

**TOWN OF NORTH HEMPSTEAD  
BOARD MEETING**

**AGENDA**



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**September 2, 2021**

**7:00 PM**

**CONTINUATIONS:**

1. A PUBLIC HEARING TO CONSIDER THE APPLICATION OF CAROLYN BICHOU PAN FOR AN APPEAL FROM A DISAPPROVAL BY THE COMMISSIONER OF BUILDING SAFETY, INSPECTION AND ENFORCEMENT OF A STRUCTURE (DOCK) APPLICATION PURSUANT TO CHAPTER 42 OF THE TOWN CODE FOR THE PROPERTY LOCATED AT 4 WATERS EDGE, PORT WASHINGTON, NEW YORK 11050 AND IDENTIFIED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 5, BLOCK C, LOT 444.

**PUBLIC HEARINGS:**

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

Synopsis: The purpose of the proposed local law is to make amendments to the tree removal permit requirements in Town Code Section 2-9(T) relative to the preservation of trees on private property. **Will be continued to September 30, 2021.**

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

Synopsis: The purpose of the proposed local law is to make amendments to the Town's tree code relative to the preservation of trees on public and private property. **Will be continued to September 30, 2021.**

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

Synopsis: The purpose of the public hearing is to consider amendments to the Town's Tree Policy, which governs the removal of trees from a public

right-of-way and Town-owned public places. **Will be continued to September 30, 2021.**

5. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING ALLENWOOD ROAD IN GREAT NECK, NEW YORK.

Synopsis: The adoption of this ordinance will establish No Stopping Here to Corner restrictions on the north side of Allenwood Road, west of Warwick Road, in Great Neck. **Will be continued without a date.**

6. A PUBLIC HEARING TO CONSIDER THE RESCISSION AND ADOPTION OF ORDINANCES AFFECTING FIRST AVENUE IN GARDEN CITY PARK, NEW YORK.

Synopsis: The rescission and adoption of these ordinances will eliminate the presently posted one hour parking restriction and add no parking restrictions on portions of the west and east sides of First Avenue, between Railroad Avenue and Dennis Street, in Garden City Park.

7. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING WALDO AVENUE IN GREENVALE, NEW YORK.

Synopsis: The adoption of these ordinances will establish No Stopping anytime restrictions on the north and south sides of Waldo Avenue, between Glen Cove Road and 1st Street, in Greenvale.

#### **RESOLUTIONS:**

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

Synopsis: The proposed local law would ensure the safety of construction sites within the Town by ensuring that workers employed or otherwise engaged at such construction sites have received adequate safety training, and that contractors performing construction work have essential safety training systems to prevent injuries and protect workers who are injured. Tentative hearing date is September 30, 2021.

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

Synopsis: The purpose of the proposed local law is to update Article IX of Chapter 23 of the Town Code to account for the pending termination of the Town of North Hempstead Solid Waste Management Authority and the transfer of all the Authority's functions to the Town's Department of Solid Waste Management. Tentative hearing date is September 30, 2021.

10. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER A LOCAL LAW AMENDING CHAPTER 46 OF THE TOWN CODE ENTITLED "SANITATION."

Synopsis: The purpose of the proposed local law is to update Chapter 46 of the Town Code to add provisions to aid in enforcement of Chapter 46 and to make technical changes to account for the pending termination of the Town of North Hempstead Solid Waste Management Authority and

the transfer of all the Authority's functions to the Town's Department of Solid Waste Management. Tentative hearing date is September 30, 2021.

11. A RESOLUTION SETTING A DATE FOR A SPECIAL MEETING OF THE TOWN BOARD OF THE TOWN OF NORTH HEMPSTEAD FOR OCTOBER 6, 2021 AT 10:00 A.M.

Synopsis: The purpose of the meeting is to conduct a work session on the tentative budget of the Town of North Hempstead, as well as the budgets for all special improvement districts and the assessment rolls of the Belgrave Water Pollution Control District, the Great Neck Water Pollution Control District and the Port Washington Water Pollution Control District for the fiscal year beginning January 1, 2022.

12. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER A PETITION TO DESIGNATE A SECONDARY HONORARY STREET NAME FOR A PORTION OF STATE STREET IN NEW CASSEL PURSUANT TO SECTION 10-5 OF THE TOWN CODE.

Synopsis: This petition seeks to designate a secondary honorary street name for a portion of State Street in New Cassel, from the corner of Prospect Avenue to the corner of Park Avenue, as "Oslo Gibson's Way." Tentative hearing date is September 30, 2021.

13. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER A PETITION TO DESIGNATE A SECONDARY HONORARY STREET NAME FOR A PORTION OF STATE STREET IN NEW CASSEL PURSUANT TO SECTION 10-5 OF THE TOWN CODE.

Synopsis: This petition seeks to designate a secondary honorary street name for a portion of State Street in New Cassel, from the corner of Prospect Avenue to the corner of Broadway, as "Estell Myers Way." Tentative hearing date is September 30, 2021.

14. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING MILL SPRING ROAD IN MANHASSET, NEW YORK.

Synopsis: The adoption of this ordinance will establish a Full Stop southwest bound on Mill Spring Road, at its intersection with Country Club Drive, in Manhasset. Tentative hearing date is September 30, 2021.

15. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING CHARLES STREET IN PORT WASHINGTON, NEW YORK.

Synopsis: The adoption of this ordinance will establish a Full Stop westbound on Charles Street, at its intersection with Carlton Avenue, in Port Washington. Tentative hearing date is September 30, 2021.

16. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING CHERRY LANE IN FLORAL PARK, NEW YORK.

Synopsis: The adoption of this ordinance will establish a Reserved Parking space on the west side of Cherry Lane, between Whitter Avenue and White Avenue, in Floral Park. Tentative hearing date is September 30, 2021.

17. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING ALLENWOOD ROAD IN GREAT NECK, NEW YORK.

Synopsis: The adoption of this ordinance will establish a No Stopping Here to Corner restriction on the north side of Allenwood Road in Great Neck. Tentative hearing date is September 30, 2021.

18. A RESOLUTION AUTHORIZING THE TOWN BOARD TO ACCEPT GIFTS TO THE TOWN PURSUANT TO TOWN LAW SECTION 64.
19. A RESOLUTION AUTHORIZING SUPPLEMENTAL BUDGET APPROPRIATIONS PURSUANT TO TOWN LAW SECTION 112.
20. A RESOLUTION AUTHORIZING THE AWARD OF A BID FOR GOLF CART LEASES (TNH185-2021).
21. A RESOLUTION AUTHORIZING THE AWARD OF A BID FOR CESSPOOL CLEANING SERVICES (TNH204-2021).
22. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ARCHITECTURAL PRESERVATION STUDIO, DPC FOR PROFESSIONAL SERVICES RELATED TO THE RESTORATION OF THE WATER WHEEL AT THE ROSLYN PAPER MILL BUILDING IN GERRY PARK, ROSLYN, DPW PROJECT NO. 21-07.
23. A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH R&M ENGINEERING RELATED TO THE EMERGENCY REPAIR OF A RETAINING WALL ON CARLTON AVENUE IN PORT WASHINGTON.
24. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH SAVIK AND MURRAY FOR ENGINEERING SERVICES FOR REHABILITATION OF EROSION AT THE HEMPSTEAD HARBOR SHORELINE TRAIL (TNH256-2021).
25. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CASHIN ASSOCIATES, PC FOR PROFESSIONAL SERVICES RELATED TO TOWN PONDS (TNH266-2021).
26. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH HEALTHEQUITY FOR ADMINISTRATION OF A FLEXIBLE SPENDING PROGRAM (TNH 268-2021).
27. A RESOLUTION RATIFYING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ISLAND FENCE FOR THE INSTALLATION OF STAIR RAILINGS AT MANHASSET VALLEY PARK, MANHASSET.

28. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH COMMERCIAL CLEARWATER COMPANY, INC. FOR A CERTIFIED POOL OPERATOR COURSE AT MICHAEL J.TULLY PARK, NEW HYDE PARK.
29. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ADELPHI UNIVERSITY FOR FIELD INSTRUCTION INTERNSHIPS IN SOCIAL WORK AT THE NORTH HEMPSTEAD "YES WE CAN" COMMUNITY CENTER.
30. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PEDALSHARE INC. FOR A BIKE SHARING PROGRAM.
31. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH WAMPUM MAGIC, INC. FOR PROFESSIONAL SERVICES, INCLUDING ILLUSTRATION AND DESIGN SERVICES, RELATED TO THE NORTH HEMPSTEAD TOWN SEAL.
32. A RESOLUTION AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH ANKER'S ELECTRIC SERVICE, INC. FOR THE PLACEMENT OF BANNER POLES AND BANNERS ON LAMPPOSTS IN NEW CASSEL.
33. A RESOLUTION AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH RESIDENTS FORWARD FOR MAINTENANCE OF A GARDEN IN A PORT WASHINGTON PUBLIC PARKING DISTRICT LOT.
34. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH SAFE BOATS INTERNATIONAL, LLC FOR THE PURCHASE OF A HARBOR PATROL BOAT.
35. A RESOLUTION AUTHORIZING THE USE OF AN AGREEMENT BETWEEN THE COUNTY OF NASSAU AND ENECON NORTHEAST A.P.S., INC. FOR CONCRETE, METAL AND TANK REPAIR.
36. A RESOLUTION AUTHORIZING THE USE OF AN AGREEMENT BETWEEN THE COUNTY OF SUFFOLK AND MACCARONE PLUMBING, INC. FOR PLUMBING REPAIRS AND SERVICE.
37. A RESOLUTION AUTHORIZING THE USE OF AN AGREEMENT BETWEEN THE TOWN OF EAST HAMPTON AND NATIONAL WATER MAIN CLEANING COMPANY FOR THE CLEANING AND INSPECTION OF STORM SEWER PIPES.
38. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH RISING TIDE WATERFRONT SOLUTIONS FOR ENGINEERING SERVICES RELATED TO SEAWALL AND PIER REPLACEMENT AT HARBOR HILLS PARK, GREAT NECK, NY. DPW PROJECT NO. 17-13.
39. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE AGREEMENT WITH MORE CONSULTING CORPORATION FOR A ROOF REPLACEMENT AT TOWN DOCK.

40. A RESOLUTION AUTHORIZING THE USE OF A SOURCEWELL AGREEMENT WITH CDW FOR THE PURCHASE OF BITDEFENDER ANTIVRUS SOFTWARE.
41. A RESOLUTION ESTABLISHING A NEW PROPERTY ADDRESS OF 1501 MARCUS AVENUE, NEW HYDE PARK, NEW YORK 11040 FOR THE PREMISES IDENTIFIED AS SECTION 8 BLOCK 286 LOT 5 ON THE LAND AND TAX MAP OF THE COUNTY OF NASSAU.
42. A RESOLUTION AUTHORIZING CERTAIN SUPERVISORY ARRANGEMENTS CONCERNING PERSONNEL OF VARIOUS DEPARTMENTS IN ACCORDANCE WITH CHAPTER 16B OF THE TOWN CODE.
43. A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM VARIOUS CAPITAL PROJECTS RESERVE FUNDS.
44. A RESOLUTION RATIFYING, AUTHORIZING, AND APPROVING THE EXECUTION OF A SETTLEMENT AGREEMENT AND RELEASE.
45. A RESOLUTION AUTHORIZING THE EMPLOYMENT, APPOINTMENT, TRANSFER, ADJUSTMENT, CORRECTION, CHANGE IN GRADE OR SALARY AND/OR TERMINATION OF EMPLOYEES AND/OR OFFICIALS IN VARIOUS DEPARTMENTS OF THE TOWN.
  
46. A RESOLUTION APPROVING THE ACTION OF THE ALBERTSON HOOK & LADDER, ENGINE & HOSE CO., NO. 1., INC., ALBERTSON, NEW YORK, IN ADDING TO MEMBERSHIP XIE LONG ZHA, AAGARSHA GUPTA, SURENDRA GUPTA AND DAVID WALTERS.

**ADDED STARTERS:**

47. A RESOLUTION WAIVING FEES OTHERWISE CHARGED BY THE DEPARTMENT OF BUILDING SAFETY, INSPECTION AND ENFORCEMENT FOR THE TOWN OF NORTH HEMPSTEAD SOLID WASTE MANAGEMENT AUTHORITY'S ELECTRICAL INFRASTRUCTURE IMPROVEMENT PROJECT AT THE PORT WASHINGTON L4 AND L5 LANDFILLS.

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**PROPOSED RESOLUTION**

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

**RESOLUTION NO. - 2021**

**A PUBLIC HEARING TO CONSIDER THE APPLICATION OF CAROLYN BICHOU PAN FOR AN APPEAL FROM A DISAPPROVAL BY THE COMMISSIONER OF BUILDING SAFETY, INSPECTION AND ENFORCEMENT OF A STRUCTURE (DOCK) APPLICATION PURSUANT TO CHAPTER 42 OF THE TOWN CODE FOR THE PROPERTY LOCATED AT 4 WATERS EDGE, PORT WASHINGTON, NEW YORK 11050 AND IDENTIFIED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 5, BLOCK C, LOT 444.**

**WHEREAS**, Carolyn Bichoupan (the “Applicant”), residing at 4 Waters Edge, Port Washington, New York 11050, identified on the Nassau County Land and Tax Map as Section 5, Block C, Lot 444 (the “Premises”), has applied to 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 construction of a 190 foot by 5 foot wide pier with a 40 foot by 3 foot wide gangway and two (2) 20 foot by 8 foot wide floats for a total length of 260 feet (the “Application”); and

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

**WHEREAS**, by determination dated April 6, 2021, the Deputy Building Commissioner disapproved the Application, based upon its inconsistency with (i) Town Code §42-9A(2), which restricts structures (inclusive of the steps, catwalk, ramp and float) from projecting into the waterway the lesser of the distance required to reach navigable water depth, or a length exceeding 150 feet, (ii) Town Code §42-9B(2)(b), which requires the height of a structure to be a minimum of three feet and a maximum of eight feet above the mean high water as defined by the Datum Plane, (iii) Town Code §42-9B(9), which restricts slips, docks, floats, vessels or combination thereof from encroaching upon the portion of the waterway adjacent to the 15-foot side yards on either side of the uplands boundary as it extends offshore, and (iv) Town Code §42-9B(10), which limits the width of docks such as the float to six feet for a residential permit (the “Determination”); and

**WHEREAS**, the Town Clerk notified the Applicant of the Determination by letter dated April 13, 2021; and

**WHEREAS**, the Applicant timely filed a notice of appeal seeking review of the Determination by the Board pursuant to Town Code §42-11 (the “Appeal”); and

**WHEREAS**, Town Code §42-11 requires the Appeal to be heard by the Town Board at a public hearing; and

**WHEREAS**, pursuant to Resolution No. 371-2021, duly adopted by the Town Board on July 8, 2021, a public hearing on the Appeal was scheduled for August 5, 2021 at 7:00pm, which hearing was continued until September 2, 2021, before this Board; and

**WHEREAS**, at its meeting on June 14, 2021, the Town of North Hempstead Waterfront Advisory Commission (the "Commission"), having heard the recommendations of the Town's Chief Bay Constable, recommended that the Application be further reviewed to address issues raised concerning the Application; and

**WHEREAS**, having received the Determination and the Appeal, and having heard testimony on the Appeal at the public hearing held on August 5, 2021, which was continued until September 2, 2021, and having received the Commission's recommendation on the Application, the Board wishes to render a determination on the Appeal; and

**WHEREAS**, in rendering a determination on the Appeal §42-11(D) provides that where the record shall indicate to the satisfaction of the Town Board that strict application of the provisions of the chapter is not necessary to maintain safe navigability of the waterway or to prevent undue interference with the right of the public to use the waterfront or the littoral rights of adjacent waterfront property owners, taking into account the shape and contour of the waterway and topography of the vicinity, and if the record further indicates that the proposed development conforms to all other local, state and federal regulations relating thereto, then the Town Board may vary or modify the application of such provisions so that the spirit of this chapter shall be observed.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the record indicates to the satisfaction of the Town Board that strict application of the provisions of Chapter 42 is not necessary to maintain safe navigability of the waterway or to prevent undue interference with the right of the public to use the waterfront or the littoral rights of adjacent waterfront property owners, taking into account the shape and contour of the waterway and topography of the vicinity, and the record further indicates that the proposed development conforms to all other local, state and federal regulations relating thereto, so that the spirit of this chapter shall be observed; and be it further

**RESOLVED** that the Appeal be and hereby is granted and the Determination is hereby reversed; and be it further

**RESOLVED** that the Town Clerk shall issue the appropriate permit consistent with this Resolution in accordance with §42-11(E) of the Town Code.

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes:

Nays:



cc: Town Attorney      Planning      Town Clerk      Buildings

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**PROPOSED RESOLUTION**

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

**RESOLUTION NO. - 2021**

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

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

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

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

**WHEREAS**, due notice was heretofore given of a public hearing to be held on December 17, 2020, via Zoom, which hearing was continued to February 24, 2021, March 18, 2021, May 20, 2021, and then further continued to July 8, 2021, 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**, due to the termination of New York State's COVID-19 state of emergency and the change in format from virtual Town Board meetings to in-person attendance the legal notices for public hearings scheduled for July 8, 2021, needed to be updated and all such hearings were continued without a date, including the proposed Local Law, and due notice was given of a rescheduled public hearing to be held on September 2, 2021, 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, including comments previously received and incorporated into the record, and conducted said hearing on September 2, 2021, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

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

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

**NOW, THEREFORE, BE IT**

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

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

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

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

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

**Section 1. Legislative Intent.**

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

**Section 2.**

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

§ 2-9 Permit required; application.

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T. Tree removal permits.

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

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

(a) If the removal of a tree(s) on private property is in connection with another activity for which a permit is required under § 2-9A of this Code, a tree removal application as described in this

subsection is required. In this section a “tree” is defined as any living woody plant which is six inches or more in diameter at a height of 4 ½ feet above the base of the trunk, including its root system and the environment within the area defined by the outermost limits of its branches. **In this section, the removal of a non-living tree shall require a permit hereunder.**

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

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

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

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

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

**(h) Photos of each tree to be removed.**

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

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

[1] A signed statement from a New York State certified arborist indicating the health of the tree.

[2] An erosion control plan.

[3] [~~Photos of each tree to be removed.~~] **Reserved**

- [4] A survey noting the location of any structures or utilities endangered by the tree.
- [5] Alternative mitigation if the tree acts as a visual and/or noise barrier to a road or highway.
- [6] Proposed methods to ensure the protection of remaining trees. [~~A copy of the Tree Standards and Specifications will be provided to the applicant.~~]
- [7] Flagging of each tree to be removed.

(4) In making the determination to grant or deny the application, the [b]Building [e] Commissioner shall be guided by the following criteria:

(a) The ability of the applicant to rearrange the layout of proposed structures to minimize the removal of trees.

(b) The necessity of removal or alteration of the tree in question.

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

(d) The proximity of the tree to proposed or existing structures.

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

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

[1] The size of the tree.

[2] The rarity of the species.

[3] The historical value of the tree.

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

(g) The effect of removal on:

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

[2] Ecological systems

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

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

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

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

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

**[1] Each tree removed having a diameter measuring between six inches to thirty inches shall require a replacement tree to be planted.**

**[2] Each tree removed having a diameter greater than thirty inches will require the planting of two replacement trees.**

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

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

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

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

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

~~[(a)]~~ **[1]** In the event of a default, such bond or cash deposit shall be forfeited to the ~~[Town Parks Department for additional plantings in Town parks,]~~ **Building Department and the funds shall be applied to the Tree Preservation Fund.** ~~[and the applicant shall]~~ **If a permittee is [be]**

found to be in violation of the conditions of the tree removal permit[-], [F]the Commissioner of Buildings shall determine the remedy of the violation; however, in no circumstances shall such forfeiture of the bond serve as a remedy of the violation.

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

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

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

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

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

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

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

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

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

**(10) Prior to land preparation or construction activity that could damage any tree on a property a protective barrier shall be placed around the tree. Such protective barrier shall remain in place until all construction activity is terminated. If the construction or**

development of a property results in damage to a tree on the property requiring its removal, such tree shall be subject to the provisions of this section. Minor tree damage shall be repaired in accordance with accepted tree surgery practice.

(11) The Building Commissioner shall issue a certificate of tree planting if it is found that the proposed tree removal and tree replacement has been completed

substantially in accordance with the permit and the laws applicable thereto. A photo of each replacement tree that is planted shall be maintained in the certificate of tree planting file.

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

**Section 3.**

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

§ 2-75 Penalties for offenses.

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

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

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

Tree Diameter	Minimum Fine <b><u>(first offense)</u></b>	<b><u>Minimum Fine</u></b> <b><u>(second or</u></b> <b><u>subsequent offense)</u></b>
(inches)	(per tree)	<b><u>(per tree)</u></b>



6 to 10	\$500	<b><u>\$5,500</u></b>
11 to 15	\$1,000	<b><u>\$6,000</u></b>
16 to 18	\$1,500	<b><u>\$6,500</u></b>
19 to 24	\$2,500	<b><u>\$7,500</u></b>
25 or greater	\$5,000	<b><u>\$10,000</u></b>

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

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

#### **Section 4.**

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

;and be it further

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

#### **NOTICE OF ADOPTION**

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

**Dated:** Manhasset, New York

September 2, 2021

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes:

Nays:

cc: Town Attorney

Town Clerk

Planning

Building

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**PROPOSED RESOLUTION**

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

**RESOLUTION NO. - 2021**

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

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

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

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

**WHEREAS**, due notice was heretofore given of a public hearing to be held on December 17, 2020, via Zoom, which hearing was continued to February 24, 2021, March 18, 2021, May 20, 2021, and then further continued to July 8, 2021, 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**, due to the termination of New York State's COVID-19 state of emergency and the change in format from virtual Town Board meetings to in-person attendance the legal notices for public hearings scheduled for July 8, 2021, needed to be updated and all such hearings were continued without a date, including the proposed Local Law, and due notice was given of a rescheduled public hearing to be held on September 2, 2021, 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, including comments previously received and incorporated into the record, and conducted said hearing on September 2, 2021, with respect to the Local Law, and has afforded all interested persons an opportunity to be heard at the public hearing; and

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

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

**NOW, THEREFORE, BE IT**

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

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

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

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

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

**Section 1. Legislative Intent.**

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

**Section 2.**

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

§ 20A-1 Legislative policy.

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

§ 20A-2 Findings and intent.

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

- A. **The Town Board hereby finds and declares** [~~Since it has been long recognized~~] that **the preservation of trees within the Town is necessary to protect the health, safety and general welfare of the Town of North Hempstead because trees** provide **shade, screening and** a natural habitat for the wildlife of our area, absorb air pollution **and reduce levels of**

carbon dioxide, provide us with oxygen, help moderate climatic extremes and conserve energy, aid water absorption and retention, deter soil erosion and flooding, ~~and~~ offer a natural barrier to noise, reduce visual pollution and add to the aesthetic quality of the community. By maintaining the existing character of the Town, trees enhance property values and contribute to the significance of historic buildings, structures and places in the Town, and otherwise facilitate the creation of a convenient, attractive and harmonious community; and generally preserve and safeguard the ecological, economic and aesthetic environment.

- B. The Town Board further finds ~~and~~ that the wanton and indiscriminate destruction of trees could decimate the scenic natural beauty of the area, disrupt the ecological balance in nature; cause erosion of topsoil; create flood hazards and erosion; reduce property values, resulting in the encouragement of substandard development; and increase the cost of construction and maintenance of drainage systems through the increased flow and diversion of surface waters. ~~and~~ ~~The Town Board of the Town of North Hempstead hereby declares it in the public interest, convenience and necessity to enact regulations which will~~ preserve existing trees, control the removal and substantial alteration of ~~or changes or damages to~~ trees, and require the planting of new trees within the jurisdiction of the Town to eliminate the aforesaid injurious effects of such tree removal and substantial alteration ~~or changes or damages~~.

#### § 20A-3 Definitions.

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

##### APPLICANT

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

##### ARBORIST

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

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

##### BORDER

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

##### DIAMETER

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

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

##### FRONT YARD

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

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

##### HABIT

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

##### PERSON

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

##### PROPERTY OWNER

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

## PUBLIC RIGHT-OF-WAY

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

## SAPLING

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

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

## SUBSTANTIAL ALTERATION

Any cutting, pruning, elevating or other alteration of the habit of a tree which impairs or endangers the life of such tree or destroys its natural symmetry and shall include, but is not limited to, heavy or unnecessary cutting of top branches (topping), cutting of major lower limbs (severe elevating) or drastic pruning or cutting of roots of trees without compensatory cutting of the crown of the tree, but shall not include New York State forestry standards, guidelines or ornamental procedures. **In any event, the removal of more than 50% of a tree's crown or limbs, or any cutting or trimming that would be deemed substantial by industry standards (ANSI), shall be a substantial alteration.**

## TOWN

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

## TOWN OFFICIAL

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

## TREE

Any living woody plant which is six inches or more in diameter at a height of 4 1/2 feet above the base of the trunk, including its root system and the environment within the area defined by the outermost limits of its branches. **The removal of a dead or dying tree shall require a permit hereunder.**

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

## TREE LAWNS

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

## **TREE MASTER PLAN**

**A plan for maintaining, managing, enhancing, and growing the Town's tree resource and the percentage of canopy cover over time; the plan documents objectives for long-range planning to promote sustainability, species diversity, growth and health of the tree inventory; the plan should encompass, but is not limited to, vision statement, goals, objectives, strategies, annual work plan, annual budget, etc.**

§ 20A-4 Enforcement.

A. Public rights-of-way. The Superintendent of Highways shall have the authority to promulgate rules and regulations governing the planting, maintenance, removal, fertilization, pruning and bracing of trees in public rights-of-way and shall direct, regulate and control the planting, maintenance and removal of all trees growing now or hereafter in any public right-of-way.

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

C. Public right-of-way and Town-owned public places. The Town Board shall adopt a policy governing the removal of trees from a public right-of-way and Town-owned public places. The policy shall be adopted and may be amended only after a public hearing is held by the Town Board. The policy shall include reasonable public notice of the removal of a tree(s) and shall be designed to

minimize the need for the removal of trees other than for public safety or other public benefit.

[Added 3-21-2006 by L.L. No. 4-2006]

D. Private property. The Commissioner of Buildings shall have the authority over the regulation of the removal and replacement of trees in the front yards of private properties so as to ensure safety and preserve the aesthetics and character of a neighborhood. [~~He~~] **The Commissioner** shall have the authority and duty to supervise or inspect all work performed. [Added 4-2-2002 by L.L. No. 5-2002] § 20A-5 (Reserved)

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

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

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

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

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

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

B. Public right-of-way. Any person who applies for the removal of a tree or sapling in a public right-of-way shall post upon such tree a notice of the intent to remove the same. The notice shall be in the form of a sign provided by the Superintendent of Highways, and no permit may be issued until at least [~~five~~] **seven** [~~working~~] **calendar** days have elapsed from the time of posting as evidenced by the receipt of an affidavit of posting by the Superintendent of Highways. **In addition to the requirements of this code, the Superintendent of Highways shall follow the procedures outlined in the Town of North Hempstead Tree Policy, adopted by resolution pursuant to § 20A-4(C).**

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

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

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

(3) Site of proposed activity, including the section, block and lot number of the property affected or adjacent to the tree.

(4) An attached sketch or plan of the area showing all existing, heavily wooded areas on the site and showing the tree or sapling type and size range.

(5) The nature of the proposed activity.

**(6) The reason tree removal is sought.**

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

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

**(9) Photos of each tree to be removed.**

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

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

**(1) The necessity of removal.**

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

- (3) The ecologic and aesthetic value of trees.
- (4) The ability to replace trees that are removed.
- (5) The significance of the tree for the neighborhood due to:
  - (a) The size of the tree;
  - (b) The rarity of the species;
  - (c) The historical value of the tree;
  - (d) Whether the tree is included on the inventory of landmark trees and other significant trees in the Town.
- (6) The effect of removal on:
  - (a) The character of the site with respect to vegetation management practices.
  - (b) Ecological systems.
  - (c) Erosion control at the location in which the tree is to be removed and its impact on the surrounding area.
  - (d) The character of the neighborhood.
- (7) The condition of the tree with respect to disease and danger of falling. In the event that the condition of the tree is not evident, the Highway Superintendent maintains the right to require the applicant to submit proof from a certified arborist.
- (8) Whether the tree endangers the usefulness of a public sewer or utility.
- (9) Whether denial of the permit or the replacement requirement will result in unnecessary hardship or severe financial loss to the applicant.

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

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

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

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

§ 20A-5.2 Permit required; application; notice of completion for tree removal on private property.

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

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

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

- (1) Name and address of the applicant and status of legal entity.
- (2) The status of the applicant with respect to the land.
- (3) Written consent of the owner or owners of the land, if the applicant is not the owner or sole owner.
- (4) Description and purpose for the proposed activity for which a permit is required.
- (5) Location of proposed activity, including section, block and lot number and street address of the property(s) affected by or adjacent to the tree.
- (6) A plot plan of the front yard of the lot drawn to scale to include all existing buildings and trees within and adjacent to said area delineating all trees to be removed, preserved, or planted. The plot plan shall identify each tree proposed for removal or planting with diameter and type, including common name and/or botanical name.



- (7) Condition of the tree with respect to disease and danger of falling.
- (8) A diagram showing the proposed location of the required replanting. A copy of the Tree Standards and Specification will be made available to the applicant.**
- (9) Photos of each tree to be removed.**
- (10) A description of the size and type of each tree to be removed, including common name and/or botanical name.**

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

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

(g) Flagging of each tree to be removed.

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

- (1) The necessity of removal.
- (2) The preservation and enhancement of the aesthetics of neighborhoods.
- (3) The ecologic and aesthetic value of trees.
- (4) The ability to replace trees that are removed.
- (5) The significance of the tree for the neighborhood due to:
  - (a) The size of the tree;
  - (b) The rarity of the species; [~~and~~]
  - (c) The historical value of the tree[~~-~~];
- (d) Whether the tree is included on the inventory of landmark trees and other significant trees in the Town.**

(6) The effect of removal on:

- (a) The character of the site with respect to vegetation management practices.
- (b) Ecological systems.
- (c) The screening of any road or highway bordering the property in question.
- (d) Erosion control from the parcel on which the tree is to be removed and its impact on adjacent parcels.

(e) The character of the neighborhood.

(7) The condition of the tree with respect to disease and danger of falling. In the event that the condition of the tree is not evident, the Commissioner of Buildings maintains the right to require the applicant to submit proof from a [~~New York State~~] certified arborist.

(8) The proximity of the tree to existing structures.

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

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

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

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

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

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

**A property owner or permit holder who fails to post a permit shall be deemed in violation of this chapter.**

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

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

A. Public rights-of-way and Town-owned public places. If, in the opinion of the Town official, any tree on a public right-of-way or Town-owned public place constitutes a hazard to adjoining public rights-of-way or to persons using the adjoining public rights-of-way **and if such hazard cannot be effectively eliminated by trimming the tree**, or if its roots are causing excessive damage to the curb, gutters or sidewalks, or if **the tree or its roots** unduly interferes with any **public sewer [system] or house connection sewer** or public utility, the Town official may remove the tree or consent to its removal **in accordance with this Chapter and the Town of North Hempstead Tree Policy. A permit shall be required for a tree removal under this section.**

B. Private property.

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

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

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

(4) Emergency tree removal on private property. In the event that any accident or natural disaster shall cause a tree(s) to be in danger of falling or otherwise be in such condition as to seriously endanger persons or property, the owner of such tree(s) shall immediately contact the Commissioner of Buildings describing the location of the tree(s), extent of the damage, and any emergency measures required to resolve the problem. Upon verbal approval by the Building Commissioner, the owner shall immediately remedy such situation and shall immediately take all such necessary steps to make said location safe and secure. Such owner must apply for a tree removal permit within 48

hours after such natural disaster or serious accident shall have developed. [Added 4-2-2002 by L.L. No. 5-2002]

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

§ 20A-7 Replacement of trees in tree lawn.

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

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

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

§ 20A-8 Public utilities.

A. Any person doing business as a public utility and subject to the jurisdiction of the New York State Public Service Commission and any duly constituted public agency authorized to provide utility service shall notify the Superintendent of Highways of planned intent to work in any public right-of-way, where activity includes the removal or alteration of the habit of any tree, at least five [~~working~~] **business** days **prior** to commencing such work, whenever possible. The Superintendent of Highways shall review such notice and, where necessary, impose reasonable conditions and standards so as to promote the intent of this subsection.

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

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

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

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

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

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

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

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

**(2) Each tree removed having a diameter greater than thirty inches will require the planting of two replacement trees.**

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

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

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

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

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

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

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

(2) Upon satisfactory completion of the contemplated work in accordance with the application and this chapter, such bond or cash deposit shall be released by the Commissioner of Buildings. Satisfactory completion of the work shall be evidenced by the Commissioner of Buildings.  
§ 20A-10 Abuse of trees.

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

B. Whenever necessary and practical, in the opinion of the Superintendent of Highways, all trees in a public right-of-way or on Town-owned property within a radius of 10 feet of any excavation or construction performed by any person shall be guarded by a fence, frame or box of not less than four

feet in height and eight feet square or at a distance in feet from the tree equal to the diameter of the tree. All dirt, debris, rubble or building or construction material shall be kept outside the enclosure.

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

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

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

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

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

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

**§ 20A-12 Rebuttable Presumptions.**

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

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

**§ 20A-13 Tree Preservation Fund**

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

**B. Purpose. The Tree Preservation Fund shall be a fund to receive permit fees and in-lieu payments from applicants to satisfy tree replacement requirements as set forth in this Chapter and § 2-9(T), which cannot be met on-site where the Building Commissioner determines that it is impracticable or impossible to do so, or where the Building Commissioner determines that, because of relevant site planning considerations, it is not warranted. In addition, any public or private entities that wish to donate to the Town of North Hempstead to provide trees to be planted may donate to the Tree Preservation Fund for said purpose.**

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

**D. Use of funds.**

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

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

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

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

#### E. Required Contribution.

(1) Tree removal on private property in connection with Section 2-9(T). The required contribution shall be \$500.00 per tree required but unable to be replaced.

(2) Tree removal on front yard of private property pursuant to Chapter 20A. The required contribution shall be \$500.00 per tree required but unable to be replaced.

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

#### § 20A-14 Tree Advisory Committee.

A. The Town Board, by resolution, has heretofore established a Tree Advisory Committee for the Town of North Hempstead. Said Tree Advisory Committee members shall serve without compensation and at the pleasure of the Supervisor. The Tree Advisory Committee shall be comprised of nine members of the public who live or work in the Town of North Hempstead, together with such Town Employees as the Supervisor may designate. Each Councilmember may appoint one member of the public from their council district, and the Supervisor may appoint three members of the public. All appointments are subject to confirmation by the Town Board. Members of the Tree Advisory Committee shall serve terms of two years, with initial terms staggered so that the terms of not more than five members expire each year. Vacancies on the Committee shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by the expiration of term of office shall be filled only for the remainder of the unexpired term. Members shall be persons who have knowledge of trees and shrubs and their planting and maintenance, but professional forester or arborist experience shall not be required, except that the Supervisor shall endeavor to appoint at least one member who is professionally trained in a field such as arboriculture, forestry, botany, horticulture or landscape architecture. In addition to any other members, a member of the Town Board shall serve on the Tree Advisory Committee.

B. The Tree Advisory Committee shall meet at least quarterly for the following purposes:

(1) Make recommendations concerning new or amended legislation related to the protection and enhancement of the trees of the Town;

(2) Recommend to the Town Board modifications to the Tree Standards and Specifications, which identify varieties and tree species suitable for planting in the Town, prioritizing native species and appropriate underwire trees, and identifying trees that are neither suitable nor

desirable for planting in the Town. The Tree Advisory Committee may recommend through its representative from the Highway Department that the Town have the approved tree species planting list, and any amendments thereto, be reviewed by an independent certified arborist;  
(3) Compile an inventory of street trees, landmark trees and other significant trees in the Town, and provide such list to the Highway Superintendent and Commissioner of Buildings;  
(4) Make recommendations concerning the development of a community-wide work plan addressing the planting, maintenance and removal of trees, including recommendations regarding locations and plans for micro-forests and/or tree sanctuaries throughout the Town;  
(5) Promote programs and projects that protect and improve Town trees and increase public awareness of the economic, health and environmental benefits of trees, including recommendation regarding education programs;  
(6) Make recommendations for a management plan to address ivy growth on trees in the public right-of-way and within parks;  
(7) Make recommendations about providing tree-related information and other resources on the Town's website;  
(8) To administer, in consultation with the Comptroller, the funds in the Tree Preservation Fund;  
(9) Make recommendations to the Town Board regarding the maintenance, selection and planting of trees located within the curbside or public right-of-way or on Town owned property. The recommendations of the Committee must be approved by the Town Board;  
(10) Make recommendations for the development of a Tree Master Plan, which shall be reviewed and updated annually and provided as part of the annual report;  
(11) To assist the Comptroller in the preparation of the Annual Report as set forth in § 2-9(T) of the Town Code;  
(12) To assure compliance with the requirements relating to the Town's designation as a Tree City USA;  
(13) The Tree Advisory Committee shall issue a draft annual report to the Town Board by November 15 of each year, which shall include a summary of tree-related activities for the year (including the number of the Town's tree plantings, tree related service requests and such other information as the Tree Advisory Committee shall reasonably deem necessary) and recommendations for the upcoming year. The final annual report, as adopted by the Town Board, shall be made available on the Town's website; and  
(14) Work with the Grants Coordinator to identify available sources of funding to preserve and enhance the Town's trees and urban forest; and  
(15) Perform such other duties as the Supervisor may assign to the Tree Advisory Committee.

§ 20A-1[2]5 Penalties for offenses.

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

**A.** Any person who violates any of the provisions of this chapter shall be deemed guilty of a violation and shall be liable for a fine of not less than \$[45]350 nor more than \$[5]1,000 or imprisonment for not more than 15 days, or both, for conviction of a first offense; for conviction of a second **or subsequent** offense, both of which were committed within a period of five years, by a fine of not less than \$[3]600 nor more than \$[4]2,000 or imprisonment for not more than 15 days, or both. Each violation shall constitute a separate offense and is punishable accordingly.

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

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

§ 20A-1[3]6 Severability.

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

§ 20A-1[4]7 When effective.

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

**Section 3.**

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

; and be it further

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

**NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE** that pursuant to the provisions of Article 9 of the New York State Constitution, the Municipal Home Rule Law, and the Town Law, at a meeting of the Town Board duly held on September 2, 2021, Local Law No. \_\_ of 2021 was adopted. The Local Law amends Chapter 20A of the Town Code entitled “Environmental Planning and Control of Trees” in order to make amendments to the Town’s tree code relative to the preservation of trees on public and private property.

**Dated:** Manhasset, New York

September 2, 2021

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes:



Nays:

cc: Town Attorney

Town Clerk

Planning

Building

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**PROPOSED RESOLUTION**

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

**RESOLUTION NO. - 2021**

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

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

**WHEREAS**, pursuant to Resolution No. 384-2008, duly adopted by this Board on June 17, 2008, the Town Board adopted the Town’s tree policy, which governs the removal of trees from a public right-of-way and Town-owned public places (the “Tree Policy”); and

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

**WHEREAS**, due notice was heretofore given of a public hearing to be held on February 24, 2021, via Zoom, which hearing was continued to March 18, 2021, May 20, 2021, and then further continued to July 8, 2021, concerning the adoption of the amended Tree Policy, which Tree Policy was available for viewing by the public on the Town’s website; and

**WHEREAS**, due to the termination of New York State’s COVID-19 state of emergency and the change in format from virtual Town Board meetings to in-person attendance the legal notices for public hearings scheduled for July 8, 2021, needed to be updated and all such hearings were continued without a date, including the proposed Tree Policy amendment, and due notice was given of a rescheduled public hearing to be held on September 2, 2021, concerning the adoption of the proposed amended Tree Policy, which Tree Policy was available for viewing by the public on the Town’s website; and

**WHEREAS**, the Town Board has carefully considered the proposed amended Tree Policy, including comments previously received and incorporated into the record, and conducted said hearing on September 2, 2021, with respect to said policy, and has afforded all interested persons an opportunity to be heard at the public hearing; and

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

## NOW, THEREFORE, BE IT

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

### Town of North Hempstead Tree Policy

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

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

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

#### **I. CATEGORY 1 TREE REMOVAL**

##### **Sidewalk, Curb Cut or Other Right-of-Way Work**

The Town of North Hempstead Sidewalk District is responsible for maintaining sidewalks within the unincorporated areas of the Town. The Sidewalk District undertakes routine sidewalk replacement projects **on Town roads (New York State, Nassau County, and Incorporated areas are excluded)** and capital funded projects. The Sidewalk District also completes repairs and ongoing maintenance on sidewalks that are identified within this policy. Based on the location of sidewalks, it is necessary for the Sidewalk District to address existing conditions during its maintenance and replacement efforts, which include but are not limited to conditions relating to trees and curbs. The Town is cognizant of the importance of trees for the environmental, health and aesthetic role that they play in ~~[the various areas of]~~ our Township. As a matter of policy, the Town is committed to preserving existing trees when feasible during sidewalk projects.

The Town is aware of the sometimes inherent conflict in its efforts to preserve existing trees and maintain safe sidewalks and curbs. The Town further recognizes that during certain projects tree roots have caused uplifting and/or damage to sidewalks and/or roadside curbs. Trees will be removed only when necessary to ensure public health, safety and welfare of the constituents of the Town. Trees removed will be re-planted **in accordance with the Tree Planting/Replanting Policy set forth in Section V below** ~~[one for one unless the circumstances dictate otherwise (space restrictions, utility issues, etc.)]~~.

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

##### **1. Identification of work**

~~The Sidewalk District will undertake projects based on: (a) proactive identification; (b) constituent requests for repair and/or replacement; and (c) requests made by the Town Supervisor and Councilmembers. Requests for large projects should be sent by the Supervisor and Councilmembers~~

to the Sidewalk District prior to the months of August and September for potential inclusion into the following year's Capital Plan. The Sidewalk District also responds to and completes emergency work when necessary.]

### 1. [2] Inspection of work

[In response to work identified in Paragraph 1 above, t]The Sidewalk District will inspect work areas to determine the following:

- (a) If a repair of the sidewalk(s) is necessary;
- (i) **Where applicable, the Town will notify the appropriate municipality when curbs must be repaired in instances in which the Town is only responsible for the maintenance (not replacement) of sidewalks.**
- (b) If a replacement of the sidewalk(s) is necessary;
- (c) If the sidewalk work can be completed without removal of the tree while maintaining safety standards;
- (d) If the sidewalk work requires the removal of a tree(s);
- (e) If a section(s) of curb needs to be replaced or repaired due to the sidewalk work; and

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

### 2. Determination of final scope of work

Upon the completion of the inspection specified in Section 2, a final scope of work will be developed. Any action with respect to a tree proposed to be removed or included in the final scope of work shall be supported by the arborist report. Any tree removal recommendations contained in the final scope of work must specify, based on the arborist report, whether the tree must be removed or, in the alternative, can be safely left as is, or whether other steps, such as repositioning of the sidewalk, among others remedies, can be taken that will allow the tree to remain.

### 3. Notification of work

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

- (a) The **Supervisor, the** Councilmember for the area in which the work is to be undertaken and their legislative aide prior to the start of work.
- (b) For any tree to be removed, the following notice(s) shall be conspicuously posted on the tree no less than [~~5 working~~] **7 calendar** days prior to the removal of the tree. **The notice(s) shall be oriented towards pedestrian and vehicular traffic wherever possible. The text of the notice shall be black lettering on a bright orange or similar color background:**

#### ***NOTICE OF INTENT TO REMOVE THIS TREE***

*This tree shall be removed under the authority of the Town of North Hempstead in connection with a right-of-way project. An arborist report has been obtained by the Town supporting removal of this*

tree. A copy of the arborist report can be obtained by visiting northhempsteadny.gov/ XXXXXXXX **OR by contacting 311 or (516) 869-6311.**

(c) **The Highway Department, in conjunction with the IT Department, shall cause a copy of each tree removal notice to be placed on the Town's website.**

(d) **A copy of the arborist report, subject to any required redactions, shall be placed on the Town's website within 3 business days of its receipt by the Highway Department. The arborist report shall remain available on the website for at least 7 business days prior to the removal of the tree.**

(e) If the public health, welfare or safety is immediately endangered, the tree may be removed without public notice.

(f) Whenever possible, the Highway Department shall take photographs prior to the tree being ~~cut down~~ **removed**, records of which shall be retained in accordance with applicable law.

#### **4. Performance of work**

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

#### **5. Completion of work**

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

## **II. CATEGORY 2 TREE REMOVAL**

### **All other tree removals performed by the Town**

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

1) A notice of intent to remove such tree shall be posted on the tree for a period of not less than ~~[five (5)]~~ **7 [business] calendar days. The notice(s) shall be oriented towards pedestrian and vehicular traffic wherever possible. The text of the notice shall be black lettering on a bright orange or similar color background;**

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

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

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

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

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

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

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

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

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

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

9) If the public health, welfare or safety is immediately endangered **and the danger cannot be effectively eliminated by trimming the tree,** the tree may be removed without public notice. In such a case, the Supervisor and Council Member shall be notified in advance by e-mail or telephone, if possible. Whenever possible, photographs shall be taken by the Highway Department prior to the tree being **removed** ~~cut down~~; and

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

### **III. CATEGORY 3 TREE REMOVAL**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) The ability of the applicant to rearrange the layout of the proposed curb cut to minimize the removal of trees.
- (2) The necessity of removal of the tree in question.
- (3) The condition of the tree with respect to disease and danger of falling. In the event that the diseased condition of the tree is not evident, the Superintendent of Highways maintains the right to require the applicant to submit proof from a New York State certified arborist.
- (4) The proximity of the tree to proposed or existing curb cut.
- (5) The significance of the tree in regard to:

[a] The size of the tree.

[b] The rarity of the species.

[c] The historical value of the tree.

(6) The effect of removal on:

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

[b] Ecological systems.

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

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

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

#### **IV. CATEGORY 4 TREE REMOVAL**

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

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

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

#### **V. PLANTING/REPLANTING POLICY**

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

The properties requiring a replacement tree(s) will be included in the nearest **available** scheduled planting schedule. The Highway Department will be responsible for maintaining a list of properties



requiring tree(s) planting; **Properties requiring a tree planting shall not be removed from the list until such tree planting has occurred. The Highway Department shall [and] keep a record confirming the date when such plantings occur. Such information for the preceding year shall be provided to the Tree Advisory Committee on or before November 1 of each year.**

**The Town shall procure replacement trees in accordance with its purchasing policy, consistent with the Tree Standards and Specifications approved by the Town Board.**

**Replacement tree(s) shall be a minimum diameter of 2 1/2 inches, measured at 4 1/2 feet in height.**

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

Educational material will be provided to the property owner(s) on tree maintenance when the replacement tree(s) is planted. This material will be focused on best practices for watering and maintaining the tree both at its current age and moving forward.

B. The above provisions notwithstanding, in any case where a property owner or utility seeks to plant or replant a tree in the Town's Right-of-Way, the following process shall be complied with:

- 1) The property owner or utility shall file a tree planting permit application with the Highway Department together with the requisite permit fee, prior to undertaking any tree planting.
- 2) If a property owner or utility procures a tree meeting the Town's tree planting specifications, the property owner or utility may arrange with the Highway Department for the planting of the tree in the adjacent Right-of-Way. No permit is required if the Town plants the tree.

**C. Request a Tree Program**

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

**VI. TREE STANDARDS AND SPECIFICATION; Preferred Street Trees and Prohibited Street Tree Species  
(INTENTIONALLY OMITTED---TO BE INCLUDED ONCE ADOPTED BY TOWN BOARD)**

**VII. Effective Date**

This policy shall become effective immediately upon its adoption by the Town Board.

; and be it further

**RESOLVED** that the Town Board does hereby adopt the amended Tree Policy, a copy of which shall be on file in the Office of the Town Clerk.

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes:

Nays:

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**PROPOSED ORDINANCE**

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

**ORDINANCE NO. - 2021**

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE  
AFFECTING ALLENWOOD ROAD IN GREAT NECK, NEW YORK.**

NO RESOLUTION.

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

**ORDINANCE NO. 29 - 2021**

**A PUBLIC HEARING TO CONSIDER THE RESCISSION AND ADOPTION OF ORDINANCES AFFECTING FIRST AVENUE IN GARDEN CITY PARK, NEW YORK.**

**Section 1.** All motor or other vehicles of any kind shall comply with the following regulations:

**PROPOSAL:**

**RESCIND:**

T.O. #1A-1960  
Adopted January 05, 1960

**FIRST AVENUE – BOTH SIDES –ONE HOUR PARKING – EXCEPT SUNDAYS**  
Starting at the south curb line of Dennis Street, south to the Incorporated Village Line of Garden City.

**ADOPT:**

1. **FIRST AVENUE – WEST SIDE – NO PARKING ANYTIME**  
From a point 130 feet north of the north curb line of Railroad Avenue, north, for a distance of 100 feet.
2. **FIRST AVENUE – EAST SIDE – NO PARKING ANYTIME**  
From a point 180 feet north of the north curb line of Railroad Avenue, north, for a distance of 115 feet.

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

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

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

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

**Dated:** Manhasset, New York

September 2, 2021

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

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

**ORDINANCE NO. 30 - 2021**

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING WALDO AVENUE IN GREENVALE, NEW YORK.**

**Section 1.** All motor or other vehicles of any kind shall comply with the following regulations:

**PROPOSAL:**

**ADOPT:**

1. WALDO AVENUE – SOUTH SIDE – NO STOPPING ANY TIME  
From a point 20 feet from the east curb line of Glen Cove Road, East, for a distance of 120 feet.
2. WALDO AVENUE – NORTH SIDE – NO STOPPING ANY TIME  
From a point 20 feet from the East curb line of Glen Cove Road, East, for a distance of 105 feet.

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

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

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

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

**Dated:** Manhasset, New York

September 2, 2021

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

**TOWN CLERK**

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**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. 464 - 2021**

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

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

**WHEREAS**, this Board wishes to set a date for a public hearing to consider the adoption of a Local Law amending Chapter 2 of the Town Code entitled "Administration and Enforcement" in order to ensure the safety of construction sites within the Town by ensuring that workers employed or otherwise engaged at such construction sites have received adequate safety training, and that contractors performing construction work have essential safety training systems to prevent injuries and protect workers who are injured.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by this Board on September 30, 2021, at 7:00 P.M. in the Town Board Meeting Room, Town Hall, 220 Plandome Road, Manhasset, New York, for the purpose of considering the adoption of a Local Law amending Chapter 2 of the Town Code entitled "Administration and Enforcement" in order to ensure the safety of construction sites within the Town by ensuring that workers employed or otherwise engaged at such construction sites have received adequate safety training, and that contractors performing construction work have essential safety training systems to prevent injuries and protect workers who are injured; and be it further

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

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held by the Town Board of the Town of North Hempstead, on the 30th day of September, 2021, at 7:00 P.M. at Town Hall, 220 Plandome Road, Manhasset, New York, to consider the adoption of a Local Law amending Chapter 2 of the Town Code entitled "Administration and Enforcement" in order to ensure the safety of construction sites within the Town by ensuring that workers employed or otherwise engaged at such construction



sites have received adequate safety training, and that contractors performing construction work have essential safety training systems to prevent injuries and protect workers who are injured.

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

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

**Dated:** Manhasset, New York

September 2, 2021

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Town Clerk

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**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. 465 - 2021**

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

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

**WHEREAS**, this Board wishes to set a date for a public hearing to consider the adoption of a Local Law amending Chapter 23 of the Town Code entitled "Governmental Departments" in order to add powers, duties and additional provisions to the Department of Solid Waste Management to account for the pending termination of the Town of North Hempstead Solid Waste Management Authority.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by this Board on September 30, 2021, at 7:00 P.M. in the Town Board Meeting Room, Town Hall, 220 Plandome Road, Manhasset, New York, for the purpose of considering the adoption of a Local Law amending Chapter 23 of the Town Code entitled "Governmental Departments" in order to add powers, duties and additional provisions to the Department of Solid Waste Management to account for the pending termination of the Town of North Hempstead Solid Waste Management Authority; and be it further

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

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held by the Town Board of the Town of North Hempstead, on the 30th day of September, 2021, at 7:00 P.M. at Town Hall, 220 Plandome Road, Manhasset, New York, to consider the adoption of a Local Law amending Chapter 23 of the Town Code entitled "Governmental Departments" in order to add powers, duties and additional provisions to the Department of Solid Waste Management to account for the pending termination of the Town of North Hempstead Solid Waste Management Authority.

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

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

**Dated:** Manhasset, New York

September 2, 2021

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Town Clerk

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

**RESOLUTION NO. 466 - 2021**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER A LOCAL LAW AMENDING CHAPTER 46 OF THE TOWN CODE ENTITLED "SANITATION."**

**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 46 of the Town Code entitled "Sanitation" in order to aid in enforcing the provisions of the Town Code, as well as make technical amendments to account for the pending termination of the Town of North Hempstead Solid Waste Management Authority.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by this Board on September 30, 2021, at 7:00 P.M. in the Town Board Meeting Room, Town Hall, 220 Plandome Road, Manhasset, New York, for the purpose of considering the adoption of a Local Law amending Chapter 46 of the Town Code entitled "Sanitation" in order to aid in enforcing the provisions of the Town Code, as well as make technical amendments to account for the pending termination of the Town of North Hempstead Solid Waste Management Authority; and be it further

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

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held by the Town Board of the Town of North Hempstead, on the 30th day of September, 2021, at 7:00 P.M. at Town Hall, 220 Plandome Road, Manhasset, New York, to consider the adoption of a Local Law amending Chapter 46 of the Town Code entitled "Sanitation" in order to aid in enforcing the provisions of the Town Code, as well as make technical amendments to account for the pending termination of the Town of North Hempstead Solid Waste Management Authority.

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

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

**Dated:** Manhasset, New York

September 2, 2021

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Town Clerk

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**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. 467 - 2021**

**A RESOLUTION SETTING A DATE FOR A SPECIAL MEETING OF THE TOWN BOARD OF THE TOWN OF NORTH HEMPSTEAD FOR OCTOBER 6, 2021 AT 10:00 A.M.**

**WHEREAS**, the Town Board desires to set a Special Meeting of the Town Board (the “Board”) to conduct a work session relating to the Town’s 2022 budget and to consider any other matters that may come before the Board.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a Special Meeting of the Town Board shall be held in the Town Board Room located at Town Hall, 220 Plandome Road, Manhasset, New York on October 6, 2021 at 10:00 a.m. to consider matters relating to the Town’s 2022 budget and to consider any other matters that may come before the Board; and be it further

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

**NOTICE OF SPECIAL MEETING**

**PLEASE TAKE NOTICE** that a Special Meeting of the Town Board of the Town of North Hempstead will be held on October 6, 2021 at 10:00 a.m. in the Town Board Room located at Town Hall, 220 Plandome Road, Manhasset, New York, to conduct a work session relating to the Town’s 2022 budget and to consider any other matters that may come before the Board.

**Dated:** Manhasset, New York

September 2, 2021

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Town Clerk

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**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. 468 - 2021**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER A PETITION TO DESIGNATE A SECONDARY HONORARY STREET NAME FOR A PORTION OF STATE STREET IN NEW CASSEL 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**, Kevin A. Henry (the “Petitioner”) has applied for a secondary honorary street name for a portion of State Street in New Cassel, from the corner of Prospect Avenue to the corner of Park Avenue, to be known as “Oslo Gibson’s Way” (the “Petition”); and

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

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

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing shall be held on September 30, 2021 at 7:00 P.M. in the Town Board Meeting Room, Town Hall, 220 Plandome Road, Manhasset, New York for the purpose of considering the Petition for a secondary honorary street name for a portion of State Street in New Cassel, from the corner of Prospect Avenue to the corner of Park Avenue, to be known as “Oslo Gibson’s Way”, at which public hearing all interested persons will be afforded an opportunity to be heard; and be it further

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

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

**NOTICE OF HEARING**



**PLEASE TAKE NOTICE** that a public hearing will be held by the Town Board of the Town of North Hempstead on the 30th day of September, 2021, at 7:00 P.M. at Town Hall, 220 Plandome Road, Manhasset, New York, to consider the Petition for a secondary honorary street name for a portion of State Street in New Cassel, from the corner of Prospect Avenue to the corner of Park Avenue, to be known as “Oslo Gibson’s Way”.

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

**Dated:** Manhasset, New York

September 2, 2021

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Planning      Building

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**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. 469 - 2021**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER A PETITION TO DESIGNATE A SECONDARY HONORARY STREET NAME FOR A PORTION OF STATE STREET IN NEW CASSEL 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**, Margaret Abrams (the “Petitioner”) has applied for a secondary honorary street name for a portion of State Street in New Cassel, from the corner of Prospect Avenue to the corner of Broadway, to be known as “Estell Myers Way” (the “Petition”); and

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

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

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing shall be held on September 30, 2021 at 7:00 P.M. in the Town Board Meeting Room, Town Hall, 220 Plandome Road, Manhasset, New York for the purpose of considering the Petition for a secondary honorary street name for a portion of State Street in New Cassel, from the corner of Prospect Avenue to the corner of Broadway, to be known as “Estell Myers Way”, at which public hearing all interested persons will be afforded an opportunity to be heard; and be it further

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

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

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held by the Town Board of the Town of North Hempstead on the 30th day of September, 2021, at 7:00 P.M. at Town Hall, 220 Plandome Road, Manhasset, New York, to consider the Petition for a secondary honorary street name for a portion of State Street in New Cassel, from the corner of Prospect Avenue to the corner of Broadway, to be known as “Estell Myers Way”.

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

**Dated:** Manhasset, New York

September 2, 2021

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Planning      Building

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**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. 470 - 2021**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING MILL SPRING ROAD IN MANHASSET, NEW YORK.**

**WHEREAS**, a recommendation has been made for the adoption of an ordinance affecting Mill Spring Road, 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 30th day of September 2021, at 7:00 o'clock in the evening for the purpose of considering the adoption of the following ordinance:

**PROPOSAL:**

**ADOPT:**

**1. MILL SPRING ROAD – COUNTY CLUB DRIVE – FULL STOP**

All Traffic southwest bound on Mill Spring Road shall come to a Full Stop at its intersection with County Club Drive.

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

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Public Safety      Comptroller      Traffic Safety

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**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. 471 - 2021**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING CHARLES STREET IN PORT WASHINGTON, NEW YORK.**

**WHEREAS**, a recommendation has been made for the adoption of an ordinance affecting Charles Street, Port Washington, New York.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by the Town Board of the Town of North Hempstead on the 30th day of September 2021, at 7:00 o'clock in the evening for the purpose of considering the adoption of the following ordinance:

**PROPOSAL:**

**ADOPT:**

**1. CHARLES STREET – CARLTON AVENUE – FULL STOP**

All Traffic westbound on Charles Street shall come to a Full Stop at its intersection with Carlton Avenue.

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

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Public Safety      Comptroller      Traffic Safety

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**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. 472 - 2021**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING CHERRY LANE IN FLORAL PARK, NEW YORK.**

**WHEREAS**, it has been requested that the Town Board of the Town of North Hempstead (the “Town”) enact an ordinance, pursuant to Section 1660 of the Vehicle and Traffic Law, to establish a reserved parking space on the west side of Cherry Lane, Floral Park, New York from a point 376 feet north of the north curb line of Whittier Avenue, north, for a distance of 25 feet; and

**WHEREAS**, it is a requirement of law that a public hearing be held by the Board concerning the proposed ordinance.

**NOW, THEREFORE, BE IT**

**RESOLVED** that a public hearing be held by this Board on September 30, 2021, at 7:00 P.M., in the Town Board Meeting Room at Town Hall, 220 Plandome Road, Manhasset, New York., to consider an ordinance establishing a reserved parking space as described in the notice of hearing set forth below; and be it further

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

**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held by the Town Board of the Town of North Hempstead on September 30, 2021, at 7:00 P.M., in the Town Board Meeting Room at Town Hall, 220 Plandome Road, Manhasset, New York to consider the enactment of an ordinance establishing a reserved parking space, pursuant to the authority contained in Section 1660 of the Vehicle and Traffic Law.

**PLEASE TAKE FURTHER NOTICE** that the proposed ordinance would establish a reserved parking space on the west side of Cherry Lane, Floral Park, New York from a point 376 feet north of the north curb line of Whittier Avenue, north, for a distance of 25 feet.



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

**Dated:** Manhasset, New York

September 2, 2021

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

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**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. 473 - 2021**

**A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING ALLENWOOD ROAD IN GREAT NECK, NEW YORK.**

**WHEREAS**, a recommendation has been made for the adoption of an ordinance affecting Allenwood Road, Great Neck, 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 2nd day of September 2021, at 7:00 o'clock in the evening for the purpose of considering the adoption of the following ordinance:

**PROPOSAL:**

**ADOPT:**

1. ALLENWOOD ROAD – NORTH SIDE – NO STOPPING HERE TO CORNER  
From the west curbline of Warwick Road, west for a distance of 20 feet.

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

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Public Safety      Comptroller      Traffic Safety

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

**RESOLUTION NO. 474 - 2021**

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

**WHEREAS**, the Ismaili Community has generously offered, as a gift, \$2,250.00 for the purchase of trees and rakes for Whitney Pond Park; and

**WHEREAS**, Apple TV has generously offered, as a gift, \$15,000.00 for enhancements to North Hempstead Beach Park; and

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

**NOW, THEREFORE, BE IT**

**RESOLVED** that this Board hereby gratefully accepts the Gifts.

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Comptroller      Parks and Recreation

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

**RESOLUTION NO. 475 - 2021**

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

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

**WHEREAS**, the Office of the Comptroller has requested that the Town Board authorize supplemental appropriations in year 2021 (the “Supplemental Appropriations”), as follows:

- (1) \$2,250.00 to be recorded to revenue line A.2705 with the offsetting expense to be recorded to expense code A.05.7185.4743 for the purpose of procuring trees and rakes at Whitney Pond Park with the remainder, if any, to be used to support the Department of Parks and Recreation; and
- (2) \$7,500.00 to be recorded to revenue line A.2705 with the offsetting expense to be recorded to expense code A.05.7183.4753 for enhancements to North Hempstead Beach Park related to a film shoot with the remainder, if any, to be used to support the Department of Parks and Recreation; and
- (3) \$7,500.00 to be recorded to revenue line A.2705 with the offsetting expense to be recorded to expense code A.06.3989.1300 for overtime and expenses for the Public Safety Department related to a film shoot a North Hempstead Beach Park, with the remainder, if any, to be used to support the Department of Public Safety; and

**WHEREAS**, the Board wishes to authorize the Supplemental Appropriations.

**NOW, THEREFORE, BE IT**

**RESOLVED** that this Board hereby authorizes the Supplemental Appropriations in year 2021 as requested by Comptroller; and be it further

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Comptroller      Town Clerk

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

**RESOLUTION NO. 476 - 2021**

**A RESOLUTION AUTHORIZING THE AWARD OF A BID FOR GOLF CART LEASES (TNH185-2021).**

**WHEREAS**, the Director of Purchasing (the “Director”) has solicited bids for golf cart leases; and

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

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

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

**NOW, THEREFORE, BE IT**

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

**RESOLVED** that the Supervisor be and hereby is authorized to execute, on behalf of the Town, any lease agreements and related documents, a copy of which shall be on file in the Division of Purchasing, and to take such other related action as may be necessary to effectuate the foregoing; and be it further

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

**Dated:** Manhasset, New York

September 2, 2021

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

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

Nays: None

cc:

Town Attorney

Comptroller

Purchasing



TNH185-2021 Golf Cart Leases			E-Z GO Division of Textron Inc. Maryellen Williams 1451 Marvin Griffin Rd Augusta, GA 30906 845-729-8538			Fairway Golf Car Corp. Anthony Frick 8 Commercial Blvd. Medford, NY 11763 (631)698-1400		
Item	Description	Approximate Number to be Ordered	Monthly Installments for one golf cart (based on 46- month lease)	Total Lease Price for One Golf Cart for entire 46- month lease	TOTAL COST  (90 x 46-month lease)	Monthly Installments for one golf cart (based on 46- month lease)	Total Lease Price for One Golf Cart for entire 46- month lease	TOTAL COST  (90 x 46-month lease)
1	2-Person Electric Golf Cart	90	\$110.55	\$5,085.30	\$457,677.00	\$87.18	\$4,010.28	\$360,925.20
2	2-Person Gas Golf Cart - Price for first 46 months	18	\$80.08	\$3,683.68	\$66,306.24	\$82.98	\$3,817.08	\$68,707.44
3	4-Person Gas Golf Cart – Price for first 46 months	3	\$135.72	\$6,243.12	\$18,729.36	\$100.79	\$4,636.34	\$13,909.02
<b>TOTAL</b>					<b>\$542,712.60</b>	<b>\$443,541.66</b>		
Notes			*Visage GPS can be used on our cars, but will lose some functionality. For Full GPS functionality, Pace GPS will be added at the below rates: Total Price with GPS \$689,558.40			Based on current lease/finance interest rate. If rate increases or decreases, payment to be recalculated at date/term of renewal period.		
		90	\$35.47	\$1,631.62	\$146,845.80			

**TNH185-2021 Golf Cart Leases**  
**Alternate/Optional Items**

			E-Z GO Division of Textron Inc.			Fairway Golf Car Corp.		
Item	Description	Approximate Number to be Ordered	Monthly Installments for one golf cart (based on 46-month lease)	Total Lease Price for One Golf Cart for entire 46-month lease	TOTAL COST (90 x 46-month lease)	Monthly Installments for one golf cart (based on 46-month lease)	Total Lease Price for One Golf Cart for entire 46-month lease	TOTAL COST (90 x 46-month lease)
1a	<b>ALTERNATE ITEM: 2-Person Electric Golf Cart with Lithium Ion Batters (this would be an alternative to Item 1 above)</b>	90	\$110.55	\$5,085.30	\$457,677.00	\$111.53	\$5,130.38	\$461,734.20
2a	<b>2-Person Gas Golf Cart - Price for renewal period</b>	18	\$80.08	\$3,683.68	\$66,306.24	\$65.00	\$2,990.00	\$53,820.00
3a	<b>4-Person Gas Golf Cart - Price for renewal period</b>	3	\$135.72	\$6,243.12	\$18,729.36	\$75.00	\$3,450.00	\$10,350.00
4a	<b>Optional Add-on Item: Bag Cover – 2-person electric carts</b>	90	\$2.83	\$130.18	\$11,716.20	\$2.57	\$118.22	\$10,639.80
4b	<b>Optional Add-On Item: Sand and Bottle Holder – 2-person electric carts</b>	90	\$0.23	\$10.58	\$952.20	\$0.76	\$34.96	\$3,146.40
Notes						Based on current lease/finance interest rate. If rate increases or decreases, payment to be recalculated at date/term of renewal period.		

<b>TNH185-2021-Golf Cart Leases</b>	
<b>Winning Vendor</b>	<b>Items Won</b>
Fairway Golf Car Corp.	
Anthony Frick	All
8 Commercial Blvd.	
Medford, NY 11763	
(631)698-1400	

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

**RESOLUTION NO. 477 - 2021**

**A RESOLUTION AUTHORIZING THE AWARD OF A BID FOR CESSPOOL CLEANING SERVICES (TNH204-2021).**

**WHEREAS**, the Director of Purchasing (the “Director”) has solicited bids for cesspool cleaning services; and

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

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

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

**NOW, THEREFORE, BE IT**

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

**RESOLVED** that the Supervisor be and hereby is authorized to execute, on behalf of the Town, any purchase agreements and related documents, a copy of which shall be on file in the Division of Purchasing, and to take such other related action as may be necessary to effectuate the foregoing; and be it further

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

**Dated:** Manhasset, New York

September 2, 2021

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

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

Nays: None

cc:

Town Attorney

Comptroller

Purchasing

	TNH204-2021-Cesspool Cleaning Services			
		Clear River Environmental Service Corp		
		847 11th St.		
		Ronkonkoma,NY 11779		
		631-467-5447		
		<a href="mailto:mrosati@clearriver.us">mrosati@clearriver.us</a>		
		<b>Price /Year 1</b>	<b>Price/Year 2</b>	
	<b>A. Scheduled Removal</b>			
1	Up to 1000 Gallons, (indicate minimum, if needed)	\$ 190.00	\$ 190.00	
2	Cost per thousand gallons (from 1001- 3000 gallons)	\$ 190.00	\$ 190.00	
3	Cost per thousand gallons (from 3001 and above)	\$ 175.00	\$ 175.00	
4	Response Time (during business hours, 7AM- 5PM)	<b>1 hour</b>	<b>1 hour</b>	
5	Response Time (non- business hours and holidays)	<b>1 hour</b>	<b>1 hour</b>	
	<b>B. Emergency Services</b>			
6	Up to 1000 Gallons (indicate minimum if needed)	\$ 190.00	\$ 190.00	2K MIN
7	Cost per thousand gallons (from 1001- 3000 gallons)	\$ 190.00	\$ 190.00	
8	Cost per thousand gallons (from 3001 and above)	\$ 175.00	\$ 175.00	
9	Response time for emergency service (no more than 3 hours)	<b>1 hour</b>	<b>1 hour</b>	
	<b>C. Specialized Services</b>	<b>Cost per hour</b>	<b>Cost per hour</b>	
10	Electric Sewer Cleaning	\$ 275.00	\$ 275.00	
11	Water Jet Pipe Cleaning	\$ 325.00	\$ 325.00	
12	Camera Inspection	<b>NB</b>	<b>NB</b>	
13	Labor to dig below grade exceeding 5 ft. deep to be exposed with excavator	\$ 95.00	\$ 95.00	
14	Cleaning of grease traps in kitchen @ Harbor Links (price per trap)	\$ 275.00	\$ 275.00	
15	Cleaning of exterior grease traps @ Harbor Links(price per trap)	\$ 475.00	\$ 475.00	
16	Aeration and Acid (per 5 gallons)	\$ 125.00	\$ 125.00	
17	Aeration & Enzymes (per 5 gallons)	\$ 125.00	\$ 125.00	
18	General Service, maintenance and repairs	\$ 95.00	\$ 95.00	

TNH204-2021-Cesspool Cleaning Services	
<b>Winning Vendor</b>	<b>Items Won</b>
Clear River Environmental Service Corp	
847 11th St.	
Ronkonkoma,NY 11779	All
631-467-5447	
mrosati@clearriver.us	

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**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. 478 - 2021**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ARCHITECTURAL PRESERVATION STUDIO, DPC FOR PROFESSIONAL SERVICES RELATED TO THE RESTORATION OF THE WATER WHEEL AT THE ROSLYN PAPER MILL BUILDING IN GERRY PARK, ROSLYN, DPW PROJECT NO. 21-07.**

**WHEREAS**, the Town of North Hempstead (the “Town”) requires the retention of an architectural consulting firm to provide professional architectural services related to the design for the restoration of the Water Wheel at the Roslyn Paper Mill Building at Gerry Park in Roslyn, NY, DPW Project No. 21-07 (the “Services”); and

**WHEREAS**, the Acting Commissioner of the Department of Public Works (the “Acting Commissioner”) has recommended that the Town enter into an agreement with Architectural Preservation Studio, DPC, 594 Broadway, Suite 919, New York, NY 10012, to provide the Services in consideration of an amount not to exceed Fifteen Thousand and 00/100 Dollars (\$15,000.00) (the “Agreement”); and

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

**NOW, THEREFORE, BE IT**

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

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

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

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

**Dated:** Manhasset, New York

September 2, 2021



The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Comptroller      DPW

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**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. 479 - 2021**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH R&M ENGINEERING RELATED TO THE EMERGENCY REPAIR OF A RETAINING WALL ON CARLTON AVENUE IN PORT WASHINGTON.**

**WHEREAS**, the Town of North Hempstead (the “Town”) requires professional engineering and surveying services related to the emergency repair of the Carlton Avenue retaining wall in Port Washington, New York (the “Services”); and

**WHEREAS**, the Superintendent of the Department of Public Works, Division of Highways (the “Highway Superintendent”) has recommended that the Town enter into an agreement with R&M Engineering, 50 Elm Street, Huntington, New York 11743, to provide the Services in consideration of an amount not to exceed Twelve Thousand Two Hundred Fifty and 00/100 Dollars (\$12,250.00) (the “Agreement”); and

**WHEREAS**, the Highway Superintendent has requested that this Board authorize the Agreement.

**NOW, THEREFORE, BE IT**

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

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

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

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

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**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. 480 - 2021**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH SAVIK AND MURRAY FOR ENGINEERING SERVICES FOR REHABILITATION OF EROSION AT THE HEMPSTEAD HARBOR SHORELINE TRAIL (TNH256-2021).**

**WHEREAS**, the Town of North Hempstead Department of Parks and Recreation (the “Department”) requires professional engineering services related to erosion engineering work at the Hempstead Harbor Shoreline Trail (TNH256-2021) (the “Services”); and

**WHEREAS**, the Director of Purchasing (the “Director”) issued a Request for Proposals (the “RFP”) for the Services, in accordance with the Town’s Procurement Policy; and

**WHEREAS**, following the review and analysis of proposals submitted in response to the RFP, a Town review committee has recommended the retention of Savik & Murray, 35 Carlough Road, Suite 3, Bohemia, New York 11716 (the “Contractor”) to provide the Services in consideration of an amount not to exceed Forty-Three Thousand and 00/100 Dollars (\$43,000.00) (the “Agreement”); and

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

**NOW, THEREFORE, BE IT**

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

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

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

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Comptroller      Parks

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

**RESOLUTION NO. 481 - 2021**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CASHIN ASSOCIATES, PC FOR PROFESSIONAL SERVICES RELATED TO TOWN PONDS (TNH266-2021).**

**WHEREAS**, the Town of North Hempstead (the “Town”) requires Professional Services Related to Town Ponds, TNH266-2021 (the “Services”); and

**WHEREAS**, the Director of Purchasing (the “Director”) issued a Request for Proposals (the “RFP”) for the Services, in accordance with the Town’s Procurement Policy; and

**WHEREAS**, after reviewing and scoring the proposals submitted in response to the RFP, a Town review committee has recommended that the Town enter into a professional service agreement with Cashin Associates, 1200 Veterans Memorial Highway, Hauppauge, New York 11788, to provide the Services at various parks on an as-needed basis at the request of the Commissioner of the Department of Parks & Recreation in consideration of an amount not to exceed between Fifty and 00/100 Dollars (\$50.00) per hour and One Hundred Seventy-Five and 00/100 Dollars (\$175.00) per hour depending on the title and function of the individuals providing the Services (the “Agreement”); and

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

**NOW, THEREFORE, BE IT**

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

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

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

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

**Dated:** Manhasset, New York

September 2, 2021

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

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

Nays: None

cc: Town Attorney      Comptroller      Purchasing

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

**RESOLUTION NO. 482 - 2021**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH HEALTHEQUITY FOR ADMINISTRATION OF A FLEXIBLE SPENDING PROGRAM (TNH 268-2021).**

**WHEREAS**, the Town of North Hempstead (the “Town”) is seeking to provide a Flexible Spending Account (“FSA”) plan and the administration thereof, for employees of the Town and employees of the Town Solid Waste Management Authority in order to permit employees to contribute, on a pre-tax basis, a portion of their monthly salaries to temporary accounts to be used for the reimbursement of healthcare expenses (the “Services”); and

**WHEREAS**, the Director of Purchasing (the “Director”) issued a Request for Proposals (the “RFP”) for the Services, in accordance with the Town’s Procurement Policy; and

**WHEREAS**, after reviewing and scoring the proposals submitted in response to the RFP, a Town review committee has recommended that the Town enter into an agreement with HealthEquity, Inc., 15 West Scenic Pointe Drive, Draper Utah 84020, to provide the Services for a five (5) year term beginning upon the commencement of the Services; and

**WHEREAS**, the Services will be performed in consideration of an amount not to exceed Two Hundred Fifty and 00/100 Dollars (\$250.00) for an implementation fee, an amount not to exceed Three and 85/100 Dollars (\$3.85) per participant per month for all health care and dependent care FSA accounts, and One and 00/100 Dollar (\$1.00) per participant per month for the Commuter Express program (the “Agreement”); and

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

**NOW, THEREFORE, BE IT**

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

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



**RESOLVED** that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise 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 Agreement upon receipt of a duly executed Agreement and certified claims therefor.

**Dated:** Manhasset, New York

September 2, 2021

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

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

Nays: None

cc:           Town Attorney           Comptroller           Purchasing

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

**RESOLUTION NO. 483 - 2021**

**A RESOLUTION RATIFYING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ISLAND FENCE FOR THE INSTALLATION OF STAIR RAILINGS AT MANHASSET VALLEY PARK, MANHASSET.**

**WHEREAS**, the Town of North Hempstead (the “Town”) Department of Parks and Recreation (the “Department”) required the fabrication and installation of stair railings for the 911 Memorial to be erected at Manhasset Valley Park in Manhasset (the “Project”); 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**, Island Fence Company, 964 Front Street, Uniondale, New York 11553 (the “Contractor”) submitted the lowest quote, proposing to perform the Project for an amount not to exceed Three Thousand Eight Hundred Twenty and 00/100 Dollars (\$3,820.00) (the “Contract Amount”); and

**WHEREAS**, the Department retained the Contractor to perform the Services; and

**WHEREAS**, it has been recommended that this Board ratify the Department’s actions in retaining the Contractor to provide the Services and to further authorize the execution of an agreement with the Contractor for the Services (the “Agreement”); and

**WHEREAS**, this Board finds it to be in the best interest of the Town to ratify the use of the Contractor and authorize the Agreement.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the actions of the Department in retaining the Contractor to provide the Services be and hereby are ratified; and be it further

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

**RESOLVED** that the Supervisor is authorized 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

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Department of Public Works      Comptroller

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**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. 484 - 2021**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH COMMERCIAL CLEARWATER COMPANY, INC. FOR A CERTIFIED POOL OPERATOR COURSE AT MICHAEL J.TULLY PARK, NEW HYDE PARK.**

**WHEREAS**, the Town requires certified pool operator training services (the “Services”); and

**WHEREAS**, the Director of Purchasing (the “Director”) solicited three quotes for the Services, in accordance with the Town’s Procurement Policy; and

**WHEREAS**, Commercial Clearwater Company, Inc. P.O. Box 909, Carle Place, New York 11514 (the “Contractor”) submitted the lowest quote, proposing to perform the Services in consideration of an amount not to exceed Four Thousand Nine Hundred and 00/100 Dollars (\$4,900.00), payable at a rate of Three Hundred Fifty and 00/100 Dollars (\$350.00) per operator for seventeen operators, including two registrants at no charge (the “Contract Amount”); and

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

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

**NOW, THEREFORE, BE IT**

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

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

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

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Admin Services      Comptroller

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**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. 485 - 2021**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ADELPHI UNIVERSITY FOR FIELD INSTRUCTION INTERNSHIPS IN SOCIAL WORK AT THE NORTH HEMPSTEAD "YES WE CAN" COMMUNITY CENTER.**

**WHEREAS**, the Town of North Hempstead (the "Town") desires to recruit students who meet the Town's requirements for internships; and

**WHEREAS**, Adelphi University School of Social Work ("Adelphi") maintains a Field Agency Program designed to combine classroom study with pre-professional work experience in social work; and

**WHEREAS**, the Town has agreed to allow the "Yes We Can" Community Center ("YWCCC") to be a facility providing field instruction internships in social work for Adelphi students in connection with their Field Agency Program; and

**WHEREAS**, this Board wishes to authorize the execution of an agreement with Adelphi for field instruction internships in social work at YWCCC.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Board hereby authorizes an agreement with Adelphi for field instruction internships in social work at YWCCC in connection with Adelphi's Field Agency Program; and be it further

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

**RESOLVED** that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the agreement and any related documents, and to take such other action as may be necessary to effectuate the foregoing.

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Comptroller      Town Clerk

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

**RESOLUTION NO. 486 - 2021**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH PEDALSHARE INC. FOR A BIKE SHARING PROGRAM.**

**WHEREAS**, the Town of North Hempstead (the “Town”) desires to create a bike sharing program in order assist local businesses, reduce its carbon footprint and promote a healthy lifestyle for its residents; and

**WHEREAS**, PedalShare Inc., 340 N. Main Street, Southampton, New York 11968, has offered to place and maintain bicycles at various locations in Port Washington to be agreed upon between the Town and PedalShare Inc. from May 1 through November 1 of each year, at no cost to the Town, for rent by individuals at both hourly and daily rates (the “Agreement”); and

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

**NOW, THEREFORE, BE IT**

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

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

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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



Nays: None

cc: Town Attorney Comptroller

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

**RESOLUTION NO. 487 - 2021**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH WAMPUM MAGIC, INC. FOR PROFESSIONAL SERVICES, INCLUDING ILLUSTRATION AND DESIGN SERVICES, RELATED TO THE NORTH HEMPSTEAD TOWN SEAL.**

**WHEREAS**, the Town Board of the Town of North Hempstead (the “Town”) is ever mindful of our long and shared history with the Native Americans who originally inhabited the land within the present towns of North Hempstead and Hempstead; and

**WHEREAS**, the current North Hempstead Town Seal was adopted in 1935, and according to former Town Historian Howard Kroplick’s book entitled “North Hempstead”, the Town Seal was intended “[t]o honor the original inhabitants of the community” and provides an illustration that represents “Tackapausha, the sachem of the Algonquians who lived in the area”; and

**WHEREAS**, the Town Board recognizes the need to have a Town Seal that is acceptable for continued use, while at the same time the Board remains committed to preserving the original intent underlying the 1935 Town Seal; and

**WHEREAS**, Town requires professional illustration and design services related to the redesign of the Town Seal and the creation of a historical and educational display in the Town related to this aspect of the Town’s history (the “Services”); and

**WHEREAS**, it has been recommended that the Town enter into an agreement with Wampum Magic Inc., 207 Poospatuck Lane, Mastic, New York 11950, to provide the Services in consideration of an amount not to exceed Seven Thousand Five Hundred and 00/100 Dollars (\$7,500.00) for the seal illustration and design services, an amount not to exceed Five Thousand and 00/100 Dollars (\$5,000.00) for an acrylic painting of the Town Seal and an amount not to exceed Seven Thousand and 00/100 Dollars (\$7,000.00) for the creation of a Wampum Belt depicting the original agreement between the Town and the original Matinecock inhabitants, for a total amount not to exceed Nineteen Thousand Five Hundred and 00/100 Dollars (\$19,500.00) (the “Agreement”); and

**WHEREAS**, it is recommended that it is in the best interest of the Town that this Board authorize the Agreement for the Services.

**NOW, THEREFORE, BE IT**

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

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

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

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Comptroller

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**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. 488 - 2021**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH ANKER'S ELECTRIC SERVICE, INC. FOR THE PLACEMENT OF BANNER POLES AND BANNERS ON LAMPPOSTS IN NEW CASSEL.**

**WHEREAS**, the Town of North Hempstead Community Development Agency (the "CDA"), consistent with its aim of encouraging economic development in the Town, issued a Request for Proposals for the installation of banner poles and banners on the black gaslight lampposts along Prospect Avenue in New Cassel between Wright Street and Maplewood Drive and Elizabeth Street, in Rose Ribbon Park and in Swalm Park in New Cassel (the "Project"); and

**WHEREAS**, the CDA has hired Anker's Electric Service, Inc., 10 South Fifth Street, Locust Valley, New York 11560 (the "Contractor") to perform the services necessary to complete the Project; and

**WHEREAS**, in order to perform the services the Contractor requires access to the Town's lampposts for installation of the banners; and

**WHEREAS**, it has been requested that this Board authorize the Town to enter into an agreement with the Contractor to grant the Contractor a license to access the lampposts and complete the Project (the "License Agreement"); and

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

**NOW, THEREFORE, BE IT**

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

**RESOLVED** that the Supervisor is authorized to execute the License 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 License Agreement, and take such further action as may be necessary to effectuate the foregoing.

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Comptroller      Parks Department

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**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. 489 - 2021**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH RESIDENTS FORWARD FOR MAINTENANCE OF A GARDEN IN A PORT WASHINGTON PUBLIC PARKING DISTRICT LOT.**

**WHEREAS**, the Port Washington Public Parking District (the “District”) owns certain real property located between Port Washington Boulevard and North Maryland Avenue on Main Street in Port Washington, New York known as Lot 11 (the “Premises”); and

**WHEREAS**, Residents Forward, PO Box 864, Port Washington, New York 11050 (the “Licensee”) has requested a license to plant bushes and maintain the Mural Garden in Lot 11 using members of the Residents Forward Volunteer Beautification Team following the initial removal of some bushes from the lot by District employees who will also water the new plantings during the initial period of the license (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 or Deputy Supervisor is authorized take such other action as may be necessary to effectuate the foregoing.

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney

Comptroller

Public Safety

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**PROPOSED RESOLUTION**

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

**STRIKE**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH SAFE BOATS INTERNATIONAL, LLC FOR THE PURCHASE OF A HARBOR PATROL BOAT.**

NO RESOLUTION.



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**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. 490 - 2021**

**A RESOLUTION AUTHORIZING THE USE OF AN AGREEMENT BETWEEN THE COUNTY OF NASSAU AND ENECON NORTHEAST A.P.S., INC. FOR CONCRETE, METAL AND TANK REPAIR.**

**WHEREAS**, the Town of North Hempstead (the “Town”) requires the services of a contractor for concrete, metal and tank repairs (the “Services”); and

**WHEREAS**, the County of Nassau awarded contract #BPNC19000047 entitled “Concrete, Metal and Tank Repair” (the “Agreement”) to Enecon Northeast A.P.S., Inc., 150 Schmitt Boulevard, Farmingdale, New York 11735 (the “Contractor”); and

**WHEREAS**, under New York General Municipal Law §103(16), the Town is authorized to contract for services through municipal or quasi-municipal entities in the State of New York; and

**WHEREAS**, the Board wishes to authorize the use of the Agreement for the duration of the Agreement, inclusive of any extensions.

**NOW, THEREFORE, BE IT**

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

**RESOLVED** that the Supervisor be and hereby is authorized to execute any documentation and to take such other action as may be necessary to effectuate the foregoing; and be it further

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

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney    Admin Services    Comptroller

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**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. 491 - 2021**

**A RESOLUTION AUTHORIZING THE USE OF AN AGREEMENT BETWEEN THE COUNTY OF SUFFOLK AND MACCARONE PLUMBING, INC. FOR PLUMBING REPAIRS AND SERVICE.**

**WHEREAS**, the Town of North Hempstead (the “Town”) requires the service of a contractor for plumbing repairs and service (the “Services”); and

**WHEREAS**, the County of Suffolk awarded contract #PRS071021 entitled “Plumbing - Repairs and Services” (the “Agreement”) to Maccarone Plumbing, Inc., 10 Sea Cliff Avenue, Glen Cove, New York 11542 (the “Contractor”); and

**WHEREAS**, under New York General Municipal Law §103(16), the Town is authorized to contract for services through municipal or quasi-municipal entities in the State of New York; and

**WHEREAS**, the Board wishes to authorize the use of the Agreement for the duration of the Agreement, inclusive of any extensions.

**NOW, THEREFORE, BE IT**

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

**RESOLVED** that the Supervisor be and hereby is authorized to execute any documentation and to take such other action as may be necessary to effectuate the foregoing; and be it further

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

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney    Admin Services    Comptroller

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**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. 492 - 2021**

**A RESOLUTION AUTHORIZING THE USE OF AN AGREEMENT BETWEEN THE TOWN OF EAST HAMPTON AND NATIONAL WATER MAIN CLEANING COMPANY FOR THE CLEANING AND INSPECTION OF STORM SEWER PIPES.**

**WHEREAS**, the Town of North Hempstead (the “Town”) requires the services of a contractor for the cleaning and inspection of storm sewer pipes (the “Services”); and

**WHEREAS**, the Town of East Hampton awarded contract EHWY #2019-09 entitled “Inspection & Cleaning and UV Curd Trenchless Rehabilitation of Existing Drainage Pipes” (the “Agreement”) to National Water Main Cleaning Company, 1806 Newark Turnpike, Kearny, New Jersey 07032 (the “Contractor”); and

**WHEREAS**, under New York General Municipal Law §103(16), the Town is authorized to contract for services through municipal or quasi-municipal entities in the State of New York; and

**WHEREAS**, the Board wishes to authorize the use of the Agreement for the duration of the Agreement, inclusive of any extensions.

**NOW, THEREFORE, BE IT**

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

**RESOLVED** that the Supervisor be and hereby is authorized to execute any documentation and to take such other action as may be necessary to effectuate the foregoing; and be it further

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

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney    Admin Services    Comptroller

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**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. 493 - 2021**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH RISING TIDE WATERFRONT SOLUTIONS FOR ENGINEERING SERVICES RELATED TO SEAWALL AND PIER REPLACEMENT AT HARBOR HILLS PARK, GREAT NECK, NY. DPW PROJECT NO. 17-13.**

**WHEREAS**, pursuant to a resolution, duly adopted by this Board, the Town entered into an agreement, as amended, with Rising Tide Waterfront Solutions, 486 Sunrise Highway, Suite 102, Rockville Centre, NY 11570 (the “Contractor”), to provide engineering services related to the Seawall and Pier Replacement at Harbor Hills Parks, Great Neck, NY, DPW Project No. 17-13 (the “Original Agreement”); and

**WHEREAS**, the Acting Commissioner of the Department of Public Works has recommended that the Town amend the Original Agreement to include additional services required to comply with FEMA requests, including revisions to FEMA project worksheet scope, revisions to design plans and attendance at meetings, increasing the amount to be paid to the Contractor by a sum not to exceed Eleven Thousand Two Hundred Ninety-Five and 00/100 Dollars (\$11,295.00) (the “Amendment”); and

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

**NOW, THEREFORE, BE IT**

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

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

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

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney    DPW            Comptroller



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**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. 494 - 2021**

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

**WHEREAS**, pursuant to Resolution No. 511-2020, duly adopted by this Board on November 19, 2020, the Town entered into an agreement with More Consulting Corp., 19 Old Dock Road, Yaphank, New York 11980 (“the Contractor”), for the repair of a roof at Town Dock in consideration of an amount not to exceed Fifty-Five Thousand One Hundred Forty-Seven and 50/100 Dollars (\$55,147.50) (the “Original Agreement”); and

**WHEREAS**, it has been recommended that the Town amend the Original Agreement to account for the replacement of additional sheathing required to complete the repair, thereby increasing the contract amount under the Original Agreement by an amount not to exceed Seven Hundred Ninety-Nine and 56/100 Dollars (\$799.56) (the “Amendment”); and

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

**NOW, THEREFORE, BE IT**

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

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

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

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      DPW              Comptroller

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**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. 495 - 2021**

**A RESOLUTION AUTHORIZING THE USE OF A SOURCEWELL AGREEMENT WITH CDW FOR THE PURCHASE OF BITDEFENDER ANTIVIRUS SOFTWARE.**

**WHEREAS**, the Department of Information Technology and Telecommunications (the “Department”) requires BitDefender Antivirus software for desktops, laptops, and servers (the “Software”); and

**WHEREAS**, the Director of Purchasing (the “Director”) has recommended that the Town purchase the Software from CDW, 200 N. Milwaukee Avenue, Vernon Hills, Illinois 60061 for a term of one (1) year in consideration of an amount not to exceed Fifteen Thousand Four Hundred Twenty-Two and 40/100 Dollars (\$15,422.40) (the “Purchase”); and

**WHEREAS**, in accordance with the Town’s Procurement Policy, the proposed Purchase is being made pursuant to a contract entered into between CDW and Sourcewell; and

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

**NOW, THEREFORE, BE IT**

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

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

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney Comptroller

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**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. 496 - 2021**

**A RESOLUTION ESTABLISHING A NEW PROPERTY ADDRESS OF 1501 MARCUS AVENUE, NEW HYDE PARK, NEW YORK 11040 FOR THE PREMISES IDENTIFIED AS SECTION 8 BLOCK 286 LOT 5 ON THE LAND AND TAX MAP OF THE COUNTY OF NASSAU.**

**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**, the Nassau County Police Department (the "Applicant") is the owner of real property known as Police Booth A located on the northeast corner of Marcus Avenue and Meadow Farm Road in New Hyde Park (the "Property"); and

**WHEREAS**, the Applicant has requested that the Property be assigned a street address; and

**WHEREAS**, the Town has determined that, in the interest of promoting the health, safety and general welfare of Town residents, the Premises should be assigned the following street address: 1501 Marcus Avenue, New Hyde Park, New York 11040 (the "Address Designation"); and

**WHEREAS**, the New Hyde Park Postmaster has approved the Address 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 Designation.

**NOW, THEREFORE, BE IT**

**RESOLVED** that subject to the Determination of the Nassau County Fire Marshal, the Town Board of the Town of North Hempstead hereby authorizes and directs that the Property known as Police Booth A be assigned the street address 1501 Marcus Avenue, 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 Town Department of Building Safety, Inspection and Enforcement 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, and the post-office department of the United States where the premises is located, within ten days following receipt of the Determination of the Nassau County Fire Marshal as set forth above, to advise them of the Address Designation.

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney Receiver of Taxes Planning Building

DPW Town Clerk

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**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. 497 - 2021**

**A RESOLUTION AUTHORIZING CERTAIN SUPERVISORY ARRANGEMENTS CONCERNING PERSONNEL OF VARIOUS DEPARTMENTS IN ACCORDANCE WITH CHAPTER 16B OF THE TOWN CODE.**

**WHEREAS**, the Town has previously adopted Chapter 16B of the Town Code of the Town of North Hempstead entitled “Anti-Nepotism” (the “Anti-Nepotism Law”), which, among other things, prohibits Town officers and employees from supervising relatives employed by the Town; and

**WHEREAS**, the Anti-Nepotism Law allows officers and employees to supervise a relative with the approval of the Town Board; and

**WHEREAS**, it has requested that this Board authorize the following persons to work at the same locations as their relatives, even though their working at the same location may create an indirect supervisory relationship:

Connor Ring	NHBP	Laborer
Michael Ring	Tully	Groundskeeper

**WHEREAS**, it has been represented to this Board that allowing these indirect supervisory arrangements to exist is essential to the successful operation of the Town’s parks, pools and other operations for the summer season and that any indirect supervision will be minor and will not involve the formation or execution of policy at the Town facilities; and

**WHEREAS**, the Town Board finds it in the best interests of the Town to authorize the above persons to work at the same locations as their relatives as described above, in accordance with the authority given to it under the Anti-Nepotism Law.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the indirect supervisory arrangements described in this resolution be and hereby are authorized; and be it further

**RESOLVED** that the Town Board’s authorization as described in this Resolution shall expire on September 15, 2021.

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Comptroller      Parks

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**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 - 2021**

**A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM VARIOUS CAPITAL PROJECTS RESERVE FUNDS.**

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

**WHEREAS**, the Town has available funds in the General Fund’s Capital Projects Reserve Fund (the “General Fund Reserve”); and

**WHEREAS**, the Board desires to transfer monies from the General Fund Reserve, in the amount of \$43,000.00, to various capital accounts for the funding of an engineering services contract with Savik & Murray for the rehabilitation of the erosion at the Hempstead Harbor Shoreline Trail; and

**WHEREAS**, the Town has available funds in the Highway Fund Capital Projects Reserve Fund (the “Highway Fund Reserve”); and

**WHEREAS**, the Board desires to transfer monies from the Highway Fund Reserve, in the amount of \$20,178.00, to a capital account for gas tank work at the Westbury Highway Yard; and

**WHEREAS**, after careful consideration, the Board finds it in the best interests of the Town to transfer monies from the General Fund Reserve and the Highway Fund Reserve to the accounts as outlined above (collectively the “Transfers”).

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Board hereby authorizes the Transfers from the General Fund Reserve and the Highway Fund Reserve to the accounts as outlined above; and be it further

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

**Dated:** Manhasset, New York

September 2, 2021



The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney      Comptroller

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**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 - 2021**

**A RESOLUTION RATIFYING, AUTHORIZING, AND APPROVING THE EXECUTION OF A SETTLEMENT AGREEMENT AND RELEASE.**

**WHEREAS**, the Town Attorney has requested that the Town Board authorize, approve and ratify the execution of a settlement agreement and release (the "Settlement Agreement") between the Town and Arnyce Foster-Hernandez, a former employee, for the purpose of resolving issues related to the employment of the employee, as more particularly described in the Settlement Agreement, a copy of which shall be on file in the Office of the Town Attorney; and

**WHEREAS**, after careful consideration, the Board finds it is in the best interests of the Town to authorize, approve and ratify the execution of the Settlement Agreement.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town Board hereby authorizes, approves and ratifies the execution of the Settlement Agreement; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor, Town Attorney's Office and the Comptroller to execute the Settlement Agreement and take such other action as needed in order to effectuate the foregoing.

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Town Attorney Human Resources Comptroller

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**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. 500 - 2021**

**A RESOLUTION AUTHORIZING THE EMPLOYMENT, APPOINTMENT, TRANSFER, ADJUSTMENT, CORRECTION, CHANGE IN GRADE OR SALARY AND/OR TERMINATION OF EMPLOYEES AND/OR OFFICIALS IN VARIOUS DEPARTMENTS OF THE TOWN.**

**WHEREAS**, the approval of this Board has been requested for the employment, appointment, transfer, adjustment, correction, change in grade or salary and/or termination of certain individuals, employees and/or officials in various departments of the Town of North Hempstead (the "Town") as more particularly set forth in a memorandum on file in the Office of the Commissioner of Human Resources; and

**WHEREAS**, the Board believes it is in the best interests of the Town to approve the request.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the following employments, appointments, transfers, adjustments, corrections, changes in grade or salary, and/or terminations are hereby adopted and approved:

**ALL APPOINTMENTS PENDING COMPLETION OF PAPERWORK AND CIVIL SERVICE APPROVAL**

**SEE EXHIBIT A**

; and be it further

**RESOLVED** that the above listed employments, appointments, transfers, adjustments, corrections, and/or changes in grade or salary are hereby appointed to the respective positions at a rate of compensation shown next to their names; and be it further

**RESOLVED** that the appointments and employments are subject to the satisfactory completion of a physical examination by a physician; and be it further

**RESOLVED** that the term of appointment and employment of any person to an exempt position shall be at the pleasure of the Town Board; and be it further

**RESOLVED** that the effective date of the foregoing employments, appointments, transfers, adjustments, corrections, and/or changes in grade or salary of said individuals, employees and/or officials in the various departments of the Town shall be that date certified by the Commissioner of Finance; and be it further

**RESOLVED** that the foregoing appointments, employments and terminations are subject to the rules and regulations of the Nassau County Civil Service Commission and New York State Civil Service Law.

**Dated:** Manhasset, New York

September 2, 2021

The vote of the foregoing resolution was recorded as follows:

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

Nays: Councilperson Russell

Please note that all appointments are pending completion of paperwork and Nassau County Civil Service approval.

Type	Department Name	Employee Name	Employee Title	Employee Rate	Grade/Step	Current Dept #	New Dept #	Current Budget Code #	New Budget Code #	Effective Date
New Hire Seasonal	Department of Parks and Recreation - Clark Gardens	Helene Drozd	Laborer 1	\$15.00 hourly	N/A	829000	N/A	A.05.7110.1200	N/A	
New Hire Seasonal	Department of Parks and Recreation - NHBP	Connor Ring	Laborer 1	\$14.00 hourly	N/A	832000	N/A	A.05.7183.1200	N/A	
New PT	Comptroller's Office	Kyle Zhu	Administrative Intern	\$14.00 hourly	N/A	922100	N/A	A.04.1320.1200	N/A	9/3/2021
New Hire FT	Department of Public Safety - Animal Shelter	Marissa DeRosa	Animal Warden	\$25.67 hourly / \$53,387 annually	Grade 14, Step 1	121100	N/A	A.06.3510.1000	N/A	9/3/2021
New Hire FT	Department of Public Safety - Animal Shelter	Cassandra Pyne	Animal Warden	\$25.67 hourly / \$53,387 annually	Grade 14, Step 1	121100	N/A	A.06.3510.1000	N/A	9/3/2021
New Hire FT	Town Clerk	Ida Ammatuna	Admin Assistant	\$2,453.40 bi-weekly / \$63,789 annually	Grade 20, Step 1	128700	N/A	A.13.1410.1000	N/A	9/3/2021
Merit Raise	Comptroller's Office	Christina Magistro	Payroll Supervisor	\$2,844.30 bi-weekly / \$73,952 annually to \$2,938 bi-weekly / \$76,387 annually	Grade 22, Step 3 to Step 4.5	121800	N/A	A.03.1315.1000	N/A	
Merit Raise	Department of Parks and Recreation - Tully	Alexandra Kapetanios	Buyer 1	\$2,476.50 bi-weekly / \$64,389 annually to \$2,554.80 bi-weekly / \$66,424 annually	Grade 18, Step 4.5 to Grade 18, Step 6	122900	N/A	A.05.7020.1000	N/A	
Merit Raise	Highways Department	Stephen Yakkey	Automotive Mechanic	\$30.40 hourly / \$63,236 annually to \$31.34 hourly to \$65,193 annually	Grade 17, Step 5 to Grade 17, Step 6.5	307000	N/A	DA.07.5146.1000	N/A	
Title, Grade, Step and Salary Change	Buildings Department	Kristen Trinidad	Research Assistant to Town Board to Administrative Assistant 1	\$2,682.20 bi-weekly / \$69,738 annually to \$2,708.10 bi-weekly / \$70,411 annually	Grade 13, Step 18 to Grade 20, Step 5.5	210600	N/A	B.33.3626.1000	N/A	9/5/2021
Title, Grade, Step and Salary Change	Receiver of Taxes	Fallon Beckerman	Community Liaison Aide to Administrative Assistant 1	\$1,661.00 bi-weekly / \$43,187 annually to \$2,453.40 bi-weekly / \$63,789 annually	Grade 6, Step 1 to Grade 20, Step 1	125600	N/A	A.09.1330.1000	N/A	
Title Change, Grade, Step and Salary Change	Highways Department	Connor Owens	Equipment Operator Trainee to Equipment Operator 1	\$24.05 hourly / \$50,033 annually to \$24.83 hourly / \$51,656 annually	Grade 11, Step 2 to Grade 13, Step 1	311000	N/A	DA.07.5117.1000	N/A	
Title and Salary Change	Department of Parks and Recreation - Administration	Kelly Gillen	Chief Deputy Commissioner of Parks and Recreation to Acting Commissioner of Parks and Recreation	\$4,041.23 bi-weekly / \$105,072 annually to \$5,076.92 bi-weekly / \$132,000 annually	N/A	122900	N/A	A.05.7020.1000	N/A	7/15/2021
Title, Grade, Step and Salary Change and Department Change	Department of Buildings to Town Clerk	Maria Radomanczyk	Clerk-Laborer to Clerk-Typist 1	\$1,946.20 bi-weekly / \$50,600 annually to \$1,962.3 bi-weekly / \$51,019 annually	Grade 10, Step 4 to Grade 11, Step 3	211000	211500	B.33.3622.1000	B.13.4020.1000	9/3/2021
Location Change	Department of Parks and Recreation - Tully to Broadway	James Hodges	Laborer 2	\$28.10 hourly / \$58,449 annually	Grade 11, Step 10.5	123000	123500	A.05.7181.1000	A.05.7111.1200	
Location Change	Department of Parks and Recreation - Tully to Martin "Bunky" Reid	Terell Latta	Laborer 2	\$25.01 hourly / \$52,016 annually	Grade 11, Step 4	123000	123500	A.05.7181.1000	A.05.7111.1200	
Location Change	Department of Parks and Recreation - Tully to Manorhaven	Jermaine Mingo	Groundskeeper	\$28.52 hourly / \$59,313 annually	Grade 17, Step 2	123000	123100	A.05.7181.1000	A.05.7182.1200	
Location Change	Department of Parks and Recreation - Clark Gardens to Whitney Pond Park / Manhasset Valley	Susan Raeside	Laborer 1	\$24.59 hourly / \$51,153 annually	Grade 9, Step 6	122800	123400	A.05.7110.1000	A.05.7185.1000	
Location Change	Department of Parks and Recreation - Manorhaven to Tully	Michael T. Ring	Groundskeeper 1	\$27.89 hourly / \$58,006 annually	Grade 17, Step 1	123100	123000	A.05.7182.1000	A.05.7181.1000	
Hourly Rate Change	Highways Department	Thomas DiGiose	Laborer 1 P/T	\$17.00 hourly to \$19.00 hourly	N/A	971000	N/A	DA.07.5225.1200	N/A	
Hourly Rate Change	Highways Department	John Miller	P/T Laborer	\$17.00 hourly to \$19.00 hourly	N/A	971000	N/A	DA.07.5225.1200	N/A	
Part-time w/ seasonal hours location and hourly rate change	Department of Parks and Recreation - Manorhaven	James Brandvold	Lifeguard 1	\$19.00 hourly to \$20.00 hourly	N/A	931000	932000	A.05.7182.1200	A.05.7183.1200	Retro to 7/8/2021
Seasonal to PT w/ Title Change	Receiver of Taxes	Gerard Merolla	P/T Laborer to P/T Clerk Typist	\$30.00 hourly	N/A	843000	943000	A.09.1330.1200	A.09.1330.1200	
Resignation PT	Department of Parks and Recreation - Martin "Bunky" Reid Park	Justin Bautista	Lifeguard 1	\$16.50 hourly	N/A	935000	N/A	A.05.7111.1200	N/A	8/16/2018
Resignation PT	Department of Parks and Recreation - Tully	Jessica Caban	Lifeguard 1	\$16.50 hourly	N/A	930000	N/A	A.05.7181.1200	N/A	10/8/2018

Please note that all appointments are pending completion of paperwork and Nassau County Civil Service approval.

Type	Department Name	Employee Name	Employee Title	Employee Rate	Grade/Step	Current Dept #	New Dept #	Current Budget Code #	New Budget Code #	Effective Date
Resignation PT	Department of Parks and Recreation - NHBP	Hunter Krasinski	Laborer 1	\$15.75 hourly	N/A	932000	N/A	A.05.7183.1200	N/A	10/8/2018
Resignation PT	Department of Parks and Recreation - YWCCC	Vahhon McCullers	Rec Aide	\$16.25 hourly	N/A	933300	N/A	A.05.7141.1200	N/A	7/25/2021
Resignation PT	Department of Parks and Recreation - Tully	Nisha Patel	Lifeguard 1	\$17.00 hourly	N/A	930000	N/A	A.05.7181.1200	N/A	8/10/2020
Resignation PT	Department of Parks and Recreation - Tully	William Sollin	Lifeguard 1	\$18.00 hourly	N/A	930000	N/A	A.05.7181.1200	N/A	7/8/2020
Resignation FT	Department of Parks and Recreation - Administration	Amyce Foster-Hernandez	Commissioner of Parks and Recreation	\$5,178.46 bi-weekly / \$134,640 annually	N/A	122900	N/A	A.05.7020.1000	N/A	8/6/2021
Resignation FT	Highways Department	Joseph Calderaro III	Automotive Servicer	\$27.39 hourly / \$56,972 annually	Grade 13, Step 6	307000	N/A	DA.07.5146.1000	N/A	8/24/2021
Resignation FT	Animal Shelter	Sandra Huertas	Animal Warden	\$25.67 hourly / \$53,387 annually	Grade 14, Step 1	121100	N/A	A.06.3510.1000	N/A	7/2/2021
Retirement FT	Highways Department	Joseph Graf	Highway Maintenance Supervisor	\$52.47 hourly / \$109,130 annually	Grade 27, Step 3.5	311000	N/A	DA.07.5117.1000	N/A	7/31/2021
Retirement FT	Department of Parks and Recreation - NHBP	Alexander C. Ramos	Maintenance Mechanic 1	\$36.09 hourly / \$75,057 annually	Grade 13, Step 23.5	123200	N/A	A.05.7183.1000	N/A	8/4/2021
Retirement FT	Department of Public Safety - Animal Shelter	Scott Halleran	Assistant Director of Animal Shelter	\$42.12 hourly / \$87,614 annually	Grade 19, Step 13.5	121100	N/A	A.06.3510.1000	N/A	8/31/2021
Leave of absence	Department of Highways	Gregg Hafter	Laborer 1	\$22.82 hourly / \$47,462 annually	Grade 9, Step 2	311000	N/A	DA.07.5117.1000	N/A	9/3/2021

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**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. 501 - 2021**

**A RESOLUTION APPROVING THE ACTION OF THE ALBERTSON HOOK & LADDER, ENGINE & HOSE CO., NO. 1., INC., ALBERTSON, NEW YORK, IN ADDING TO MEMBERSHIP XIE LONG ZHA, AAGARSHA GUPTA, SURENDRA GUPTA AND DAVID WALTERS.**

**WHEREAS**, the Albertson Hook & Ladder, Engine & Hose Co., No. 1, Inc., Albertson, New York, has advised of adding to membership Xie Long Zha, Aagarsha Gupta, Surendra Gupta and David Walters.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the action of Albertson Hook & Ladder, Engine & Hose Co., No. 1, Inc., 100 I.U. Willets Road, Albertson, NY 11507 in adding to membership Xie Long Zha, 35 Hilldale Road, Albertson, NY 11507, Aagarsha Gupta, 30 Old Shelter Rock Rd., Roslyn, NY, 11576, Surendra Gupta, 30 Old Shelter Rock Rd., Roslyn, NY, 11576, and David Walters, 55 Coventry Ave, Albertson, NY, 11507, be and the same hereby are approved and the Town Clerk directed to record their names in the Minutes of the Town Board.

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

cc: Albertson Hook & Ladder, Town Attorney Comptroller  
Engine & Hose Co., No. 1, Inc.

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**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. 502 - 2021**

**A RESOLUTION WAIVING FEES OTHERWISE CHARGED BY THE DEPARTMENT OF BUILDING SAFETY, INSPECTION AND ENFORCEMENT FOR THE TOWN OF NORTH HEMPSTEAD SOLID WASTE MANAGEMENT AUTHORITY'S ELECTRICAL INFRASTRUCTURE IMPROVEMENT PROJECT AT THE PORT WASHINGTON L4 AND L5 LANDFILLS.**

**WHEREAS**, the Town of North Hempstead Solid Waste Management Authority (the "Authority") is engaging in a project to improve the electrical infrastructure at the Port Washington L4 and L5 remedial systems (the "Project"), which Landfills and systems are owned by the Town of North Hempstead; and

**WHEREAS**, the Project will provide backup power generation to the Landfills' environmental systems to assure their continued operation during outages; and

**WHEREAS**, the Authority has requested that the Town waive building permit fees charged or to be charged for the Project that would otherwise be incurred by the Authority (the "Waiver"); and

**WHEREAS**, to pursue its policy goals of creating assuring the continued operation of the Landfills' remedial systems for the benefit of the Town and the community, the Board wishes to direct the Department of Building Safety, Inspection and Enforcement (the "Building Department") to implement the Waiver.

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Town Board hereby authorizes the Building Department to implement the Waiver; and be it further

**RESOLVED** that the Commissioner of the Building Department is hereby authorized to take such other action as may be necessary to effectuate the foregoing.

**Dated:** Manhasset, New York

September 2, 2021

The vote on the foregoing resolution was recorded as follows:



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

Nays: None