Are located more than 200 feet from the nearest property line of a residential site or the nearest boundary line of a residential zoning district (whichever is closer); and

(c) Are located more than 200 feet from the nearest property line or boundary of any park, scenic area, site of historical significance; and

(d) Are located more than 200 feet from the nearest property line of a school.

(2) New Wireless Telecommunications Facilities (including cells on wheels) in the Industrial A (I-A), Industrial B (I-B), Planned Industrial Park (PIP) and Modified Planned Industrial Park (MPIP) Zoning Districts which:

(a) Meet one or more of the criteria listed in § 75-6B(1) above.

(3) New Wireless Telecommunications Facilities (including cells on wheels) in the Industrial A (I-A), Industrial B (I-B), Planned Industrial Park (PIP) and Modified Planned Industrial Park (MPIP) Zoning Districts which:

(a) Do not meet any of the criteria listed in § **75-6B(1)** above but are less than 50 feet tall.

(4) New Wireless Telecommunications Facilities (including cells on wheels) in the Business AA (B-AA), Business A (B-A), Business B (B-B), Hospital (H) or Service Commercial (SC) Zoning Districts which:

(a) Meet one or more of the criteria listed in § **75-6B(1)** above.

(5) New Wireless Telecommunications Facilities (including cells on wheels) in the Business AA (B-AA), Business A (B-A), Business B (B-B), Hospital (H) or Service Commercial District (SC) which:

(a) Meet one or more of the criteria listed in § **75-6B(1)** above.

(6) All other Wireless Telecommunications Facilities and structures.

C. Special Permit application fees. The application fee for such a Special Permit shall be in the amount indicated in the Town of North Hempstead Fee Schedule.

D. Special Permit application requirements, **including pursuant to §75-4.1**. The Building Commissioner and the Planning Commissioner are authorized to design appropriate application forms, if necessary, to assist in the completion and evaluation of an application packet. These application requirements shall apply to all Special Permit applications. The following materials shall be submitted to the Building Commissioner[;] **or if pursuant to §75-4.1 to the Planning Commissioner**, who shall certify that an application packet is complete before forwarding it to the Town Board for review:

(1) All items required in § **75-5D** above.

(2) For all Special Permit applications, provide documentation as to how the proposed facility meets any one or more of the criteria listed in § **75-6B** herein, **except for facilities proposed in the right of way pursuant to § 75-4.1**.

(3) A definition of the area of service to be served by any proposed wireless telecommunications facility and information showing how any proposed wireless telecommunications facility would provide needed coverage or capacity.

(4) A description of the technological requirements for the proposed site (i.e., height requirements, coverage requirements, etc.).

(5) Total anticipated capacity of any proposed freestanding wireless telecommunications facility such as a monopole or tower.

(6) A list and description of all existing telecommunications facilities within the described service area (search ring), including the name of the owners of each site and the names of all wireless carriers operating facilities at the site.

(7) A "Zone of Visibility Map" or photo simulations in order to determine locations where the wireless telecommunications facility and supporting structure(s) may be seen, including "before" and "after" views, from key viewpoints. These key viewpoints will include, but not be limited to, any historic site or historic district or any staffed Town of North Hempstead park facility, within one mile of a proposed wireless telecommunications facility (to be measured from the outer limits of the structure supporting the proposed facility, i.e., towers, buildings, etc.).

(8) Where excavation or disturbance of land is required as part of the installation of any wireless telecommunications facility, a utilities inventory showing locations of all affected water lines, sewage lines or power lines must be provided by the applicant.

(9) A landscape plan demonstrating how the proposed facility will be screened.

(10) An analysis of at least three alternatives as set forth in Subsection E below.

E. Review of alternatives.

(1) Every applicant for a Special Permit must establish ~~[either]~~:

(a) That no existing site (i.e., a collocated site which would qualify for an antenna location permit), a site listed higher on the priority list (§ 75-6B herein) or a site located within the Northern State Parkway or Long Island Expressway transportation corridor would satisfy the needs of the applicant for either technological, legal, economic or other reasons; or

(b) That the owner(s) of an existing site(s) would not allow for the collocation of a wireless telecommunications facility by the applicant. The applicant must prove that a reasonable effort was made to negotiate with the owners of such facilities, such proof to include, but not be limited to, copies of all letters, proposals, documents, etc., which were sent to or received by the owner(s) of an existing wireless telecommunications facility (or structures containing existing facilities) regarding permission to collocate on such facilities~~[-]~~; or

**(c) In the case of deployment of new support structures or poles within the Town's rights of way, that establishes:**

**[1] The proposed small wireless facility cannot be located on an existing utility pole, light pole, electrical transmission tower or on a site outside of the public rights-of-way such as a public park, public property, parking lot pole or in or on a non—residential use in a residential zone whether by roof or panel-mount or separate structure; and**

**[2] The proposed small wireless facility is properly concealed, to the extent practicable;**

**[3] The location of the small wireless facility is physically possible, does not obstruct vehicular or pedestrian traffic or the clear zone, complies with ADA and city construction and sidewalk clearance standards and state and federal regulations in order to provide a clear and safe passage within the rights-of-way, does not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and does not adversely affect the public welfare, health or safety.**

**[4] The design should seek to minimize the visual obtrusiveness of small wireless installations. For small wireless facilities, the proposed utility pole or structure should have similar designs to existing neighboring poles in the public rights-of-way, including to the extent technically feasible similar height and if neighboring poles are decorative, they shall mimic the design of the decorative poles. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color and texture — or the appearance thereof — as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all wirelines and conduit are installed internally in the structure. If evaluating concealment strategies for ground mounted equipment, the applicant is encouraged to use concealment techniques such as benches, kiosks, trash cans, planters, and other items which may be considered public amenities.**

(2) In order to establish the facts listed in Subsection E(1) above, the applicant shall present an evaluation of at least three alternatives comparing the characteristics of each of the sites with the requirements of the proposed facility and demonstrating why the alternative sites, **including sites within the Town's right of way,** would result in a significant gap in coverage and that the applicant's solution is the least intrusive means to filling this gap. Reasons supporting such a determination could include, but not be limited to, the following:

(a) Existing structures and/or towers are not of sufficient height to meet the applicant's engineering requirements within the geographic service area described.

(b) Existing structures and/or towers do not have sufficient structural strength to support the applicant's antennas and equipment.

(c) The applicant's proposed antenna or antennas would cause electromagnetic interference with the antenna or antennas of the existing Wireless Telecommunications Facilities.

(d) The cost or contractual provisions required by the owner of an existing wireless telecommunications facility site, or to adapt an existing wireless telecommunications facility site for sharing, would exceed the cost of erecting a new site.

**(e) For deployment of small wireless facilities in the Town's right or way, detailed documentation establishing potential alternate configurations of the proposed antenna and pole locations, including but not limited to different pole heights and reduced number of antennas and poles. The intent being to reduce or otherwise limit the number of antenna and new or replacement poles while ensuring the adequacy of cellular coverage.**

F. Review of Special Permit applications by the Town Board. The Town Board may issue a Special Permit, provided that it shall have determined that all of the **applicable** requirements in this chapter have been satisfied **and that the applicant has sufficiently established that denial of the application would prohibit, effectively prohibit, materially limit or materially inhibit the deployment of Wireless Telecommunications facilities.** [and, further, that the-

~~benefits of and need for the proposed facility outweigh the detriment to the health, safety and welfare of the neighborhood or community.]~~

**In addition, required findings by the Town Board for issuance of a special permit for deployment of small cell facilities on existing facilities, new poles and other associated facilities within the Town's right of way, the applicant shall have demonstrated that:**

- (i.) The proposed project meets the definition of a small cell facility, as may be amended from time to time.**
- (ii.) The small cell facilities are necessary in order to provide adequate service to the public, having considered reasonable alternatives to the location or locations of the small cell facilities network.**
- (iii.) The proposed project complies with all applicable requirements prescribed in Section 75-4.1, unless the application of such requirements to the proposed small cell facilities would result in an effective prohibition of service.**
- (iv.) The small cell facilities will be in harmony with the general purpose of this Chapter.**
- (v.) The small cell facilities will be compatible with existing uses adjacent to and near the property to the greatest extent possible, including consistency with the design elements.**
- (vi.) The small cell facilities will not create a hazard to health, safety or general welfare and there will be no nuisance or serious hazard to vehicles or pedestrians.**
- (vii.) The applicant has demonstrated that the proposed project will comply with all applicable health and safety regulations, which include without limitation the Americans with Disabilities Act and all FCC regulations relating to RF emissions.**

(1) In granting a Special Permit, the Town Board may impose additional conditions necessary to buffer or otherwise minimize adverse effects of the proposed tower or antenna on surrounding properties. The Town Board may also reduce or waive conditions described in this chapter, but only upon finding that the goals and stated intent of this chapter are better served and that doing so will have no detrimental effect on adjacent properties or on the public health, safety and welfare.

(2) All property owners within 200 feet or three times the height of any proposed tower or other wireless telecommunications facility, whichever is greater, shall receive notice by certified mail of any hearing scheduled by the Town Board regarding a Special Permit. This notice shall be sent in the same manner as described in § 70-225 of the Town Code. The cost of this notice shall be borne by the applicant.

(3) The Town Board is authorized to hire any consultants and/or experts necessary to assist in reviewing and evaluating the application. The applicant shall reimburse the Town of North Hempstead for all costs and expenses incurred for such evaluation and consultation. Notice of the hiring of a consultant/expert shall be given to the applicant prior thereto. Failure to reimburse the Town of North Hempstead within a reasonable period of time may constitute sufficient grounds for the disapproval or revocation of a Special Permit.

**G. Standard Conditions of Approval for Special Permits.**

**In addition to any other conditions of approval permitted under federal and state law and this Code that the Town Board deems appropriate or required under this Code, all small cell wireless facility permits under this subsection shall include the following conditions of approval:**

**1. As-Built Plans. The applicant shall submit to the Planning Director an as-built set of plans and photographs depicting the entire small cell wireless facilities, including all transmission equipment and all utilities, within ninety (90) days after the completion of construction.**

**2. Indemnification. To the fullest extent permitted by law, the applicant and any successors and assigns, shall defend, indemnify and hold harmless the Town, its elected and appointed officials, employees, and agents, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, related to the small wireless facility permit and the issuance of any permit or entitlement in connection therewith. The applicant shall pay such obligations as they are incurred by the Town, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the Town reasonably determines necessary to protect the Town from exposure to fees, costs or liability with respect to such claim or lawsuit.**

**3. Compliance with applicable laws. The applicant shall comply with all applicable provisions of this code, any permit issued under this code, and all other applicable federal, state, and local laws. Any failure by the Town to enforce compliance with any applicable laws shall not relieve any applicant of its obligations under this code, any permit issued under this code, or all other applicable laws and regulations.**

**4. Compliance with approved plans. The proposed project shall be built in compliance with the approved plans on file.**

[G]H. Term and renewal of Special Permits. The Special Permit has an initial term of three years. At the expiration of its three-year term, an application for renewal of the Special Permit may be filed with the Commissioner of Building and Safety Inspection and Enforcement, together with a fee in the amount indicated in the Town of North Hempstead Fee Schedule and current certification by a licensed professional engineer or other qualified person that the wireless telecommunications facility is within the nonionizing electromagnetic radiation levels adopted by the FCC. The permit may be renewed upon a finding that the wireless facility is structurally sound and complies with the provisions of the law and has not been changed or otherwise modified since the issuance of the Special Permit, unless authorized in the Special Permit.

§75-7. Height, setback and design requirements.

Other than as stated in Subsection D, The following requirements must be met for all proposed Wireless Telecommunications Facilities:

A. Height.

(1) No antenna or any other transmitting or receiving device used in conjunction with a wireless telecommunications facility may extend more than 20 feet above the top of the structure upon which it is placed. This height shall be measured from the bottom of the antenna assembly (including any masts, supports, etc., used to affix an antenna to a building or other structure) to the top.

(2) The height of any proposed freestanding Wireless Telecommunications Facility shall be the minimum necessary in order to meet the service needs of the wireless carrier (applicant), unless the support structure, i.e., monopole, tower, etc., is being constructed in order to allow collocation by other wireless carriers. In such cases, the height of the facility shall be the minimum necessary in order to meet the needs of the applicant together with the anticipated needs of the additional carriers being accommodated for at the site. However, the antennas and/or transmitting/receiving devices belonging to an applicant for a proposed freestanding wireless telecommunications facility must be located at the highest available position on the support structure. Collocation and/or the ability to collocate may be provided for at lower heights on the support structure.

(3) The height of any accessory structure used in conjunction with the operation of a wireless telecommunications facility, including but not limited to equipment sheds and shelters, shall not exceed 12 feet. Equipment located on the roof of a building shall not exceed the maximum height of the highest point of the building (including, but not limited to, penthouses, parapets, staircase enclosures, etc.).

#### B. Setbacks and placement.

(1) Where possible, antennas placed on buildings shall be flush mounted to the facade of the building or to existing structures on the roof of the building (i.e., penthouses, staircase enclosures, etc.) in order to minimize their obtrusiveness and to reduce visual impacts. In no case shall this requirement supersede any building and safety code requirements or any other requirements set forth herein.

(2) All freestanding Wireless Telecommunications Facilities shall be set back from any public roadways a distance equal to the height of the tower, **except as provided in §75-4.1.**

(3) **Except as provided in §75-4.1,** [A]all freestanding Wireless Telecommunications Facilities and accessory structures (including equipment sheds, shelters, etc.) must satisfy the setback requirements in any zoning district (except that in industrial zoning districts a freestanding Wireless Telecommunications Facility may encroach into the rear yard setback if it can be demonstrated that by doing so, the visibility of the structure will be reduced).

(4) **Except as provided in §75-4.1,** [A]all freestanding Wireless Telecommunications Facilities and accessory structures must be located a minimum of 200 feet from the nearest property line of a residential site or the nearest boundary line of a residential zoning district (whichever is closer).

(5) **Except as provided in §75-4.1, [A]**all freestanding Wireless Telecommunications Facilities must be located a minimum of 200 feet from the nearest property line or boundary of any park, scenic area, environmentally sensitive site/area or site of historical significance (with the exception of antennas and equipment which are entirely concealed within an existing historical structure and which do not affect the integrity of the structure or otherwise compromise its historical significance).

(6) **Except as provided in §75-4.1, [A]**all freestanding Wireless Telecommunications Facilities must be located a minimum of 200 feet from the nearest property line of any school.

C. Design, screening and camouflaging.

(1) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical equipment, mechanical equipment and visible accessory structures must be of a neutral color and similar material that is identical to, or closely compatible with, the color and material of the supporting structure so as to make the antenna and other equipment as visually unobtrusive as possible.

(2) Where feasible, concealment of antennas within existing structures should be used to reduce visual impacts.

(3) Where feasible, the use of stealth technology or stealth structures shall be utilized to minimize the visual impacts of freestanding Wireless Telecommunications Facilities.

(4) All new freestanding Wireless Telecommunications Facilities must be designed to allow collocation by one or more additional wireless carriers unless this requirement would result in construction of a freestanding wireless facility to a height greater than that required by the applicant.

(5) All accessory structures, such as equipment, equipment cabinets, etc., used in conjunction with a Wireless Telecommunications Facility which is located on a building, must be located either on the roof of the building or within the building.

(6) All equipment, equipment cabinets, etc., used in conjunction with the operation of either a new freestanding wireless facility, a collocated Wireless Telecommunications Facility on an existing freestanding structure or a wireless telecommunications facility on a public utility structure shall be enclosed in an equipment shed or shelter.

(7) Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.

(8) Landscaping must be used to screen all new freestanding Wireless Telecommunications Facilities and a landscape plan must be submitted with any applications to erect freestanding Wireless Telecommunications Facilities in accordance with § 75-6D(9) herein.



(9) All new freestanding Wireless Telecommunications Facilities and associated accessory structures shall be enclosed by fencing not less than six feet in height and shall also be equipped with appropriate anticlimbing devices. Fencing shall be of chain link, wood or other approved alternative.

(10) Wireless Telecommunications Facilities shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority.

(a) If lighting is required, the Town Board may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding view.

(b) The use of floodlighting is prohibited.

(11) No signage or other identifying markings of a commercial nature shall be permitted upon any tower or alternative tower structure.

D. Design elements for Wireless Telecommunications Facilities within Public Rights-of-Way.

**The public right-of-way in the Town is a uniquely valuable public resource, closely linked with the Town's natural beauty including the beach and coastline, and significant number residential communities. The reasonably regulated and orderly deployment of wireless telecommunications facilities in the public right-of-way is desirable, and unregulated or disorderly deployment represents an ever-increasing and threat to the health, welfare and safety of the community.**

**The Town recognizes its responsibilities under the Federal Telecommunications Act of 1996 and state law, and believes that it is acting consistent with the current state of the law in ensuring that irreversible development activity does not occur that would harm the public health, safety, or welfare.**

**The Town does not intend that this Local Law prohibit or have the effect of prohibiting telecommunications service or materially limit or materially inhibit the deployment of Wireless Telecommunications facilities; rather, but includes appropriate regulations to ensure that the installation, augmentation and relocation of wireless telecommunications facilities in the public rights-of-way are conducted in such a manner as to lawfully balance the legal rights of applicants under the Federal Telecommunications Act and the New York Transportations Corporations Law while, at the same time, protect to the full extent feasible against the safety and land use concerns described herein.**

(1) Basic requirements.

(a) Wireless Telecommunications Facilities located in the Public Right-of-Way are subject to the design and development standards set forth in this Subsection **D** in addition to all design and development standards that apply to all Wireless Telecommunications Facilities.

(b) Right-of-way authority. A Right-of-Way Use Agreement must be obtained for installation of a Wireless Telecommunications Facility within the Public Right-of-Way. Only applicants

authorized to enter the Public Right-of-Way pursuant to such an agreement shall be eligible for a permit to install or modify a wireless telecommunications facility in the Public Right-of-Way.

(c) All Wireless Telecommunications Facilities shall be constructed in compliance with the Americans with Disabilities Act.

(d) Any electricity required for the Wireless Telecommunications Facility shall be supplied through a separate meter. All charges for electricity shall be the sole responsibility of the facility installer or owner.

(e) The requirements of this Subsection D may be varied at the request of the Town, with the consent of the applicant applying to install a Wireless Telecommunications Facility, in order to best implement the purposes of this chapter.

**(f) Where feasible, the use of stealth technology or stealth structures shall be utilized to minimize the visual impacts of freestanding Wireless Telecommunications Facilities.**

**(g) Wireless Telecommunications Facilities shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable authority.**

**(h) No signage or other identifying markings of a commercial nature shall be permitted upon any tower or alternative tower structure.**

**(i) No lighting shall be placed on Wireless Telecommunications Facilities located in the right of way.**

**(j) All proposed installations on existing utility poles, street lights, traffic signals, electric, gas, and other utility structures, and other similar facilities, located within the public right-of-way shall use the design techniques set forth in this section to minimize visual impacts to the public right of way. Antennas and pole-mounted equipment shall be screened, concealed or disguised with shrouding matching the appearance of the existing structure or be integrated into the structure of the proposed facility so as to be hidden from view. Screening/concealing equipment shall be of minimal, functional size necessary to achieve concealment objectives under this subsection. Cabling and conduit shall be hidden from view by integrating such cabling or conduit into existing equipment where technically feasible, and visible spooling of cable shall be prohibited.**

**(k) All cables or wiring associated with a facility shall be concealed within a sleeve between the bottom of the antenna and the mounting bracket.**

**(l) All pole-mounted equipment and antennas shall be painted to match the color of the pole or other type of support structure to which it is attached.**

**(m) All small cell wireless facilities shall include signage that accurately identifies the facility's owner/operator, the site name or identification number, and a phone number to the owner/operator's network operations center. No other signage except that required by law or recommended by FCC, OSHA or other federal government agency for compliance with radio-frequency emissions regulations shall be allowed on any small cell wireless facility.**

**(n) All non-antenna equipment, including equipment which is susceptible to being installed in an equipment cabinet, shall be installed underground unless the installation of such equipment underground is not technically feasible. This undergrounding requirement shall not apply to cabling and conduit necessary to mount the antenna of a small wireless facility on a new or existing pole, nor apply to non-antenna equipment**

**concealed from public view by being structurally integrated into the construction of a new or existing pole for any utility.**

**(o) All vents, exhausts and similar features for undergrounded equipment shall be flush to grade to the maximum extent feasible.**

**(p) In no case shall a small wireless facility block any public sidewalk or functionally impede an accessible path of travel.**

**(q) All disturbed or damaged pavement and/or landscaping within or adjacent to the public right-of-way shall be replaced and areas of bare or disturbed soils must be revegetated upon completion of an installation.**

**(r) Landscaping shall be required to provide screening to minimize visual impacts where site conditions allow for installation of new landscaping. Landscaping shall not be required where installation shall be entirely on existing paved surfaces. New landscaping shall be drought-tolerant and designed and installed to be natural in appearance.**

**(s) No wireless facility shall create unnecessary noise in excess of the decibel limits in the Town's noise ordinance that negatively impacts on nearby residential properties. For projects proposed adjacent to residential uses when generators, air conditioning units, or other noise-generating devices are utilized a noise report shall be provided.**

(2) Antennas and equipment.

(a) Utility poles. The maximum height of any antenna mounted to a Right-of-Way Structure that is a utility pole shall not exceed 24 inches above the height of the Right-of-Way Structure, nor shall any portion of the antenna or equipment mounted on such a pole be less than 12 feet above any drivable road surface.

(b) Streetlight poles. The maximum height of any antenna mounted to a Right-of-Way Structure that is a streetlight pole shall not exceed seven feet above the existing height of the streetlight pole within a business or industrial zoning district and shall not exceed 24 inches above the existing height of the streetlight pole in any other zoning district. Any portion of the antenna or equipment mounted on such a pole shall be no less than 12 feet above any drivable road surface. Notwithstanding the above, any pole that contains a streetlight and other connected utilities shall be deemed a utility pole.

(c) Antennas and other equipment shall be shaded in a color consistent with the shading of other structures or vegetation in the vicinity of the installation such that the installation is integrated into the surrounding environment.

(d) With the exception of electric meters, which shall be pole mounted, and other pole-mounted equipment, all accessory equipment shall be located underground to the extent feasible. When aboveground is the only feasible location for a particular type of accessory equipment and when such accessory equipment cannot be pole mounted, such accessory equipment shall be enclosed within a structure, and shall not exceed a height of five feet and a total footprint of 15 square feet, and shall be screened and camouflaged to the fullest extent possible, including the use of landscaping or alternate screening.

(e) Pole-mounted equipment shall not exceed six cubic feet in dimension. The total square footage for all equipment associated with the Small Cell Facility (excluding the antenna) shall be no more than 28 cubic feet in volume.

(3) Poles.

(a) Wireless Telecommunications Facilities within the Public Rights-of-Way may only be attached to existing Right-of-Way Structures. Only pole-mounted Wireless Telecommunications Facilities shall be permitted in the Public Right-of-Way. Mounting to other structures shall be prohibited.

(b) No new poles may be installed unless;

[1] The new pole is replacing an existing pole, **or adequate proof is provided establishing the need for a new pole;** or

[2] No existing pole, because of its physical condition, may safely support a Wireless Telecommunications Facility.

(c) Requirements for new poles.

[1] All poles shall be designed to be the minimum functional height and width required to support the proposed antenna installation and meet FCC requirements. Poles and antennas and similar structures shall be no greater in diameter or other cross-sectional dimensions than is necessary for the proper functioning of the facility.

[2] Notwithstanding the above, no new pole shall be greater in height and width than the highest and widest of the existing poles within 1,500 feet of the new pole.

[3] No new pole may be located greater than 12 inches from the boundary of the paved portion of the Public Right-of-Way, whether or not the boundary is formed by a curb.

[4] No new pole may be located within 90 feet of an existing pole.

[5] No new pole may be constructed in a location that would cause the Public Right-of-Way to no longer be accessible in compliance with the Americans with Disabilities Act.

[6] No new pole shall be installed adjacent to the frontage of any property within a residential district, except:

[a] A new pole may be located within 12 inches of the boundary line of a property in a residential district and the adjacent property; and

[b] A new pole may be located adjacent to the frontage of a property with no structures thereon

[7] If the new pole replaces an existing pole, the pole shall match the appearance of the original pole to the extent feasible, unless another design better accomplishes the objectives of this section in the reasonable judgment of the [~~Building Commissioner~~] **Town Board**.

(4) Location.

(a) Each component part of a Wireless Telecommunications Facility shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, inconvenience to the public's use of the right-of-way, or safety hazards to pedestrians and motorists.

(b) No ground-mounted equipment cabinet shall be installed adjacent to the frontage of any residential property within a residential district. For purposes of this subsection, the term "frontage" shall mean the area adjacent to the front property line of a residential property that faces the main entrance of a residential structure on the residential property.

(c) A Wireless Telecommunications Facility shall not be located within any portion of the public right-of-way interfering with access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures, or any other public health and safety facility.

(d) Each wireless telecommunications facility must be separated by at least 1,500 feet, **unless the applicant establishes that such requirement would prohibit, effectively prohibit, or materially limit or materially inhibit the deployment of Wireless Telecommunications facilities.**

(e) No Wireless Telecommunication Facility shall be located within 350 feet of a boundary line of a lot containing a school.

(f) All cables, including, but not limited to, electrical and utility cables, between the pole and any accessory equipment shall be placed underground, if feasible.

**(g) New small cell facilities shall not be located in the Historic District unless the applicant demonstrates to the Town Board's satisfaction that the selected site is necessary to provide adequate service.**

§ 75-8. Removal of abandoned or unsafe Wireless Telecommunications Facilities.

A. If it has been determined that a wireless telecommunications facility is abandoned or has become unsafe or that there have been recurring, repeated or continuing violations of any of the provisions of this chapter, the Commissioner of Building and Safety Inspection and Enforcement may revoke an antenna location permit or the Town Board may revoke a Special Permit.

B. Upon written notice to the former holder of the revoked permit, the wireless communications facility shall be removed.

C. Upon revocation of any permit issued pursuant to this chapter, the provisions of § 28-37 of this Code, entitled "Continued violation," shall be applicable, if deemed necessary by the Commissioner of Building and Safety Inspection and Enforcement.

§ 75-9. Penalties for offenses.

A. Any person who attempts to erect, erects or substantially modifies a wireless telecommunications facility without having first obtained the necessary permits or permissions described in this chapter shall be deemed in violation of this chapter. Any responsible party or other persons convicted by a court of competent jurisdiction of violating any provision of this chapter shall be punished by a fine not to exceed \$10,000 or by imprisonment not to exceed 30 days, or both. The court shall have the power and authority to place any person guilty of violation of this chapter on probation and to suspend or modify any fine or sentence. As a condition of such suspension, the court may require payment of restitution or impose other punishment allowed by law.

B. If any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this chapter or without obtaining any required permits or permissions, or if any building, structure or land is used in violation of this chapter, the Town Attorney, in addition to any other remedies, may institute proceedings to prevent such unlawful violation or to correct or abate such violations. Each and every day such violation continues may be deemed a separate offense.

§ 75-10. Special provisions and severability.

A. If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

B. This chapter supersedes all ordinances and local laws or parts thereof adopted prior hereto which are in conflict herewith, to the extent of such conflict.

### **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 November 19, 2020 via Zoom, Local Law No. 16 of 2020 was adopted. The Local Law amends Chapter 75 of the Town Code entitled “Wireless Telecommunications Facilities” in order to make certain changes to Chapter 75 to address the expansion of wireless networks throughout the Town.

**Dated:** Manhasset, New York  
November 19, 2020

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

**Dated:** Manhasset, New York  
November 19, 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

# NEWSDAY AFFIDAVIT OF PUBLICATION

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

STATE OF NEW YORK)

Legal Notice No.

0021601157

: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:

Friday

August 21, 2020

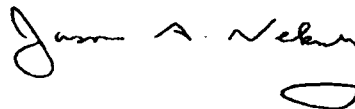
Nassau

**SWORN** to before me this  
25 Day of August, 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 # Z1601157  
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 75 of the Town Code entitled "Wireless Telecommunications Facilities" in order to make certain changes to Chapter 75 to address the expansion of wireless networks throughout the Town.

PLEASE TAKE FURTHER NOTICE that all interested persons shall have an opportunity to be heard concerning the Local Law at the public hearing.

PLEASE TAKE FURTHER NOTICE NOTICE that the full text of the proposed Local Law will be on available on the Town's website and on file in the Office of the Town Clerk prior to the hearing and may be examined during regular business hours.

Dated: Manhasset, New York  
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  
Ad Number: 0021601157  
Start Date: 08/21/2020  
End Date: 08/21/2020  
Price: \$364.00  
Ordered By: Legaladv@newsday.com

Phone: 5168697625  
Contact: Paul Garille  
Section: Legals  
Class: 11100  
Size: 2 x 46 Times: 1  
Date: 8/25/2020  
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.

0021621386

: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:

Friday

November 27, 2020

Nassau

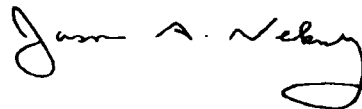
**SWORN** to before me this

1 Day of December, 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 # 21621386  
**NOTICE OF ADOPTION**  
PLEASE TAKE NOTICE that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on November 19, 2020 via Zoom, Local Law No. 16 of 2020 was adopted. The Local Law amends Chapter 75 of the Town Code entitled "Wireless Telecommunications Facilities" in order to make certain changes to Chapter 75 to address the expansion of wireless networks throughout the Town. Dated: Manhasset, New York November 19, 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: 0021621386  
Start Date: 11/27/2020  
End Date: 11/27/2020  
Price: \$116.00  
Ordered By: Legaladv@newsday.com

Phone: 5168697625  
Contact: PAUL GARILLE  
Section: Legals  
Class: 11100  
Size: 1 x 29 Times: 1  
Date: 12/1/2020  
Zone(s): C-Nassau

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



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

COUNCILWOMAN RUSSELL: So first I would like to thank everyone who has worked with me on this from the Supervisor's office, Mitch Pitnick and Commissioner Levine, Steve Pravada, Commissioner Niewender, Deputy Commissioner Norjen and Garcia, Commissioner Brown and Ron Shannon, as well as the Town Attorney's office. Len Kapsalis, Celina, Samantha and Halla from my office. We've been working on this for quite some time. This proposed legislation will set a -- set performance standards for businesses in the Industrial B zone throughout the Town of North Hempstead. And originally this was borne out of concerns that came out of my district in New Cassel. But understand that there are industrial areas throughout the Town of North Hempstead in everyone's district and so I, again, thank my colleagues here on the Town Board for their support and comments with regards to this legislation. So this is another step for the Town Board to take action in being responsible for protecting the quality of life our residents and our businesses here in the Town of North Hempstead. And it's also a way of ensuring that the businesses that operate within the Town of North Hempstead do not have a deleterious impact on our communities but rather allows them to continue to operate in a manner that is environmentally responsible. And so with that said, I'd like to ask Mr. Wink, do we have any comments?

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

COUNCILWOMAN RUSSELL: I did receive --

MR. WINK: Oh, hold on. Okay. It appears Kathleen Deegan-Dickson, are you wishing to speak on item 2?

COUNCILWOMAN RUSSELL: Yes. I'll just mention a letter I received from her. But if she's on --

MR. WINK: I just saw her pop up in the chat. So I'm going to ask Dan if he can invite Kathleen Deegan- Dickson into the panel so that she can make comments.

MS. DEEGAN-DICKSON: Hi. Good evening. Hi. I don't know if you can hear me? Can you hear me all right?

COUNCILWOMAN RUSSELL: Yes, we can hear you.

MR. WINK: Yes.

MS. DEEGAN-DICKSON: I probably hit send too quickly. I think Councilwoman Russell was about to mention that I had contacted her today requesting an adjournment of the hearing this evening. Just -- I'm here representing Family Realty Company, which own several parcels in the Industrial B District, primarily in the New Cassel, Westbury area and we wanted to have an opportunity -- we just learned about this. I know you said you've been working on it for quite some time. But we just learned about it earlier this week and wanted to have an opportunity to have our operations engineer take a look at the standards just to make sure that the operations of Family Realty were going to be conforming with the -- with the regulations that are being proposed.

SUPERVISOR BOSWORTH: There's that train again.

MS. DEEGAN-DICKSON: The train. I know. I apologize. So I would just ask if, unless there were some exigent circumstances where the board really felt compelled to do something immediately that, that it would give us an opportunity -- maybe adjourn this until your next meeting and give us an opportunity to examine it, provide comments if necessary. And quite possibly, find that it's acceptable and that we're fine with it. But just to have the opportunity to do that investigation.

COUNCILWOMAN RUSSELL: So, Kathleen, I did receive your letter and, again, we did speak yesterday. And I have asked the board, with their permission, I will be asking them to table this to our next meeting. But since we had it already noticed for public hearing, we did have to go to the public hearing and receive whatever comments that are ready to be received this evening.

SUPERVISOR BOSWORTH: And, also, Councilwoman, you know, as you said, there are parcels of land pretty much in every Council person's district, you took a real lead in this. So I think it's only appropriate that you be leading the discussion. But this way it also gives us a little more time for each of the Council people in their districts to hear from other entities that might, you know, also feel that they wanted to have more time to examine this.

COUNCILWOMAN RUSSELL: Exactly. Mr. Wink, do we have any other comments?

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

COUNCILWOMAN RUSSELL: I also did receive a letter from -- an e-mail from Mr. Gaffney, who had some questions with regard to the legislation and more with some comment with regards to Chapter 70 as a whole. I did respond to Mr. Gaffney letting him know that anything outside of the performance standards will be considered as a part of a larger review of Chapter 70 at another time. But with regard to Chapter 70, he did have a question as to when -- if this is adopted, when would it come into effect and will it be enforceable. And will any properties be grandfathered? And so to answer the question, performance standards are not able to be grandfathered. However, the laws they will become enforceable upon the filing with the Secretary of the State, which is typically seven to ten days after its adoption. I did respond that to him but I also wanted to do it on the record since he did send it in as a comment.

MR. WINK: If you wouldn't mind, if you could forward me a copy of that e-mail so we can include it in the record now that it's been referenced.

COUNCILWOMAN RUSSELL: Yes. I think I did it already. You should have it in your e-mail.

MR. WINK: All right. We'll double check that.

COUNCILWOMAN RUSSELL: If not, I'll resend it.

MR. WINK: Okay. Thank you.

COUNCILWOMAN RUSSELL: Do we have anyone else that has any comments or questions from the Town Board?

COUNCILWOMAN RUSSELL: Seeing none, I'd like to ask the Town Board to vote to table this to our December 17th meeting.

MR. WINK: All right. We'll continue the hearing to December 17th, with your permission.

COUNCILWOMAN RUSSELL: All right. Thank you.

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 3, a public hearing to consider the adoption of a local law amending Chapter 70 of the Town Code entitled, "Zoning."

SUPERVISOR BOSWORTH: So it looks like Chapter 70 is getting quite a workout this evening. This local law will further assist local establishments required to operate at reduced occupancy due to COVID-19, by extending the time frame to continue allowing temporary outdoor seating and other temporary outdoor uses. In addition, this amendment will 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 I think as we're hearing more and more about how we're in an area now where there's a real uptick in COVID, we need to be doing everything we can to support our local businesses. This amendment helps to do that, as well as the fact that we're all being encouraged not to have gatherings inside and so here's another way of allowing our eating establishments to have the ability to continue with the outdoor serving throughout the, you know, as the weather gets colder. So Mr. Wink, do you have any comments?

MR. WINK: No comments on this item.

SUPERVISOR BOSWORTH: 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: 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. 499 - 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 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

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

**WHEREAS**, due notice was heretofore given of a public hearing to be held on November 19, 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 November 19, 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**, 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 a letter dated November 18, 2020, the 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 November 19, 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)(21) and Section 617.5(c)(33) of the SEQRA Regulations and, as such, no further environmental review is required; and

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

**NOW, THEREFORE, BE IT**

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

**RESOLVED** that Local Law No. 17 of 2020 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD  
LOCAL LAW NO. 17 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 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.

**Section 2.**

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

§ 70-103.1 COVID-19 Outdoor Accommodations; Temporary suspension of off-street parking requirements for certain restaurants and food service establishments.

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

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

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

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

approval from the Town Board or an amended conditional use permit from the Zoning Board of Appeals.

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

E. Subject to the provisions of this section, temporary expanded seating capacity areas may be established entirely within the property boundaries, upon a sidewalk, within a parking lane, within a parking lot, or in a courtyard. An eligible restaurant or food service establishment may utilize one or more of the aforementioned locations as a temporary expanded seating area. This section of the Town Code only permits temporary expanded seating capacity areas in the locations referenced herein. Nothing in this section shall be construed to permit outdoor dining and service of beverages including alcohol in any other area including rooftops and roofs.

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

G. Application for permit.

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

- (a) A site plan showing the location of service and arrangement of tables and chairs;
- (b) The required certificate of insurance, if applicable;
- (c) Where applicable, a permit from the New York State Liquor Authority;
- (d) A statement affirming that the applicant shall comply with all requirements set forth in this section; and
- (e) A copy of this section signed by the applicant as recognition and acceptance of all of its terms.

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

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

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

- (1) Where necessary, wind screens shall be provided to contain any loose objects that may otherwise be carried off-site by the wind.
- (2) All food and beverages shall be dispensed from the interior of the establishment. There shall be no outdoor bar or service counter.

- (3) Alcohol may only be served in conjunction with food that is otherwise available for purchase without alcohol. All businesses serving alcoholic beverages must be in compliance with all state laws and regulations, including those of the New York State Liquor Authority. Copies of permits shall be provided to the Town prior to service of alcoholic beverages.
- (4) Except within a mixed-use zoning district or approved mixed-use development, no temporary expanded seating capacity area shall be established within 50 feet of a residential property.
- (5) Where necessary, sun shade may be provided either by individual umbrellas or an area-wide canopy.
- (6) Restaurants and food service establishments shall take all reasonable steps to control littering and shall dispose of all trash as otherwise required and shall keep the sidewalk, parking lot area, or other areas used for outdoor seating clean and free of litter, debris and putrescible waste.
- (7) Putrescible waste must be contained in a refrigerated compartment within the interior of the restaurant or food service establishment for future disposal.
- (8) Restaurants and food service establishments with temporary expanded seating capacity areas shall take all steps necessary to maintain safety and to immediately remedy any unsafe situation.
- (9) A Town Building Inspector or Code Enforcement Officer may temporarily suspend a permit for a temporary expanded seating capacity area, at any time, due to violations of this section, threats to public safety, disorderly conduct, noise, disruption of other business operations or violations of other Town codes or other laws or regulations. The Building Inspector or Code Enforcement Officer may choose, but is not obligated, to reinstate a temporary expanded seating capacity area permit if he or she is satisfied that all violations have been remedied. An affected restaurant or food service establishment may appeal a decision to suspend a temporary expanded seating capacity area permit to the Town Board, which shall conduct an evidentiary hearing to determine whether to reinstate the permit or continue the suspension for a stated period of time.
- (10) Applicants shall provide a site plan for the premises for which the permit is requested showing all structures thereon, a sketch showing the proposed number of tables and chairs and the area to be used for temporary expanded seating capacity with a proposed seating plan for same.
- (11) Service at any temporary expanded seating capacity area shall be permitted no later than 10:00 p.m. on Sunday through Thursday and 11:00 p.m. on Friday and Saturday. Tables and chairs and menu signs must be removed from the sidewalk no later than 10:30 p.m. on Sunday through Thursday and 11:30 p.m. on Friday and Saturday. Tables and chairs and menu signs cannot be set up earlier than a 1/2 hour before service begins.
- (12) Smoking or vaping is not permitted in any outdoor dining areas.
- (13) The premises on which the temporary expanded seating capacity service is to be offered must have a valid certificate of occupancy and a public assembly license or place of assembly license, as applicable.
- (14) There shall be no sound amplification or public address system permitted in any temporary expanded seating capacity area. The installation, use or maintenance of radios, speakers, televisions or like apparatus and live entertainment shall be prohibited in any temporary expanded seating capacity areas.

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

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

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

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

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

J. Outdoor Sidewalk Seating.

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

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

(a) Notwithstanding the above, on a Town roadway with an existing parking lane, an applicant may utilize the parking lane as a pedestrian walkway, provided that the applicant provides a vehicle impact protection device or steel barricade on all three sides of the parking lane and provides ramp access for ADA compliance, which can be made of non-permanent materials.

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

(4) Notwithstanding the provisions of § 70-197, permittees under this section may display menu signs only within the timeframes set forth in § 70-103.1(I)(11) and only as authorized by the Building Department. The Building Department is hereby authorized and directed to

establish a preapproved menu sign form, including size and display specifications, which permittees may display without obtaining a sign permit.

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

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

#### K. Outdoor Parking Lane Seating.

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

(2) The applicant shall comply with the following:

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

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

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

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

(e) Seating or vehicle impact protection devices shall not be located within 15' of a fire hydrant, or within 8' of a crosswalk, or within a No Stopping Anytime or No Standing Anytime zone, bike lane, bus lane/stop, or taxi stand.

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

(g) Tables and chairs must be removed or secured in place when not in operation.



(h) All applicable Building and Fire Codes shall be complied with.

**(i) Notwithstanding any provision of this code to the contrary, no liquid petroleum gas heating device shall be located within the outdoor parking lane seating area.**

(3) The applicant may comply with the following:

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

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

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

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

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

less a coverage level. Confirmation of such coverage and notice of any lapse, etc., shall be provided to the Town in the same manner as such notice is made to the Town regarding coverage extended to the Town. Copies of all such notices shall also be given to the permitting businesses and landlords.

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

L. Outdoor Seating in Parking Lot Areas.

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

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

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

(2) Reserved.

(3) Vehicle Impact Protection Devices Required.

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

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

(c) Location. Vehicle impact protection devices shall be located (i) between any area designated for parking spaces and the beginning of the adjacent, converted parking area to be used as the outdoor seating area; and (ii) to the extent practicable, between the means of egress from the restaurant or food service establishment and the designated outdoor seating area. Barriers and bollards may be offset and staggered in terms of relative distance to provide protection.

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

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

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

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

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

(1) Courtyard areas and locations within the boundaries of the property may be used as a temporary expanded seating capacity area, provided the written permission of the owner of the property on which tables and chairs are placed is obtained and the requirements of this section are complied with and an unobstructed pedestrian access area of at least 60 inches is maintained and there is no obstruction of ingress and egress points.

(2) All platforms and ground coverings shall provide for accessibility. Notwithstanding any provisions of this section, outdoor courtyard seating shall be in all respects compliant with all

applicable provisions of the Americans with Disability Act of 1990 as amended from time to time. Ramps and wheelchair edge protection shall be provided where required.

N[Ø]. Canopies and tents; table umbrellas.

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

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

**(3) In accordance with the New York State Fire Code, temporary tents or canopies shall not be erected for a period of more than 180 days within a 12-month period on a single premises.**

**(4) A separate temporary tent permit shall be required prior to the installation or erection of a tent or canopy in accordance with Section 2-9(N) of the Town Code.**

#### **O. Outdoor Heaters.**

**(1) The use of liquefied petroleum gas (propane) or any other outdoor heating equipment, and the storage of liquid petroleum gas containers shall be in compliance with the New York State Fire Code and the Nassau County Fire Ordinance. The New York State Fire Code and the Nassau County Fire Ordinance requirements related to temporary outdoor heating shall be set forth in the permit application provided by the Building Department. Proof of approval from the Nassau County Fire Marshal shall be provided to the Building Department prior to issuance of a permit under this section. -**

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

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

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

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

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

Q. Any temporary expanded seating capacity area permit issued under this section shall terminate on ~~[December]~~ **May 1, 202[Ø]1, or within 5 days following the repeal, rescission or suspension of any New York State Executive Order limiting the interior occupancy or density of restaurants or food service establishments, whichever occurs sooner.** All items located within the temporary expanded seating capacity area shall be removed no later than **10 days from the aforementioned termination date** ~~[December 8, 2020].~~

#### **Section 3.**

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

§ 70-103.2 COVID-19 Outdoor Accommodations; Temporary suspension of off-street parking requirements for certain uses.

[Added 9-24-2020 by L.L. No. 13-2020]

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

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

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

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

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

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

G. Application for permit.

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

(a) A site plan showing the location of the use or service area;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**J. Use of Parking Lot Areas.**

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

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

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

(2) Vehicle Impact Protection Devices Required.

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

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

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

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

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

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

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

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

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

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

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

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

L. Canopies and tents; table umbrellas.

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

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

**(3) In accordance with the New York State Fire Code, temporary tents or canopies shall not be erected for a period of more than 180 days within a 12-month period on a single premises.**

**(4) A separate temporary tent permit shall be required prior to the installation or erection of a tent or canopy in accordance with Section 2-9(N) of the Town Code.**

**M. Outdoor Heaters.**

**(1) The use of liquefied petroleum gas (propane) or any other outdoor heating equipment, and the storage of liquid petroleum gas containers shall be in compliance with the New York State Fire Code and the Nassau County Fire Ordinance. The New York State Fire Code and the Nassau County Fire Ordinance requirements related to temporary outdoor heating shall be set forth in the permit application provided by the Building Department. Proof of approval from the Nassau County Fire Marshal shall be provided to the Building Department prior to issuance of a permit under this section. -**

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

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

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

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

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

[N]O. Any temporary expanded outdoor use area permit issued under this section shall terminate on [~~December~~] **May 1, 202[0]1, or within 5 days following the repeal, rescission or suspension of any New York State Executive Order limiting the interior occupancy or density of the uses described in § 70-103.2(A), whichever occurs sooner.** All items located within the temporary expanded outdoor use area shall be removed no later than **10 days from the aforementioned termination date** [~~December 8, 2020~~].

Section 4.

This Local Law shall take effect immediately upon filing with the Secretary of State.  
and; be it further

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

**NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE** that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on November 19, 2020 via Zoom, Local Law No. 17 of 2020 was adopted. The Local Law amends 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.

**Dated:**        Manhasset, New York  
                  November 19, 2020

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

**Dated:**        Manhasset, New York  
                  November 19, 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.

0021617142

: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:

Friday

November 06, 2020

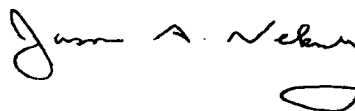
Nassau

**SWORN** to before me this  
10 Day of November, 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 # 21617142  
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 inperson 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 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

**NEWSDAY PROOF**

Advertiser: TOWN OF NORTH HEMP TOWN CLERK  
Agency: TOWN OF NORTH HEMP TOWN CLERK  
Ad Number: 0021617142  
Start Date: 11/06/2020  
End Date: 11/06/2020  
Price: \$392.00  
Ordered By: Legaladv@newsday.com

Phone: 5168697625  
Contact: PAUL GARILLE  
Section: Legals  
Class: 11100  
Size: 2 x 49 Times: 1  
Date: 11/10/2020  
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.

0021621389

: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:

Friday

November 27, 2020

Nassau

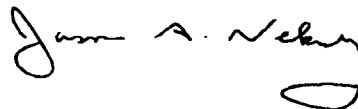
**SWORN** to before me this

1 Day of December, 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 # 21621389  
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, and the Town Law, at a meeting of the Town Board duly held on November 19, 2020 via Zoom, Local Law No. 17 of 2020 was adopted. The Local Law amends 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 time frame 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.  
Dated: Manhasset, New York  
November 19, 2020  
BY ORDER OF THE TOWN BOARD OF THE TOWN OF NORTH HEMPSTEAD  
WAYNE M. WINK, JR.  
Town Clerk

**NEWSDAY PROOF**

Advertiser: TOWN OF NORTH HEMP TOWN CLERK  
Agency: TOWN OF NORTH HEMP TOWN CLERK  
Ad Number: 0021621389  
Start Date: 11/27/2020  
End Date: 11/27/2020  
Price: \$156.00  
Ordered By: Legaladv@newsday.com

Phone: 5168697625  
Contact: PAUL GARILLE  
Section: Legals  
Class: 11100  
Size: 1 x 39 Times: 1  
Date: 12/1/2020  
Zone(s): C-Nassau

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

MR. WINK: Item 4, a public hearing to consider the application of the Port Washington Estates Association for the property located in Port Washington, New York and identified on the Nassau County Land and Tax Map as Section 5, Block C, Lots 23 and 300, to consider the issuance of a structure permit pursuant to Chapter 42 of the Town Code.

COUNCILWOMAN DALIMONTE: So the public hearing will consider the application of the Port Washington Estates Association for a structure permit under Chapter 42 of the Town Code for the reconstruction of a bulkhead and ramp reconfiguration. I believe that we have Dan Hall, Gavin Pike and Howard March. If we can ask them to come in to join the meeting.

MR. WINK: We also — my understanding is, we also have Peter Chimenti and Chris Engel, who are associated with this application as well.

COUNCILWOMAN DALIMONTE: Oh, okay. I was not aware. Mr. Wink, that's for item 6 and 7.

MR. WINK: Oh, I'm sorry. My apologies. Yes. That's for 6 and 7. You're right.

COUNCILWOMAN DALIMONTE: So I see Dan Hall. I guess -- Mr. Hall, do you know if Gavin and Howard are going to be joining?

MR. HALL: They had planned to. I can't tell if they're on at the moment or not.

COUNCILWOMAN DALIMONTE: Oh, there's Howard.

MR. WINK: Howard. Right.

COUNCILWOMAN DALIMONTE: And Gavin Pike. Yep. There's Gavin. Okay. Would you -- Mr. Hall, first of all, do we have any questions or are there any comments, Mr. Wink?

MR. WINK: I have no comments on this item other than the people that I referenced -- or that you referenced with respect to the application.

COUNCILWOMAN DALIMONTE: Okay. Mr. Hall, do you want to explain to the Town Board exactly what you're doing?

MR. HALL: Yes. Essentially this is the continuation of a permit that had already been issued for the site to reconstruct the entire bulkhead as it was. This new application is to -- for the southern half of the property, because the northern half had already been completed under the old permit. But this is for the southern half of the property. There is a boat ramp in the middle of the property that's 24 feet wide. They are proposing to close that bulkhead across and close that and fill that in. And the south end of the property there is an existing boat ramp that goes out into the bay and into the beach area. It's existing, that concrete, asphalt boat ramp. It's falling apart. It's dilapidated and they're going to remove that and they're going to use that opening to create a boat ramp landward made out of sand to access the beach area for launching of, you know, small -- small boats and beach access. And they're also going to put in a 30-foot bulkhead. I guess it's like a groin, it goes out on the south end. That's where the existing boat ramp is. It's not the length of the boat ramp. It's a little shorter. And that's to protect the site to the south. The high water mark on the site goes much further landward and that's required to protect the boat ramp and the existing tidal wetlands vegetation that is there. As a side note, we do have the New York State DEC Army Corps of Engineers and New York State Department of State approvals for this project. And I don't know if there are any specific questions on the design or the work being done that I could answer for the board.



COUNCILWOMAN DALIMONTE: And, also, I would like to let the board know that the Waterfront Advisory Committee has reviewed and recommended that a permit be granted. But I'd like just make you aware of that as well. Does anyone on the board have any questions?

COUNCILWOMAN DALIMONTE: No. Okay. Gavin and Howard, do you have anything to add? You're on mute, Gavin.

COUNCILWOMAN DALIMONTE: You're on mute.

MR. PIKE: Oh, thank you. I'm now unmuted. Yes, I -- I would like to thank particularly, you, Councilwoman Dalimonte for your advice and the Town in general, particularly Mal Nathan and Donna Curci and the rest of the Town who, following the delays we had with the Army Corps of Engineers, et cetera, in getting this permit approved, managed to get this in front of you in record time. And I really appreciate that because we were about to lose our contractors who were going to move on to another job on the south shore. Hopefully, they'll stay with us because one big storm and we have no bulkhead. So I really appreciate all that you did, Wayne Wink and everyone in the Town, much appreciated by us all.

COUNCILWOMAN DALIMONTE: Thank you very much. And I have to say that Wayne Wink's our Town Clerk's department, they did a phenomenal job on this, our billing department, our planning department, they all knew that they were in jeopardy of losing their contractor. And it's very, very important because this bulkhead could collapse. So I have to thank every single person. It really takes a team here at the Town. And we are a team. We're a family. And we all made this happen. And thank you, Mr. Pike, for really recognizing that. I truly appreciate that.

MR. PIKE: Thank you so much, all of you.

COUNCILWOMAN DALIMONTE: You're welcome. So there are now more questions. I would like to close the hearing --

MR. WINK: I'm just going to -- I see Mr. March on the screen. Does Mr. March want to make any comments at this time?

MR. MARCH: No, I think that at this point in time, I think Gavin Pike expressed our -- our important issues and thanked everybody that was involved in this whole opportunity to move forward. So thank you.

MR. WINK: Thank you.

MR. PIKE: Thank you.

COUNCILWOMAN DALIMONTE: We have a great team because we have a great leader in Supervisor Bosworth. Thank you. 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.

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. 500 - 2020**

**A PUBLIC HEARING TO CONSIDER THE APPLICATION OF THE PORT WASHINGTON ESTATES ASSOCIATION FOR THE PROPERTY LOCATED IN PORT WASHINGTON, NEW YORK AND IDENTIFIED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 5, BLOCK C, LOTS 23 AND 300 TO CONSIDER THE ISSUANCE OF A STRUCTURE PERMIT PURSUANT TO CHAPTER 42 OF THE TOWN CODE.**

**WHEREAS**, the Port Washington Estates Association, P.O. Box 326, Port Washington, NY 11050 (the “Applicant”) has applied to the Town Clerk (the “Town Clerk”) of the Town of North Hempstead (the “Town”) for a permit under Chapter 42 of the Code of the Town of North Hempstead (the “Town Code”) for the reconstruction of an existing bulkhead with approximately 241 linear feet of vinyl sheathing and ramp reconfiguration (the “Application”) for the real property located in Port Washington, New York, and known and identified on the Nassau County Land and Tax Map as Section 5, Block C, Lots 23 and 300 (the “Premises”); and

**WHEREAS**, the Town Clerk referred the Application to the Commissioner of Building, Safety Inspection and Enforcement (the “Building Commissioner”) pursuant to Town Code § 42-7 (B)(1); and

**WHEREAS**, by determination dated October 21, 2020, the Building Commissioner found the Application to be substantially compliant with Chapter 42 of the Town Code (the “Determination”), and transferred the application to the Commissioner of Planning and Environmental Protection (the “Planning Commissioner”) for the issuance of an advisory report (the “Report”); and

**WHEREAS**, the Application was subsequently referred to the Town’s Waterfront

Advisory Committee, which, at a meeting held on October 26, 2020, recommended the approval of the Application; and

**WHEREAS**, Town Code § 42-7 (B) provides that the Application shall be heard by the Town Board at a public hearing, following the Board's receipt of the Report prepared by the Planning Commissioner; and

**WHEREAS**, pursuant to a resolution duly adopted by the Town Board on October 29, 2020, a public hearing on the Application was scheduled for November 19, 2020 at 7:00 pm before this Board; and

**WHEREAS**, the Town has received the Applicant's affidavit that notice of the public hearing to surrounding property owners was provided pursuant to Town Code § 42-7(B)(3); 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 Codes § 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 28, 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**, having reviewed the Application, received the Determination and the Report, the SEAF and the Waterfront Advisory Committee’s recommendation, and having heard testimony at the public hearing held on November 19, 2020, the Board wishes to render a decision on the Application,

**NOW, THEREFORE, BE IT**

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

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

**RESOLVED** that this Board 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 this Board finds that the Application is in compliance with Chapter 42 of the Town Code; and be it further

**RESOLVED** that the Application be and hereby is approved; and be it further

**RESOLVED** that the Town Clerk be and is hereby authorized and directed to issue the appropriate permit and to take such other action as may be necessary to effectuate the foregoing.

Dated:            Manhasset, New York  
                      November 19, 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    Planning    Town Clerk    Buildings



**LEGAL NOTICE  
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 November 19, 2020 at 7:00 P.M. in via Zoom, to consider the application of the Port Washington Estates Association, the owner of property in Port Washington, New York 11050, identified on the Nassau County Land and Tax Map as Section 5, Block C, Lots 23 and 300 for a structure permit under Chapter 42 of the Town Code to reconstruct a bulkhead and ramp reconfiguration.

**PLEASE TAKE FURTHER NOTICE** that all interested persons shall have an opportunity to be heard concerning the aforesaid appeal at the time and place advertised. DATED: Manhasset, New York

October 29, 2020  
BY ORDER OF THE  
TOWN BOARD OF  
THE TOWN OF  
NORTH HEMPSTEAD  
WAYNE H. WINK, JR.  
TOWN CLERK

11-4-2020-1T-  
#219502-PORT

## Affidavit of Publication

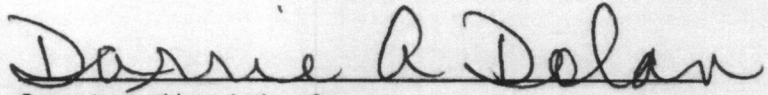
County of Nassau                      SS  
State of New York,

REC'D TNH TOWN CLERK  
NOV 9 '20 PM 12:10

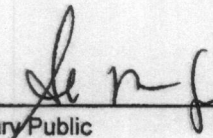
Darrie A. Dolan, being duly sworn, deposes and says that she is the principal Clerk of the Publisher of  
The PORT WASHINGTON NEWS  
a weekly newspaper published at Mineola in the county of Nassau, in the State of New York, and that a notice, a printed copy of which is hereunto annexed, has been published in said newspapers once in each week for

1 weeks, viz:    November 4, 2020

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Sworn to me this 4 day of  
November-2020

\_\_\_\_\_  
  
Notary Public

Shari M. Egnasko  
Notary Public, State of New York  
No. 01EG6119807  
Qualified in Nassau County  
Commission Expires Dec. 6, 2020



MR. WINK: Item 5, a public hearing to consider the adoption of an ordinance affecting Netherwood Drive in Albertson, New York.

COUNCILMAN ZUCKERMAN: Can we say off the top, I'm voting we continue this matter without a date. This ordinance would have established a limited parking restriction on the south and north side of Netherwood Drive in Albertson. We have multiple residents that have expressed opinion on this. I received two different petitions and we're in the process of sifting through it and we want to do the right thing and make sure everyone has an opportunity to be heard. And we don't want to rush anyone. So I'm going to continue it without a date and quite possibly introduce a new statute on this matter in the future.

MR. WINK: All right. So the motion will continue without date.

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 6 — and then I will, with the board's permission also call item 7, which is a related item. Item 6, a resolution and order after public hearing held on November 19th, 2020, authorizing the increase and improvement of facilities of the Garden City Park Water District, pursuant to Section 202B of the Town Law; and, Item 7, a bond resolution of the Town of North Hempstead New York, adopted November 19th, 2020, appropriating \$30 million for the increase and improvement of facilities of the Garden City Park Water District and authorizing the issuance of not to exceed \$30 million serial bonds of said Town to finance said appropriation.

COUNCILMAN FERRARA: Well, we know you have some comments on this. So if you'd like to, Mr. Wink, invite them in.

MR. WINK: You got it. Let's see. The first comments are James Neri and Mike Levy, who I believe are the applicants on this item. Am I correct?

MR. NERI: Yes.

MR. WINK: Okay.

MR. NERI: Is it okay with the board if I would share a screen. We have a brief presentation if - if that is what the board desires.

COUNCILMAN FERRARA: Okay.

MR. WINK: I would note for the record as well that -- that Peter Chimenti and Chris Engel are also on this call. My apologies for adding you to item 4 but you're here now -- so.

MR. NERI: I'll just confirm we can see the intro screen and it's clear.

COUNCILMAN FERRARA: I don't see anything. Dan, did you -- can you bring that up? Okay. It's coming on now.

MR. WINK: Okay. Here we are.

MR. NERI: Okay. Good evening. Thank you for allowing us to present. I'll start by introducing Superintendent Mike Levy of the Garden City Park Water District. We have with us the Commissioner of the Board, Kenneth Borchers, Christian Engel and Peter Chimenti. We are here tonight very briefly to give the background of the district. It covers an area within the Town of North Hempstead of about three square miles. It serves an estimated population of about 18,000 residents and 7,000 needed services and includes about 77 miles of watermain. What we're really here for tonight is the sum and substance of the request for financing. It deals with a topic that I'm sure many of you have heard about in the paper and other water districts, I believe, have appeared in front of this board to -- to request similar funding because of the name of the issue we're talking about is called emerging contaminants. Essentially it's a compound of 1,4 dioxane and fluorinated compounds that within the last four to five years have been identified as being found in our water supply. As of August 26th of 2020, New York State has implemented a maximum contaminant level, MCL. Initially, the district several years ago had been pre-planning and starting to put things in place to deal with these contaminants, which unfortunately were discovered in many of the Garden City Park's, as well as other wells on both the North Hempstead water suppliers and Long Island suppliers. And frankly, in terms of the per fluorinated compounds, I will tell you are found nationwide in many suppliers. The two compounds in particular, 1,4 dioxane is a stabilizer for solvents and with the industrial nature of Long Island has -- has found its way into our supplies. The other compounds for fluorinated have made many headlines. We know them more traditionally as items like teflon and scotch coat, et cetera, as some of the name brands. But they are ubiquitous in the environment and find their way into our -- into our food and into our water and other substances. Specifically, New York State has implemented an MCL of one part per billion for dioxane and one -- or excuse me, 10 parts per trillion for two of the subject compounds PFOS and PFOA. I have the diagram on the left just for reference. One part per billion is a drop of water in a swimming pool and one per trillion is one-thousands of a part of a billion. So very, very small quantities that the New York State has been very aggressive in regulating it to the -- to set the standards for the residents of New York State. As I had mentioned, the Board of Commissioners were very proactive. They had tasked us and other consultants, including laboratories and technical support specialists, to come up with an approach to dealing with the issues. We have prepared an engineering report identifying the -- the necessary capital improvements, which I believe has been submitted as part of the petition. So without further ado, I will quickly run through the suggested -- the recommended projects for the board's information. All right. The first six projects center around various treatment technologies at a number of the district's plants. The first one, 1,4 dioxane treatment at plant No. 6. That site is located on Hickory right just north of Hillside, very close to

the district's operational center. That work involves having an AOP reactor to remove the 1,4 dioxane. For fluorinated treatment, plant No. 7 and 10. This is a two well field located on Shelter Rock Road just south of the transmission lines. Other sites 1,4 dioxane removal and for fluorinated removal treatment at site No. 8 off of Courthouse Road. 1,4 dioxane and fluorinated treatment at plant No. 9, at the south end of the district, close to Mineola High School. The other projects are really support projects for those. The number of sites with the addition of treatment would require additional backup power so that they are available during times of storm or outage or --or excessive -- after hurricanes, et cetera. So we're doing generators at plant 6 and 9 and 8. And finally, the last two projects involve the rehabilitation of the Denton Avenue tank. Many -- many of the consumers see that from -- as they make their way around Town. And last -- just a summary of projects is distribution system improvements for -- for various locations throughout the district. Many of the system pipes are several -- many decades old and are prone to breakage during -- especially winter freeze/frost cycles. So that's a continuous project. The district has been interested in capital improvements and continues to keep --try to keep pace with the breaks and minimize disruption to their consumers. The balance of the presentation lists detailed scope. We won't spend to much time with -- it would take up more time -- I know there was a previous workshop to go through much of this. The generator projects, the elevated tank, the distribution map and we target different locations where we tend to have a high break frequency. You can see some of the southern portion near site No. 9, the high school. We're also looking at -- looking to do some of the work around the Tully Park. Finally, we prepared this capital cost opinion for the work that is requested, summarizing the \$30 million request. For informational purposes, that \$30 million should on average end up about \$39.73 per hundred dollars of assessed value. And we have a 20-year bond, it's about \$25 per -- per residence. Again, this calculation is performed based on a conservative four percent interest. We know the current state of the economy. We would expect that when we round those up, we do expect to meet that but we wanted to make sure we were conservative in our representation to the taxpayers. I will add on the project status, the board has been very aggressive. We actually began some of the construction work last year. I mentioned earlier in the presentation that the State placed their regulations online, September of this year and we knew that that was potential even with COVID, they were not able to legally extend that and so the board -- the board was very proactive and began -- began some of the work last year using some of their own funding to -- to finance this. And by doing so they were able to have numerous facilities on line by the regulation date and I'm pleased to report the district is compliant with the MCL at this point and expect to be in -- in the winter time in the low flow period and we have other plants that are in the preparation for final acceptance with New York State Department of Health and expect to be completely compliant for next summer's pumping season with this work in place. I apologize if I ran through it too quickly. I'm trying to be sensitive to everybody's time. I'm available to taking questions or respond to any comments.

MR. WINK: Thank you, Mr. Neri.

MR. NERI: Thank you.

COUNCILMAN FERRARA: Was anyone else looking to speak, Mr. Wink?

MR. WINK: Other than Mr. Levy, Mr. Chimenti and Mr. Engel, I haven't been notified by anyone wishing to speak on this item.

COUNCILMAN FERRARA: Okay.

MR. WINK: And I'm not sure that they wish to speak but I've been notified that —

MR. LEVY: I'd like to speak real quick. I'd just like to thank everybody on the Town Board, counsel, Town Attorney's office, Rachel, Hilary, for all their help through this process. It's been a pleasure working with everybody and I thank you again.

COUNCILMAN FERRARA: Thank you, Michael. You know, I think a lot of time went into this and I think that people and residents that are affected by this that live in the community, me being one of them, is that the unfortunate delivery systems of the water that we drink are very old. And a number of them have caused major problems locally. And I think, you know, this is an attempt to get out ahead of it and trying to protect the water supply from eroding and becoming a larger problem for the residents in the future, as well as protecting our citizens and our residents from the harmful effects of some of the problems and the contaminants that are in the water. So I'd like to thank you guys for your due diligence in making sure that we protect the community as well. I know that with an average home of -- cost of about \$500,000, you're talking about something a little under \$11 a month as a -- as an increase. While some people may look at that and say, that's substantial. I guess the other question is, what's the cost of protecting our families and their lives. So I'd like to, again, thank you for your participation. With that, I'd like to close the public hearing, offer the resolution and move for its adoption.

MR. WINK: Councilman, I'm sorry. Before we accept that, we did just receive one request for information from a Paul S. Paul, if you would like to make a comment or ask this question yourself -- Dan, please invite Paul into the -- right -- into the panel. Paul, if you can unmute yourself.

PAUL: Yes.

MR. WINK: Yes.

MR. SOLOMON: Yes. My name is Paul. I'm a current resident of Garden City Park.

MR. WINK: Hold on one second. Could you give us your full name for the record.

MR. SOLOMON: Paul Solomon.

MR. WINK: Solomon. Thank you.

MR. SOLOMON: Yes. Okay. Just on the water supply system needs repairing and whatnot, it's about \$30 million. I'm just curious how would -- how would translate in property tax increase since our property tax has been increased for I would say about ten percent for the past 13 years I've been living here.

COUNCILMAN FERRARA: Well, the numbers that were presented would be for an average home that would be valued at about \$500,000, would be \$10.70 a month. So that's what the increase would be for the average homeowner of a \$500,000.

MR. SOLOMON: For how long, sir?

COUNCILMAN FERRARA: For the duration of the bond.

COUNCILWOMAN RUSSELL: This is 20 years in the information.

COUNCILMAN FERRARA: Is that correct, Michael?

MR. LEVY: It would be for 20 years. It wouldn't be \$11 a month right out of the gate. Obviously, we would borrow as we go along. We don't borrow the whole \$30 million. As the projects proceeds over the next three, four, five years, that would increase as we borrow the

money. So if by chance we do get grant money or other sources of funding, we wouldn't have to borrow the full \$30 million. It would subsequently lower the tax increase if possible.

MR. SOLOMON: So this is just not to -- it's not \$30 million in full. Just for now until to see what's actually needed.

MR. LEVY: We don't actually borrow the full \$30 million all at once. We actually borrow twice a year as the Town goes out to issue bonds twice a year. So we borrow what we need to complete work in the proceeding six months. So we wouldn't borrow \$30 million in the spring of 2021 and do the work that would be done in 2024. So as we go it will be a gradual increase. We don't borrow the whole \$30 million at once.

COUNCILMAN FERRARA: Yeah. And I think the other point that was made is that that the \$30 million is the maximum that they're looking for bonding and if we find and secure some other funding that would bring that number down also, which would then bring down the amount that every homeowner would have to pay as well.

MR. SOLOMON: Thank you very much, sir.

COUNCILMAN FERRARA: Thank you.

MR. WINK: Thank you, Mr. Solomon. Seeing no one else, Councilman, if you'd like to entertain a motion at this time.

COUNCILMAN FERRARA: Sure. I'd like to close the public hearing, offer the resolution and move for its adoption.

MR. WINK: Okay. We'll do this in two votes. We're going to vote on item 6 first.

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. 501 - 2020**

**A RESOLUTION AND ORDER AFTER PUBLIC HEARING HELD ON NOVEMBER 19, 2020, AUTHORIZING THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE GARDEN CITY PARK WATER DISTRICT, PURSUANT TO SECTION 202-b OF THE TOWN LAW.**

**WHEREAS**, a map, plan and report has been prepared by H2M Architects + Engineers (“H2M”), engineers duly licensed by the State of New York, (herein called the “Engineers”), entitled “2020 Bond Report,” dated June 2020 (the “Engineer’s Report”), for the increase and improvement of facilities of the Garden City Park Water District (herein called the “District”), in the Town of North Hempstead, New York (the “Town”), consisting of water distribution and treatment system upgrades and improvements to address new drinking water standards and to maintain existing District infrastructure, including (i) improvements required for the removal of emerging contaminants at Wells 6, 7/10, 8 and 9, including (where and as necessary) installation of Advanced Oxidation Process and Granular Activated Carbon systems; (ii) acquisition and installation of a portable generator for use at Plant Nos. 6 or 8; (iii) acquisition and installation of a new generator at Plant No. 9; (iv) reconstruction of the Denton Avenue Water Tank; and (v) improvements to the District’s water distribution system (collectively, the “Project”), all as further described in the Engineer’s Report, at the estimated maximum cost of \$30,000,000, including any ancillary or related work necessary in connection therewith; and

**WHEREAS**, the District has filed a petition with the Town Board requesting that bonds of the Town be authorized in the principal amount of not to exceed \$30,000,000 to finance the cost of the District’s Project; and

**WHEREAS**, on October 8, 2020, Town Board adopted a Resolution describing in general terms the proposed increase and improvement of facilities of the District, specifying the estimated cost thereof, and stating that the Town Board would hold a public hearing for the purpose of hearing all persons interested in said increase and improvement of facilities on November 19, 2020, at 7:30 P.M. (Prevailing Time); and

**WHEREAS**, a Notice of such public hearing was duly published and posted pursuant to the provisions of Article 12 of the Town Law; and

**WHEREAS**, a Notice of such public hearing was also mailed by first class mail to each owner of taxable real property in the District; and

**WHEREAS**, such public hearing was duly held on November 19, 2020, at 7:30 P.M. (Prevailing Time), with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of the facilities of the District; and

**WHEREAS**, the District, as lead agency, has given due consideration to the impact that the increase and improvement of the facilities of the District may have on the environment and has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), constituting Article 8 of the Environmental Conservation Law, and the Town and the District have reviewed three Short Environmental Assessment Forms and have determined that the project will not have any significant adverse impact on the environment;

**NOW, THEREFORE**, on the basis of the information given at such hearing, it is hereby

**DETERMINED**, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$30,000,000; and it is hereby

**ORDERED**, that the facilities of the District shall be so increased and improved and that the District and the Engineers shall prepare plans and specifications and make a careful estimate of the expense for said increase and improvement of the facilities of the District and, with the assistance of the Town Attorney or the Attorney for the District, shall prepare a proposed contract for the execution of the work, which plans and specifications, estimate and proposed contract shall be presented to the Town Board as soon as possible; and it is hereby

**FURTHER ORDERED**, that the expense of said increase and improvement of facilities shall be financed by the issuance of not to exceed \$30,000,000 bonds of the Town; and the cost of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid by the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges; in addition, water meters have been installed and charges derived from such meters shall continue to be imposed and collected and the amounts derived therefrom shall be budgeted and used to pay principal and interest on the bonds or notes issued; and it is hereby

**FURTHER ORDERED**, that the Town Clerk record a certified copy of this Resolution and Order After Public Hearing in the office of the Clerk of Nassau County within ten (10) days after adoption hereof.

DATED: NOVEMBER 19, 2020

TOWN BOARD OF THE TOWN OF  
NORTH HEMPSTEAD

The adoption of the foregoing resolution and order was duly put to a vote on roll call, which resulted as follows:

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

Nays: None

## CERTIFICATE

I, Wayne H. Wink, Jr., Town Clerk of the Town of North Hempstead, in the County of Nassau, New York, DO HEREBY CERTIFY that I have compared the preceding Resolution and Order After Public Hearing with the original thereof filed in my office on the 19th day of November, 2020, and the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 23<sup>rd</sup> day of November, 2020.

(SEAL)

  
Town Clerk



MR. WINK: And as for item 7, we're going to call the vote on that now. Councilwoman Dalimonte.

COUNCILWOMAN DALIMONTE: Aye.

MR. WINK: Councilman Ferrara.

COUNCILMAN FERRARA: Aye. And thank you again, gentlemen for your due diligence on this.

MR. WINK: Councilwoman Dalimonte.

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: Thank you, gentlemen.

VOICES: Thank you.

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. 502 - 2020**

**A BOND RESOLUTION OF THE TOWN OF NORTH HEMPSTEAD, NEW YORK, ADOPTED NOVEMBER 19, 2020, APPROPRIATING \$30,000,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE GARDEN CITY PARK WATER DISTRICT, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$30,000,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION.**

**WHEREAS**, a map, plan and report has been prepared by H2M Architects + Engineers (“H2M”), engineers duly licensed by the State of New York, (herein called the “Engineers”) entitled “2020 Bond Report,” dated June 2020 (the “Engineer’s Report”), for the increase and improvement of facilities of the Garden City Park Water District (herein called the “District”), in the Town of North Hempstead, New York (the “Town”), consisting of water distribution and treatment system upgrades and improvements to address new drinking water standards and to maintain existing District infrastructure, including (i) improvements required for the removal of emerging contaminants at Wells 6, 7/10, 8 and 9, including (where and as necessary) installation of Advanced Oxidation Process and Granular Activated Carbon systems; (ii) acquisition and installation of a portable generator for use at Plant Nos. 6 or 8; (iii) acquisition and installation of a new generator at Plant No. 9; (iv) reconstruction of the Denton Avenue Water Tank; and (v) improvements to the District’s water distribution system (collectively, the “Project”), all as further described in the Engineer’s Report, at the estimated maximum cost of \$30,000,000, including any ancillary or related work necessary in connection therewith; and

**WHEREAS**, following a public hearing duly called and held, the Town Board of the Town determined that it is in the public interest to increase and improve the facilities of the District, and ordered that such facilities be increased and improved.

Now, therefore, be it

**RESOLVED BY THE TOWN BOARD OF THE TOWN OF NORTH HEMPSTEAD, IN THE COUNTY OF NASSAU, NEW YORK** (by the favorable vote of not less than two-thirds of all the members of said Town Board) **AS FOLLOWS:**

Section 1. The Town hereby appropriates the amount of \$30,000,000 for the increase and improvement of facilities of the District as described in the above Recitals, all in accordance with the map, plan and report entitled “2020 Bond Report,” dated June 2020 (the “Engineer’s Report”), prepared by H2M Architects + Engineers (“H2M”), engineers duly licensed by the State of New York, on file in the office of the Town Clerk. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$30,000,000. The plan of financing includes the issuance of not to exceed \$30,000,000 bonds of the Town to finance said appropriation, and the assessment, levy and collection of assessments upon the several lots and parcels of land within the District in the same manner and at the same time as other Town charges, to pay the principal of and interest on said bonds as the same shall

become due and payable. Water meters have been installed and charges derived from such meters shall continue to be imposed and collected and the amounts derived therefrom may be budgeted and used to pay principal and interest on said bonds when issued.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of not to exceed \$30,000,000, pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance said appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness of the specific object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 1. of the Law, is forty (40) years.

(b) The proceeds of the bonds herein authorized and any bond anticipation notes issued in anticipation of said bonds may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized, or for expenditures made on or before such date if the Town has adopted a prior statement of intent to issue bonds for such purpose. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said bonds and any notes issued in anticipation of said bonds shall be general obligations of the Town, payable as to both principal and interest by a general tax upon all the taxable real property within the Town without limitation as to rate or amount. The faith and credit of the Town are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds and any notes issued in anticipation of the sale of said bonds and provision shall be made annually in the budget of the Town by appropriation for (a) the amortization and redemption of the bonds and any notes issued in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Town Board relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and the powers and duties relative to executing contracts for credit enhancements and providing for substantially level or declining

annual debt service, are hereby delegated to the Supervisor, the chief fiscal officer of the Town.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution shall take effect immediately, and the Town Clerk is hereby authorized to publish the foregoing resolution, in summary, together with a Notice attached in substantially the form prescribed by Section 81.00 of the Law in "New Hyde Park Illustrated," hereby designated the official newspapers of the Town for such publication.

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

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

Nays: None

## CERTIFICATE

I, Wayne H. Wink, Jr., Town Clerk of the Town of North Hempstead, in the County of Nassau, New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on November 19, 2020 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 19th day of November, 2020.

(SEAL)



Wayne H. Wink, Jr.  
Town Clerk

(NOTICE TO BE ATTACHED TO AND TO BE PUBLISHED WITH RESOLUTION, AFTER ADOPTION)

NOTICE

The resolution, a summary of which is published herewith, has been adopted on November 19, 2020, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of North Hempstead, in the County of Nassau, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

Wayne H. Wink, Jr.  
Town Clerk

BOND RESOLUTION OF THE TOWN OF NORTH HEMPSTEAD, NEW YORK, ADOPTED NOVEMBER 19, 2020, APPROPRIATING \$30,000,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE GARDEN CITY PARK WATER DISTRICT, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$30,000,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION

The object or purpose for which the bonds are authorized is the increase and improvement of facilities of the Garden City Park Water District, consisting of water distribution and treatment system upgrades and improvements to address new drinking water standards and to maintain existing District infrastructure, including (i) improvements required for the removal of emerging contaminants at Wells 6, 7/10, 8 and 9, including (where and as necessary) installation of Advanced Oxidation Process and Granular Activated Carbon systems; (ii) acquisition and installation of a portable generator for use at Plant Nos. 6 or 8; (iii) acquisition and installation of a new generator at Plant No. 9; (iv) reconstruction of the Denton Avenue Water Tank; and (v) improvements to the District's water distribution system (collectively, the "Project"), at the estimated maximum cost of \$30,000,000.

The period of probable usefulness applicable to the bonds issued is forty (40) years.

The amount of obligations to be issued is not to exceed \$30,000,000.

A complete copy of the bond resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk, Town Hall, 220 Plandome Road, Manhasset, New York.

Dated: November 19, 2020  
Manhasset, New York



# Affidavit of Publication

County of Nassau SS  
State of New York,

REC'D TNH TOWN CLERK  
NOV 9 '20 PM 12:10

Darrie A. Dolan, being duly sworn, deposes and says that she is the principal Clerk of the Publisher of The NEW HYDE PARK ILLUSTRATED NEWS a weekly newspaper published at Mineola in the county of Nassau, in the State of New York, and that a notice, a printed copy of which is hereunto annexed, has been published in said newspapers once in each week for

1 weeks, viz: November 4, 2020  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Darrie A Dolan*

Sworn to me this 4 day of  
November-2020

*[Signature]*  
\_\_\_\_\_  
Notary Public

Shari M. Egnasko  
Notary Public, State of New York  
No. 01EG6119807  
Qualified in Nassau County  
Commission Expires Dec. 6, 2020

tively, the "Project"), at the estimated maximum cost of \$30,000,000, including any ancillary or related work necessary in connection therewith. The District expects to finance the \$30,000,000 cost of said Project with bonds.

Due to public health and safety concerns related to COVID-19, the Town Board will not be meeting in-person. In accordance with the Governor's recent Executive Orders, said public hearing of the Town Board will be held via videoconferencing, and a transcript will be provided at a later date. The public will have an opportunity to see and hear the meeting live and provide comments.

The public may watch the public hearing live online from the following link on the Town's website: [www.northhempsteadny.gov/town-boardlive](http://www.northhempsteadny.gov/town-boardlive) or participate using Zoom Meeting. Members of the public participating using the Zoom Meeting app can provide comments on the Project and the financing thereof, during the meeting. The Zoom Meeting ID and Password will be made available on the Town's website ([www.northhempsteadny.gov](http://www.northhempsteadny.gov)) at least 24 hours prior to the start of the public hearing. First-time users of the Zoom Meeting app will need to download the app prior to the meeting.

Written comments and/or questions may also be submitted via email at the following email address: [Comments@northhempsteadny.gov](mailto:Comments@northhempsteadny.gov). Any comments and/or questions will be considered at the public hearing provided that they are submitted no later than 60 minutes prior to the start of the public hearing. Pursuant to the requirements of the Executive Orders of the Governor of the State of New York, a transcript of the public hearing will be prepared, and a copy shall be filed with the Town Clerk and placed upon the Town's website (<https://www.northhempsteadny.gov>).

Please check the meeting Agenda posted on the Town's website (<https://www.northhempsteadny.gov>) for further instructions or for any changes to the instructions to access

the public hearing, and for updated information. Kindly call (516) 869-6311 during business hours if you have general questions or require more information.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF NORTH HEMPSTEAD  
Dated: October 8, 2020  
North Hempstead,  
New York

Wayne H. Wink, Jr.  
Town Clerk  
11-4-2020-1T-#219414-NHP

### LEGAL NOTICE NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of North Hempstead, in the County of Nassau, State of New York, will hold a public hearing on November 19, 2020, at 7:00 P.M. (Prevailing Time), or as soon thereafter as this matter can be heard to consider any and all comments in relation to the proposed increase and improvement of facilities of the Garden City Park Water District, consisting of water distribution and treatment system upgrades and improvements to address anticipated new drinking water standards and to maintain existing District infrastructure, including (i) improvements required for the removal of emerging contaminants at Wells 6, 7/10, 8 and 9, including (where and as necessary) installation of Advanced Oxidation Process and Granular Activated Carbon systems; (ii) acquisition and installation of a portable generator for use at Plant Nos. 6 or 8; (iii) acquisition and installation of a new generator at Plant No. 9; (iv) reconstruction of the Denton Avenue Water Tank; and (v) improvements to the District's water distribution system (collec-





**LEGAL NOTICE  
NOTICE**

The resolution, a summary of which is published herewith, has been adopted on November 19, 2020, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of North Hempstead, in the County of Nassau, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

Wayne H. Wink, Jr.  
Town Clerk

**BOND RESOLUTION OF THE TOWN OF NORTH HEMPSTEAD, NEW YORK, ADOPTED NOVEMBER 19, 2020, APPROPRIATING \$30,000,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE GARDEN CITY PARK WATER DISTRICT, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$30,000,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION**

The object or purpose for which the bonds are authorized is the increase and improvement of facilities of the Garden City Park Water District, consisting of water distribution and treatment system upgrades and improvements to address new drinking water standards and to maintain existing District infrastructure, including (i) improvements required for the removal of emerging contaminants at Wells 6, 7/10, 8 and 9, including (where and as necessary) installation of Advanced Oxidation Process and Granular Activated Carbon systems; (ii) acquisition and installation of a portable generator for use at Plant Nos. 6 or 8; (iii) acquisition and installation of a new generator at Plant No. 9; (iv) reconstruction of the Denton Avenue Water Tank; and (v) improvements to the District's water distribution system (collectively, the "Project"), at the estimated maximum cost of \$30,000,000.

The period of probable usefulness applicable to the bonds issued is forty (40) years.  
The amount of obligations

to be issued is not to exceed \$30,000,000.

A complete copy of the bond resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk, Town Hall, 220 Plandome Road, Manhasset, New York.

Dated: November 19, 2020  
Manhasset, New York

# Affidavit of Publication

County of Nassau  
State of New York,

SS

REC'D TOWN CLERK  
DEC 7 '20 12:54

Darrie A. Dolan, being duly sworn, deposes and says that she is the principal Clerk of the Publisher of  
The NEW HYDE PARK ILLUSTRATED NEWS  
a weekly newspaper published at Mineola in the county of Nassau, in the State of New York, and that a notice, a printed copy of which is hereunto annexed, has been published in said newspapers once in each week for

1 weeks, viz: December 2, 2020  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Darrie A. Dolan*

Sworn to me this 2 day of  
December-2020

*Shari M. Egnasko*  
\_\_\_\_\_  
Notary Public

Shari M. Egnasko  
Notary Public, State of New York  
No. 01EG6119807  
Qualified in Nassau County  
Commission Expires Dec. 6, 2020

# NEWSDAY AFFIDAVIT OF PUBLICATION

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

STATE OF NEW YORK)

Legal Notice No.

0021621412

: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:

Friday

November 27, 2020

Nassau

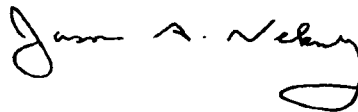
**SWORN** to before me this

1 Day of December, 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 # 21621412  
NOTICE

The resolution, a summary of which is published herewith, has been adopted on November 19, 2020, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of North Hempstead, in the County of Nassau, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

Wayne H. Wink, Jr.  
Town Clerk

**BOND RESOLUTION OF THE TOWN OF NORTH HEMPSTEAD, NEW YORK, ADOPTED NOVEMBER 19, 2020, APPROPRIATING \$30,000,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE GARDEN CITY PARK WATER DISTRICT, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$30,000,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION**

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The period of probable usefulness applicable to the bonds issued is forty (40) years.

The amount of obligations to be issued is not to exceed \$30,000,000.

A complete copy of the bond resolution summarized above shall be available for public inspection during normal business hours at the office of the Town Clerk, Town Hall, 220 Plandome Road, Manhasset, New York.

Dated: November 19, 2020  
Manhasset, New York

**NEWSDAY PROOF**

Advertiser: TOWN OF NORTH HEMP TOWN CLERK  
Agency: TOWN OF NORTH HEMP TOWN CLERK  
Ad Number: 0021621412  
Start Date: 11/27/2020  
End Date: 11/27/2020  
Price: \$420.00  
Ordered By: Legaladv@newsday.com

Phone: 5168697625  
Contact: PAUL GARILLE  
Section: Legals  
Class: 11100  
Size: 2 x 53 Times: 1  
Date: 12/1/2020  
Zone(s): C-Nassau

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

MR. WINK: Resolutions. Item 8, 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 proposed local law will amend the Town Code with respect to on-street parking requirements in the New Cassel Urban Renewal Area. I'd like to offer the resolution setting a tentative public 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 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. 503 - 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" with respect to on-street parking requirements in the New Cassel Urban Renewal Area.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by this Board on December 17, 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" with respect to on-street parking requirements in the New Cassel Urban Renewal Area; and be it further

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

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead, on the 17th day of December, 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” with respect to on-street parking requirements in the New Cassel Urban Renewal Area.

**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.

**PLEASE TAKE FURTHER 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](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.

Dated:      Manhasset, New York  
                 November 19, 2020

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

Dated: Manhasset, New York  
November 19, 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 9, a resolution setting a date for a public hearing to consider the application of SFR Realty for site plan review for the premises located at 653-697 Hillside Avenue, New Hyde Park and designated on the Nassau County Land and Tax Map as Section 8, Block K-9, Lot 44.

COUNCILWOMAN SEEMAN: Okay. A new building will be constructed on the southeast corner of the property where there is currently parking for the Stop & Shop supermarket. There's lots of parking there. I spent quite a bit of time looking at this. So I offer the resolution setting a date for the public hearing on 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 Seeman offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

**RESOLUTION NO. 504 - 2020**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE APPLICATION OF SFR REALTY FOR SITE PLAN REVIEW FOR THE PREMISES LOCATED AT 653-697 HILLSIDE AVENUE, NEW HYDE PARK AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 8, BLOCK K-9, LOT 44.**

**WHEREAS**, SFR Realty (the “Applicant”) has applied (the “Application”) to the Town to construct a 6,500 s.f. detached retail building within an existing shopping center on a 12.95-acre site located at 653-697 Hillside Avenue, New Hyde Park and identified on the Nassau County Land and Tax Map as Section 8, Block K-9, Lot 44 (the “Premises”); and

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

**WHEREAS**, this Board wishes to set a date for a public hearing for the Site Plan Review.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing shall be held on December 17, 2020 at 7:00 P.M. via Zoom to consider the Application for Site Plan Review; and be it further

**RESOLVED** that the Commissioner shall immediately notify the Applicant of the date and time of the hearing so that the Applicant may provide notice of the hearing for the Site Plan Review to certain property owners pursuant to Sections 70-219(F)(2) and 70-240 of the Town Code; and be it further

**RESOLVED** that the Applicant shall also comply with the sign notice requirements pursuant to Town Code § 70-219(F)(3); and be it further

**RESOLVED** that the Town Clerk be and hereby is authorized and directed to publish a notice of hearing as required by § 70-219(F)(1) of the Town Code, which notice shall be in substantially the following form:

#### **NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead on the 17th day of December, 2020 at 7:00 P.M. via Zoom, on the application for site plan review submitted by SFR Realty to construct a 6,500 s.f. retail building within an existing shopping center on a 12.95 acre site.

**PLEASE TAKE FURTHER NOTICE** that the property which is the subject of this application is located at 653-697 Hillside Avenue, New Hyde Park and designated on the Nassau County Land and Tax Map as Section 8, Block K-9, Lot 44.

**PLEASE TAKE FURTHER 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.

Dated:            Manhasset, New York  
                      November 19, 2020

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

Dated:            Manhasset, New York  
                      November 19, 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      Planning      Building

MR. WINK: Item 10, a resolution setting a date for a public hearing to consider a petition to designate a secondary honorary street name for a portion of Plandome Road in Manhasset, pursuant to Section 10-5 of the Town Code.

COUNCILWOMAN LURVEY: This petition seeks to designate a secondary honorary street name for a portion of Plandome Road in Manhasset, from the corner of Orchard Street to the corner of Gaynor Avenue, as "Joe" the Barber Commisso Road." I offer the resolution setting a tentative 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. 505 - 2020**

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

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

**WHEREAS**, Maria Commisso (the “Petitioner”) has applied for a secondary honorary street name for a portion of Plandome Road in Manhasset, from the corner of Orchard Street to the corner of Gaynor Avenue, to be known as “Joe ‘the Barber’ Commisso Road” (the “Petition”); and

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

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

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing shall be held on December 17, 2020 at 7:00 P.M. via Zoom, to consider the Petition for a secondary honorary street name for a portion of Plandome Road in Manhasset, from the corner of Orchard Street to the corner of Gaynor Avenue, to be known as “Joe ‘the Barber’ Commisso Road”, at which public hearing all interested persons will be afforded an opportunity to be heard; and be it further

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

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

### **NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead on the 17th day of December, 2020 at 7:00 P.M. via Zoom, to consider the Petition for a secondary honorary street name for a portion of Plandome Road in Manhasset, from the corner of Orchard Street to the corner of Gaynor Avenue, to be known as "Joe 'the Barber' Commisso Road".

**PLEASE TAKE FURTHER 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.

Dated:            Manhasset, New York  
                      November 19, 2020

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

Dated:            Manhasset, New York  
                      November 19, 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    Planning    Building



MR. WINK: Item 11, a resolution setting a date for a public hearing to consider the rescission and adoption of ordinance affecting Bayview Avenue in Manhasset, New York.

COUNCILWOMAN LURVEY: The rescission and adoption of these ordinances will eliminate and extend the existing parking restriction on the north side of Bayview Avenue, between Locust Place and Plandome Road in Manhasset. I offer the resolution setting 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. 506 - 2020**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE RESCISSION AND ADOPTION OF ORDINANCES AFFECTING BAYVIEW AVENUE IN MANHASSET, NEW YORK.**

**WHEREAS**, a recommendation has been made for the rescission and adoption of an ordinance affecting Bayview Avenue, Manhasset, New York

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by the Town Board of the Town of North

Hempstead on the 17th day of December, 2020, at 7:00 o'clock in the evening for the purpose of considering the adoption of the following ordinance:

PROPOSAL:

RESCIND:

1. T.O. #43-2003

Adopted October 21, 2003

BAYVIEW AVENUE – NORTH SIDE – 30 MINUTE PARKING, 7:00AM TO 7:00PM,  
EXCEPT SUNDAY AND HOLIDAYS –

From a point 220 feet west of the west curblineline of Plandome Road, west, for a distance of 50 feet.

2. T.O. #43-2003

Adopted October 21, 2003

BAYVIEW AVENUE – NORTH SIDE – NO STOPPING ANYTIME

From a point 205 feet west of the west curblineline of Plandome Road, west, for a distance of 15 feet.

3. T.O. #43-2003

Adopted October 21, 2003

**BAYVIEW AVENUE – NORTH SIDE – NO PARKING ANYTIME**

From a point 205 feet west of the west curblineline of Plandome Road, west, for a distance of 15 feet.

ADOPT:

1.      **BAYVIEW AVENUE – NORTH SIDE – NO PARKING ANYTIME**

From a point 205 feet west of the west curblineline of Plandome Road, west, for a distance of 65 feet.

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

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

Dated:            November 19, 2020  
                          Manhasset, New York

The vote on the foregoing resolution was recorded as follows:

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

Nays:            None

cc:    Town Attorney    Public Safety    Comptroller    Traffic Safety

MR. WINK: Item 12, a resolution setting a date for a public hearing to consider the adoption of ordinances affecting Helen Street, Cedar Street and Marion Street in Greenvale, New York.

COUNCILMAN ZUCKERMAN: The adoption of this ordinance will establish reduced speed limits from 25 miles per hour on Helen Street, Cedar Street and Marion Street in Greenvale. I'd like to offer the resolution setting a tentative 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 Zuckerman offered the following resolution and moved its adoption, which resolution was declared adopted after a poll of the members of this Board:

**RESOLUTION NO. 507 - 2020**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING HELEN STREET, CEDAR STREET, AND MARION STREET IN GREENVALE, NEW YORK.**

**WHEREAS**, a recommendation has been made for the rescission and adoption of an ordinance affecting Helen Street, Greenvale, New York

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by the Town Board of the Town of North Hempstead on the 17th day of December, 2020, at 7:00 o'clock in the evening for the purpose of considering the adoption of the following ordinance:

PROPOSAL:

ADOPT:

1.      **MARION STREET – EAST SIDE – 25 M.P.H. –**  
From the north curb line of Northern Boulevard, north, to the south curb line of Osborne Lane.
2.      **MARION STREET – WEST SIDE – 25 M.P.H. –**  
From the north curb line of Northern Boulevard, north, to the south curb line of Cedar Street.
3.      **MARION STREET – WEST SIDE – 25 M.P.H. –**  
From the north curb line of Cedar Street, north, to the south curb line of Helen Street.
4.      **MARION STREET – WEST SIDE – 25 M.P.H. –**  
From the north curb line of Helen Street, north, to the south curb line of Osborne Lane.
5.      **CEDAR STREET – SOUTH SIDE – 25 M.P.H. –**  
From the east curb line of Glen Cove Road, east, to the west curb line of Marion Street.
6.      **CEDAR STREET – NORTH SIDE – 25 M.P.H. –**

From the east curb line of Glen Cove Road, east, to the west curb line of Marion Street.

7.      HELEN STREET – SOUTH SIDE – 25 M.P.H. –

From the east curb line of Glen Cove Road, east, to the west curb line of Marion Street.

8.      HELEN STREET – NORTH SIDE – 25 M.P.H. –

From the east curb line of Glen Cove Road, east, to the west curb line of Marion Street.

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

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

Dated:            November 19, 2020  
                          Manhasset, New York

The vote on the foregoing resolution was recorded as follows:

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

Nays:            None

cc:    Town Attorney    Public Safety    Comptroller    Traffic Safety

MR. WINK: Item 13, a resolution setting a date for a public hearing to consider the adoption of an ordinance affecting Lafayette Street in Williston Park, New York.

COUNCILMAN FERRARA: I'd like to offer the resolution setting a 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 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. 508 - 2020**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING LAFAYETTE STREET IN WILLISTON PARK, NEW YORK.**

**WHEREAS**, a recommendation has been made for the rescission and adoption of an ordinance affecting Lafayette Street, Williston Park, New York.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by the Town Board of the Town of North Hempstead on the 17th day of December, 2020, at 7:00 o'clock in the evening for the purpose of considering the adoption of the following ordinance:

PROPOSAL:

ADOPT:

1. LAFAYETTE STREET – NORTH SIDE – NO STOPPING HERE TO CORNER  
From the west curb line of Gordon drive, west, for a distance of 30 feet.

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

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

Dated: November 19, 2020  
Manhasset, New York

The vote on the foregoing resolution was recorded as follows:

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



Nays:       None

cc:   Town Attorney       Public Safety       Comptroller       Traffic Safety

MR. WINK: Item 14, a resolution authorizing the execution of an agreement with Nelson and Pope for engineering services related to the Pond Rehabilitation at Clark Botanic Gardens, Albertson.

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

**RESOLUTION NO. 509 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH NELSON AND POPE FOR ENGINEERING SERVICES RELATED TO THE POND REHABILITATION AT CLARK BOTANIC GARDEN, ALBERTSON.**

**WHEREAS**, the Department of Parks and Recreation requires engineering and landscape architectural services for the renovation of the ponds at the Clark Botanic Garden (the “Services”); and

**WHEREAS**, the Director of Purchasing (the “Director”) has recommended that the Town enter into an agreement with N&P Engineering, Architecture and Land Surveying, PLLC, 70 Maxess Road, Melville, NY 11747 (“the Contractor”) to perform the Services in consideration of an amount not to exceed Sixteen Thousand and 00/100 Dollars (\$16,000.00) (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, and a copy of the Agreement shall be on file in the Office of the Town Clerk, and take such further action as may be necessary to effectuate the foregoing; and be it further

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

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

Dated: Manhasset, New York  
November 19, 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    Admin Services    Comptroller    Purchasing

MR. WINK: Item 15, a resolution authorizing the execution of an agreement with Berkshire Sign Studio for the fabrication and installation of parking lot signs at the overflow parking lot adjacent to the Yes We Can Community Center, New Cassel.

COUNCILWOMAN RUSSELL: 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 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. 510 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BERKSHIRE SIGN STUDIO FOR THE FABRICATION AND INSTALLATION OF PARKING LOT SIGNS AT THE OVERFLOW PARKING LOT ADJACENT TO THE "YES WE CAN" COMMUNITY CENTER, NEW CASSEL.**

**WHEREAS**, the Department of Parks and Recreation requires the fabrication and installation of two parking lot signs at the overflow parking lot adjacent to the "Yes We Can" Community Center (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**, Berkshire Sign Studio, 528 Main Street, Bennington, VT 05201 (the "Contractor") submitted the lowest quote, proposing to perform the Services for a sum not to exceed Two Thousand Nine Hundred Seventy and 00/100 Dollars (\$2,970.00) 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 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  
                      November 19, 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    Admin Services    Comptroller    Purchasing

MR. WINK: Item 16, a resolution authorizing the execution of an agreement with More Consulting Corp. for a roof replacement at the Town Dock.

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. 511 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH MORE CONSULTING CORP. FOR A ROOF REPLACEMENT AT TOWN DOCK.**

**WHEREAS**, the Town of North Hempstead (the “Town”) requires the services of a contractor for roof repairs at the Town Dock (the “Services”); and

**WHEREAS**, the Director of Purchasing (the “Director”) has recommended that the Town enter into an Agreement with More Consulting Corp., 19 Old Dock Roach, Yaphank, New York 11980 (“the Contractor”) to perform the Services in consideration of an amount not to exceed Fifty-Five Thousand One Hundred Forty-Seven and 50/100 Dollars (\$55,147.50) (the “Agreement”), the terms of which Agreement shall be in accordance with the provisions of the agreement between the County of Suffolk and the Contractor, contract # RRS-010819 entitled “Roof Repairs and Service”; and

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

**NOW, THEREFORE, BE IT**

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

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

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

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

Dated: Manhasset, New York  
November 19, 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    Admin Services    Comptroller    Purchasing

MR. WINK: Item 17, a resolution authorizing the Town board to submit an application to the County of Nassau for approval of recreational and youth service programs within the Town of North Hempstead for the 2020 calendar year and to authorize the execution of agreements with the County of Nassau, the Village of Westbury, the Village of New Hyde Park and various youth services agencies in connection therewith.

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. 512 - 2020**

**A RESOLUTION AUTHORIZING THE TOWN BOARD TO SUBMIT AN APPLICATION TO THE COUNTY OF NASSAU FOR APPROVAL OF RECREATIONAL AND YOUTH SERVICE PROGRAMS WITHIN THE TOWN OF NORTH HEMPSTEAD FOR THE 2020 CALENDAR YEAR AND TO AUTHORIZE THE EXECUTION OF AGREEMENTS WITH THE COUNTY OF NASSAU, THE VILLAGE OF WESTBURY, THE VILLAGE OF NEW HYDE PARK AND VARIOUS YOUTH SERVICES AGENCIES IN CONNECTION THEREWITH.**

**WHEREAS**, the Town of North Hempstead (the "Town") has heretofore appropriated funds for recreational and youth service programs; and

**WHEREAS**, the Port Washington Community Action Council, Inc., the Port Washington Youth Council, Inc., the Manhasset-Great Neck Youth Council, Inc., the Herricks Youth Council, Inc., the Village of New Hyde Park, the Village of Westbury and the Town have created programs for Town youth; and

**WHEREAS**, the Town intends to file an application with the County of Nassau for partial funding for these programs; and

**WHEREAS**, the following sums represent the estimated costs of such programs for 2020 and the approximate amount for which the Town will be reimbursed by the County of Nassau:

<b>Youth Program</b>	<b>2020 Town Contract Amount</b>	<b>2020 County Reimbursement</b>
Port Washington Community Action Council, Inc.	\$8,436	\$3,411
Port Washington Youth Council, Inc.	\$19,026	\$3,411
Manhasset Great Neck Youth Council, Inc.	\$8,472	\$3,410
Herricks Youth Council, Inc.	\$16,994	\$3,410
Village of New Hyde Park		

	\$2,000	\$2,000
Village of Westbury	\$1,549	\$1,549
Town of North Hempstead Youth and Human Resources	\$59,800	\$8,411
Town of North Hempstead Department of Parks and Recreation	\$626,784	\$23,684

; and

**WHEREAS**, the Department of Parks and Recreation has requested that the Town be authorized to enter into agreements with the Port Washington Community Action Council, Inc., the Port Washington Youth Council, Inc., the Manhasset-Great Neck Youth Council, Inc., the Herricks Youth Council, Inc., the Village of New Hyde Park, and the Village of Westbury to operate programs for youth within the Town in the amounts indicated in the chart above (the “Agreements”); and

**WHEREAS**, this Board finds it to be in the best interests of the Town to continue to support the recreation and youth service programs enumerated above.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town be and hereby is authorized to enter into the Agreements with the above-referenced organizations to provide youth services within the Town in the amounts as written above; and be it further

**RESOLVED** that the Town be and hereby is authorized to file applications with the County of Nassau for funding for the above-referenced programs, to enter into an agreement with the County of Nassau for the receipt of such funding and to take any other actions and execute any other documentation necessary to effectuate the foregoing; and be it further

**RESOLVED** that the Office of the Town Attorney is hereby authorized to supervise the negotiation and execution of the above-referenced agreements and any grant applications and other agreements necessary to receive funding for the above-referenced programs from the County of Nassau; and be it further

**RESOLVED** that the Supervisor be and she hereby is authorized and directed to execute the above-referenced agreements and any grant applications and agreements referenced in this resolution on behalf of the Town, copies of which will be on file in the office of the Town Clerk; and be it further

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

**Dated:** Manhasset, New York  
November 19, 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 & Rec.

MR. WINK: Item 18, a resolution authorizing the execution of agreements with various volunteers and vendors to provide leadership development training at the Town of North Hempstead "Yes We Can" Community Center, New Cassel.

COUNCILWOMAN RUSSELL: This is a training program that seeks to support the Yes We Can staff and their ongoing professional and development learning goals. 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: I just wanted to add that, as the Councilwoman had said, this speaks to support Yes We Can staff in ongoing professional development and learning goals. And we're hoping that this will be a pilot and we'll be able to do this in other areas in the Town to really support our staff so that the people can see this as a career path and learn management skills, whether they use them in the Town or it equips them with the skills to continue on in their careers. And I'm very proud to vote 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. 513 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AGREEMENTS WITH VARIOUS VOLUNTEERS AND VENDORS TO PROVIDE LEADERSHIP DEVELOPMENT TRAINING AT THE TOWN OF NORTH HEMPSTEAD "YES WE CAN" COMMUNITY CENTER, NEW CASSEL.**

**WHEREAS**, the Town of North Hempstead (the "Town") wishes to provide leadership development training for the staff at the "Yes We Can" Community Center (the "Services"); and

**WHEREAS**, the Services will require agreements with various volunteers and vendors depending on the nature of the Services;

**WHEREAS**, the proposed leadership development training sessions would be held at various times between January 1, 2021 through December 31, 2021 and would include, but not be limited to, training in Customer Service Skills; Behavioral Management; Professionalism; First Aid and CPR; Risk Management: Assessing and Preventing; Database Training; Program Management; Preventing Sexual Harassment; and Violence Protection; and

**WHEREAS**, the total cost of the Services shall not exceed Six Thousand and 00/100 Dollars (\$6,000.00), payable at a rate of no more than Two Hundred and 00/100 Dollars (\$200.00) per hour for no more than three (3) hours of training (the "Agreements"); and

**WHEREAS**, this Board finds it in the best interests of the Town to authorize entering into Agreements with various volunteers and vendors for these Services.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Supervisor is hereby authorized to enter into the Agreements, in a form acceptable to the Office of the Town Attorney, as more specifically set forth in the Agreements; and be it further



**RESOLVED** that the Office of the Town Attorney is authorized and directed to review the Agreements and negotiate the terms, if any, and 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 upon receipt of fully executed agreements and duly executed and certified claims therefor.

Dated:            Manhasset, New York  
                      November 19, 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 19, a resolution authorizing the execution of an agreement with the Glen Cove Center for Nursing and Rehabilitation for filming at the Port Washington Adult Activities Center.

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. 514 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE GLEN COVE CENTER FOR NURSING AND REHABILITATION FOR FILMING AT THE PORT WASHINGTON ADULT ACTIVITY CENTER .**

**WHEREAS**, the Town of North Hempstead (the “Town”) owns certain real property known as the Port Washington Adult Activity Center, 80 Manorhaven Boulevard, Port Washington, New York 11050 (the “Premises”); and

**WHEREAS**, Glen Cove Center for Nursing and Rehabilitation, 6 Medical Plaza, Glen Cove, New York 11542 (the “Licensee”) has requested a license to film senior programming in an effort to reach seniors who may be feeling isolated, depressed or have anxiety due to the pandemic at the Premises (the “Licensed Use”) on December 17 from 2:00 PM – 5:00 PM and on January 7, 2021 from 2:00 PM – 5:00 PM (the “License Agreement”); and

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

**NOW, THEREFORE, BE IT**

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

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

**RESOLVED** that the Supervisor is authorized take such other action as may be necessary to effectuate the foregoing.

Dated:            Manhasset, New York  
                      November 19, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney    Comptroller    Public Safety

MR. WINK: Item 20, a resolution authorizing the execution of an agreement with the Great Neck Mashadi Senior Club for a nutrition program.

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. 515 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE GREAT NECK MASHADI SENIOR CLUB FOR A NUTRITION PROGRAM.**

**WHEREAS**, the Great Neck Mashadi Senior Club, 54 Steamboat Road, Great Neck, New York (the “Club”), provides services to the senior population of the Town of North Hempstead; and

**WHEREAS**, the Town traditionally co-sponsors the Club’s annual picnic at North Hempstead Beach Park in Port Washington by providing funds to the Club (the “Funds”); and

**WHEREAS**, the Town had previously earmarked funds for the Club’s 2020 picnic which could not be held due to the pandemic; and

**WHEREAS**, in recognition of the hardship imposed by the virus and the benefit provided to the residents being served, the Funds are being used to fund a food and nutrition program being offered by the Club to provide meals to individuals impacted by the current situation (the “Services”), in an amount not to exceed Seven Thousand Five Hundred and 00/100 Dollars (\$7,500.00); and

**WHEREAS**, it is the desire of this Board to authorize the execution of an agreement with the Club for the Services as above stated.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Supervisor be and hereby is authorized, on behalf of the Town, to execute an agreement (the “Agreement”) with the Club for the Services as above stated and to take such further action as may be necessary to effectuate the foregoing; and be it further

**RESOLVED** that the Office of the Town Attorney is hereby authorized to supervise the negotiation and execution of the Agreement, a copy of which shall be on file with the Town Clerk, and to take such further action as may be necessary to effectuate the foregoing; and be it further

**RESOLVED** that the Town Comptroller is hereby authorized and directed to pay the cost of the Services, upon receipt of a duly executed Agreement and certified claims therefor.

Dated:            Manhasset, New York  
                      November 19, 2020

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

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

Nays:            None

cc:    Town Attorney    Comptroller    Community Services

MR. WINK: Item 21, a resolution authorizing the execution of an agreement with Custom Marine for the removal of a derelict vessel at Motts Cove, Glenwood Landing.

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

**RESOLUTION NO. 516 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CUSTOM MARINE FOR THE REMOVAL OF A DERELICT VESSEL AT MOTTS COVE, GLENWOOD LANDING.**

**WHEREAS**, the Town requires the removal of a derelict vessel from Motts Cove in Glenwood Landing (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**, Custom Marine, 23 Hickory Hill Drive, Dobbs Ferry, NY 10522 (the “Contractor”) submitted the lowest quote, proposing to perform the Services for a sum not to exceed Nine Thousand Eight Hundred and 00/100 Dollars (\$9,800.00) (the “Contract Amount”); and

**WHEREAS**, in the event the vessel is not structurally sound and breaks apart during lift, the Contractor may, subject to the prior approval of the Commissioner of the Department of Public Safety (the “Commissioner”), perform the additional services needed to remove the vessel for an additional sum not to exceed Four Thousand Seven Hundred and 00/100 Dollars (\$4,700.00) (the “Additional Contract Amount”); and

**WHEREAS**, the Director has requested that the Board authorize the Town to enter into an Agreement with the Contractor to perform the Services for the Contract Amount and, if required, the Additional Contract Amount (the “Agreement”); and

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

**NOW, THEREFORE, BE IT**

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

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

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

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

Dated:            Manhasset, New York  
                      November 19, 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    Department of Public Works    Comptroller

MR. WINK: Item 22, a resolution authorizing the execution of an agreement with Chabad of Port Washington for the use of a portion of a Port Washington public parking district lot for the placement of a Menorah.

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. 517 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE CHABAD OF PORT WASHINGTON FOR THE USE OF A PORTION OF A PORT WASHINGTON PUBLIC PARKING DISTRICT LOT FOR THE PLACEMENT OF A MENORAH.**

**WHEREAS**, the Port Washington Public Parking District (the “District”) owns certain real property known as Lot 1 and located close to Main Street in Port Washington, New York (the “Premises”); and

**WHEREAS**, Chabad of Port Washington, 80 Shore Road, Port Washington, New York 11050 (the “Licensee”) has requested a license for the placement of a menorah, cones and a lift which will occupy approximately 3-4 parking spaces within the Premises (the “Licensed Use”) between December 10, 2020 and December 20, 2020 (the “License Agreement”); and

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

**NOW, THEREFORE, BE IT**

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

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

**RESOLVED** that the Supervisor is authorized take such other action as may be necessary to effectuate the foregoing.

Dated: Manhasset, New York  
November 19, 2020

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney    Comptroller    Public Safety

MR. WINK: Item 23, a resolution authorizing the execution of a professional services agreement with Firefly Admin Inc. for the administration of the Port Washington Fire Department LOSAP Program.

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. 518 - 2020**

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

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

**WHEREAS**, Firefly Admin, Inc. (“Firefly”), 6 Brunswick Road, Suite #8, Troy, NY 12180 currently provides actuarial and administrative services for the Port Washington Fire Department LOSAP; and

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

**WHEREAS**, the Services would be provided in consideration of an annual fee not to exceed Twenty Thousand and 00/100 Dollars (\$20,000.00) for a term beginning January 1, 2021 through December 31, 2021 (the “Agreement”); and

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

**NOW, THEREFORE, BE IT**

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

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

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

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

Dated:            Manhasset, New York  
                      November 19, 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 24, a resolution authorizing the execution of an agreement with Best Products Sales and Service Inc. for the purchase and maintenance of a currency counter for the office of the Receiver of Taxes.

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. 519 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH BEST PRODUCTS SALES AND SERVICE INC. FOR THE PURCHASE AND MAINTENANCE OF A CURRENCY COUNTER FOR THE OFFICE OF THE RECEIVER OF TAXES.**

**WHEREAS**, the Office of the Receiver of Taxes (the “Receiver of Taxes”) requires the purchase of, and maintenance for, a currency counter (the “Services”); and

**WHEREAS**, the Director of Purchasing (the “Director”) solicited two (2) quotes for the Services, in accordance with the Town’s Procurement Policy; and

**WHEREAS**, the Director of Purchasing (the “Director”) has recommended that the Town enter into an agreement with Best Products Sales and Service Inc., to purchase the currency counter in consideration of an amount not to exceed Three Thousand Twenty and 00/100 Dollars (\$3020.00), which includes one (1) year of maintenance (the “Agreement”); and

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

**NOW, THEREFORE, BE IT**

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

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

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

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

Dated:            Manhasset, New York  
                      November 19, 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 25, a resolution authorizing the execution of an agreement with Collins Gann McClosky and Barry, PLLC for legal services.

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. 520 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH COLLINS GANN MCCLOSKEY & BARRY, PLLC FOR LEGAL SERVICES.**

**WHEREAS**, the Office of the Town Attorney (“Town Attorney”) requires special legal counsel to assist the Town Attorney with the prosecution of Town Code and New York State Building Code violations in Nassau County Third District Court (the “Services”); and

**WHEREAS**, the Town Attorney has recommended that the Town enter into an agreement with Collins, Gann, McCloskey & Barry PLLC, 138 Mineola Boulevard, Mineola, New York 11501 (“Counsel”) to provide the Services for an amount not to exceed Nineteen Thousand and 00/100 Dollars (\$19,000.00) payable at the rate of One Hundred Ninety-Five and 00/100 Dollars (\$195.00) an hour (the “Agreement”); and

**WHEREAS**, the Agreement shall retroactively commence from June 19, 2020 and terminate on December 31, 2021; and

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

**NOW, THEREFORE, BE IT**

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

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

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

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

Dated: Manhasset, New York  
November 19, 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 26, a resolution authorizing the use of an agreement between the County of Nassau and W.B. Mason Company, Inc. for the purchase and rental of water and water coolers.

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. 521 - 2020**

**A RESOLUTION AUTHORIZING THE USE OF AN AGREEMENT BETWEEN THE COUNTY OF NASSAU AND W.B. MASON COMPANY, INC. FOR THE PURCHASE AND RENTAL OF WATER AND WATER COOLERS.**

**WHEREAS**, the Town of North Hempstead (the “Town”) requires the purchase of bottled water and the rental of water coolers (the “Services”); and

**WHEREAS**, the County of Nassau awarded Contract # BPNC17000227 entitled “Water and Water Coolers Purchase and Rental” to W.B. Mason Company, Inc., 90 Nikon Court, Hauppauge, New York 11788 (the “Contractor”); and

**WHEREAS**, under New York General Municipal Law §103(16), the Town is authorized to contract for services through the County of Nassau; and

**WHEREAS**, this Board wishes to authorize the use of this agreement between the County of Nassau and the Contractor for the provision of the Services for the duration of the agreement’s terms, including any future extensions (the “Agreement”).

**NOW, THEREFORE, BE IT**

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

**RESOLVED** that the Supervisor be and hereby is authorized and directed to execute any documentation and to take such other action as may be necessary to effectuate the foregoing; and be it further

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



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

Dated:            Manhasset, New York  
                      November 19, 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 27, a resolution authorizing the use of an agreement between the New York State Office of General Services and various vendors for intelligent facility and security systems and solutions.

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. 522 - 2020**

**A RESOLUTION AUTHORIZING THE USE OF AN AGREEMENT BETWEEN THE NEW YORK STATE OFFICE OF GENERAL SERVICES AND VARIOUS VENDORS FOR INTELLIGENT FACILITY AND SECURITY SYSTEMS AND SOLUTIONS.**

**WHEREAS**, the Town of North Hempstead requires the services of vendors for intelligent facility and security systems and solutions; and

**WHEREAS**, the New York State Office of General Services awarded contract #23150 entitled “Group 77201 - Intelligent Facility & Security Systems and Solutions (Statewide)” (the “Agreement”) to various vendors (the “Contractors”); and

**WHEREAS**, under New York General Municipal Law §103(16), the Town is authorized to contract for services through the State of New York Office of General Services; and

**WHEREAS**, the Board wishes to authorize the use of the Agreement for its duration, inclusive of any extensions.

**NOW, THEREFORE, BE IT**

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

**RESOLVED** that the Supervisor be and hereby is authorized and directed to execute any documentation and to take such other action as may be necessary to effectuate the foregoing; and be it further

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

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

Dated: Manhasset, New York  
November 19, 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    Purchasing

MR. WINK: Item 28, a resolution authorizing the execution of an amendment to an agreement with H&L Contracting LLC for dredging of the boat ramp channel at Manorhaven Beach Park, Port Washington, New York, DPW Project No. 15-19R.

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. 523 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH H&L CONTRACTING LLC FOR DREDGING OF THE BOAT RAMP CHANNEL AT MANORHAVEN BEACH PARK, PORT WASHINGTON, NY. DPW PROJECT NO. 15-19R.**

**WHEREAS**, pursuant to a resolution, duly adopted by this Board, the Town entered into an agreement with H&L Contracting LLC, 38 Homan Ave., Bay Shore, NY 11706 (the “Contractor”), for the dredging of a boat ramp channel at Manorhaven Beach Park in Port Washington, NY, DPW Project No. 15-19R (the “Original Agreement”); and

**WHEREAS**, an updated bathymetric survey indicates that an additional 1,282 cubic yards of material must be dredged from the project area to attain the required elevation (the “Additional Dredging”); and

**WHEREAS**, the Acting Commissioner of Public Works (the “Acting Commissioner”) has recommended that the Town amend the Original Agreement to include the Additional Dredging, thereby increasing the contract amount by Two Hundred Sixty Thousand Two Hundred Sixty-Eight and 00/100 Dollars (\$260,268.00) for an amended contract amount of One Million Six Hundred Sixty-Three Thousand Eight Hundred Sixty-Eight and 00/100 Dollars (\$1,663,868.00) (the “Amendment”); and

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

**NOW, THEREFORE, BE IT**

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

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

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

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

Dated:            Manhasset, New York  
                      November 19, 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 29, a resolution authorizing the execution of an amendment to an agreement with Jamaica Ash and Rubbish Removal Co., Inc. for collection and delivery of waste and paper recyclables from Harbor Links (TNH079-2018) .

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. 524 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH JAMAICA ASH AND RUBBISH REMOVAL CO., INC. FOR COLLECTION AND DELIVERY OF WASTE AND PAPER RECYCLABLES FROM HARBOR LINKS (TNH079-2018).**

**WHEREAS**, the Town of North Hempstead (the “Town”) has previously entered into an agreement (the “Agreement”) with Jamaica Ash and Rubbish Removal Co., Inc., 172 School Street, Westbury, NY 11590 (“Jamaica Ash”) for the collection and disposal of waste and paper recyclables from Harbor Links Golf Course, which Agreement expires on November 20, 2020; and

**WHEREAS**, the Agreement permits the Town and Jamaica Ash to extend the term of the Agreement for ninety (90) days commencing November 21, 2020 and terminating February 18, 2021; and

**WHEREAS**, the Town and Jamaica Ash desire to exercise the extension, extending the term of the Agreement for ninety (90) days commencing November 21, 2020 and terminating February 18, 2021 (the “Amendment”); and

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

**NOW, THEREFORE, BE IT**

**RESOLVED** that this Board hereby authorizes the Amendment; and be it further

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

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

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

Dated: Manhasset, New York  
November 19, 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 30, a resolution authorizing the execution of an amendment to an agreement with the Leadership Training Institute for use of the Roslyn Community Center.

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

**RESOLUTION NO. 525 - 2020**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH THE LEADERSHIP TRAINING INSTITUTE FOR USE OF THE ROSLYN COMMUNITY CENTER.**

**WHEREAS**, pursuant to Resolution No. 287-2020, duly adopted by this Board on July 23, 2020, the Town entered into an agreement with the Leadership Training Institute (the "Licensee") for the use of space in the Roslyn Community Center (the "Premises") for administrative offices, storage space and youth-oriented programmatic activities for a term retroactive from January 1, 2020 through December 31, 2020 in consideration of an amount not to exceed Fourteen Thousand Four Hundred and 00/100 Dollars (\$14,400.00) per year, payable One Thousand Two Hundred and 00/100 Dollars (\$1,200.00) per month (the "License"); and

**WHEREAS**, due to the Covid-19 pandemic the Town closed its facilities to the public including the Premises; and

**WHEREAS**, the Commissioner of the Department of Parks and Recreation (the "Commissioner") has recommended that the Town amend the Original Agreement to forgive the license payments of One Thousand Two Hundred and 00/100 Dollars (\$1,200.00) per month for the months of April, May, and June 2020 during which time the Licensee was unable to access the Premises as a result of the closure (the "Amendment"); and

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

**NOW, THEREFORE, BE IT**

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

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

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

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

Dated:            Manhasset, New York  
                      November 19, 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 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: 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. 526 - 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 the continuation of software maintenance and technical support for the Town’s tax application (the “Govern Services”) and

**WHEREAS**, the Director of Purchasing has recommended that the Town purchase the Govern Services from Harris Govern, PO Box 74007259, Chicago, IL 60674, for a term of one (1) year in consideration of an amount not to exceed Thirty Thousand Seven Hundred Fifty-Two and 89/100 Dollars (\$30,752.89) (the “Purchase”); and

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

**NOW, THEREFORE, BE IT**

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

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

Dated: Manhasset, New York  
November 19, 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 32, a resolution authorizing payment to L&M Crane Rigging for the rental of a crane at Clinton G. Martin Park, New Hyde Park.

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

**RESOLUTION NO. 527 - 2020**

**A RESOLUTION AUTHORIZING PAYMENT TO L&M CRANE RIGGING FOR THE RENTAL OF A CRANE AT CLINTON G. MARTIN PARK, NEW HYDE PARK.**

**WHEREAS**, the Town of North Hempstead Department of Parks and Recreation (the “Department”) required a crane to move a compressor at Clinton G Martin Park, New Hyde Park (the “Equipment”); and

**WHEREAS**, the Department rented the Equipment from L&M Crane Rigging, 8 Bennington Avenue, Freeport, NY 11520 (the “Rental”); and

**WHEREAS**, it has been recommended that the Town Board ratify the Rental of the Equipment and further authorize payment in an amount not to exceed Two Thousand and 00/100 Dollars (\$2,000.00) (the “Payment”); and

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

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Rental of the Equipment is hereby ratified and the Payment is hereby authorized; and be it further

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

Dated:           Manhasset, New York  
                    November 19, 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 33, a resolution setting dates for meetings of the Town Board of the Town of North Hempstead for calendar year 2021.

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. 528 - 2020**

**A RESOLUTION SETTING DATES FOR MEETINGS OF THE TOWN BOARD OF THE TOWN OF NORTH HEMPSTEAD FOR CALENDAR YEAR 2021.**

**WHEREAS**, in order for the Town of North Hempstead (the "Town") to conduct business, it is necessary to establish dates for the Town Board meetings for the year 2021; and

**WHEREAS**, this Board wishes to establish the dates.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town Board meeting dates for the calendar year 2021 are as follows:

January 7, 2021	August 5, 2021
January 21, 2021	September 2, 2021
February 24, 2021	September 30, 2021
March 18, 2021	October 7, 2021
April 22, 2021	October 21, 2021
May 20, 2021	November 18, 2021
June 16, 2021	December 16, 2021
July 8, 2021	

; and be it further

**RESOLVED** that unless otherwise stated, each meeting shall begin at 7:00 p.m.

Dated: Manhasset, New York  
November 19, 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    Finance    Admin Services    Dept. Heads

MR. WINK: Item 34, a resolution authorizing a change of address for the premises identified on the Nassau County Land and Tax Map as Section 8, Block 304, Lots 1A and IB from 1200 Marcus Avenue, New Hyde Park, New York to 13 Major Lane, New Hyde Park, New York.

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

**RESOLUTION NO. 529 - 2020**

**A RESOLUTION AUTHORIZING A CHANGE OF ADDRESS FOR THE PREMISES IDENTIFIED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 8, BLOCK 304, LOTS 1A AND 1B FROM 1200 MARCUS AVENUE, NEW HYDE PARK, NY TO 13 MAJOR LANE, NEW HYDE PARK, NY.**

**WHEREAS**, Section 10-3 of the Code of the Town of North Hempstead authorizes the Town Board to adjust and renumber street addresses as may be required from time to time; and

**WHEREAS**, Amalia Dimarino (the "Applicant") owns real property located at 1200 Marcus Avenue, New Hyde Park, New York designated on the Nassau County Land and Tax Map as Section 8, Block 304, Lots 1A and 1B (the "Original Street Address"); and

**WHEREAS**, the Applicant has requested that the Original Street Address for Lots 1A and 1B be changed to 13 Major Lane, New Hyde Park, New York ("Address Re-designation"); and

**WHEREAS**, the New Hyde Park Postmaster has approved the Address Re-designation sought by the Applicant; and

**WHEREAS**, subject to the Nassau County Fire Marshal rendering a determination that the designation would not impede optimum emergency response time (the "Determination"), the Town Board wishes to grant the Applicant's request for the Address Re-designation.

**NOW, THEREFORE, BE IT**

**RESOLVED** that subject to the Determination of the Nassau County Fire Marshal, the Town Board hereby authorizes and directs that the real property located at 1200 Marcus Avenue, New Hyde Park, New York and designated on the Nassau County Land and Tax Map as Section 8, Block 304, Lots 1A and 1B be re-designated as 13 Major Lane, New Hyde Park, New York; and be it further

**RESOLVED** that the Town Board hereby authorizes and directs that all necessary action be taken by the Building Department to effectuate the foregoing; and be it further

**RESOLVED** that the Town Board hereby authorizes and directs the Town Clerk to notify the Nassau County Clerk, the Nassau County Engineer, the Applicant and the post-office department of the United States where the premises is located, to advise them of the Address Re-designation.

Dated:            Manhasset, New York  
                      November 19, 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    Receiver of Taxes    Planning    Building    DPW    Town Clerk

MR. WINK: Item 35, a resolution amending Resolution No. 292-2020, adopted July 23, 2020, ratifying the use of an agreement between the New York State Office of General Services and West Publishing Corporation d/b/a West, a Thomson Reuters Business for legal research services.

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. 530 - 2020**

**A RESOLUTION AMENDING RESOLUTION NO. 292-2020, ADOPTED JULY 23, 2020, RATIFYING THE USE OF AN AGREEMENT BETWEEN THE NEW YORK STATE OFFICE OF GENERAL SERVICES AND WEST PUBLISHING CORPORATION D/B/A WEST, A THOMSON REUTERS BUSINESS FOR LEGAL RESEARCH SERVICES.**

**WHEREAS**, pursuant to Resolution No. 292-2020, duly adopted on July 23, 2020, the Town Board ratified the use of an agreement between the New York State Office of General Services and West Publishing Corporation d/b/a West, a Thompson Reuters business (the "Contractor") for legal research services (the "Services) and entered into an agreement with the Contractor to provide the Services for three (3) years, commencing July 1, 2020 and terminating December 31, 2023, in consideration of a monthly cost of One Thousand Eleven and 07/100 Dollars (\$1,011.07) for the period from January 1, 2021 through December 31, 2021 with a three percent (3%) yearly increase in cost for the remainder of the term and no charge for the Services from July 1, 2020 through December 31, 2020 (the "Resolution"); and

**WHEREAS**, the Town Attorney's Office requires two additional usernames for legal research purposes as two more attorneys have been hired; and

**WHEREAS**, the monthly cost for the Services will now increase to One Thousand Two Hundred Sixty and 87/100 Dollars (\$1,260.87); and

**WHEREAS**, it has been requested that the Resolution be amended to increase the amount to be paid to the Contractor to a monthly cost of One Thousand Two Hundred Sixty and 87/100 Dollars (\$1,260.87) for the period from January 1, 2021 through December 31, 2021 with a three percent (3%) yearly increase in cost for the remainder of the term and no charge for the Services from July 1, 2020 through December 31, 2020 (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  
November 19, 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