

**TOWN OF NORTH HEMPSTEAD
BOARD MEETING**

AGENDA



October 21, 2021

7:00 PM

PUBLIC HEARINGS:

1. A PUBLIC HEARING TO CONSIDER THE PRELIMINARY BUDGET OF THE TOWN OF NORTH HEMPSTEAD TOGETHER WITH THE BUDGETS FOR ALL SPECIAL IMPROVEMENT DISTRICTS AND THE ASSESSMENT ROLLS OF THE BELGRAVE WATER POLLUTION CONTROL DISTRICT, GREAT NECK WATER POLLUTION CONTROL DISTRICT AND THE PORT WASHINGTON WATER POLLUTION CONTROL DISTRICT FOR THE YEAR 2022.
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 proposed local law would improve 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.

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

Synopsis: The purpose of 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.

4. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF 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.

5. A PUBLIC HEARING TO CONSIDER THE APPLICATION OF R-5 ASSOCIATES FOR A WAIVER FROM ZONING REQUIREMENTS PURSUANT TO SECTION 70-164 OF THE TOWN CODE FOR THE PREMISES LOCATED AT 13 HARBOR PARK DRIVE, PORT WASHINGTON AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 6, BLOCK 86, LOT 7.

Synopsis: The proposed action is the above-ground installation of a 100 KW back-up generator on a 3-acre site. Town Code requires all electrical equipment in the Planned Industrial Park zoning district to be installed underground unless such requirement is waived by the Town Board.

6. A PUBLIC HEARING TO CONSIDER THE APPLICATION OF SHORE OAKS, LLC C/O ILIAS THEODOROPOULOS 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 22 SHORE DRIVE, PLANDOME, NEW YORK 11030 AND IDENTIFIED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 3, BLOCK 182, LOTS 7 AND 9.

7. 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."

8. 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."

9. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING ALDEN LANE IN PORT WASHINGTON, NEW YORK.

Synopsis: The adoption of this ordinance will establish a Full Stop eastbound on Alden Lane, at its intersection with Lynn Road, in Port Washington.

10. 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.

11. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING MEADOW DRIVE IN ALBERTSON, NEW YORK.

Synopsis: The adoption of this ordinance will establish a No Parking 8:00 AM to 4:00 PM on school days restriction on a portion of the west side of Meadow Drive, south of Willow Place, in Albertson.

12. 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.

13. 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 Whittier Avenue and White Avenue, in Floral Park.

14. 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.

15. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING SYLVESTER STREET IN WESTBURY, NEW YORK.

Synopsis: The adoption of this ordinance will establish a Reserved Parking space on the west side of Sylvester Street, between Prospect Avenue and Park Avenue, in Westbury.

RESOLUTIONS:

16. A RESOLUTION SETTING A DATE FOR A SPECIAL MEETING OF THE TOWN BOARD OF THE TOWN OF NORTH HEMPSTEAD FOR DECEMBER 2, 2021 AT 10:00 A.M.

Synopsis: The purpose of the meeting is to conduct a work session on the Town of North Hempstead's 2022-2026 Capital Plan.

17. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 28 OF THE TOWN CODE ENTITLED "HOUSING, REHABILITATION AND PROPERTY MAINTENANCE CODE."

Synopsis: The proposed local law would amend the property maintenance code to require the removal of vines, including ivy, on commercial properties to prevent it from encroaching or growing upon any adjoining or neighboring property. Tentative hearing date is November 18, 2021.

18. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 48 OF THE TOWN CODE ENTITLED "SIDEWALKS."

Synopsis: The proposed local law will extend the suspension of the Town Code provisions limiting the number of sidewalk sale permits that may be issued for any given location during a 12 month period and temporarily

waive the fees for a sidewalk sale permit until June 30, 2022. Tentative hearing date is November 18, 2021.

19. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING ARTICLE IX OF THE TOWN OF NORTH HEMPSTEAD UNIFORM TRAFFIC CODE ENTITLED "PORT WASHINGTON PUBLIC PARKING DISTRICT."

Synopsis: The proposed local law will temporarily convert a portion of commuter parking spaces in Lots 4, 5 and 7 into metered parking spaces from December 1, 2021 through March 31, 2022. Tentative hearing date is November 18, 2021.

20. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE APPLICATION OF TOWN METRO LLC FOR A SPECIAL USE PERMIT FOR THE PREMISES LOCATED AT 1-4 EXPRESSWAY PLAZA, ROSLYN HEIGHTS AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 7, BLOCK 5, LOTS 832, 833 & 835.

Synopsis: The proposed action is the construction of a multi-level, 1251-space underground parking garage in conjunction with a 2-story, 160,696 s.f. office building on a 9.26-acre site. Tentative hearing date is November 18, 2021.

21. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE APPLICATION OF TOWN METRO LLC FOR SITE PLAN REVIEW FOR THE PREMISES LOCATED AT 1-4 EXPRESSWAY PLAZA, ROSLYN HEIGHTS AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 7, BLOCK 5, LOTS 832, 833 & 835.

Synopsis: The proposed action is the demolition of four 2-story office buildings with a combined floor area of 153,000 s.f. and the construction of a single 2-story, 160,696 s.f. office building on a 9.26-acre site. Tentative hearing date is November 18, 2021.

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

Synopsis: The adoption of this ordinance will establish a No Parking Anytime restriction on the east side of Bank Street in Port Washington. Tentative hearing date is November 18, 2021.

23. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE RESCISSION AND ADOPTION OF AN ORDINANCE AFFECTING CARLTON AVENUE IN PORT WASHINGTON, NEW YORK.

Synopsis: The rescission and adoption of this ordinance will change the time frame of the presently posted parking restriction on the east side of Carlton Avenue, on a small portion in front of the Carlton Bay Condominiums between Charles Street and Bayview Avenue, in Port Washington. Tentative hearing date is November 18, 2021.

24. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING NORTH PLANDOME ROAD IN PORT WASHINGTON, NEW YORK.

Synopsis: The adoption of these ordinances will establish a Full Stop north bound and south bound on North Plandome Road, near its

intersection with Beachway (south Beachway between Richards Road and Terrace Drive), in Port Washington. Tentative hearing date is November 18, 2021.

25. A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE RESCISSION OF AN ORDINANCE AFFECTING THIRD AVENUE IN GARDEN CITY PARK, NEW YORK.

Synopsis: The rescission of this ordinance will remove the presently posted reserved parking restriction on the east side of Third Avenue in Garden City Park. Tentative hearing date is November 18, 2021.
26. A RESOLUTION AUTHORIZING THE TOWN BOARD TO ACCEPT A GIFT TO THE TOWN PURSUANT TO TOWN LAW SECTION 64.
27. A RESOLUTION AUTHORIZING SUPPLEMENTAL BUDGET APPROPRIATIONS PURSUANT TO TOWN LAW SECTION 112.
28. A RESOLUTION AUTHORIZING THE AWARD OF A BID FOR MANORHAVEN PARK POOL REPAIRS, MANORHAVEN, NY, DPW PROJECT NO. 19-07.
29. A RESOLUTION RATIFYING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE LANDTEK GROUP, INC. FOR THE EMERGENCY RESTORATION OF A STONE WALL ON MILL POND ROAD IN PORT WASHINGTON.
30. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE COMMUNITY CHEST OF PORT WASHINGTON, NY, INC. TO CO-SPONSOR A THANKSGIVING DAY RUN.
31. A RESOLUTION RATIFYING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH MANHASSET BAY MARINA LTD FOR THE EMERGENCY REPAIR OF A MARINE VESSEL.
32. A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH CSG FORTE, INC. FOR CREDIT CARD PROCESSING SERVICES FOR THE OFFICE OF THE TAX RECEIVER.
33. A RESOLUTION AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH POWER SOURCE LTD FOR THE USE OF PARKING SPACES IN A PORT WASHINGTON PUBLIC PARKING DISTRICT LOT.
34. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH COASTLINE CONSULTING & DEVELOPMENT, LLC FOR ENGINEERING SERVICES RELATED TO DREDGING AT TOWN DOCK, PORT WASHINGTON, DPW PROJECT NO. 16-13.

35. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH MEADOW CARTING CORP. FOR THE COLLECTION AND DISPOSAL OF ACCEPTABLE WASTE AND RECYCLABLES IN THE NEW CASSEL GARBAGE DISTRICT.
36. A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH JAMAICA ASH AND RUBBISH REMOVAL CO. INC. FOR COLLECTION AND DISPOSAL OF ACCEPTABLE WASTE AND RECYCLABLES IN THE NEW HYDE PARK-GARDEN CITY PARK-FLORAL PARK CENTRE GARBAGE DISTRICT.
37. A RESOLUTION AUTHORIZING THE PURCHASE FROM MOTOROLA SOLUTIONS, INC. OF ANNUAL SOFTWARE MAINTENANCE FOR THE TOWN'S 311 SYSTEM.
38. A RESOLUTION AUTHORIZING PAYMENT TO OFFSHORE PERFORMANCE SPECIALTIES, INC. FOR THE EMERGENCY PURCHASE OF A MARINE VESSEL GEARBOX.
39. A RESOLUTION AMENDING RESOLUTION NO. 481-2021, ADOPTED SEPTEMBER 2, 2021, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CASHIN ASSOCIATES, PC FOR PROFESSIONAL SERVICES RELATED TO TOWN PONDS.
40. A RESOLUTION AMENDING RESOLUTION NO. 560-2021, ADOPTED OCTOBER 7, 2021, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ALL FLAG AND FLAGPOLE, INC. FOR THE INSTALLATION OF A FLAGPOLE AT CLINTON G. MARTIN PARK, NEW HYDE PARK.
41. A RESOLUTION AMENDING RESOLUTION NO. 563-2021, ADOPTED OCTOBER 7, 2021, AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH ELITE SYNTHETIC SURFACES FOR ACCESS TO SAGAMORE BALLFIELD IN EAST WILLISTON FOR FIELD REPAIRS.
42. A RESOLUTION MAKING AN APPOINTMENT TO THE TOWN OF NORTH HEMPSTEAD WATERFRONT ADVISORY COMMISSION.
43. A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM THE GENERAL FUND'S CAPITAL PROJECTS RESERVE FUND.
44. A RESOLUTION AUTHORIZING THE COMMENCEMENT OF LEGAL ACTION/PROCEEDINGS.
45. A RESOLUTION AUTHORIZING THE COMMENCEMENT OF LEGAL ACTION/PROCEEDINGS.
46. A RESOLUTION AUTHORIZING THE COMMENCEMENT OF LEGAL ACTION/PROCEEDINGS.
47. A RESOLUTION AUTHORIZING THE COMMENCEMENT OF LEGAL ACTION/PROCEEDINGS.

48. A RESOLUTION AUTHORIZING THE TOWN CLERK TO TRANSMIT TO THE NASSAU COUNTY LEGISLATURE AND THE BOARD OF ASSESSMENT OF THE COUNTY OF NASSAU THE LISTS OF UNPAID WATER RENTS FILED BY SPECIAL DISTRICTS IN THE TOWN OF NORTH HEMPSTEAD FOR THE PURPOSE OF HAVING SAME LEVIED AGAINST THE PROPERTY LIABLE.
49. A RESOLUTION AUTHORIZING AND APPROVING THE PAYMENT OF A CLAIM AGAINST THE TOWN OF NORTH HEMPSTEAD AND AUTHORIZING AND DIRECTING THE COMPTROLLER OR DEPUTY COMPTROLLER TO PAY THE COSTS THEREOF.
50. 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.
51. A RESOLUTION APPROVING THE ACTION OF THE FIRE-MEDIC CO., NO. 1, PORT WASHINGTON, NEW YORK, IN ADDING TO MEMBERSHIP JULIETTE CIFARELLI, KELLY KENNEDY, AND JULIA COCCARELLI.

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 PRELIMINARY BUDGET OF THE TOWN OF NORTH HEMPSTEAD TOGETHER WITH THE BUDGETS FOR ALL SPECIAL IMPROVEMENT DISTRICTS AND THE ASSESSMENT ROLLS OF THE BELGRAVE WATER POLLUTION CONTROL DISTRICT, GREAT NECK WATER POLLUTION CONTROL DISTRICT AND THE PORT WASHINGTON WATER POLLUTION CONTROL DISTRICT FOR THE YEAR 2022.

NO RESOLUTION.

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. 573 - 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 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

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

WHEREAS, due notice was heretofore given of a public hearing to be held on the 21st day of October, 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, conducted a public hearing on October 21, 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. 18 of 2021 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 18 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.

It is the purpose and intent of the Town Board to amend Chapter 2 of the Town Code entitled “Administration and Enforcement” 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.

Section 2.

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

§ 2-9.2 Construction Site Safety Training

§ 2-9.2(1) Purpose.

The provisions of this section are intended to promote the safety of Minor and Major construction sites within the Town. The provisions of this section are designed to provide that workers employed or otherwise engaged at such construction sites have received adequate safety training; that contractors performing construction work have essential safety training and that contractors performing construction work have essential safety training systems to prevent injuries and protect workers who are injured.

§ 2-9.2(2) Definitions.

- a. **Permit Holder. The person to whom a building permit has been issued or for a building permit has been applied.**
- b. **Person. An individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.**
- c. **Contractor. Any person contracted or subcontracted to perform work covered by this section for or on behalf of any other person.**
- d. **Minor Construction Project. A construction site, with an area greater than 35,000 square feet, which involves the construction, demolition or alteration of a structure or building.**
- e. **Major Construction Project. A construction site, with an area greater than 50,000 square feet, which involves the construction, demolition or alteration of a structure or building.**
- f. **OSHA. The United States Department of Labor Occupational Safety and Health Administration.**

g. OSHA 30-hour class. A class that includes 30 or more hours in construction industry safety and health that is intended for workers and satisfies the following conditions:

i. Such class is (i) approved by OSHA and conducted in accordance with the OSHA outreach training program or (ii) an equivalent 30 or more hour construction industry safety and health class approved by the Building Department.

ii. Such class consists of in-person training, actively proctored online training or, if such training is conducted before the effective date of this section, online training.

h. OSHA 100-hour class. A class or program that:

i. Includes 100 or more hours of training in technical subjects relating to a construction trade, including an apprenticeship program registered with the New York State Department of Labor; and

ii. Is approved by OSHA, the United States Department of Labor, the New York State Department of Education or the New York State Department of Labor. § 2-9.2(3) Safety Training Required.

i. Site Safety Designee. The Site Safety Designee must have completed an OSHA 100-hour class. On a Major Construction Project, the Site Safety Designee shall use reasonable prudence to ensure that safety is maintained as job conditions dictate and shall complete any tasks required of a Site Safety Designee under this Chapter.

§ 2-9.2(3) Safety Training Required.

a. In addition to any other applicable town, state or federal law or rule, each permit holder:

1. at a Minor Construction Site, shall be responsible for ensuring that each construction or demolition worker employed or otherwise engaged at such site by the permit holder or any person performing work for or on behalf of such permit holder at such site has successfully completed and maintains a current OSHA 30-hour class certificate.

2. at a Major Construction Site, shall be responsible for ensuring that a foreman or designated employee or individual otherwise engaged at such site by the permit holder or any person performing work for or on behalf of such permit holder is designated as a Site Safety Designee. The Site Safety Designee shall be tasked with ensuring that each construction or demolition worker employed or otherwise engaged at such site by the permit holder or any person performing work for or on behalf of such permit holder at the site is in compliance with section 2-9.2(3)(a)(1) and shall report violations of this Chapter to the Building Department.

b. The Applicant, Permit Holder or any person performing such work on behalf of the permit holder shall certify to the Building Department, in a form and manner established by the Building Department, that the requirements of § 2-9.2(3)(A)(1) and/or § 2-9.2(3)(A)(2) have been met. No permit for construction or demolition work for which training is required pursuant to this section shall be issued or renewed until the applicant has certified that all workers who will be working under such permit will have the requisite training throughout the duration of such permit.

c. The Applicant, Permit Holder or any person performing such work on behalf of the permit holder shall certify that all New York State and OSHA safety requirements and workers compensation and insurance requirements have been met.

d. The Permit Holder shall maintain at such site a daily log that identifies each such worker and that includes, for each such worker, proof of compliance with § 2-9.2(3)(A)(1) and § 2-9.2(3)(A)(2), as applicable. Such logs shall be made available to the Building Department upon request and shall be submitted to the Building Department as a prerequisite to the issuance of a Certificate of Occupancy, Certificate of Completion and/or Certificate of Approval.

§ 2-9.2(4) Penalties.

a. Any violations of this section by a permit holder shall be punishable by a fine of not less than \$1,000 nor more than \$10,000. Each worker performing work on a construction site covered by this section without required safety training shall constitute a separate additional offense. Each day that the violation continues shall constitute a separate additional offense.

- b. For a second offense, committed by a permit holder within a period of five years, such violation shall be punishable by a fine of not less than \$3,000 nor more than \$20,000 or by imprisonment for a period not to exceed 15 days, or both.
- c. Permits issued to permit holders found to be in violation of this section may be revoked by the Building Department upon discovery of such violation.
- d. The Building Department shall be authorized to issue stop orders for violations of this section. Upon the issuance of a stop order, the owner of the affected property, the permit holder and any other person or contractor performing, taking part in or assisting in the work shall suspend all building activities in violation of this section until the stop order has been rescinded.
- 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 October 21, 2021, Local Law No. 18 of 2021 was adopted. The Local Law amends 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.

Dated: Manhasset, New York

October 21, 2021

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

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

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. 574 - 2021

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

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

WHEREAS, a proposed Local Law has been prepared, pursuant to enabling legislation, to amend Chapter 23 of the Town Code entitled "Governmental Departments" in order 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; and

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

WHEREAS, due notice was heretofore given of a public hearing to be held on the 21st day of October, 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, conducted a public hearing on October 21, 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. 19 of 2021 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 19 OF 2021**

**A LOCAL LAW AMENDING CHAPTER 23 OF THE TOWN CODE
ENTITLED “GOVERNMENTAL DEPARTMENTS”**

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

Section 1. Legislative Intent

The Town Board finds that the purposes for which the Town of North Hempstead Solid Waste Management Authority was created have been accomplished, and that there are no functions performed by the Authority that cannot be directly performed by the Town. The Town Board also finds that the continued operation and management of the Town of North Hempstead Solid Waste Management Authority imposes additional financial, management and administrative duties and responsibilities upon the Town that are no longer necessary. As such, the Town Board has resolved to terminate, as of January 1, 2022, the corporate existence of the Authority and transfer all operations, employees, assets, liabilities, properties and facilities of the Authority to the Town as provided in Section 2049-c of the Public Authorities Law. As a result of this transfer, the Town Board finds that amendments to Article IX of Chapter 23 of the Town Code are necessary for the Town’s Department of Solid Waste Management to administer the Town’s solid waste operations, programs, policies, facilities and assets, and to make technical changes to account for the pending termination of the corporate existence of the Authority.

Section 2.

Article IX of Chapter 23 of the Town Code is hereby amended as follows:

§ 23-9 (**Reserved**)

§ 23-9.1 **Definitions.**

- A. Whenever used in this local law, words used in the singular include the plural and vice versa.
- B. As used in this local law, the following terms shall have the meanings indicated:

ACCEPTABLE WASTE

This term shall have the same meaning ascribed to it under Section 46-2 of the Town Code.
(~~AUTHORITY the Town of North Hempstead Solid Waste Management Authority.~~)

COMMISSIONER

The Commissioner of Solid Waste Management(~~, who also serves simultaneously as Executive Director of the Town of North Hempstead Solid Waste Management Authority.~~)

DEPARTMENT

The Town of North Hempstead Department of Solid Waste Management.

(EXECUTIVE DIRECTOR

~~The Executive Director of the Authority who shall be responsible for the administration and the day-to-day operations of the Authority and who also serves simultaneously as the Commissioner of Solid Waste Management.~~

~~LANDFILL CONCESSION AND SOLID WASTE SERVICE AGREEMENT BETWEEN THE TOWN OF NORTH HEMPSTEAD SOLID WASTE MANAGEMENT AUTHORITY AND THE TOWN OF NORTH HEMPSTEAD~~

~~The agreement dated March 15, 1988, and effective December 31, 1988, authorizing the Town of North Hempstead Solid Waste Management Authority to operate the landfill.)~~

PORT WASHINGTON LANDFILLS

The closed Town of North Hempstead L4 and L5 Landfills located at 802 West Shore Road, Port Washington, New York.

RECYCLABLES

This term shall have the same meaning ascribed to it under Section 46-2 of the Town Code.

SOLID WASTE

This term shall have the same meaning ascribed to it under Section 46-2 of the Town Code.

SOLID WASTE MANAGEMENT FACILITY

This term shall have the same meaning ascribed to it under Section 46-2 of the Town Code.

TOWN

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

TOWN BOARD

The duly elected and constituted legislative body of the Town of North Hempstead.

TRANSFER STATION

The North Hempstead Transfer Station located at 999 West Shore Road, Port Washington, New York.

§ 23-9.2 Department established; Commissioner.

A. There shall be in the Town of North Hempstead a Department of Solid Waste Management. **The principal executive officer and administrative head of such Department shall be the Commissioner.** The Commissioner (~~of Solid Waste Management, who~~) shall be appointed by the Town Board **at such salary as may from time to time be fixed by the Town Board** (~~, shall also serve simultaneously as Executive Director of the Town of North Hempstead Solid Waste Management Authority. The Commissioner of Solid Waste Management shall receive no additional compensation for serving as an officer of the Town~~). The Commissioner (~~of Solid Waste Management~~) shall be appointed on the basis of (~~his~~)**the individual's** administrative experience and qualifications for the duties of such office and such additional standards as may be required by the Town Board. **The Commissioner shall be the head of the Department with power and authority to appoint and remove officers and employees under his/her jurisdiction in accordance with Civil Service Law and other applicable laws. The Commissioner may appoint one exempt Deputy Commissioner. The Deputy Commissioner may act generally for the Commissioner in the absence of the Commissioner.**

B. Before entering upon the duties of office, the Commissioner shall execute and file with the Town Clerk an official undertaking, if the same is required by the Town Board, in such sum as is prescribed by the Town Board and in such form as is approved by the Town Attorney.

§ 23-9.3 Powers **and Duties** of Commissioner **and Department**; ~~departmental organization.~~

A. The Commissioner shall have such powers **and duties** as described in this Article and Chapter 46 of the Code (and, together with the Town Board, shall be responsible for discharging the Town's obligations under the service agreement and applicable provisions of law).

B. **The Department shall have the powers and duties described in Chapter 46 of the Town Code as well as the following powers and duties:**

(1) The Department shall have the primary responsibility, power and duty to develop, administer and enforce efficient and environmentally sound solid waste management practices in the Town. Such responsibility, power and duty shall include but not be limited to:

(a) The power to collect, receive, extract, transport, process, dispose of, sell, store, convey, recycle and deal with, in any lawful manner and way, solid waste and any products or by-products thereof now or hereafter developed or discovered, including any energy generated by the operation of any facility on such terms and in such manner as the Town may deem proper;

(b) To collect or receive from the United States, the state, the Town, any other municipality or public corporation or person solid waste for the purpose of treatment or disposal thereof, with the authority to sell and dispose of any products or by-products, including energy, of such process of treatment or disposal, as the Town may deem proper;

(c) Subject to the approval of the Town Board, to contract with other municipalities, state agencies, public corporations or persons, for the purpose of collecting, receiving, treating and disposing of solid waste, including, without limitation, to contract with municipalities, state agencies, public corporations or persons for the delivery of all solid waste generated within a stated area to a specific facility;

(d) The power and duty to investigate and develop methods, practices and facilities for efficient and environmentally sound solid waste management which will satisfy the requirements of the applicable law and will meet the needs of the Town and its residents now and in the future, including, without limitation, the need to conserve and make efficient use of the Town's landfill;

(e) The power to recommend to the Town Board the locations of solid waste management facilities in the Town, subject to Town Board approval, to establish and maintain Town solid waste management facilities, including those for resource recovery and source separation;

(f) The power and duty to operate and manage the Town's Transfer Station and the Town's Port Washington Landfills and other solid waste management facilities owned and operated by the Town and not under the jurisdiction of the Department of Public Works or the Department of Parks and Recreation to obtain and insure disposal of solid waste, and to perform all tasks related to the efficient operation of the Town's solid waste management facilities described above as may be required by determination of the Commissioner;

(g) The power to prohibit or restrict the types of waste, including but not limited to hazardous waste, bulk items, yard clippings, leaves, tree limbs and branches, brush,

automobile and truck tires and construction and demolition debris, which may be managed at a particular solid waste management facility;

(h) The power to adopt and promulgate, amend and repeal rules and regulations necessary to implement the foregoing powers and duties;

(i) The power and duty to educate residents, by whatever necessary and appropriate means, concerning resource recovery goals and projects, including source separation, which the Department may develop;

(j) The Department will have the responsibility for servicing and maintenance of all equipment, facilities and motor vehicles, used by the Department.

(2) The Department shall have the power to enforce and seek penalties for violation of any provision of this article or any Department rule or regulation adopted or promulgated hereunder.

§ 23-9.4 Special costs and expenses.

All costs and expenses incurred by the Department or its officers or employees on behalf of a special improvement district or special Town project shall be charged against such district or project and paid from the funds duly appropriated for the purpose of such district or project.

§ 23-9.5 Powers of Supervisor.

Nothing herein contained shall be construed to delegate or transfer any power of the Town Supervisor contained in §§ 29, 52 and 125 of the Town Law of the State of New York or any other powers which may be lawfully exercised by said Supervisor.

§ 23-9.6 Fees.

The Commissioner may establish, subject to Town Board approval, a schedule of fees to be collected by ~~(him)~~**the Commissioner** for services rendered in connection with the work of ~~(his)~~**the** Department and for which ~~(he)~~**the Commissioner** deems it necessary to charge and to collect a fee therefor. **Without limiting the foregoing, the Town Board, on the recommendation of the Commissioner and subject to the provisions of Chapter 46 of the Town Code, may fix and collect rates, rentals, fees and other charges for disposal of Acceptable Waste and Recyclables at the Town's Transfer Station and the use of the facilities of, or services rendered by, or any commodities furnished by, the Department so as to provide revenues sufficient to pay, as the same shall become due, the expenses of operating and maintaining the properties of the Town under the administration of the Department and any and all other activities of the Department.**

§ 23-9.7 Severability.

If any section, provision or part thereof in this local law shall be adjudged invalid or unconstitutional by a court of competent jurisdiction, then such adjudication shall not affect the validity of the local law as a whole or any section, provision or part thereof not so adjudged invalid or unconstitutional.

§ 23-9.8 When effective.

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

Section 3.

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

Section 4.

This Local Law shall take effect on January 1, 2022.

; 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 October 21, 2021, Local Law No. 19 of 2021 was adopted. The Local Law amends Chapter 23 of the Town Code entitled "Governmental Departments" in order 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.

Dated: Manhasset, New York

October 21, 2021

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

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

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. 575 - 2021

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

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

WHEREAS, due notice was heretofore given of a public hearing to be held on the 21st day of October, 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, conducted a public hearing on October 21, 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. 20 of 2021 be and it hereby is adopted, which Local Law reads as follows:

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. 20 OF 2021**

**A LOCAL LAW AMENDING CHAPTER 46 OF THE TOWN CODE
ENTITLED "SANITATION"**

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

Section 1. Legislative Intent

The Town Board finds that the requirement that all waste generated within the Town of North Hempstead, including construction and demolition debris, be brought to a publicly-owned disposal facility designated by the Town's Commissioner of Solid Waste Management, and that all waste collectors be licensed by the Town, promotes the proper disposal of waste in a regulated manner and provides the Town with the resources necessary to engage in recycling, waste reduction and hazardous waste collection programs that are beneficial both to the Town's residents as well as the environment at large. In addition, the Board finds that improper collection of source-separated recyclables so that recyclables are mixed with other forms of waste contaminates those recyclables and defeats the purpose of recycling. In order to enforce the provisions of Chapter 46 of the Town Code entitled "Sanitation" and these important goals, the Department of Solid Waste Management requires additional tools in the form of code provisions to clarify requirements of the Town Code controlling the flow of waste in the Town and how waste must be collected in the Town. In addition, certain technical changes are required to be made to Chapter 46 to account for the pending dissolution of the Town of North Hempstead Solid Waste Management Authority. As such, the Board finds it necessary to amend Chapter 46 of the Town Code.

Section 2.

Chapter 46 of the Town Code is hereby amended as follows:

ARTICLE I GENERAL REGULATIONS

§ 46-1 Title

This chapter shall be known as the "Sanitation Code of the Town of North Hempstead."

§ 46-2 Definitions

For the purpose of this chapter, the terms used herein are defined as follows:

ACCEPTABLE WASTE

All Solid Waste generated and collected in the Town that the Commissioner deems acceptable for disposal at a Solid Waste Management Facility, except for Recyclables, Hazardous Waste or Unacceptable Waste.

~~(AUTHORITY~~

~~The Town of North Hempstead Solid Waste Management Authority.~~

~~AUTHORITY AGREEMENT~~

~~The Landfill Concession and Solid Waste Service Agreement dated as of March 15, 1988, between the Authority and the Town, amended from time to time.)~~

BOTTLES

Containers made of Glass that formerly contained only food or beverages.

BULKY ITEMS

Items that may be too large to fit into standard household trash cans or are typically not collected as part of weekly trash collections, such as small household appliances and housewares (microwaves, toasters, irons, pots and pans); painted, laminated and treated wood, including lumber under four feet in length and under 25 pounds, and plywood; furniture (wooden and upholstered); mattresses; textiles; bulky plastics; packing materials; insulation; office equipment; and small machinery, generated within the Town and which have been discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, having served their intended use.

BULKY SCRAP METALS

White goods (stoves, refrigerators, washing machines, dishwashers and hot water heaters), outdoor metal furniture, recognizable, uncontaminated metal vehicle parts, metal pipes, bed frames, metal sheds and other large metal objects, generated within the Town and which have been discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection, having served their intended use.

CANS

Containers made of aluminum, tin or steel that contained only food or beverages.

COLLECT

The activity of picking up, gathering or loading of Solid Waste.

COLLECTOR

Each such individual or carting company (~~authorized by valid license issued by the Commissioner to collect, pick up, remove or cause~~) **engaged in the business of collecting, picking up, removing or causing** to be collected, picked up or removed any Acceptable Waste and Recyclables generated within the Town and placed at Curbside for collection.

[Amended 4-6-2010 by L.L. No. 2-2010]

COMMERCIAL

Any person, company, corporation, partnership or other entity engaged in a business for profit.

COMMERCIAL WASTE

Acceptable Waste generated by stores, offices, institutions, restaurants, warehouses and nonmanufacturing activities at industrial facilities.

COMMINGLED

Source-Separated, nonputrescible, noncontaminated Recyclables that have been placed in the same container.

COMMISSIONER

The Commissioner of the Department of Solid Waste Management of the Town of North Hempstead (~~who also serves simultaneously as Executive Director of the Town of North Hempstead Solid Waste Management Authority~~).

CONSTRUCTION AND DEMOLITION DEBRIS

Uncontaminated Solid Waste resulting from the construction, remodeling, repair or demolition of structures and roads. Such waste includes, but is not limited to, bricks, concrete and other masonry materials, soil, rock, wood, wall coverings, plaster, drywall, plumbing fixtures, nonasbestos insulation, roofing shingles, asphaltic pavement, Glass, plastics that are not sealed in a manner that conceals other wastes, electrical wiring and components containing no Hazardous Waste and metals that are incidental to the above. Solid waste that is not Construction and Demolition Debris (even if resulting from the construction, remodeling, repair or demolition of roads) includes, but is not limited to, asbestos waste, garbage, corrugated paper, electrical fixtures or components (such as fluorescent light ballasts or transformers) that contain hazardous substances, carpeting, furniture, appliances, tires, drums and containers and fuel tanks. Specifically excluded from the definition of "Construction and Demolition Debris" is Solid Waste resulting from any processing technique, other than that employed at a construction and demolition processing facility, that renders individual waste components unrecognizable, such as pulverizing or shredding.

CONTAINER

Any portable device in which material is stored, transported, treated, disposed of or otherwise handled.

CONTROLLED SUBSTANCE

Any substance or substances listed in New York State Public Health Law § 3306, as amended, and Section 812 of Title 21 of the United States Code, codified as 21 U.S.C. § 812, as amended, the Controlled Substances Act.

CORRUGATED PAPER

All corrugated cardboard normally used for packing, mailing or shipping of goods or other material, but shall not mean wax-coated or soiled cardboard.

CURBSIDE

The location within five feet from the public or private street or, in the case of a commercial generator utilizing a private collection contract, other (designated) area designated by the owner or tenant of the property at which Acceptable Waste or Recyclables (~~may be set out for collection by a Collector~~) is collected that is used by a Collector to collect Acceptable Waste and Recyclables. Locations qualifying as "curbside" may include, but shall not be limited to, at the street- or garage-end of driveways, at rear or side doors, within parking lots, behind commercial or industrial buildings or along commercial or industrial buildings.

[Amended 4-6-2010 by L.L. No. 2-2010]

CURBSIDE RECYCLING PROGRAM

The program established pursuant to § 46-11 of this chapter.

DEBRIS BAG

A plastic or fabric bag greater than two (2) cubic yards in volume purchased by a resident either on the internet or at a home improvement or hardware store for the purpose of placement at a residence, depositing therein household Acceptable Waste other than municipal solid waste and scheduling the bag for collection by a Collector. Merely for illustration and without limiting the applicability of the foregoing, common examples of a Debris Bag are bags known as "Bagster," "Green Bag," and "Yellowsack."

DEPARTMENT

The Town of North Hempstead Department of Solid Waste Management.

DUMPSTER CONTAINER

A container used for the purpose of temporarily holding Construction and Demolition Debris, Solid Waste, Commercial Waste or Recyclables and which generally ranges in size from 1/2 cubic yard to 40 cubic yards.

ECONOMIC MARKETS

Instances in which the full avoided costs of proper collection, transportation and disposal of Source-Separated materials are equal to or greater than the cost of collection, transportation and sale of the materials less the amount received from the sale of the material.

GLASS

All clear (flint), green and brown (amber) colored Glass containers, crystal, ceramics and plate, window, laminated or mirrored Glass, excluding wired Glass.

HAZARDOUS WASTE

Waste that appears on a list or satisfies the criteria promulgated under § 27-0903 of the New York State Environmental Conservation Law and/or Section 1004 of the Federal Resource Conservation and Recovery Act of 1976, as amended, or which any governmental agency or unit having appropriate jurisdiction or the Commissioner shall determine to be harmful, toxic, dangerous or ineligible for disposal at any Solid Waste Management Facility located within the Town, which shall include but not be limited to a Solid Waste or a combination of Solid Wastes that, because of its quantity, concentration or physical, chemical or infectious characteristics, may:

- A. Cause or significantly contribute to an increase in mortality or an increase in serious, irreversible or incapacitating, reversible illness.
- B. Pose a substantial present or potential hazard to human health or the environment when it is improperly treated, stored, transported, disposed of or otherwise managed.

HOUSEHOLD HAZARDOUS WASTE

Household waste that, but for its point of generation, would be a Hazardous Waste.

HOUSEHOLD WASTE

Solid Waste discarded from single or multiple dwellings, hotels, motels, campsites, public and private recreation areas and other residential sources.

LANDFILL

A disposal facility at which Solid Waste or its residue after treatment is intentionally placed and at which such waste shall remain after closure.

LICENSEE

Any Collector licensed pursuant to the provisions of this chapter.

MULTIRESIDENTIAL COMPLEX

Four or more residential units located on a single property or contiguous properties under common ownership, control or management. For this purpose, "residential unit" shall mean an enclosed space consisting of one or more rooms designed for use as a separate residence and shall include, but not be limited to, an apartment, condominium unit, townhouse, cooperative unit, mobile home, living unit in a group home and room or set of rooms in a boardinghouse, but shall not include rooms within a single-family residence, motel or hotel.

MUNICIPALITY

Any municipal corporation, agency, school district, district corporation, special district or improvement district located or having jurisdiction, in whole or in part, within the confines of the Town.

NEWSPAPER

Newsprint and all Newspapers and Newspaper advertisements, supplements, comics and enclosures. "Newspaper" is a Recyclable.

PAPER

All office paper, fine paper, bond paper, xerographic paper, mimeo paper, duplication paper, magazines, paperback books, catalogs, junk mail, computer paper, telephone books and similar material, but shall not mean Newspaper, wax paper, plastic or foil-coated paper, styrofoam, wax-coated food or beverage containers, carbon paper, blueprint paper, food-contaminated paper or corrugated paper.

PERSON

Any natural person, individual, partnership, corporation, association, joint venture, corporation form, trust, estate or any other legal entity, including a municipality.

PHARMACEUTICAL DRUGS

Any over-the-counter medication or any preparation, compound, mixture or substance that requires a prescription or any Controlled Substance that is obtained with a prescription that permits a person to lawfully obtain a Controlled Substance from any person authorized to dispense Controlled Substances.

PLASTIC CONTAINERS

Containers composed of high-density polyethylenes (HDPE), polyethylene terephthalate (PET) or other specific plastics as the Town Board may designate.

POLLUTANTS

Includes but are not limited to aerosol cans; air-conditioning refrigerants; ammonia and solid bowl cleaner; antifreeze; asbestos; bug and rodent killers, including pesticides which have been banned or restricted for use such as 2, 4-D; bleach and disinfectants; chemistry kits; drain cleaners and degreasers; fertilizers with herbicides; household batteries; mercury products; nonlatex paints; paint thinner and brush cleaner; permitted aerosol containers; Pharmaceutical Drugs; photography chemicals; polishes and wood preservatives; swimming pool chemicals; spot removers and other solvents; unused oven cleaners; unused flammable liquids (fire starter); and weed killers.

RECYCLABLE

Any physical material designated by this chapter, the Commissioner, the Town Board from time to time (~~or by the Authority's bylaws~~), or by any municipality pursuant to the implementation of a recycling program adopted by such municipality, to be segregated from acceptable waste without otherwise processing such Acceptable Waste. "Recyclable" includes Bottles, Cans and Plastic Containers.

RESIDENT

Any Person residing within the Town on a temporary or permanent basis, but excluding Persons residing in hotels or motels. For purposes of this chapter, "resident" does not include Commercial, industrial or institutional establishments.

SOLID WASTE

All putrescible and nonputrescible materials or substances, including but not limited to materials or substances discarded or rejected, whether as being spent, useless, worthless or in excess to the owners at the time of such discard or rejection or for any other reason, which are being accumulated, stored or physically, chemically or biologically treated prior to being discarded; have served their intended use; or are a manufacturing or mining by-product, including but not limited to garbage, Recyclables, Bulk Items, refuse and other discarded solid materials, including such materials resulting from industrial, Commercial, mining and agricultural operations and from community activities, sludges from air or water pollution control facilities or water supply treatment facilities,

rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those gaseous forms, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended, and waste that appears on the list of Hazardous Wastes promulgated by the Commissioner of Environmental Conservation pursuant to § 27-0903 of the Environmental Conservation Law.

SOLID WASTE MANAGEMENT FACILITY

Any facility employed beyond the initial Solid Waste collection process, including but not limited to transfer stations, baling facilities, rail haul or barge haul facilities, processing systems, including resource recovery facilities or other facilities for reducing Solid Waste volume, facilities for the disposal of Construction and Demolition Debris, plants and facilities for compacting, composting or pyrolyzation of Solid Wastes, and other Solid Waste disposal, reduction or conversion facilities.

SOURCE-SEPARATE

The segregating of Solid Waste into some or all of its component parts at the point of its generation and includes the segregation of Recyclables from the Solid Waste stream.

TOWN

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

TOWN BOARD

The duly elected and constituted legislative body of the Town of North Hempstead.

UNACCEPTABLE WASTE

That portion of Solid Waste, excluding Hazardous Waste, designated by the Commissioner, in writing, as being unacceptable for treatment at the Solid Waste Management Facility, which designation may include, without limitation, explosives, pathological and biological waste, medical waste, radioactive materials, foundry sand, sewage sludge, cesspool and other human waste, human remains and animal carcasses, motor vehicles, including such major motor vehicle parts as automobile transmissions, differentials, springs, fenders, agricultural and farm machinery and equipment, marine vessels and major parts thereof or any other large machinery or equipment.

VILLAGE

Any village located, in whole or in part, within the Town.

YARD WASTE

Organic yard and garden waste, leaves, grass clippings, garden debris and brush.

YARD WASTE ACCEPTANCE AND PROCESSING FACILITY

A facility in which the primary activity is the collection and processing of yard wastes for sorting and transfer to permitted composting centers or other types of permitted organic recycling facilities.

§ 46-3 Adoption of rules and regulations

The Town Clerk and the Commissioner shall adopt such rules and regulations as may be necessary to effectuate the purposes of this chapter, including such regulations as may provide for interim exemptions from certain provisions of this chapter to Persons applying for licenses hereunder.

§ 46-4 Licensing

A. License required for the collection and/or disposal of Solid Waste.

(1) The following Persons, excluding any Village as described in Subsection A(5) below, shall be required to obtain a license for the collection and/or disposal of Acceptable Waste and/or Recyclables pursuant to this section:

(a) Persons in the business of collecting and/or disposing of Acceptable Waste and/or Recyclables (~~other than the Authority~~) or Persons acting pursuant to contracts with the (~~Authority~~)

Town for transportation of Acceptable Waste, Yard Waste and Recyclables from the North Hempstead Transfer Station to another disposal location.

(b) Persons engaged in the collection and/or disposal of Acceptable Waste and/or Recyclables as an accessory to their business, **which includes, but is not limited to, persons performing construction, demolition, improvement, renovation or repair projects on any property within the Town during which Acceptable Waste is generated; owners or tenants of commercial properties that themselves dispose of Commercial Waste generated at the commercial property; or persons engaged in any other commercial activity during which Acceptable Waste is generated as a result of the activity.**

(c) Commercial establishments that dispose of their own Acceptable Waste and/or Recyclables.

(2) All Collectors (~~shall be licensed under this section~~) **must obtain a license under this section and maintain such license at all times the Collector is performing any of the actions described in subsection (1) above.**

(3) In addition to obtaining a license as herein provided, each licensed Person shall be required to obtain a permit for each vehicle, compactor, Dumpster Container or open box used by the licensed Person for the collection and/or disposal of Acceptable Waste and Recyclables in the Town and shall be required to display the permit on each vehicle, compactor, Dumpster Container or open box as required by the rules and regulations promulgated by the Commissioner.

(4) Commercial property owners, as well as a tenant, managing agent or merchant making arrangements for the collection of Solid Waste from Commercial property, are responsible for ensuring that such waste is collected by a licensed carter. No Commercial property owner, tenant, managing agent or merchant shall contract for the collection of Acceptable Waste or Recyclables with any Person or entity unless such Person or entity has the license required by this chapter, nor shall any such owner, tenant, managing agent or merchant permit a Dumpster Container or other container used for the collection of Acceptable Waste or Recyclables to be present on its property unless such Dumpster Container or other container has displayed on an exterior side the name, phone number and Town of North Hempstead license number of the licensed carter with whom it has contracted for the collection of waste.

(5) Villages which engage in the collection of Acceptable Waste and/or Recyclables utilizing Village-owned or -leased and -operated vehicles are not required to be licensed but shall provide any information reasonably required pursuant to any rules or regulations promulgated by the Commissioner for any such Village's use of the (~~Authority's~~) **Town's** Solid Waste Management Facilities.

B. Licenses shall be classified as Type I collection/disposal, Type IR collection/disposal, Type II collection/disposal, Type III collection/disposal, Type IV disposal licenses, and Type V collection/disposal license depending upon the status and/or type of business of the applicant. The Commissioner shall determine which type of license is applicable.

(1) Type I collection/disposal license. Applicants who are in the business of collecting and/or disposing of Acceptable Waste and Recyclables generated by others are required to have a Type I collection/disposal license to engage in such collection or disposal within the Town. Such Persons include but are not limited to private carting companies and companies and businesses that provide dumpster services.

(2) Type IR collection/disposal license.

(a) Applicants who are engaged in the business of collecting only Source-Separated Recyclables pursuant to contracts with owners or tenants of property are required to obtain a Type IR collection/disposal license to engage in such collection or disposal within the Town.

(b) The holder of a Type IR license may collect materials such as corrugated paper, high-grade paper and Construction and Demolition Debris which has been Source-Separated and placed into a separate container for collection and recycling or reuse and which will be recycled or reused. Each container used must be plainly marked as being for Recyclables only and may not be used for nonrecyclables. The holder of a Type IR license may not collect any container with nonrecyclables or mixed loads, even if the predominant material in such container is one or more Recyclables.

(3) Type II collection/disposal license. Applicants who are engaged in the collection and/or disposal of Acceptable Waste and Recyclables only as an accessory to their business are required to obtain a Type II collection/disposal license to engage in such collection or disposal within the Town. Such Persons include but are not limited to landscaping businesses and home improvement companies.

(4) Type III disposal license. Commercial establishments, other than those specifically excepted by the Commissioner, which dispose of their own Acceptable Waste and/or Recyclables are required to obtain a Type III disposal license.

(5) Type IV disposal license. Charitable, fraternal and religious organizations which maintain established meeting places within the incorporated or unincorporated areas of the Town of North Hempstead shall also qualify for a Type IV license and not-for-profit property owners' associations operating principally within the Town of North Hempstead.

(6) Type V collection/disposal license. Applicants who are engaged in accepting and processing yard waste (as the term is defined by Section 70-231 of the Town Code) are required to obtain a Type V collection/disposal license. A Type V collection/disposal license is a prerequisite to obtaining a permit from the New York State Department of Environmental Conservation. Any applicant holding a Type V collection/disposal license shall comply with the following regulations:

(a) No Yard Waste Acceptance and Processing Facility shall be operated unless it has obtained a permit pursuant to Section 46(4)(C) of this Chapter and is in compliance with the terms thereof, this section, and any other applicable law, rule, or regulation.

(b) A Yard Waste Acceptance and Processing Facility shall be operated and maintained in a safe and sanitary manner so as to avoid any nuisance or hazard to public health or safety, and in a manner consistent with the approved site and operating plan.

(c) The Yard Waste Acceptance and Processing Facility shall be operated and maintained in a manner consistent with the site plan submitted to the ~~(Authority)~~ **Department**.

(d) The Yard Waste Acceptance and Processing Facility shall be operated and maintained in a manner consistent with the engineer's report submitted to and approved by the ~~(Authority)~~ **Department**.

(e) Rules and Operations of a Yard Waste Acceptance and Processing Facility License.

[1] The Licensee shall comply with the provisions of Section 70-188 of the Town Code when operating a Yard Waste Acceptance and Processing Facility.

[2] The Licensee shall prohibit any yard waste transport vehicle required to be licensed or permitted pursuant to Section 46(4) of this Subsection from depositing yard waste or removing yard waste from the Yard Waste Acceptance and Processing Facility, unless the yard waste transport vehicle is appropriately licensed or permitted.

[3] Entrance into or exit from the Yard Waste Acceptance and Processing Facility by a yard waste transport vehicle shall be permitted only when an attendant or vehicle guide person is on duty. The loading or unloading of any yard waste transport vehicle shall be continuously supervised by an attendant or vehicle guide person to avoid unauthorized deposit or removal of yard waste and injury to persons in or around such station.

[4] The Licensee shall regularly schedule and provide equipment maintenance.

[5] The Licensee shall maintain operational records including, but not limited to the documentation of all incoming and outgoing yard waste materials accepted at the Yard Waste Acceptance and Processing Facility, contaminants removed and the final destination and disposition of all outgoing yard waste and contaminants.

[6] Within three hours of when operations at the facility have terminated, the tipping area of all Yard Waste Acceptance and Processing Facilities shall be free of yard waste and any contaminants and the tipping floor shall have been thoroughly cleaned, swept, washed and deodorized.

[7] Waste shall be received, processed, compacted and stored only in areas specifically designation.

[8] Storage of any and all equipment used in the operation of the yard waste recycling facility shall be in accordance with Section 70-212 of the Code.

[9] Noise levels generated by the operation of the Yard Waste Acceptance and Processing Facilities must be controlled in accordance with Section 38-3(B)(7)(a)(1).

[10] Mufflers are required on all internal combustion-powered equipment used at the Yard Waste Acceptance and Processing Facility and Tier 4 compliant emission controls.

[11] A sign showing hours of operation, indicating hazardous waste, industrial waste, medical waste, liquid waste, and asbestos waste are prohibited from being accepted at the facility, the type of permits held by the facility, the expiration date of its permits to operate and the (~~Authority's~~) **Department's** complaint telephone number. The signs shall be located so that they are visible to any vehicles and/or person approaching the facility.

[12] The Licensee shall prevent litter or waste from accumulating on the streets or other areas abutting the Yard Waste Acceptance and Processing Facility.

[13] The allowable volume at any Yard Waste Acceptance and Processing Facility shall be calculated by the (~~Authority~~) **Department** and shall be based on the storage capacity (estimated in total cubic yardage) of the yard waste acceptance and processing facilities. In no event shall such allowable volume exceed that granted by the New York State Department of Environmental Conservation.

[14] Effective January 1, 2020, The Yard Waste Acceptance and Processing Facility may only accept yard waste from landscapers licensed by the Town of North Hempstead pursuant to Chapter 38A of the Town Code, unless the yard waste is being delivered by a municipal agency using its own forces.

C. License procedure. Every applicant shall file a written verified application with the Town Clerk in such form and containing such information as the Town Clerk shall prescribe. Such information may include a list of the customers of the applicant, a list and map of the routes of the applicant, the volume of waste collected by it, the identity and relevant information as to the officers, partners and shareholders of an applicant, and the name of any affiliated or related companies engaged or formerly engaged in waste collection.

D. Insurance and deposit. Before a license or permit may be issued by the Town Clerk, each applicant other than a municipality applying for a collection/disposal or disposal license shall file with the Town Clerk the following:

(1) Proof of the following insurance coverage consisting of a certificate of the insurance carrier:

(a) Workers' compensation insurance.

- (b) Disability benefits insurance.
- (c) Comprehensive general liability/property damage in the combined single limit of, for Type I Licensees, \$5,000,000, or for other licensees, \$1,000,000, naming the Town (~~and the Authority~~) as additional insured.
- (d) Automobile bodily injury liability of, for Type I Licensees, \$1,000,000 (per person)/\$1,000,000 (per accident), or for other licensees, \$1,000,000 (per Person)/\$1,000,000 (per accident), and \$1,000,000 property damage.
- (e) Certificate cancellation requiring 30 days' written notice to the Town Clerk.
- (2) Cash deposit or bond.
- (a) A cash deposit or a bond from a surety company that meets the following two criteria:

[1] The company must be an admitted carrier in the State of New York.

[2] The company must have a New York State admitted carrier holding of an "A" rating from AM Best Company or equivalent.

(b) The cash deposit or bond must be in an amount equal to 250% of the average monthly charges for use of a Solid Waste Management Facility by the applicant during the previous year; or if the applicant has not used a Solid Waste Management Facility, the cash deposit or bond shall be in the amount of 250% of the estimated monthly charges to be incurred by the applicant during the current year. The Commissioner or Town Clerk may reduce the amount of the cash deposit or bond required if an applicant demonstrates that it will not have, during the licensing year, contracts for the collection of waste which it held during the prior year and has not obtained other contracts to substantially replace the lost waste. The Commissioner or the Town Clerk may eliminate the amount of the cash deposit or bond required, in the form of a bond waiver, if an applicant demonstrates that its corporation, limited-liability company, partnership and/or sole proprietorship is not in the collection of any Acceptable Waste currently mandated pursuant to this article, to be delivered and disposed of at a publicly owned Solid Waste Management Facility designated by the Commissioner. The Commissioner and Town Clerk reserve the right to suspend or revoke this bond waiver in the event that the previously exempted Acceptable Waste is subsequently required to be delivered and disposed of at a publicly owned Solid Waste Management Facility designated by the Commissioner pursuant to this article. A bond waiver in a format acceptable to the Town must be completed by the applicant and approved by either the Commissioner or the Town Clerk. The Commissioner or Town Clerk may (~~also~~) require a Licensee to increase its cash deposit or bond during a year to 250% of a monthly charge if it incurs charges in any single month in excess of 40% of the amount of its cash deposit or bond. Notwithstanding the foregoing, the minimum cash deposit or bond shall be in the amount of \$20,000 for a Type I collection/disposal license, \$5,000 for a Type IR collection/disposal license and \$3,000 for Type II and Type III collection/disposal licenses. No deposit will be required from applicants for Type IV disposal licenses.

[Amended 4-6-2010 by L.L. No. 2-2010]

[1] In the event that a penalty is assessed pursuant to the provisions of this chapter, the Commissioner or Town Clerk may deduct the amount of such penalty from the cash deposit.

[2] The Licensee must maintain the required cash deposit or bond at all times, and failure to maintain said cash deposit or bond after three days' notice and demand will allow the Town Clerk to suspend such Person's license. The Town Clerk shall also be entitled to suspend the license of any Licensee which is more than 30 days late on payment of any bill for disposal from the (~~Authority~~)

Department.

E. Every Licensee shall keep such records and accounts as the Commissioner shall require and shall provide the Commissioner with such reports upon a form supplied by the Commissioner.

F. The Commissioner or Town Clerk shall have the right to inspect books of account and records maintained by the Licensee.

G. Issuance of licenses and permits.

(1) Licenses and permits required by this Chapter shall be issued by the Town Clerk following a review and approval of an application and upon payment by the application of a fee in accordance with the fee schedule set forth below:

(a) Fee for Type I collection/disposal license. The fee for a Type I collection/disposal license shall be shown in the Town of North Hempstead Fee Schedule, which will include a permit for one vehicle. For each additional vehicle used by the applicant in the collection, transportation or disposal of Acceptable Waste, the permit fee shall be shown in the Town of North Hempstead Fee Schedule. The permit fee for each compactor or open box shall be shown in the Town of North Hempstead Fee Schedule.

(b) Fee for Type II collection/disposal license. The fee for a Type II collection/disposal license shall be shown in the Town of North Hempstead Fee Schedule, which will include a permit for one vehicle used by the applicant in the collection, transportation or disposal of Acceptable Waste. For each additional vehicle used by the applicant in the collection, transportation or disposal of Acceptable Waste, the fee shall be shown in the Town of North Hempstead Fee Schedule.

(c) Fee for Type III disposal license. The fee for a Type III disposal license shall be shown in the Town of North Hempstead Fee Schedule, which will include a permit for one vehicle used by the applicant in the collection, transportation or disposal of Acceptable Waste. For each additional vehicle used by the applicant in the collection, transportation or disposal of Acceptable Waste, the fee shall be shown in the Town of North Hempstead Fee Schedule.

(d) Fee for Type IV disposal license. The fee for a Type IV disposal license shall be shown in the Town of North Hempstead Fee Schedule.

(e) Fee for Type IR collection/disposal license. The fee for a Type IR collection/disposal license shall be shown in the Town of North Hempstead Fee Schedule, which will include a permit for one vehicle. For each additional vehicle used by the applicant in the collection, transportation or disposal of Recyclables, the permit fee shall be shown in the Town of North Hempstead Fee Schedule. The permit fee for each compactor or open box shall be shown in the Town of North Hempstead Fee Schedule.

(f) Fee for Type V collection/disposal license. The fee for a Type V collection/disposal license shall be shown in the Town of North Hempstead Fee Schedule, which shall include a license for one Yard Waste Acceptance and Processing Facility.

(2) Upon filing of an affidavit and such other proof as may be required by the Commissioner, a substitute permit or replacement of a lost permit may be issued upon the payment of ~~(a fee of \$25)~~ **the fee shown in the Town of North Hempstead Fee Schedule.**

(3) Each vehicle license issued pursuant to this chapter shall be issued as of the date of the granting thereof and shall expire on the 31st day of December next succeeding such date, unless sooner suspended or revoked; provided, however that a Type V collection/disposal licenses shall be issued as of the date of the granting thereof and shall expire on the third succeeding 31st day of December, unless sooner suspended or revoked. Each license/permit for a Container or open box issued pursuant to this chapter shall expire two years from the 31st day of December in the year in which such license/permit was issued, unless sooner suspended or revoked.

[Amended 4-6-2010 by L.L. No. 2-2010]

(4) No license shall be issued to any applicant if either its Solid Waste license has been revoked or is under a suspension, or if the applicant is affiliated with or under common ownership or control with a company whose Solid Waste license has been revoked or is under a suspension. The Town Clerk shall be entitled to all relevant information, including sworn statements, to ascertain whether an applicant is affiliated with or under common ownership or control with another company. "Control" shall mean either legal or de facto control. Where more than four years have elapsed from the date of a revocation of a license, the Town Board may by resolution waive the prohibition in this Subsection G(4) if it determines that issuance of a license will be in the public interest.

H. Acceptance of license. Acceptance of a license issued under this chapter shall be deemed a contract by the holder thereof to abide by the provisions of this chapter. In the event that the holder shall be in breach of such undertaking, the Town, in addition to all other remedies herein, shall be entitled to such liquidated damages as may be provided for in such license.

§ 46-5 Suspension and revocation of license

A. Town Board's authority to revoke or suspend. Any license or permit issued hereunder may be suspended or revoked by the Town Board after a hearing upon notice, as set forth below, which establishes the requisite grounds in the discretion of the Town Board. No permit shall be suspended, except as provided in § 46-5D hereof, or revoked hereunder without a hearing thereon upon written notice to the permittee.

B. Grounds for suspension only. The Town Board shall be empowered to suspend a license or permit if the Licensee is indicted or charged, upon an information duly filed with public authorities, for or with the commission of any crime or offense until the Licensee is either convicted or acquitted.

C. Grounds for suspension or revocation. The Town Board, in its discretion, is empowered to either suspend or revoke a license or permit if the Licensee is:

(1) Convicted of any crime.

(2) Convicted of any violation of any:

(a) Provision of this chapter;

(b) Rule or regulation adopted under this chapter **or Article IX of Chapter 23 of the Town Code;**

~~((c) Authority bylaw;)~~

~~(d) Town ordinance;~~

~~(e) Ordinance or regulation of the state; or~~

~~(f) Ordinance or regulation of any municipality within the state.~~

(3) Guilty of making a false statement or misrepresentation in his application for any permit issued pursuant to this chapter.

D. Temporary suspension of license or permit pending a hearing. The Town Clerk, upon receiving information giving him reasonable cause to believe that any Licensee hereunder violated any provision of this chapter, has been convicted of any violation listed in § 46-5B or C, has been either indicted for or charged with any crime or offense or is guilty of having made a false statement or misrepresentation in his application for any license or permit issued hereunder, may forthwith temporarily suspend such license or permit until the Town Board is able to conduct a hearing.

E. Procedure for hearings.

(1) Timing. Whenever the Town Board holds a hearing to revoke or suspend a permit issued pursuant to this chapter, such hearing shall be held on a date and at a place and hour designated by the Town Board. Such designation must conform to the time limits established hereunder.

(2) Notice. A written notice of any hearing to be held by the Town Board for the revocation or suspension of any permit issued pursuant to this chapter shall be given to the permittee either in Person or by registered or certified mail. Any mailing shall be forwarded to the permittee's last known address and shall be postmarked not less than 10 nor more than 30 days prior to the hearing date. The notice shall advise the permittee of the date, place and time designated for the hearing and shall set forth specifically the grounds for complaint.

(3) Rights of the permittee. The permittee involved shall be entitled to:

(a) Be represented by legal counsel.

(b) Present competent and material testimony.

(c) Present any other competent and material evidence in his own behalf as may be relevant to the subject matter of the hearing.

(d) Speak on his own behalf.

(4) Unsworn testimony. There shall be no requirement of sworn testimony by any of the witnesses or the permittee.

F. Finality of Board determination. The findings of the Town Board at the hearing shall determine whether there are sufficient grounds for suspending a permit, pursuant to § 46-5B or C or for revoking a permit pursuant to § 46-5C. Where the findings establish sufficient grounds for suspension, the Town Board may suspend the permit. Where the findings establish sufficient grounds for either revocation or suspension, the Town Board, in its discretion, may suspend or revoke the permit. The Town Board, after such hearing, shall make such decision or determination as, in its opinion, ought to be made.

§ 46-6 Unlawful activities; enforcement

A. It shall be unlawful for:

(1) Any Person, other than a Licensee or a Village not required to be licensed under § 46-4A(5), to collect Acceptable Waste that has been placed at the Curbside for collection pursuant to this chapter.

(2) Any Person, other than a Licensee or a Village not required to be licensed under § 46-4A(5), to collect any Recyclable that has been placed at the Curbside for collection or within a recycling collection area pursuant to this chapter.

(3) Any Person to violate or to cause or to assist in the violation of any provision of this chapter or any implementing rule or regulation promulgated by the Commissioner.

(4) Any Person to hinder, obstruct, prevent or interfere with Town (~~or Authority~~) employees or any other authorized Persons in the performance of any duty under this chapter or in the enforcement of this chapter.

B. All unlawful conduct set forth in this section shall constitute a violation. Each day or a part of a day on which violation(s) or failure continues shall constitute a separate violation(s). Each violation of this chapter shall constitute a separate offense.

C. It shall be the responsibility of the Commissioner and the Town Clerk, in consultation with the Town Attorney, to enforce the provisions of this chapter and all rules and regulations promulgated hereunder, including regulations of the Commissioner (~~and bylaws of the Authority~~). Such enforcement shall be by such legal or equitable proceedings, including, without limitation, damages, or for injunction to restrain a violation of this chapter or specific performance brought in the name of the Town of North Hempstead, as may be provided or authorized by law.

§ 46-6.1 Penalties for offenses

A. Any Person, other than a Village that is located, in whole or part, within the Town, its officers and employees, acting within their municipal duties, who violates any of the provisions of this chapter, other than § 46-14 of this chapter, or who fails to perform any duty imposed by this chapter or any rules or regulations promulgated pursuant to it or any final determination or order of the Commissioner or Town Board made pursuant to this chapter, shall be guilty of a violation and, upon conviction thereof in a court of competent jurisdiction, shall be punished by the following fines:

(1) For conviction of a first offense, by a fine of not less than \$1,000 and not more than \$5,000.

(2) For conviction of the second of two offenses, both of which were committed within a period of two years, by a fine of not less than \$2,500 and not more than \$10,000.

(3) For conviction of a third or subsequent offense of a series of offenses, all of which were committed within a period of five years, by a fine of not less than \$5,000 and not more than \$25,000.

B. Any Person, other than a Village that is located, in whole or part, within the Town, its officers and employees, acting within their municipal duties, who violates § 46-14 of this chapter shall be guilty of a violation and, upon conviction thereof in a court of competent jurisdiction, shall be punished by a fine not to exceed \$5,000 or imprisonment for a period not to exceed 15 days or by a term of community service related to the purpose of this chapter, or any combination of the above penalties. For a conviction of a second offense, both of which were committed within a period of three years, punishment shall be by a fine of not less than \$2,500 nor more than \$10,000 or imprisonment for a period not to exceed 15 days or by a term of community service related to the purpose of the chapter, or any combination of the above penalties. Upon conviction for a third or subsequent offense, all of which were committed within a period of three years, punishment shall be by a fine of not less than \$5,000 nor more than \$25,000 or imprisonment for a period not to exceed 15 days or by a term of community service related to the purposes of the chapter, or any combination of the above penalties.

C. Violations by any Person, other than a Village that is located, in whole or part, within the Town, its officers and employees, acting within their municipal duties, shall be recorded by designated enforcement staff and issued through formal notices of violations and/or uniform appearance tickets. Uniform appearance tickets shall be answerable in District Court.

D. In addition to the penalties provided in this section, licenses or permits shall be subject to suspension or revocation for any of the reasons set forth in § 46-5.

E. In lieu of enforcement of this chapter by way of prosecution, revocation of permits or other means, the Commissioner, or his duly authorized representative, may seek to obtain the voluntary compliance with this chapter by way of notice, warning or educational means, as deemed appropriate in the discretion of the Commissioner, taking into consideration all of the circumstances surrounding such violation. This section shall not be construed to require that such noncompulsory methods must be employed or attempted before proceeding by way of compulsory or other legally prescribed procedures.

F. In the case of violations alleged to have been committed by a Village, its officers, employees or agents, the Town or Commissioner, or duly authorized representative, shall first send a notice of violation to the Village Mayor and Board of Trustees, or other governing body, for consideration of corrective action, prosecution or enforcement. Upon the expiration of 30 days from the giving of such notice and the failure to cure said violation, the Town (~~and the Authority~~) may enforce this chapter by pursuing (~~civil remedies~~) **the remedies and penalties provided for in this section.**

§ 46-6.2 Rebuttable presumptions

[Added 4-6-2010 by L.L. No. 2-2010]

The following shall be rebuttable presumptions in the enforcement and prosecution of the provisions of this chapter:

A. The placement or presence of any Dumpster Container, open box or other container (~~used by a Licensee~~) which is marked or identified with the name, symbol or other indicia of any (~~Licensee~~) **person or entity**, at any location within the Town, shall be presumptive evidence that said (~~Licensee~~) **person or entity** is providing Solid Waste collection services at said location within the Town as of the date of said placement or presence.

B. Evidence of Solid Waste in a Dumpster Container, open box or other container (~~used by a Licensee~~) located as described in § 46-6.2A above, and subsequent observation of the same

Dumpster Container, open box or other container empty, shall be presumptive evidence that Solid Waste was collected from such Dumpster Container, open box or other container by ~~(the Licensee)~~ **the person or entity** whose name, symbol or other indicia is marked or identifiable on such Dumpster Container, open box or other container.

C. The failure to deliver any Solid Waste to a publicly owned Solid Waste Management Facility designated by the Commissioner within ~~(three days)~~ **eighteen (18) hours** of the collection of Solid Waste from any location within the Town shall be presumptive evidence that the Solid Waste was disposed of at a location other than a publicly owned Solid Waste Management Facility designated by the Commissioner; **provided, however, that the foregoing presumption shall not apply to the collection of construction and demolition debris in dumpster containers placed at commercial and residential properties that are undergoing work subject to a permit issued by the Department of Building Safety, Inspection and Enforcement.**

D. Service upon any Person in a manner consistent with the requirements of § 46-5E(2) of this chapter shall be presumptive evidence that such notice was received by that Person.

E. The failure of any Person charged under this chapter to rebut the presumption shall not mean that the trier of fact must find the person guilty or that the burden of proof relative to the underlying charge(s) has been shifted upon the accused.

§ 46-7 Fees for acceptance of Solid Waste

Charges for the acceptance of Solid Waste shall be at such a rate as the Town Board (~~or the Authority, pursuant to the Authority agreement~~), by resolution, shall determine. Any change of a rate shall be effective as applicable to Licensees 30 days after notice thereof is mailed to such Licensees. As to all other users of the facilities, a change of rate shall be effective upon the action of the Board (~~or the Authority, as the case may be~~). Notwithstanding the above, the rate charged to Villages shall only be modified annually as set forth in § 46-21.

§ 46-8 Collection vehicles; operations

A. Collection vehicles. Every collection vehicle shall be maintained, operated and used at all times only in full compliance with all applicable provisions of law, federal, state and local, and of this Sanitation Code and all applicable rules and regulations adopted thereunder. Every collection vehicle shall be loaded at all times in such a manner and by such methods as to prevent the release or discharge of dust and so prevent the spillage of refuse upon the sidewalks or streets, and every operator of a vehicle shall remove immediately from sidewalks or streets all refuse which is spilled, littered or thrown thereon in loading operations or in the handling and return of receptacles or while traveling. **Any and all drains on collection vehicles shall be closed at such times as such trucks are in operation.**

B. Vehicle operations. The following specific regulations regarding collecting Acceptable Waste and the operation of collection vehicles shall be observed:

(1) Solid Waste disposal. It shall be unlawful for any Person to leave, deposit or dump any Solid Waste anywhere in the Town except at any of the Town Solid Waste management facilities designated by the Commissioner. This shall not apply to any Village, and officers and employees thereof acting within their municipal duties, which engages in the collection of Acceptable Waste and/or Recyclables and utilizes Village-owned or -leased and -operated vehicles and which declared itself exempt under § 46-22 of this chapter and which has not applied for and been granted reinstatement under § 46-23 thereof.

(2) Watertight containers or vehicles required. No Person shall remove any Solid Waste of any kind from the premises of any Person or cart or transport the same through or upon any street, avenue, parkway or highway within the Town except in trucks or wagons securely covered with tarpaulins and having watertight bodies and covered containers.

(3) Careful operation. Operators of all types of collection vehicles shall exercise care at all times to prevent the making of unnecessary or avoidable noise in their operations. Each open-top box-type vehicle body shall be kept securely and fully covered, except when actually engaged in collection, so as to prohibit any refuse from being discharged while the vehicle is in transit.

(4) Reworking loads. Refuse loaded in or upon collection vehicles shall not be reworked, resorted, picked over or rehandled while the vehicle is on the streets, and refuse shall not be transferred nor reloaded from a vehicle to or into any other vehicle while on the streets **or any private or public property**. Refuse shall not be carried at any time upon any collection vehicle other than solely within the vehicle body or solely within containers on or in the vehicle body.

(5) Emptying vehicles. After refuse is dumped for disposal, the vehicle body and each container used shall be emptied thoroughly and cleaned of all loose materials.

(6) Cleaning vehicles. Each collection vehicle and each container shall be frequently cleaned and washed and periodically disinfected in order to prevent obnoxious odors, unsightly conditions, vermin infestation and other conditions inimical to the public health, safety and welfare.

(7) Vehicle closure. All loading hoppers, doors, covers and other enclosures of loader openings of all collection vehicles, transfer vehicles, roll-off containers and boxes shall be kept closed and secured at all times, except during actual loading and unloading of the particular opening.

(8) Collecting hours. No collection of Solid Waste shall be made between the hours of 6:00 p.m. and 6:00 a.m., unless authorized by a Village rule, regulation or ordinance.

§ 46-9 Vehicle weight and identification of vehicles and containers

Each vehicle engaged in the collection and disposal of Acceptable Waste and operating under a permit shall be numbered, lettered and weighed pursuant to the rules and regulations promulgated by the Commissioner. Each Dumpster, container, open box or other container used by a Licensee, except a Village not required to be licensed under § 46-4A(5), for the collection of Solid Waste or Recyclables shall display the name, telephone number and Town license number of the Licensee or name of such Village on an exterior side of said container. Except for such Village's vehicles and containers, the Commissioner may promulgate a rule establishing a minimum size for such lettering.

§ 46-10 Hazardous and Unacceptable Waste

No license for the collection and/or disposal of Acceptable Waste within the Town shall authorize or entitle a Person holding such a license to collect Hazardous Waste or Unacceptable Waste within the Town and/or to dispose of the same at any Solid Waste Management Facility within the Town.

Household Hazardous Waste shall be Source-Separated and disposed of pursuant to regulations promulgated by the Commissioner. **Notwithstanding the above, Household Hazardous Waste may be disposed of at Household Hazardous Waste events organized by the Town or another municipal entity allowing participation by residents of the Town. No person may place at Curbside for collection any Household Hazardous Waste or Unacceptable Waste.**

ARTICLE IA RECYCLING

§ 46-11 Policy

A. The Town Board hereby declares that it is the policy of the Town of North Hempstead to promote recycling and to thereby conserve resources and reduce the amount of Solid Waste which is disposed of at landfills or by incineration.

B. The Town, through this Article IA of Chapter 46, Sanitation, and in accordance with the requirements of General Municipal Law § 120-aa, seeks to have all Solid Waste generated in the Town separated into recyclable, reusable or other components for which economic markets for alternate uses exist. For purposes of this article, "components" shall include paper, corrugated paper, Glass, metals, plastics, Yard Waste and any other materials designated by the Town Board.

C. In determining whether Economic Markets for alternate uses exist, the Town Board and, in the case of Commercial, industrial and institutional establishments seeking relief from requirements pursuant to § 46-11.3B, the Commissioner shall give due consideration to:

- (1) Existing source separation in the Town.
- (2) Recycling of non-Source-Separated waste realized pursuant to the Town's Solid Waste management plan.

(3) The additional effort and expense which will be incurred in meeting any additional source separation requirements.

§ 46-11.1 Mandatory residential source separation and recycling

A. Upon adequate notice for a garbage and refuse district or for a particular collection area there shall be a mandatory Curbside Recycling Program pursuant to which all Persons who are owners, lessees or occupants of residential dwellings in the Town (except as provided in § 46-11.2) shall be required to Source-Separate for pickup all components of Solid Waste for which Economic Markets for alternate uses exist.

(1) Mandatory source separation for newspapers, magazines, corrugated paper, Bottles and Cans, plastics and Yard Waste has been enacted for residential dwellings.

(2) The Town Board, by resolution, may expand the mandatory source separation and Curbside Recycling Program to include one or more of the following materials:

- (a) Paper or specific types or grades of paper.
- (b) Construction and Demolition Debris.
- (c) All other Recyclables as designated by resolution of the Town Board.

B. Residents shall separate Recyclables from all other residential Solid Waste and place them for collection in accordance with the following:

(1) Newspapers shall be compacted and securely bagged in paper bags or bundled and tied, in packages not exceeding 50 pounds, with a rope or cord sufficient in strength to facilitate handling. Newspaper shall be placed separately at Curbside for collection on days specified by the Commissioner under the rules and regulations prescribed.

[Amended 4-6-2010 by L.L. No. 2-2010]

(2) Bottles, Cans and plastics shall be cleaned and then placed in a recycling container provided to Residents beside bags or bundles of Newspapers.

(3) Yard Waste shall be separated from other waste and placed in bags or containers and put at the curb for collection on the Yard Waste collection day established for a garbage district or collection area. Nothing herein shall preclude Residents from leaving grass clippings on their lawns or from a Village providing alternative measures for the collection of Yard Waste.

(4) All other Recyclables subject to the Curbside recycling program shall be prepared for collection in accordance with regulations promulgated by the Commissioner.

(5) Corrugated paper shall be compacted and securely bundled and tied, in packages not exceeding 50 pounds, with a rope or cord sufficient in strength to facilitate handling. Corrugated paper shall be placed separately at Curbside for collection on days specified by the Commissioner under the rules and regulations prescribed.

(6) Recyclables that are added to the Curbside recycling program pursuant to Subsection A(2) of this section shall be collected in accordance with a schedule set by the Commissioner and advertised by the Town, after adequate notice has been published, posted and publicized for a garbage district or for a particular collection area.

C. Notwithstanding any other provision of this chapter to the contrary, Residents may dispose of their Recyclables by selling or donating the same to recyclers, but these Recyclables may not be picked up at Curbside.

§ 46-11.2 Mandatory recycling program for multiresidential complexes

A. In any garbage district or area subject to the mandatory source separation and Curbside Recycling Program pursuant to § 46-11.1 of this article, there is also established a recycling program for the Source Separation, collection and delivery of Recyclables included in the mandatory recycling program from all non-physically-disabled Residents of multiresidential complexes.

B. The owner, manager or superintendent of every multiresidential complex subject to Subsection A of this section shall provide and maintain in a neat and sanitary condition recycling collection areas to receive Recyclables that are generated by Residents of the complex. In cases where a condominium, cooperative, homeowners' or similar association exists, the association shall be responsible for the provision and maintenance of the recycling collection areas. All recycling collection areas shall be constructed and capable of receiving Newspapers, corrugated paper, magazines, Bottles, Cans and plastic containers; and any and all other Recyclables as may be included in or added to the mandatory separation and Curbside Recycling Program within 60 days of such inclusion or in addition to the Curbside Recycling Program. Multiresidential complexes covered by this section shall also be required to separate and recycle Yard Waste collected on the premises of such complex.

[Amended 4-6-2010 by L.L. No. 2-2010]

C. All non-physically-disabled Residents of the complex shall Source-Separate Recyclables and place them in the appropriate containers or areas within the recycling collection area.

D. The number and design of the recycling collection areas required by this section for each multiresidential complex shall be consistent with regulations promulgated by the Commissioner.

E. Recyclables required to be placed in recycling collection areas pursuant to this section shall be prepared for collection in accordance with regulations promulgated by the Commissioner.

§ 46-11.3 Mandatory Commercial, industrial and institutional source separation and recycling program

A. All Commercial, industrial and institutional establishments within a garbage district or other area of the Town subject to a Curbside Recycling Program established pursuant to § 46-11.1 of this chapter shall Source Separate Solid Waste into recyclable, reusable or other components for which Economic Markets for alternate uses exist and arrange for their collection for recycling. In addition to those materials presently required to be recycled in residential and multiresidential complexes, i.e., Newspapers, Bottles and Cans, plastic and Yard Waste, Commercial establishments shall additionally be required to recycle Construction and Demolition Debris, corrugated paper, magazines and high-grade paper where there exist Economic Markets for alternate uses for such additional components. High-grade paper shall include white letterhead paper, white bond paper, white typing paper, white copier paper, white note pad paper, white writing paper, white envelopes, other nonglossy white office paper without plastic, computer printout paper, computer tab cards and white onion skin paper.

B. A Commercial, industrial or institutional establishment may, upon written application to the Commissioner, request relief from some or all of the requirements of Subsection A above. Upon receipt of such application, the Commissioner shall conduct a survey of such establishment to determine if there is sufficient generation to warrant recycling of the component or components in question and/or Economic Markets for alternate uses. If there is insufficient generation and/or an insufficient economic market for alternate uses of a particular recyclable material, the Commissioner may issue an exemption.

C. The arrangement for collection of separated Recyclables for disposition under the Commercial recycling program shall be the responsibility of the Person who owns, manages or

operates the Commercial, industrial or institutional establishment at which the Recyclables are generated ("generator") or the Person contractually obligated to the generator to arrange for collection and disposal of its Solid Waste. These arrangements may include, without limitation, direct marketing of Recyclables, contracts with Licensees for separate collection of any or all Recyclables, direct delivery to a Solid Waste Management Facility designated by the Commissioner or, in the case of Newspapers, Bottles and Cans and plastics, Curbside collection once per week in accordance with provisions for collection of such components from residential dwellings.

D. The mandatory Commercial, industrial and institutional source separation and recycling program may be expanded by resolution of the Town Board where it determines that Economic Markets for alternate uses exist for such additional components.

E. Generators of recyclable material who use private carters or recyclers for collection and marketing of recyclable materials must be provided with sufficient containers by such carter to allow for source separation of all components being recycled. All containers must be clearly identified as recyclable containers with lettering of at least six inches.

F. A generator which utilizes a private carter or recycler to collect one or more components shall provide written reports on a monthly basis to the Commissioner containing the following information:

- (1) The identity of the carter/recycler.
- (2) The components being recycled.
- (3) The approximate quantity of each such component.

G. Any carter or recycler collecting Source-Separated components from a generator shall provide written reports to the Commissioner on a monthly basis containing the following information:

- (1) Gross tons of Recyclables, by type collected.
- (2) Locations of all Commercial stops serviced during the particular month of each commodity recycled.
- (3) Disposal (marketing) location for Recyclables collected.

H. No carter or recycler may commingle nonrecyclable Solid Waste with any Source-Separated Recyclables.

I. Exemption for Existing Commercial Recycling Programs with Recyclers.

(1) Any Commercial entity having in place a recycling program upon the effective date of this chapter, whereby that entity's Recyclables are collected by or delivered directly by such entity to a recycler, shall be exempt from the recycling requirements of this § 46-11.3.

(2) Any such exempt Commercial entity must have registered its recycling program with the (~~Authority~~)**Department** and received written confirmation from the (~~Authority~~)**Department** of its exemption from this § 46-11.3.

(3) Any such exempt Commercial entity shall not place its Recyclables at Curbside for collection by a Collector.

[Amended 4-6-2010 by L.L. No. 2-2010]

J. Notwithstanding any other provision of this chapter to the contrary, Recyclable industrial and Commercial by-products may be sold or donated by an industrial and/or Commercial enterprise to any scrap metal enterprise or recycler. Said by-products cannot be placed at the Curbside for collection by said scrap metal enterprise or recycler.

ARTICLE II SOLID WASTE MANAGEMENT

§ 46-12 Legislative intent

A. The Board finds that it is in the best interest of the Town of North Hempstead to make amendments to Chapter 46, entitled "Sanitation," in order to conform the existing Code with the recent U.S. Supreme Court decision that upheld the constitutionality of a local government's authority to direct solid waste to a designated publicly owned facility, and to provide for more effective enforcement of the Town's existing solid waste management laws. The intent and purpose of Article II of this chapter is to provide for the management of all Solid Waste generated within the Town of North Hempstead and municipalities located therein and to authorize the supervision and regulation of the collection, transportation and disposition of all or part of any Acceptable Waste and Recyclables generated within such Town and municipalities so that the same is delivered to publicly owned Solid Waste Management Facilities or such other publicly owned disposal facilities as may be designated by the Town for processing or for other disposition or handling.

B. The management of Solid Waste is the inherent responsibility of local government, whose authority in this area is derived from its police powers. Town-wide collection and disposition of municipal Solid Waste, more commonly referred to as "flow control," allows for more effective and environmentally responsible waste planning and management and more effective implementation of the Town's integrated Solid Waste management plan. Flow control will serve important environmental and public health and safety objectives.

C. The powers and duties enumerated in Article II of this chapter constitute proper Town purposes intended to benefit the health, welfare and safety of Town Residents. It is hereby found that, in the exercise of control over the collection, transportation and disposition of Solid Waste on a Town-wide basis, the Town is exercising essential and proper governmental functions.

§ 46-13 Authority to supervise and regulate collection of Acceptable Waste

The Town Board hereby designates the Commissioner to be responsible for the supervision and regulation of the collection, transportation and disposition of all Acceptable Waste which was originated, generated or located within the Town and the municipalities therein. In undertaking such responsibilities, the Commissioner shall act pursuant to the standards established in this chapter.

§ 46-14 Collection and disposal of Acceptable Waste

A. Requirements for Preparation, Collection, and Disposal of Residential Acceptable Waste. ("Collector," as used in this section, shall include Villages with Village-owned or -leased and -operated sanitation vehicles.)

[Amended 4-6-2010 by L.L. No. 2-2010]

(1) In order to provide for public health and safety, each Resident shall provide for the separation of Acceptable Waste from all other types of waste and shall provide for the placement of such Acceptable Waste into a suitable container at Curbside for collection by a Collector.

(2) All Acceptable Waste placed at Curbside for collection by a Collector must be delivered to a publicly owned Solid Waste Management Facility designated by the Commissioner.

(3) All Bulky Scrap Metals must be separately placed at Curbside for collection by a Collector. Such Bulky Scrap Metals must be delivered to a publicly owned Solid Waste Management Facility designated by the Commissioner.

B. Requirements for Preparation, Collection and Disposal of Residential Recyclables.

(1) Pursuant to § 46-11.1 of this chapter, Residents shall separate their Recyclables from all other types of waste and shall provide for the placement of such separated Recyclables into separate containers.

(2) All Recyclables placed at Curbside for collection must be delivered to a publicly owned Solid Waste Management Facility designated by the Commissioner.

[Amended 4-6-2010 by L.L. No. 2-2010]

(3) All Recyclables prepared in accordance with § 46-11.2 of this chapter and placed at Curbside for collection must be delivered to a publicly owned Solid Waste Management Facility designated by the Commissioner.

(4) No Collector may commingle source-separated Recyclables with Acceptable Waste placed at Curbside.

C. Requirements for Preparation, Collection and Disposal of Residential Yard Waste.

(1) In order to provide for public health and safety, Residents shall prepare Yard Waste for collection in accordance with § 46-11.1 of this chapter.

(2) All Yard Waste placed at Curbside for collection must be delivered to a publicly owned Solid Waste Management Facility designated by the Commissioner.

[Amended 4-6-2010 by L.L. No. 2-2010]

(3) This section shall not prohibit private, noncommercial composting of Yard Waste or mulching of leaves, grass clippings and cuttings.

(4) No Collector may commingle Yard Waste with Acceptable Waste placed at Curbside.

D. Requirements for Preparation, Collection and Disposal of Construction and Demolition Debris.

(1) In order to provide for public health and safety, all Construction and Demolition Debris that has been placed into a Dumpster Container or other suitable container for collection by a Collector or otherwise collected by a Collector must be delivered to a publicly owned Solid Waste Management Facility designated by the Commissioner.

(2) In order to facilitate the conservation of vital, natural resources through recycling, each Person shall separate his or her Construction and Demolition Debris from all other types of waste

and shall provide for the placement of such separated Construction and Demolition Debris into a Dumpster Container or other separate suitable containers.

[Amended 4-6-2010 by L.L. No. 2-2010]

(3) Construction and Demolition Debris generated by any person or entity during a construction, demolition, improvement, renovation or repair project on any property within the Town must be placed in a Dumpster Container, may not be left at Curbside for collection and must be delivered by the person or entity generating such Construction or Demolition Debris to a publicly-owned Solid Waste Management Facility designated by the Commissioner. Notwithstanding the previous sentence, a resident performing a construction, demolition, improvement, renovation or repair project at their residence on their own and without the use of a contractor may place at Curbside for collection any Construction and Demolition Debris created by the resident performing the project.

E. Requirements for Preparation, Collection and Disposal of Commercial Waste.

[Amended 4-6-2010 by L.L. No. 2-2010]

(1) In order to provide for public health and safety, each Commercial entity that generates Commercial Waste shall provide for the separation of such waste into its recyclable and nonrecyclable components and shall provide for the placement of such waste into a Dumpster Container or other suitable container and place such container at Curbside for collection by a Collector.

(2) All such Commercial Waste placed at Curbside for collection by a Collector must be delivered to a publicly owned Solid Waste Management Facility designated by the Commissioner.

(3) All Bulky Scrap Metals must be separately placed at Curbside for collection by a Collector. Such Bulky Scrap Metals must be delivered to ~~the~~ **a** publicly owned Solid Waste Management Facility designated by the Commissioner.

(4) Commercial Waste collected and disposed of by the generator of the Commercial Waste must deliver such Commercial Waste to a publicly-owned Solid Waste Management Facility designated by the Commissioner.

F. Requirements for Preparation, Collection and Disposal of Commercial Recyclables.

(1) In order to provide for public health and safety, each Commercial entity shall prepare Recyclables for collection in accordance with § 46-11.3 of this chapter.

(2) All Recyclables placed at Curbside for collection must be delivered to a publicly owned Solid Waste Management Facility designated by the Commissioner.

[Amended 4-6-2010 by L.L. No. 2-2010]

(3) The provisions of this section shall not apply to any Commercial entity having in place a recycling program approved by the ~~(Authority)~~ **Department**.

G. Prohibition Against Unauthorized Dumping and Scavenging.

(1) It shall be a violation of this chapter for any Person to place for the purpose of collection Solid Waste, Recyclables or Yard Waste at a property other than the property generating said material.

(2) It shall be a violation of this chapter for any Person to place Solid Waste, Recyclables or Yard Waste in Dumpster Containers and/or containers designated for Solid Waste use by Commercial and/or industrial establishments.

(3) It shall be a violation of this chapter for any Person to ~~(bury)~~ **dump** and/or bury Solid Waste on public or private property, unless authorized by the applicable municipality.

(4) It shall be a violation of this chapter for any Person to throw, dump, deposit or place Solid Waste, Recyclables and/or Yard Waste along the roadside or on public and/or private property within the Town.

(5) It shall be a violation of this chapter for any Person to cause to be thrown, dumped, deposited or placed Solid Waste, Recyclables or Yard Waste along any public or private road or on lands bordering such roads.

(6) It shall be a violation of this chapter for any Person to burn, break, destroy, scatter, scavenge, collect or take any Recyclables without the consent of the owner of such materials.

H. No Person holding or required to hold a license pursuant to § 46-4 of this chapter shall deposit, deliver, store or process any Acceptable Waste or Recyclables which were generated or originated within the Town other than at a publicly owned Solid Waste Management Facility designated by the Commissioner.

I. Except as may be provided by the Commissioner and except as provided elsewhere herein, no Person required to hold a license pursuant to § 46-4 of this chapter, other than a municipality, may collect any Acceptable Waste or Recyclables within the Town, including the municipalities located wholly or in part therein, without such a license.

J. Except as may be provided by the Commissioner and except as provided elsewhere herein, no Person required to hold a license pursuant to § 46-4 of this chapter, other than ~~(the Authority and)~~ any Person acting pursuant to a contract with the ~~(Authority)~~ **Town for transportation of Acceptable Waste, Yard Waste and Recyclables from the North Hempstead Transfer Station to another disposal location**, may dispose of any Acceptable Waste within the Town, including municipalities located wholly or in part therein, without such a license.

K. Nothing contained in this chapter shall be deemed or interpreted to prohibit any municipality located wholly or in part within the Town from itself engaging in the collection or transportation of Acceptable Waste which was originated, generated or located within such municipality; provided, however, that all Acceptable Waste so collected and transported shall be disposed of only at a publicly owned Solid Waste Management Facility designated by the Commissioner.

L. Nothing contained in this chapter shall be deemed or interpreted to prohibit the Town, or municipalities located wholly or in part therein, from adopting or implementing programs to reduce the volume of Solid Waste, including composting and recycling programs.

M. Nothing contained in this chapter shall be deemed or interpreted to exempt any Person from any other applicable permitting or licensing requirements or rules or regulations, not inconsistent with this chapter, of the Town, municipalities within the Town or any other governmental entity.

N. Except as may be provided by the Commissioner, no Person shall enter into a contract for collection or disposal of Acceptable Waste located within the Town, including municipalities located wholly or in part therein, with a Person required to be licensed pursuant to § 46-4 of this chapter unless such Person holds such a license.

O. No Person, other than the (Authority)**Town** or a Person acting pursuant to an agreement with the (Authority) **Town for transportation of Acceptable Waste, Yard Waste and Recyclables from the North Hempstead Transfer Station to another disposal location**, disposing of Acceptable Waste at any Solid Waste Management Facility located within the Town shall have any interest in recovered materials or energy derived from such Acceptable Waste so disposed.

P. Except as provided by the Commissioner, any Acceptable Waste which was generated, originated or collected outside of the Town may not be deposited or disposed of at any Solid Waste Management Facility located within the Town.

Q. Nothing contained in this chapter shall prevent the (Authority)**Town** or any Person acting pursuant to any agreement with the (Authority) **Town for transportation of Acceptable Waste, Yard Waste and Recyclables from the North Hempstead Transfer Station to another disposal location** from delivering and/or disposing of Acceptable Waste or Recyclables that were generated or originated within the Town outside the territorial limits of the Town.

R. It shall be a violation of this chapter for any Person to place at Curbside for collection any appliance containing freon, where such appliance has been crushed or otherwise handled in a manner that allows freon to escape into the atmosphere.
[Amended 4-6-2010 by L.L. No. 2-2010]

§ 46-14.1 Collection, Disposal and Transportation of Pollutants.

A. Requirements for Collection, Disposal and Transportation of Pollutants, inclusive of Pharmaceutical Drugs.

(1) In order to provide for public health and safety, the Town may coordinate Pollutant-collection programs for its Residents at designated locations throughout the Town.

(2) Upon the receipt of any Pharmaceutical Drugs, the Town may use pharmacists to appropriately sort the medication.

[Amended 4-6-2010 by L.L. No. 2-2010]

(3) The Town shall provide for the proper disposal and transportation of Pollutants, as defined herein, collected through Pollutant-collection programs pursuant to applicable laws.

B. In connection with the Pollutant-collection programs, peace officers are authorized to assist in the Collection, Disposal and Transportation of the Pollutants.

(1) Peace officers shall be given the authority to:

(a) Take Pollutants from the public;

(b) Immediately contain leaking containers;

(c) Measure and/or weigh Pollutants;

(d) Place Pollutants in appropriate disposal drums or specified containers;

- (e) Log waste identification information pursuant to the Resource Conservation and Recovery Act (RCRA) and complete paperwork thereto;
 - (f) Label disposal drums;
 - (g) Load drums into vehicles for transportation;
 - (h) Properly dispose of all Pollutants collected according to law;
 - (i) Provide a properly completed claim form listing quantities, description and unit prices; and
 - (j) Provide the name and location of the ultimate disposal facilities actually utilized for the Pollutants accepted.
- (2) Any Controlled Substance(s) received through any Pollutant-collection program shall be under the sole possession and control of the peace officer present at the program. The peace officer shall immediately deliver all Controlled Substance(s) collected to local law enforcement equipped to accept and properly dispose of the Controlled Substance(s).
- (3) When illicitly manufactured Controlled Substances are presented for disposal at a Pollutant-collection program, the peace officer will immediately contact local law enforcement to investigate and confiscate the illicit drugs. The peace officer shall cooperate with law enforcement in connection with any investigation and/or prosecution related thereto.

§ 46-14.2 Debris Bags

For purposes of any provision of this Chapter regarding the licensing of Dumpster Containers, Debris Bags shall not be considered Dumpster Containers and shall not be required to be permitted by the Town. However, any Collector that collects a Debris Bag from any location in the Town for the purpose of disposal must obtain a license from the Town in accordance with § 46-4 of this Chapter and shall be required to deliver the Debris Bag and the contents thereof to a publicly-owned Solid Waste Management Facility designated by the Commissioner.

§ 46-15 Solid waste reduction

It is hereby declared the policy of the Town to reduce the volume of Solid Waste generated within the Town.

§ 46-16 Contracts

A. Every contract for the collection of Solid Waste, including Acceptable Waste which was generated, originated or located within the Town, including municipalities located wholly or in part therein but excluding the Incorporated Village of Floral Park, entered into, renegotiated or renewed after the effective date of this chapter, between any Person required to be licensed pursuant to § 46-4 of this chapter and any other Person located in whole or in part within the Town, shall provide that such licensed Person shall comply, in all respects and at all times during the term of such contract, with the provisions of this chapter and any rules and regulations hereunder, including, without limitation, those provisions requiring that all Acceptable Waste collected pursuant to such contract be delivered to a Solid Waste Management Facility designated by the Commissioner. The Town shall be deemed a third party beneficiary of such contractual undertaking. Copies of those provisions of such contract purporting to comply with the requirements of this § 46-16 shall be submitted to the Commissioner not less than 10 days prior to the execution of such contract.

B. No renewal of any existing contract upon the expiration of its original term and no new contract for the collection, transportation, processing or purchase of Solid Waste or Recyclables shall be entered into after the effective date of this chapter unless the contract or renewal conforms to the requirements of this chapter.

§ 46-17 Delivery of Hazardous or Unacceptable Waste prohibited

No Hazardous Waste or Unacceptable Waste shall be delivered by any Person to a Solid Waste Management Facility owned by the Town (~~or the Authority~~) or any other Town disposal facility.

§ 46-18 Effect on other provisions

Pursuant to Chapter 544 of the Laws of 1983 of the State of New York, this chapter takes precedence over and shall supersede any inconsistent provisions of any local law enacted by any municipality within the Town.

§ 46-19 Severability; repealer

If any provision of this chapter or the rules and regulations promulgated hereunder or any directive, order or instruction given by anyone authorized to enforce this chapter shall be adjudged to be invalid by any court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the particular provision, rule or regulation involved. All provisions of any other local law or ordinance that are inconsistent with this chapter are repealed.

§ 46-20 Implementation

The Commissioner shall cause to be drawn up an implementation schedule or schedules which shall list all portions of this chapter which remain to be implemented. Such schedule or schedules shall be mailed by certified mail, return receipt requested, to the Town Board and to each municipality, addressed to the clerk of each such body. Said schedule or schedules shall be effective upon the date of such mailing.

ARTICLE III MUNICIPAL APPLICABILITY

§ 46-21 Rate and provision guarantee

A. All municipal entities covered by the Sanitation Code of the Town of North Hempstead shall be guaranteed the per-ton rates for disposal provided to North Hempstead operated garbage districts. These rates shall include only those disposal costs as outlined in the long-term waste disposal agreement then in effect, plus costs directly associated with the operation and oversight of the North Hempstead solid waste transfer station.

B. The rate guarantee provided herein shall be contained in an intermunicipal agreement duly approved and executed by a Village and the Town and returned to the Commissioner prior to the commencement of the long-term disposal agreement on May 1, 2010. Said intermunicipal agreement shall contain provisions for changes in tipping fees and other rates to be made by the (~~Authority~~) **Town** solely on an annual basis with every Village party to the intermunicipal agreement to be notified by the (~~Authority~~) **Town** no later than the first day of June of each year of said intermunicipal agreement, or renewal period thereof, and shall also contain a provision that the Town will guarantee that it will abide by the terms of the Sanitation Code of the Town of North Hempstead in effect as of the date of the intermunicipal agreement, as those terms relate to Villages.

§ 46-22 Exemption

[Amended 11-17-2009 by L.L. No. 17-2009]

A. A Village shall be exempt from the provisions set forth in § 46-14A, through K, N and O of Article II of this chapter, requiring such Village to dispose of all Acceptable Waste, Recyclables, Yard Waste or Construction and Demolition Debris at a Solid Waste Management Facility designated by the Commissioner, where such items are generated within its borders and collected directly by the Village or by a vendor retained by the Village, and from the provisions of § 46-16 of Article II of this chapter, requiring every contract or renewal thereof for the collection, transportation, processing or purchase of Solid Waste or Recyclables made by such Village to conform to said provisions of §§ 46-14 and 46-16, upon filing with the Authority and the North Hempstead Town Clerk a declaration of exemption adopted by the Village Board. Said declaration of exemption must be made by April 1, 2010, to take effect May 1, 2010, and by May 1, 2014, to take effect on May 1, 2015. The Town shall provide all Villages with written notification of the time limits set forth in this section at least 30 days prior to the first day of May 2014.
[Amended 4-6-2010 by L.L. No. 2-2010]

B. If a Village declares an exemption pursuant to this section, any such declaration shall include a provision indemnifying the Town and the Authority from responsibility or liability under any applicable New York State law, rule or regulation relating to solid waste collection, disposal or recycling activities conducted or authorized by said Village, including but not limited to New York State Environmental Conservation Law § 27-0107 (Local Solid Waste Management Plans) and 6 NYCRR Part 360, Subpart 15 (Comprehensive Solid Waste Management Planning).

C. A Village's declaration of exemption pursuant to this section shall not prevent the Town or the Authority from enforcing the provisions of Article II of this chapter upon Commercial and/or private (nonmunicipal) Collectors.

§ 46-23 Reinstatement

[Amended 11-17-2009 by L.L. No. 17-2009]

A. Any Village which has been exempted pursuant to § 46-22 of the Sanitation Code of the Town of North Hempstead may submit an application to the (~~Secretary of the Authority~~) **Commissioner** requesting the withdrawal of their exemption. Such application shall be in writing and must be received by the (~~Secretary~~) **Commissioner** between the first of September and the first of December in any given year in order to go into effect on May 1 of the following year. Such application shall contain a resolution, duly adopted by the Village Board, requesting withdrawal of their exemption and detailing the type and quantity of Acceptable Waste and Recyclables to be covered.

[Amended 4-6-2010 by L.L. No. 2-2010]

B. Withdrawal of the exemption shall be granted upon establishing that disposal of the additional Acceptable Waste and Recyclables at a publicly owned Solid Waste Management Facility designated by the Commissioner does not exceed available capacity at such facility under the existing long-term disposal agreement.

C. The Town (~~and the Authority~~) shall not be responsible for costs associated with such application. This provision does not apply to work performed by full-time Town (~~and Authority~~) personnel.

§ 46-24 When effective

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

Section 5.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or

unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this article or in its application to the person or circumstance directly involved in the controversy in which such judgment or order shall be rendered.

Section 6.

This Local Law shall take effect on January 1, 2022.

; 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 October 21, 2021, Local Law No. 20 of 2021 was adopted. The Local Law amends 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.

Dated: Manhasset, New York

October 21, 2021

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

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

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. 576 - 2021

A PUBLIC HEARING TO CONSIDER THE APPLICATION OF R-5 ASSOCIATES FOR A WAIVER FROM ZONING REQUIREMENTS PURSUANT TO SECTION 70-164 OF THE TOWN CODE FOR THE PREMISES LOCATED AT 13 HARBOR PARK DRIVE, PORT WASHINGTON AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 6, BLOCK 86, LOT 7.

WHEREAS, R-5 Associates (the “Applicant”) has applied (the “Application”) for a permit (the “Permit”) pursuant to Section 70-164 of the Code of the Town of North Hempstead (the “Town Code”) to install a 100 KW back-up generator above-ground on a three (3) acre site located at 13 Harbor Park Drive, Port Washington, New York and identified on the Nassau County Land and Tax Map as Section 6, Block 86, Lot 7 (the “Premises”); and

WHEREAS, the Premises is in the Town’s Planned Industrial Park District (the “PIP District”) as described in Chapter 70 of the Zoning Code; and

WHEREAS, Town Code §70-164 requires that energy sources, such as generators, and all equipment accessory to all utilities be installed underground in a PIP District; and

WHEREAS, Town Code §70-164 permits the Town Board (the “Board”) of the Town of North Hempstead (the “Town”) to waive the underground installation requirement in cases where the Board determines that the installation will result in difficulty or hardship, considering the usual topography or other natural conditions of the site (the “Waiver”); and

WHEREAS, the Town’s Department of Building Safety, Inspection and Enforcement (the “Building Department”) issued a Notice of Disapproval on March 16, 2021 citing §70-164; and

WHEREAS, the Applicant has requested that the Town Board grant it a Waiver so that the proposed back-up generator may be installed above-ground at the Premises; and

WHEREAS, the Town Clerk has published notice of a public hearing scheduled for October 21, 2021 via Zoom, as authorized and directed by the Town Board pursuant to Resolution No. 512-2021, adopted on September 30, 2021, to consider the Waiver; and

WHEREAS, the Applicant has furnished proof of service of notice of the public hearing to the affected property owners within a 300-foot radius of the Premises, and filed an affidavit as to the mailing of such notices; and

WHEREAS, the Applicant has furnished proof of posting a sign on the Premises and filed an affidavit as to the posting; and

WHEREAS, the Department of Planning and Environmental Protection (the “Planning Department”) has reviewed the Application and has no objection to granting the Waiver for the following reasons: (1) the generator would not be visible from the public street nor would it be seen from any residential neighborhoods; and (2) sound attenuation and location of the generator should keep sound levels within the permitted limits; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act as set forth in Title 6, Part 617.6 (b) of the Official Compilation of Codes, Rules, and Regulations of the State of New York (“SEQRA Regulations”) the Planning Department has recommended that the Application be determined to be a “Type II” action pursuant to Section 617.5(c)(9) of the SEQRA Regulations requiring no further environmental review; and

WHEREAS, in accordance with §239-m of the General Municipal Law, the Nassau County Planning Commission was furnished copies of the site plan and Type II determination and, by letter dated September 8, 2021, deferred to the Town to take action as the Town deems appropriate; and

WHEREAS, this Board has carefully considered the Application, testimony and other relevant evidence at the public hearing held on October 21, 2021, and afforded all interested persons the opportunity to be heard; and

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

NOW, THEREFORE, BE IT

RESOLVED that this Board determines that the Application is a “Type II” action pursuant to Section 617.5(c)(9) of the SEQRA Regulations requiring no further environmental review; and be it further

RESOLVED that this Board finds that the underground installation of the back-up generator at the Premises, as required by Town Code §70-164, will result in difficulty or hardship to the Applicant and qualifies for the Waiver; and be it further

RESOLVED that, pursuant to Town Code §70-164, the Application is hereby granted and the Permit is hereby approved; and be it further

RESOLVED that a copy of this resolution shall be filed with the Town Clerk and the Building Commissioner, pursuant to Town Code §70-164, is hereby authorized and directed to issue the Permit upon compliance with the application requirements as set forth in the Town Code and any other requirements or conditions imposed by any other governmental entity having jurisdiction over the Premises, except as herein above set forth, and to take such other action as may be necessary to effectuate the foregoing.

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

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 SHORE OAKS, LLC C/O ILIAS THEODOROPOULOS 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 22 SHORE DRIVE, PLANDOME, NEW YORK 11030 AND IDENTIFIED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 3, BLOCK 182, LOTS 7 AND 9.

WHEREAS, Shore Oaks, LLC c/o Ilias Theodoropoulos (the “Applicant”), residing at 22 Shore Drive, Plandome, New York 11030, identified on the Nassau County Land and Tax Map as Section 3, Block 182, Lots 7 and 9 (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 4 foot by 275 foot wide pier with a 16 foot by 18 foot wide boat lift, 45 foot by 3 foot wide ramp and 30 foot by 8 foot wide floating dock (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 March 10, 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) §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, and (iii) 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 March 26, 2021; and

WHEREAS, the Applicant, by and through its consultant, DiGiovanni and Associates Architects, timely filed a notice of appeal seeking review of the Determination by the Board under 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. 513-2021, duly adopted by the Town Board on September 30, 2021, a public hearing on the Appeal was scheduled for October 21, 2021 at 7:00pm, via Zoom, 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 approved; and

WHEREAS, having received the Determination and the Appeal, and having heard testimony on the Appeal at the public hearing held on October 21, 2021, via Zoom, and having received the Commission’s recommendation that the Application be approved, the Board wishes to render a determination on the Appeal; and

WHEREAS, in rendering a determination on the Appeal Town Code §42-11(H) 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 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(I) of the Town Code.

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

Ayes:

Nays:

cc: Town Attorney Planning Town Clerk Buildings

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. 577 - 2021

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 of Chapter 10 of the Code of the Town of North Hempstead (the “Town Code”) provides for the designation of 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, the Town Highway Department (the “Highway Department”) has determined that the Petition meets the basic criteria set forth in Section 10-4 of the Town Code; and

WHEREAS, following a review of the Petition by the Town Supervisor and the Councilperson for the area where the street is located (the “Councilperson”), the Councilperson recommended that a public hearing be scheduled to consider the Petition; and

WHEREAS, due notice has been heretofore given of a public hearing to be held on the 21st day of October, 2021 via Zoom to consider the Petition; and

WHEREAS, a copy of the Petition was forwarded by the Town Clerk to the local fire department, police department, and post office; and

WHEREAS, the Town Board has carefully considered the proposed Petition, conducted a public hearing on October 21, 2021 via Zoom, with respect to the Petition, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, this Board deems it in the public interest to grant the Petition for a secondary honorary street 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”.

NOW, THEREFORE, BE IT

RESOLVED that the Petition is granted; and be it further

RESOLVED that the Highway Department is authorized and directed to take such action as may be necessary to effectuate the foregoing, including the installation of appropriate signage, to identify 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”.

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Highways

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. 578 - 2021

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 of Chapter 10 of the Code of the Town of North Hempstead (the “Town Code”) provides for the designation of 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, the Town Highway Department (the “Highway Department”) has determined that the Petition meets the basic criteria set forth in Section 10-4 of the Town Code; and

WHEREAS, following a review of the Petition by the Town Supervisor and the Councilperson for the area where the street is located (the “Councilperson”), the Councilperson recommended that a public hearing be scheduled to consider the Petition; and

WHEREAS, due notice has been heretofore given of a public hearing to be held on the 21st day of October, 2021 via Zoom to consider the Petition; and

WHEREAS, a copy of the Petition was forwarded by the Town Clerk to the local fire department, police department, and post office; and

WHEREAS, the Town Board has carefully considered the proposed Petition, conducted a public hearing on October 21, 2021 via Zoom, with respect to the Petition, and has afforded all interested persons an opportunity to be heard at the public hearing; and

WHEREAS, this Board deems it in the public interest to grant the Petition for a secondary honorary street 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”.

NOW, THEREFORE, BE IT

RESOLVED that the Petition is granted; and be it further

RESOLVED that the Highway Department is authorized and directed to take such action as may be necessary to effectuate the foregoing, including the installation of appropriate signage, to identify 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”.

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Highways

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

ORDINANCE NO. 31 - 2021

**A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE
AFFECTING ALDEN LANE IN PORT WASHINGTON, NEW YORK.**

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

PROPOSAL:

ADOPT:

1. ALDEN LANE – LYNN ROAD – FULL STOP

All Traffic eastbound on Alden Lane shall come to a Full Stop at its intersection with Lynn Road.

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

October 21, 2021

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

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

ORDINANCE NO. 32 - 2021

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

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

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.

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

October 21, 2021

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

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 MEADOW DRIVE IN ALBERTSON, NEW YORK.**

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

PROPOSAL:

ADOPT:

1. MEADOW DRIVE – WEST SIDE – NO PARKING – 8:00 AM TO 4:00 PM – SCHOOL DAYS

From the south curblineline of Willow Place, south for a distance of 335 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

October 21, 2021

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

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

ORDINANCE NO. 33 - 2021

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

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

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.

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

October 21, 2021

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

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. 579 - 2021

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

WHEREAS, the Town Board (the “Board”) of the Town of North Hempstead has held a public hearing to consider enacting an ordinance (the “Ordinance”), pursuant to Section 1660 of the Vehicle and Traffic Law, to 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 curblineline of Whittier Avenue, north, for a distance of 25 feet; and

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

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

NOW, THEREFORE, BE IT

RESOLVED that the ordinance establishing a reserved parking space on the west side of Cherry Lane, Floral Park, New York from a point 376 feet north of the north curblineline of Whittier Avenue, north, for a distance of 25 feet pursuant to section 1660 of the Vehicle and Traffic Law of the State of New York is adopted by this Board, the Ordinance being more particularly described in the Notice of Adoption (the “Notice”); and be it further

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

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that the Town Board of the Town of North Hempstead at a regular public meeting of the Board held on the 21st day of October 2021 at 7:00 P.M., via Zoom duly adopted an ordinance establishing a reserved parking space, pursuant to the authority contained in Section 1660 of the Vehicle and Traffic Law.

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

ORDINANCE AFFECTING CHERRY LANE IN FLORAL PARK, NEW YORK.

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

“121” A reserved parking space on the west side of Cherry Lane, Floral Park, New York from a point 376 feet north of the north curbline of Whittier Avenue, north, for a distance of 25 feet.

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

Dated: Manhasset, New York

October 21, 2021

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

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Comptroller Traffic Safety Public Safety

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

ORDINANCE NO. 34 - 2021

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

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

PROPOSAL:

ADOPT:

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

October 21, 2021

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

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. 580 - 2021

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING SYLVESTER STREET IN WESTBURY, NEW YORK.

WHEREAS, the Town Board (the “Board”) of the Town of North Hempstead has held a public hearing to consider enacting an ordinance (the “Ordinance”), pursuant to Section 1660 of the Vehicle and Traffic Law, to establish a reserved parking space on the west side of Sylvester Street, Westbury, New York from a point 190 feet north of the north curblineline of Prospect Avenue, north, for a distance of 20 feet; and

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

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

NOW, THEREFORE, BE IT

RESOLVED that the ordinance establishing a reserved parking space on the west side of Sylvester Street, Westbury, New York from a point 190 feet north of the north curblineline of Prospect Avenue, north, for a distance of 20 feet pursuant to section 1660 of the Vehicle and Traffic Law of the State of New York is adopted by this Board, the Ordinance being more particularly described in the Notice of Adoption (the “Notice”); and be it further

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

NOTICE OF ADOPTION

PLEASE TAKE NOTICE that the Town Board of the Town of North Hempstead at a regular public meeting of the Board held on the 21st day of October 2021 at 7:00 P.M., via Zoom, duly adopted an ordinance establishing a reserved parking space, pursuant to the authority contained in Section 1660 of the Vehicle and Traffic Law.

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

**ORDINANCE AFFECTING
SYLVESTER STREET IN WESTBURY.**

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

“122” A reserved parking space on the west side of Sylvester Street, Westbury, New York from a point 190 feet north of the north curbline of Prospect Avenue, north, for a distance of 20 feet.

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

Dated: Manhasset, New York

October 21, 2021

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

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Comptroller Traffic Safety Public Safety

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. 581 - 2021

A RESOLUTION SETTING A DATE FOR A SPECIAL MEETING OF THE TOWN BOARD OF THE TOWN OF NORTH HEMPSTEAD FOR DECEMBER 2, 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 Capital Plan, known as the 2022-2026 Multi-Year Capital Plan, and to further consider any other matters that may come before the Board.

NOW, THEREFORE, BE IT

RESOLVED that a Special Meeting of the Town Board shall be held via Zoom on December 2, 2021 at 10:00 a.m. to conduct a work session relating to the Town’s 2022 Capital Plan, known as the 2022-2026 Multi-Year Capital Plan and to further consider any other matters that may come before the Board; and be it further

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

NOTICE OF SPECIAL MEETING

PLEASE TAKE NOTICE that, subject to the COVID-19 provisions contained in this notice, a Special Meeting of the Town Board of the Town of North Hempstead will be held on December 2, 2021 at 10:00 a.m. via Zoom, to conduct a work session relating to the Town’s 2022 Capital Plan, known as the 2022-2026 Multi-Year Capital Plan, and to further consider any other matters that may come before the Board.

PLEASE TAKE FURTHER NOTICE, that effective immediately, pursuant to a recent change in New York State’s Open Meetings Law, and based on the ongoing COVID-19 pandemic, the Town Board of the Town of North Hempstead will not be holding in-person hearings. Until further notice, Town Board hearings and meetings will be held virtually via videoconferencing, as permitted by the NYS Open Meetings Law. The Town Board room will not be open to the public and there will be no in-person access to the hearing. The meeting will be broadcast live on the Town's website beginning at its scheduled time at 10:00 A.M. Residents who are interested in viewing the meeting can visit: northhempsteadny.gov/townboardlive. If a resident has a comment related to an item on the agenda, they can email: comments@northhempsteadny.gov. Written comments must be received 60 minutes prior to the meeting. Those wishing to comment via Zoom regarding an item on the

agenda, should visit northhempsteadny.gov/townboardlive on the day of the meeting. There will be a Zoom link available for this 30 minutes prior to the start of the meeting.

Dated: Manhasset, New York

October 21, 2021

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

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Town Clerk

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. 582 - 2021

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 28 OF THE TOWN CODE ENTITLED "HOUSING, REHABILITATION AND PROPERTY MAINTENANCE CODE."

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 28 of the Town Code entitled "Housing, Rehabilitation and Property Maintenance Code" in order to require the removal of vines, including ivy, on commercial properties to prevent it from encroaching or growing upon any adjoining or neighboring property.

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by this Board on the 18th day of November, 2021, at 7:00 P.M. via Zoom, for the purpose of considering the adoption of a Local Law amending Chapter 28 of the Town Code entitled "Housing, Rehabilitation and Property Maintenance Code" in order to require the removal of vines, including ivy, on commercial properties to prevent it from encroaching or growing upon any adjoining or neighboring property; and be it further

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

NOTICE OF HEARING

PLEASE TAKE NOTICE that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead on November 18, 2021 at 7:00 P.M. via Zoom, to consider the adoption of a Local Law amending Chapter 28 of the Town Code entitled "Housing, Rehabilitation and Property Maintenance Code" in order to require the removal of vines, including ivy, on commercial properties to prevent it from encroaching or growing upon any adjoining or neighboring property.

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

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

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

Dated: Manhasset, New York

October 21, 2021

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

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Town Clerk

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. 583 - 2021

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING CHAPTER 48 OF THE TOWN CODE ENTITLED "SIDEWALKS."

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 48 of the Town Code entitled "Sidewalks" in order to temporarily suspend the Town Code provisions limiting the number of sidewalk sale permits that may be issued for any given location during a 12 month period and temporarily waive the fees for a sidewalk sale permit until June 30, 2022.

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by this Board on the 18th day of November, 2021, at 7:00 P.M. via Zoom, for the purpose of considering the adoption of a Local Law amending Chapter 48 of the Town Code entitled "Sidewalks" in order to temporarily suspend the Town Code provisions limiting the number of sidewalk sale permits that may be issued for any given location during a 12 month period and temporarily waive the fees for a sidewalk sale permit until June 30, 2022; and be it further

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

NOTICE OF HEARING

PLEASE TAKE NOTICE that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead on November 18, 2021 at 7:00 P.M. via Zoom, to consider the adoption of a Local Law amending Chapter 48 of the Town Code entitled "Sidewalks" in order to temporarily suspend the Town Code provisions limiting the number of sidewalk sale permits that may be issued for any given location during a 12 month period and temporarily waive the fees for a sidewalk sale permit until June 30, 2022.

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

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

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

Dated: Manhasset, New York

October 21, 2021

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

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Town Clerk

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

RESOLUTION NO. 584 - 2021

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW AMENDING ARTICLE IX OF THE TOWN OF NORTH HEMPSTEAD UNIFORM TRAFFIC CODE ENTITLED “PORT WASHINGTON PUBLIC PARKING DISTRICT.”

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 Article IX of the Town of North Hempstead Uniform Traffic Code entitled “Port Washington Public Parking District” in order to temporarily convert certain commuter parking spaces in Lots 4, 5 and 7 to metered parking spaces starting December 1, 2021 and terminating on March 31, 2022.

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by this Board on the 18th day of November, 2021, at 7:00 P.M. via Zoom, for the purpose of considering the adoption of a Local Law amending Article IX of the Town of North Hempstead Uniform Traffic Code entitled “Port Washington Public Parking District” in order to temporarily convert certain commuter parking spaces in Lots 4, 5 and 7 to metered parking spaces starting December 1, 2021 and terminating on March 31, 2022; and be it further

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

NOTICE OF HEARING

PLEASE TAKE NOTICE that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead on the 18th day of November, 2021, at 7:00 P.M., via Zoom, to consider the adoption of a Local Law amending Article IX of the Town of North Hempstead Uniform Traffic Code entitled “Port Washington Public Parking District” in order to temporarily convert certain commuter parking spaces in Lots 4, 5 and 7 to metered parking spaces starting December 1, 2021 and terminating on March 31, 2022.

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

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

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

Dated: Manhasset, New York

October 21, 2021

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

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Town Clerk Planning Buildings

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. 585 - 2021

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE APPLICATION OF TOWN METRO LLC FOR A SPECIAL USE PERMIT FOR THE PREMISES LOCATED AT 1-4 EXPRESSWAY PLAZA, ROSLYN HEIGHTS AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 7, BLOCK 5, LOTS 832, 833 & 835.

WHEREAS, Town Metro LLC, (the "Applicant") is seeking to construct a multi-level, 1,251-space underground parking garage in conjunction with a two-story 160,696 s.f. office building on a 9.26 acre site at the property located at 1-4 Expressway Plaza, Roslyn Heights, New York, and identified on the Nassau County Land and Tax Map as Section 7, Block 5, Lots 832, 833 & 835 (the "Application"); and

WHEREAS, it has been determined that the Application requires a special permit approved by the Board of the Town of North Hempstead (the "Town") pursuant to Town Code §§70-203(P) and 70-225 (the "Special Use Permit"); and

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

NOW, THEREFORE, BE IT

RESOLVED that a public hearing shall be held on November 18, 2021 at 7:00 P.M. via Zoom to consider the Application for the issuance of a Special Use Permit; and be it further

RESOLVED that the Department of Planning and Environmental Protection shall immediately notify the Applicant of the date and time of said hearing and the Applicant shall notify certain property owners of the hearing date and time pursuant to Town Code § 70-240(C); and be it further

RESOLVED that the Town Clerk be and is hereby authorized and directed to publish a notice of hearing as required by Town Code §§ 70-240(A) and 70-225, which notice shall be in substantially the following form:

NOTICE OF HEARING

PLEASE TAKE NOTICE that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead on November 18,

2021, at 7:00 P.M. via Zoom, to consider the application of Town Metro LLC to construct a multi-level, 1251-space underground parking garage in conjunction with a two-story, 160,696 s.f. office building on a 9.26 acre site.

PLEASE TAKE FURTHER NOTICE that the property which is the subject of this application is located at 1-4 Expressway Plaza, Roslyn Heights, New York, and identified on the Nassau County Land and Tax Map as Section 7, Block 5, Lots 832, 833 & 835.

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

Dated: Manhasset, New York

October 21, 2021

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

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Planning Building

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

RESOLUTION NO. 586 - 2021

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE APPLICATION OF TOWN METRO LLC FOR SITE PLAN REVIEW FOR THE PREMISES LOCATED AT 1-4 EXPRESSWAY PLAZA, ROSLYN HEIGHTS AND DESIGNATED ON THE NASSAU COUNTY LAND AND TAX MAP AS SECTION 7, BLOCK 5, LOTS 832, 833 & 835.

WHEREAS, Town Metro LLC (the “Applicant”) has applied (the “Application”) to the Town to demolish four (4) two-story office buildings with a combined floor area of 153,000 s.f. and construct a 160,696 s.f. single two-story office building on a 9.26-acre site located at 1-4 Expressway Plaza, Roslyn Heights, New York, and identified on the Nassau County Land and Tax Map as Section 7, Block 5, Lots 832, 833 & 835 (the “Premises”); and

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

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

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by this Board on November 18, 2021 at 7:00 P.M. via Zoom to consider the Application for Site Plan Review; and be it further

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

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

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

NOTICE OF HEARING

PLEASE TAKE NOTICE that, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead on November 18, 2021, at 7:00 P.M. via Zoom, on the application for site plan review submitted by Town Metro LLC to demolish four (4) two-story office buildings with a combined floor area of 153,000 s.f. and construct a 160,696 s.f. single two-story office building on a 9.26-acre site.

PLEASE TAKE FURTHER NOTICE that the property which is the subject of this application is located at 1-4 Expressway Plaza, Roslyn Heights, New York, and identified on the Nassau County Land and Tax Map as Section 7, Block 5, Lots 832, 833 & 835.

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

Dated: Manhasset, New York

October 21, 2021

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

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Planning Building

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. 587 - 2021

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

WHEREAS, a recommendation has been made for the rescission and adoption of an ordinance affecting Bank 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 18th day of November 2021, at 7:00 o'clock in the evening for the purpose of considering the adoption of the following ordinance:

PROPOSAL:

ADOPT:

1. **BANK STREET – EAST SIDE – NO PARKING ANYTIME**
From a point 307 feet south of the south curblineline of Main Street, south for a distance of 25 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

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Public Safety Comptroller Traffic Safety

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. 588 - 2021

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE RESCISSION AND ADOPTION OF AN ORDINANCE AFFECTING CARLTON AVENUE IN PORT WASHINGTON, NEW YORK.

WHEREAS, a recommendation has been made for the rescission and adoption of an ordinance affecting Carlton Avenue, 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 18th day of November 2021, at 7:00 o'clock in the evening for the purpose of considering the rescission and adoption of the following ordinances:

PROPOSAL:

RESCIND:

1. T.O. #48-2002
Adopted September 10, 2002
CARLTON AVENUE – EAST SIDE – THREE HOUR PARKING
From a point 233 feet north of the north curblineline of Bayview Avenue, north for a distance of 110 feet.

ADOPT:

1. CARLTON AVENUE – EAST SIDE – THREE HOUR PARKING – 8:00 A.M. TO 4:00 P.M. EXCEPT SATURDAY, SUNDAY AND HOLIDAYS
From a point 233 feet north of the north curblineline of Bayview Avenue, north for a distance of 110 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

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Public Safety Comptroller Traffic Safety

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. 589 - 2021

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE ADOPTION OF ORDINANCES AFFECTING NORTH PLANDOME ROAD IN PORT WASHINGTON, NEW YORK.

WHEREAS, a recommendation has been made for the rescission and adoption of an ordinance affecting Bank 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 18th day of November 2021, at 7:00 o'clock in the evening for the purpose of considering the adoption of the following ordinance:

PROPOSAL:

ADOPT:

1. **NORTH PLANDOME ROAD – BEACH WAY – FULL STOP**
All Traffic north bound on North Plandome Road shall come to a Full Stop at its intersection with Beachway (South Beachway between Richards Road & Terrace Drive).
2. **NORTH PLANDOME ROAD – BEACH WAY – FULL STOP**
All Traffic south bound on North Plandome Road shall come to a Full Stop at its intersection with Beachway (South Beachway between Richards Road & Terrace Drive).

RESOLVED that such ordinances 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

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Public Safety Comptroller Traffic Safety

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. 590 - 2021

A RESOLUTION SETTING A DATE FOR A PUBLIC HEARING TO CONSIDER THE RESCISSION OF AN ORDINANCE AFFECTING THIRD AVENUE IN GARDEN CITY 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 rescind a reserved parking space on the east side of Third Avenue from a point 227 feet north of the north curblines of Dennis Street, north, for a distance of 22 feet and;

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

NOW, THEREFORE, BE IT

RESOLVED that a public hearing be held by this Board on November 18, 2021, at 7:00 p.m. via Zoom, to consider the rescission of 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, subject to the COVID-19 provisions contained in this notice, a public hearing will be held by the Town Board of the Town of North Hempstead on November 18, 2021, via Zoom, to consider the adoption of an ordinance rescinding a reserved parking space, pursuant to the authority contained in Section 1660 of the Vehicle and Traffic Law.

PLEASE TAKE FURTHER NOTICE that the ordinance would rescind a reserved parking space on the east side of Third Avenue from a point 227 feet north of the north curblines of Dennis Street, north, for a distance of 22 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.

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

Dated: Manhasset, New York

October 21, 2021

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

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Highways Traffic Safety Public Safety

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. 591 - 2021

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

WHEREAS, Andrea Majer, Melissa Quigley and Hayden Quigley have generously offered, as a gift, \$1,800 to be used for the purchase of a commemorative bench at Town Dock, in memory of Morgan Jacob Quigley; and

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

NOW, THEREFORE, BE IT

RESOLVED that this Board hereby gratefully accepts the Gift.

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Comptroller Parks and Recreation

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. 592 - 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 Board authorize supplemental appropriations in year 2021 (the “Supplemental Appropriations”) as follows:

1. \$1,800.00 to be recorded to revenue line A.2705 with the offsetting expense to be recorded to expense code A.05.7184.4753, for the purpose of procuring a commemorative bench at Town Dock, with the remainder, if any, to be used to support the Department of Parks and Recreation; and
2. \$1,800.00 to be recorded to revenue line A.2705 with the offsetting expense to be recorded to expense code ST016.4753, for the purpose of procuring a commemorative bench for Lot #6 of the Port Washington Public Parking District, 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 the Board hereby authorizes the Supplemental Appropriations in year 2021 as requested by the 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

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Comptroller Parks and Recreation Public Safety

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. 593 - 2021

A RESOLUTION AUTHORIZING THE AWARD OF A BID FOR MANORHAVEN PARK POOL REPAIRS, MANORHAVEN, NY, DPW PROJECT NO. 19-07.

WHEREAS, the Town Clerk solicited bids for Manorhaven Park Pool Repairs, Manorhaven, NY, DPW Project No. 19-07 (the “Project”); and

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

Bidder	Price
Noberto Construction Inc. 227 Commack Road Commack, NY 11725	Bid: \$1,875,000.00 Add Alt: \$582,000.00
Philip Ross Industries 88 Duryea Road, Suite 204 Melville, NY 11747	Bid: \$2,710,000.00 Add Alt: \$500,000.00

WHEREAS, after a review of the Bids, a calculation error was apparent on the face of Noberto Construction Inc.’s bid and the corrected bid price is One Million Eight Hundred Seventy-Five Thousand Eight Hundred and 00/100 Dollars (\$1,875,800.00); and

WHEREAS, having examined the Bids, the Acting Commissioner of the Town’s Department of Public Works (the “Acting Commissioner”) determined that Noberto Construction Inc. remains the lowest responsible bidder; and

WHEREAS, the Acting Commissioner has recommended that the contract for the Project be awarded to Noberto Construction Inc., 227 Commack Road, Commack, NY 11725 (the “Contractor”) as the lowest responsible bidder at its corrected bid price of One Million Eight Hundred Seventy-Five Thousand Eight Hundred and 00/100 Dollars (\$1,875,800.00); and

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

NOW, THEREFORE, BE IT

RESOLVED that a Contract for the Project is hereby awarded to the Contractor, as the lowest responsible bidder, at its corrected bid price of One Million Eight Hundred Seventy-Five Thousand Eight Hundred and 00/100 Dollars (\$1,875,800.00), as more particularly set forth in an agreement which will be filed in the Office of the Town Clerk (the "Award"); and be it further

RESOLVED that the Supervisor is hereby authorized to execute the contract documents, and to take such other action as may be necessary to effectuate the foregoing; and be it further

RESOLVED that the Office of the Town Attorney is hereby authorized and directed to supervise the execution of the contract documents to effectuate the Award; and be it further

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

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Comptroller DPW

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. 594 - 2021

A RESOLUTION RATIFYING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE LANDTEK GROUP, INC. FOR THE EMERGENCY RESTORATION OF A STONE WALL ON MILL POND ROAD IN PORT WASHINGTON.

WHEREAS, the Town of North Hempstead (the “Town”) required the emergency restoration of a stone wall on Mill Pond Road in Port Washington (the “Services”); and

WHEREAS, the Department of Public Works (the “Department”) retained The LandTek Group, Inc, 235 County Line Road, Amityville, NY 11701 (the “Contractor”) to provide the Services; and

WHEREAS, it has been recommended that the Town Board ratify the Department’s actions in using the Contractor to provide the Services and to further authorize the execution of an agreement for the Services for an amount not to exceed Eighty-Five Thousand Five Hundred Thirty-Five and 28/100 Dollars (\$85,535.28) (the “Agreement”); and

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

NOW, THEREFORE, BE IT

RESOLVED that the actions of the Department in using 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 on behalf of the Town, which Agreement shall be on file with the Office of the Town Clerk, and take such further action as may be necessary to effectuate the foregoing; and be it further

RESOLVED, that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Agreement, on behalf of the Town, and to take any 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 claim therefor.

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Comptroller Parks

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. 595 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE COMMUNITY CHEST OF PORT WASHINGTON, NY, INC. TO CO-SPONSOR A THANKSGIVING DAY RUN.

WHEREAS, the Community Chest of Port Washington, N.Y., Inc., 382 Main Street, P.O. Box 648, Port Washington, New York 11050 (the “CCPW”) provides activities and services to residents of the Town of North Hempstead (the “Town”); and

WHEREAS, the CCPW has asked the Town to co-sponsor its Thanksgiving Day Run (the “Event”), through the provision of funds not to exceed Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00) and Town equipment (the “Town Sponsorship”); and

WHEREAS, this Board wishes to authorize the Town to enter into an agreement with CCPW to provide the Town Sponsorship in exchange for recognition as a co-sponsor of the Event (the “Agreement”).

NOW, THEREFORE, BE IT

RESOLVED that the Town shall co-sponsor the Event and provide the Town Sponsorship; and be it further

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

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

RESOLVED that the Town Comptroller is hereby authorized and directed to pay the costs of the Agreement upon receipt of a duly executed agreement and certified claim therefor.

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Comptroller

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. 596 - 2021

A RESOLUTION RATIFYING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH MANHASSET BAY MARINA LTD FOR THE EMERGENCY REPAIR OF A MARINE VESSEL.

WHEREAS, the Town of North Hempstead Department of Public Safety (the “Department”) required emergency repairs to a vessel known as Marine 5 (the “Services”); and

WHEREAS, the Department retained Manhasset Bay Marina LTD, 10 Matinecock Avenue, Port Washington, New York 11050 (the “Vendor”) to provide the Services; and

WHEREAS, it has been recommended that the Town Board ratify the Department’s actions in using the Vendor to provide the Services and to further authorize the execution of an agreement for the Services for an amount not to exceed One Thousand One Hundred Eighty-Three and 08/100 Dollars (\$1,183.08) (the “Agreement”); and

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

NOW, THEREFORE, BE IT

RESOLVED that the actions of the Department in using the Vendor 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 on behalf of the Town, which Agreement shall be on file with the Office of the Town Clerk, and take such further action as may be necessary to effectuate the foregoing; and be it further

RESOLVED, that the Office of the Town Attorney be and hereby is authorized and directed to negotiate and supervise the execution of the Agreement, on behalf of the Town, and to take any 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 claim therefor.

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Comptroller Parks and Recreation

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. 597 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH CSG FORTE, INC. FOR CREDIT CARD PROCESSING SERVICES FOR THE OFFICE OF THE TAX RECEIVER.

WHEREAS, the Town of North Hempstead Office of the Tax Receiver requires credit card processing services (TNH253-2020) (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 CSG Forte Payments, Inc., 500 W Bethany, Suite 200, Allen, Texas 75013 (the “Contractor”) to provide the Services for a term of five (5) years in consideration of the rates provided in the Contractor’s RFP response (the “Agreement”); and

WHEREAS, the Director 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

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Comptroller Parks

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. 598 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH POWER SOURCE LTD FOR THE USE OF PARKING SPACES IN A PORT WASHINGTON PUBLIC PARKING DISTRICT LOT.

WHEREAS, the Town of North Hempstead (the “Town”) owns certain real property known as Port Washington Public Parking District Lot 7 located in Port Washington, New York (the “Premises”); and

WHEREAS, Power Source LTD, 20 Beechwood Avenue, Port Washington, New York 11050 (the “Licensee”) has requested a license to use fifteen (15) parking spaces at the Premises from October 29, 2021 through November 8, 2021, Monday through Saturday, at a rate of Three and 00/100 Dollars (\$3.00) per parking space per day for an amount not to exceed Four Hundred Five and 00/100 Dollars (\$405.00) (the “Agreement”); and

WHEREAS, this Board wishes to authorize the Agreement.

NOW, THEREFORE, BE IT

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

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

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

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Comptroller Public Safety

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. 599 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH COASTLINE CONSULTING & DEVELOPMENT, LLC FOR ENGINEERING SERVICES RELATED TO DREDGING AT TOWN DOCK, PORT WASHINGTON, DPW PROJECT NO. 16-13.

WHEREAS, pursuant to a resolution duly adopted by this Board, the Town entered into and amended an agreement with Coastline Consulting & Development, LLC, 57-B East Industrial Road, Branford, CT 06405 (the “Consultant”), to provide professional services related to design, permitting and sediment sampling required for the removal of sand in the vicinity of the Town Dock in Port Washington (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 one day of sediment coring and collection, analysis of 8 to 10 samples and the preparation of a letter report for the purpose of developing a disposal plan for the dredged marine sediment, thereby increasing the contract amount by Nine Thousand Eight Hundred Sixty and 00/100 Dollars (\$9,860.00) (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 a duly executed Amendment and certified claims therefor.

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Comptroller

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. 600 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH MEADOW CARTING CORP. FOR THE COLLECTION AND DISPOSAL OF ACCEPTABLE WASTE AND RECYCLABLES IN THE NEW CASSEL GARBAGE DISTRICT.

WHEREAS, the Town has previously entered into an Agreement (the “Agreement”) with Meadow Carting Corp., 581 Dickens Street, Westbury, NY 11590 (“Meadow”) to collect acceptable waste and recyclables in the New Cassel Garbage District (the “District”), which Agreement expired on December 31, 2021; and

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

WHEREAS, the Town desires to exercise the second option, extending the term of the Agreement for an additional one (1) year period commencing January 1, 2022 and ending December 31, 2022, in consideration of payment to Meadow of the sum of One Million Seven Hundred Forty-Seven Thousand Twenty-Eight and 00/100 Dollars (\$1,747,028.00), as may be adjusted for changes in the Municipal Solid Waste Rate, Yard Waste Rate and Prevailing Wage Rates as stated in the Agreement, for the one (1) year extension period, payable in monthly installments (the “Amendment”); and

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

NOW, THEREFORE, BE IT

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

RESOLVED that the Supervisor and Councilpersons as members of the Town Board be and they hereby are authorized to execute the Amendment on behalf of said District, and to take such other action as may be necessary to effectuate the foregoing, copies of which will be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to supervise the execution of the necessary contract documents; and be it further

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

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Comptroller Parks

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. 601 - 2021

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN AGREEMENT WITH JAMAICA ASH AND RUBBISH REMOVAL CO. INC. FOR COLLECTION AND DISPOSAL OF ACCEPTABLE WASTE AND RECYCLABLES IN THE NEW HYDE PARK-GARDEN CITY PARK-FLORAL PARK CENTRE GARBAGE DISTRICT.

WHEREAS, the Town has previously entered into an Agreement (the “Agreement”) with Jamaica Ash & Rubbish Removal Co. Inc., 172 School Street, Westbury, NY 11590 (“Jamaica”) to collect acceptable waste and recyclables in the New Hyde Park-Garden City Park-Floral Park Centre Garbage District (the “District”), which Agreement expires on December 31, 2021; and

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

WHEREAS, in considering whether to exercise the foregoing extension option for calendar year 2022, the Town released a bid for collection and disposal of acceptable waste and recyclables within the District (the “Bid”); and

WHEREAS, in response to this solicitation, the Town received bids from Jamaica and Dejana Industries LLC, which bids were opened on October 15, 2022; and

WHEREAS, the lowest bid, submitted by Dejana Industries LLC, bid Three Million Nine Hundred Thirty-One Thousand Two Hundred and 00/100 Dollars (\$3,931,200.00), in addition to adjustments for changes in the Municipal Solid Waste, Yard Waste and Prevailing Wage rates if they were to occur, for calendar year 2022; and

WHEREAS, the payment to be made to Jamaica, if the Town were to extend the term of the Agreement, would be Two Million Six Hundred Seventy-Eight Thousand One Hundred Eighteen and 00/100 Dollars (\$2,678,118.00), as may be adjusted for changes in the Municipal Solid Waste Rate, Yard Waste Rate and Prevailing Wage Rates as stated in the Agreement; and

WHEREAS, the Bid stated that the Town reserved the right to make no award in connection with the Bid and exercise its right to renew the Agreement if it finds renewal to be in the best interests of the Town; and

WHEREAS, the lowest bid submitted in connection with the bid is approximately fifty percent (50%) higher than the amount that would need to be paid to Jamaica if the Agreement were extended, which would result in a tax levy increase for the District of approximately forty-six percent (46%) in 2022; and

WHEREAS, for this reason, the Town desires to exercise the first extension option available in the Agreement, extending the term of the Agreement for an additional one (1) year period commencing January 1, 2022 and ending December 31, 2022, in consideration of payment to Jamaica of the sum of Two Million Six Hundred Seventy-Eight Thousand One Hundred Eighteen and 00/100 Dollars (\$2,678,118.00), as may be adjusted for changes in the Municipal Solid Waste Rate, Yard Waste Rate and Prevailing Wage Rates as stated in the Agreement, for the one (1) year extension period, payable in monthly installments (the "Amendment"); and

WHEREAS, this Board finds it in the best interests of the District and the Town to make no award in connection with the Bid and authorize the exercise of the Town's option and the execution of the Amendment.

NOW, THEREFORE, BE IT

RESOLVED that no award shall be made in connection with the Bid; and be it further

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

RESOLVED that the Supervisor and Councilpersons as members of the Town Board be and they hereby are authorized to execute the Amendment on behalf of said District, and to take such other action as may be necessary to effectuate the foregoing, copies of which will be on file in the Office of the Town Clerk; and be it further

RESOLVED that the Office of the Town Attorney be and hereby is authorized and directed to supervise the execution of the necessary contract documents; and be it further

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

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Comptroller Parks

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. 602 - 2021

A RESOLUTION AUTHORIZING THE PURCHASE FROM MOTOROLA SOLUTIONS, INC. OF ANNUAL SOFTWARE MAINTENANCE FOR THE TOWN'S 311 SYSTEM.

WHEREAS, the Department of Information Technology and Telecommunications (the "Department") requires software maintenance, hosting service, and technical support for the Town's 311 system (the "Services"); and

WHEREAS, the Commissioner of the Department has recommended that the Town purchase the Services from Motorola Solutions, Inc. for a term of one (1) year in consideration of an amount not to exceed Ninety-Six Thousand Four Hundred Forty-Four and 00/100 Dollars (\$96,444.00) payable in quarterly payments in the amount of Twenty Four Thousand One Hundred Eleven and 00/100 Dollars (\$24,111.00) (the "Purchase"); and

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

NOW, THEREFORE, BE IT

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

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

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

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. 603 - 2021

A RESOLUTION AUTHORIZING PAYMENT TO OFFSHORE PERFORMANCE SPECIALTIES, INC. FOR THE EMERGENCY PURCHASE OF A MARINE VESSEL GEARBOX.

WHEREAS, the Town of North Hempstead Department of Public Safety (the “Department”) required the emergency purchase of a gearbox for the repair of a marine vessel (the “Services”); and

WHEREAS, the Department purchased the gearbox from Offshore Performance Specialties, Inc., 15881 Chief Court, Fort Meyers, Florida 33912 (the “Vendor”); and

WHEREAS, the Commissioner of the Department has recommended that the Town Board ratify the Department’s actions in purchasing the gearbox from the Vendor and to further authorize payment for the gearbox for an amount not to exceed Seven Thousand Five Hundred Sixty-Five and 00/100 Dollars (\$7,565.00) (the “Payment”); and

WHEREAS, this Board finds it to be in the best interest of the Town to ratify the actions of the Department and authorize the Payment.

NOW, THEREFORE, BE IT

RESOLVED that the actions of the Department in purchasing the gearbox from the Vendor be and hereby is ratified; and be it further

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

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

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Comptroller Parks and Recreation

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. 604 - 2021

A RESOLUTION AMENDING RESOLUTION NO. 481-2021, ADOPTED SEPTEMBER 2, 2021, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CASHIN ASSOCIATES, PC FOR PROFESSIONAL SERVICES RELATED TO TOWN PONDS.

WHEREAS, pursuant to Resolution No. 481-2021, duly adopted on September 2, 2021, the Town Board authorized the execution of a professional services agreement for on-call services related to Town ponds at various parks (the “Services”) with Cashin Associates, 1200 Veterans Memorial Highway, Hauppauge, New York 11788, (“Cashin”) 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 “Resolution”); and

WHEREAS, the Director of Purchasing has requested that the Resolution be amended to provide that the agreement include payment by the Town of expenses incurred by Cashin for subcontractor services and equipment rentals at cost plus ten (10) percent when required and approved by the Commissioner of the Department of Parks and Recreation in addition to the hourly rates payable for the Services (the “Amendment”); and

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

NOW, THEREFORE, BE IT

RESOLVED that the Resolution be and hereby is amended to reflect the Amendment.

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney

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. 605 - 2021

A RESOLUTION AMENDING RESOLUTION NO. 560-2021, ADOPTED OCTOBER 7, 2021, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ALL FLAG AND FLAGPOLE, INC. FOR THE INSTALLATION OF A FLAGPOLE AT CLINTON G. MARTIN PARK, NEW HYDE PARK.

WHEREAS, pursuant to Resolution No. 560-2021, duly adopted on October 7, 2021, the Town Board authorized the execution of an agreement with All Flag and Flagpole Inc., 97 Gnarled Hollow Road, East Setauket, New York 11733 (“All Flag”) for the installation of a flagpole at Clinton G. Martin Park, New Hyde Park (the “Services”) in consideration of an amount not to exceed Two Thousand Nine Hundred Seventy-Five and 00/100 Dollars (\$2,975.00) (the “Resolution”); and

WHEREAS, the Director of Purchasing has requested that the Resolution be amended to authorize the execution of the agreement between the Town and Pole-Tech Co., Inc., 97 Gnarled Hollow Road, East Setauket, New York 11733 (the “Contractor”) a company related to All Flag and the company that will actually perform the Services in consideration of the same amount (the “Amendment”); and

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

NOW, THEREFORE, BE IT

RESOLVED that the Resolution be and hereby is amended to reflect the Amendment.

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney

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. 606 - 2021

A RESOLUTION AMENDING RESOLUTION NO. 563-2021, ADOPTED OCTOBER 7, 2021, AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH ELITE SYNTHETIC SURFACES FOR ACCESS TO SAGAMORE BALLFIELD IN EAST WILLISTON FOR FIELD REPAIRS.

WHEREAS, pursuant to Resolution No. 563-2021, duly adopted on October 7, 2021, the Town Board authorized the execution of a license agreement with Elite Synthetic Surfaces, 486 Willis Avenue, Williston Park, New York 11596 (the "Licensee") granting the Licensee access to Sagamore Ballfield (the "Ballfield") located in East Williston, New York to perform field repairs to alleviate hazards on the Ballfield in consideration of payment in the amount of Thirteen Thousand Five Hundred and 00/100 Dollars (\$13,500.00) to be paid by the East Williston Little League (the League") to the Licensee and deducted from the League's permit fees for use of the Ballfield (the "Resolution"); and

WHEREAS, it has been requested that the Resolution be amended to authorize the execution of a three-party agreement between the Town, the Licensee and the League incorporating the terms above (the "Amendment"); and

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

NOW, THEREFORE, BE IT

RESOLVED that the Resolution be and hereby is amended to reflect the Amendment.

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney

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. 607 - 2021

A RESOLUTION MAKING AN APPOINTMENT TO THE TOWN OF NORTH HEMPSTEAD WATERFRONT ADVISORY COMMISSION.

WHEREAS, the Town Board is empowered to create non-compensated advisory boards pursuant to Town Law § 51; and

WHEREAS, the Town Board has heretofore established a Waterfront Advisory Commission (the “Commission”) to advise the Town Board on issues relating to the waterfront; and

WHEREAS, a vacancy on the Commission exists; and

WHEREAS, the Town Board desires to fill the existing vacancy on the Commission as follows:

<u>Name and Address</u>	<u>Start of Term</u>	<u>Expiration of Term</u>
Thomas Lampus 300 Lynn Avenue East Northport, NY 11731	October 22, 2021	May 28, 2022

NOW, THEREFORE, BE IT

RESOLVED that the person listed above is appointed as a member of the Waterfront Advisory Commission for the term specified above; and be it further

RESOLVED that the terms and appointments of all remaining members of the Commission not specified above continue in full force and effect.

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney

Comptroller

Public Safety

Planning

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. 608 - 2021

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

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

WHEREAS, the Town has available funds in the General Fund Reserve; and

WHEREAS, the Board desires to transfer monies from the General Fund Reserve, in the amount of \$48,431.46, to a capital account for the construction of walkways at Whitney Pond Park; and

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

NOW, THEREFORE, BE IT

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

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

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Comptroller

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. 609 - 2021

A RESOLUTION AUTHORIZING THE COMMENCEMENT OF LEGAL ACTION/PROCEEDINGS.

WHEREAS, the Office of the Town Attorney requests authorization to commence a legal action/proceeding in the Supreme Court, Nassau County, against Construx, LLC for the reasons explained herein;

WHEREAS, the Town Department of Building Safety, Inspection & Enforcement (the “Building Department”) has issued a Cease and Desist Order to Construx, LLC for unpermitted rock crush operations; and

WHEREAS, the Town has determined that despite the Cease and Desist Order, Construx, LLC continues to engage in unpermitted industrial uses in a commercial zone, resulting in pollution to the surrounding area; and

WHEREAS, despite the enforcement measures taken by the Town Attorney’s Office, the Building Department and the Division of Code Enforcement, Construx, LLC continues to engage in unpermitted activities; and

WHEREAS, the Town Attorney recommends commencing a legal action/proceeding in the Supreme Court, Nassau County, to obtain a temporary restraining order and an injunction to enjoin Construx, LLC from continuing to engage in unpermitted activities; and

WHEREAS, the Town Board deems it to be in the best interests of the Town to approve the Town Attorney’s request to commence the above described legal action/proceeding.

NOW THEREFORE, BE IT

RESOLVED that the Town Board hereby authorizes the Town Attorney to initiate an action or proceeding against Construx, LLC in the Supreme Court, Nassau County, to obtain the relief described above; and it is

RESOLVED that the Town Board hereby authorizes the Town Attorney and the Supervisor to take action as may be necessary to undertake the foregoing.

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney

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. 610 - 2021

A RESOLUTION AUTHORIZING THE COMMENCEMENT OF LEGAL ACTION/PROCEEDINGS.

WHEREAS, the Office of the Town Attorney requests authorization to commence a legal action/proceeding in the Supreme Court, Nassau County, against Rock Crush, LLC for the reasons explained herein;

WHEREAS, the Town of North Hempstead (the “Town”) has initiated legal proceedings against Rock Crush, LLC in District Court for unpermitted building violations and unpermitted uses in an industrial zones; and

WHEREAS, the Town Department of Building Safety, Inspection & Enforcement (the “Building Department”) has issued a Cease and Desist Order to Rock Crush, LLC for unpermitted rock crush operations; and

WHEREAS, the Town has determined that despite the Cease and Desist Order, Rock Crush, LLC continues to engage in unpermitted industrial uses in a commercial zone, resulting in pollution to the surrounding area; and

WHEREAS, the Town Attorney recommends commencing a legal action/proceeding to obtain a temporary restraining order and an injunction in the Supreme Court, Nassau County, to enjoin Rock Crush, LLC from continuing to engage in unpermitted activities; and

WHEREAS, the Town Board deems it to be in the best interests of the Town to approve the Town Attorney's request to commence the above described legal action/proceeding.

NOW THEREFORE, BE IT

RESOLVED that the Town Board hereby authorizes the Town Attorney to initiate an action or proceeding against Rock Crush, LLC in the Supreme Court, Nassau County, to obtain the relief described above; and it is

RESOLVED that the Town Board hereby authorizes the Town Attorney and the Supervisor to take action as may be necessary to undertake the foregoing.

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney

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. 611 - 2021

A RESOLUTION AUTHORIZING THE COMMENCEMENT OF LEGAL ACTION/PROCEEDINGS.

WHEREAS, the Office of the Town Attorney requests authorization to commence a legal action/proceeding in the Supreme Court, Nassau County, against Selma Kazil for the reasons explained herein;

WHEREAS, the Town of North Hempstead (the “Town) has initiated legal proceedings against Selma Kazil in District Court for unpermitted building violations and operating an unpermitted doggy daycare; and

WHEREAS, the Town Department of Building Safety, Inspection & Enforcement (the “Building Department”) has issued a Cease and Desist Order to Selma Kazil for the operation of the doggy daycare; and

WHEREAS, the Town has determined that despite the summons and Cease and Desist Order, Selma Kazil continues to operate a doggy daycare in violation of the Town Code, resulting in noise pollution and unsanitary conditions; and

WHEREAS, the Town Attorney recommends commencing a legal action/proceeding to obtain a temporary restraining order and an injunction in the Supreme Court, Nassau County, to enjoin Selma Kazil from continuing to operate the doggy daycare; and

WHEREAS, the Town Board deems it to be in the best interests of the Town to approve the Town Attorney's request to commence the above described legal action/proceeding.

NOW THEREFORE, BE IT

RESOLVED that the Town Board hereby authorizes the Town Attorney to initiate an action or proceeding against Selma Kazil in the Supreme Court, Nassau County, to obtain the relief described above; and it is

RESOLVED that the Town Board hereby authorizes the Town Attorney and the Supervisor to take action as may be necessary to undertake the foregoing.

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney

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. 612 - 2021

A RESOLUTION AUTHORIZING THE COMMENCEMENT OF LEGAL ACTION/PROCEEDINGS.

WHEREAS, the Office of the Town Attorney requests authorization to commence a legal action/proceeding in the Supreme Court of the County of Nassau against Arikupurathu Inc. and the owners and/or operators of Maharaja Supermarket, 1620 Hillside Avenue, New Hyde Park, New York 11040, for the reasons explained herein;

WHEREAS, the Town of North Hempstead (the "Town") has initiated numerous legal proceedings against Arikupurathu Inc. and the owners and/or operators of Maharaja Supermarket in District Court for unpermitted building violations, litter, and sanitary conditions; and

WHEREAS, the Town has determined that despite the numerous summonses issued and fines assessed, Arikupurathu Inc. and the owners and/or operators of Maharaja Supermarket continues to operate and maintain the property in an unsanitary and unsafe condition; and

WHEREAS, the Town Attorney recommends commencing a legal action/proceeding in the Supreme Court, Nassau County, to obtain a temporary restraining order and an injunction to enjoin Arikupurathu, Inc. and the owners and/or operators of Maharaja Supermarket from continuing to operate a business for which there is no certificate of occupancy and which is kept in an unsanitary manner; and

WHEREAS, the Town Board deems it to be in the best interests of the Town to approve the Town Attorney's request to commence the above described legal action/proceeding.

NOW THEREFORE, BE IT

RESOLVED that the Town Board hereby authorizes the Town Attorney to initiate an action or proceeding against Arikupurathu, Inc. and the owners and/or operators of Maharaja Supermarket in the Supreme Court, Nassau County, to obtain the relief described above; and it is

RESOLVED that the Town Board hereby authorizes the Town Attorney and the Supervisor to take action as may be necessary to undertake the foregoing.

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney

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. 613 - 2021

A RESOLUTION AUTHORIZING THE TOWN CLERK TO TRANSMIT TO THE NASSAU COUNTY LEGISLATURE AND THE BOARD OF ASSESSMENT OF THE COUNTY OF NASSAU THE LISTS OF UNPAID WATER RENTS FILED BY SPECIAL DISTRICTS IN THE TOWN OF NORTH HEMPSTEAD FOR THE PURPOSE OF HAVING SAME LEVIED AGAINST THE PROPERTY LIABLE.

WHEREAS, the Board of Commissioners of certain water districts of the Town of North Hempstead have, pursuant to Section 215 of the Town Law, as amended, filed with the Town Board statements showing unpaid water rents and requesting the Town Board to submit such statements to the Nassau County Legislature at their next meeting in order that the unpaid sums may be levied against the property where the water was used.

NOW, THEREFORE, BE IT

RESOLVED that the Town Clerk is hereby authorized and directed to forward to the Nassau County Legislature and the Department of Assessment of the County of Nassau copies of the annexed statements of the following water districts filed in the Town Clerk's Office showing unpaid water rents for the purpose of having same levied against the property liable:

Albertson Water District	\$51,997.77
Carle Place Water District	\$8,238.75
Garden City Park Water District	\$145,047.68
Glenwood Water District	\$8,792.81
Manhasset-Lakeville Water District	\$173,020.57
Port Washington Water District	\$199,436.29
Roslyn Water District	\$108,276.19
Westbury Water District	\$176,005.01

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney, Comptroller, NC Legislature, NC Dept. of Assessment

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. 614 - 2021

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

WHEREAS, the Town Attorney has requested the approval of the Town Board for settlement and payment of a claim as more particularly described herein below, for the reasons set forth in a memorandum to the Board on file in the Office of the Town Attorney; and

WHEREAS, the Board deems it to be in the best interests of the Town to approve the request of the Town Attorney.

NOW, THEREFORE, BE IT

RESOLVED that the settlement and payment of the following claim, in the amount set forth herein, be and the same are approved by this Board in all respects:

<u>Claimant</u>	<u>File No.</u>	<u>Amount</u>
Cambridge Mutual a/s/o Brown v. TONH	TD-18-0047	\$750.00

RESOLVED that the Office of the Comptroller be and hereby is authorized and directed to pay the amount set forth above upon receipt of properly executed and certified claim therefor.

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Town Attorney Comptroller

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. 615 - 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

October 21, 2021

The vote of the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

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
FT Location Change	Department of Parks and Recreation Harbor Hills to NHBP	Daniel Riordan	Groundskeeper 1	\$27.89 hourly / \$58,006 annually	Grade 17, Step 1	405000	123200	SP152.1000	A.05.7183.1000	11/1/2021
FT Location Change	Department of Highways to Department of Administrative Services	Nicholas E. Lawson	Labor Supervisor 1	\$30.72 hourly / \$63,890 annually	Grade 17, Step 5.5	311000	120000	DA.07.5117.1000	A.01.1620.1000	10/16/2021
Merit Raise	Department of Public Safety - Animal Shelter	Jenna Givargidze	Director Animal Shelter	\$38.62 hourly / \$80,339 annually to \$39.75 hourly / \$82,679 annually	Grade 21, Step 9.5 to Grade 21, Step 11	121100	N/A	A.06.3510.1000	N/A	
Merit Raise	Department of Public Safety - Harbor Patrol	Mallory Nathan	Bay Constable 2	\$45.26 hourly / \$94,138 annually to \$45.67 hourly / \$94,995 annually	Grade 19, Step 22.5 to Grade 19, Step 24	124200	N/A	A.06.3989.1000	N/A	
Merit Raise	Department of Parks and Recreation Parks Public Safety	Anthony Munoz	Public Safety Officer 2	\$54,314 ann/\$26.11 hr to \$55,910 ann/\$26.88 hr	Grade 13, Step 3.5 to Grade 13, Step 5	122700	N/A	A.05.7200.1000	N/A	
Merit Raise	Department of Parks and Recreation Whitney Pond Park	Lemuel Brabham	Groundskeeper 1	\$77,264 ann/\$37.15 hr to \$78,352 ann/\$37.67 hr	Grade 17, Step 8 to Grade 17, Step 9.5	123400	N/A	A.05.7185.1000	N/A	
Merit Raise	Sidewalk District	Christopher Balsamo	Labor Supervisor 1	\$29.14 hourly / \$60,621 annually to \$30.09 hourly / \$62,581 annually	Grade 17, Step 3 to Grade 17, Step 4.5	415000	N/A	SM017.1000	N/A	
New Hire FT	Buildings Department	Amy Hilton	Clerk Typist 1	\$1,886.30 bi-weekly / \$49,045 annually	Grade 11, Step 1	N/A	211000	N/A	B.33.3622.1000	10/30/2021
PT to FT	Department of Highways	Conor Jacoby	Laborer P/T to Laborer 1 F/T	\$14.00 hourly to \$22.38 hourly / \$46,540 annually	PT to Grade 9, Step 1	971000	311000	DA.07.5225.1200	DA.07.5117.1000	
New Hire PT	311 Call Center	Sophia Gordon	Attendent/311 Call Rep	\$16.00 hourly	N/A	N/A	903100	N/A	A.30.1480.1200	10/26/2021
New Hire PT	311 Call Center	Ruth Vincent	Attendent/311 Call Rep	\$16.00 hourly	N/A	N/A	903100	N/A	A.30.1480.1200	10/26/2021
New Hire PT	311 Call Center	Janayia Thomas	Attendent/311 Call Rep	\$16.00 hourly	N/A	N/A	903100	N/A	A.30.1480.1200	10/26/2021
New Hire PT	311 Call Center	Nuris Melendez	Attendent/311 Call Rep	\$16.00 hourly	N/A	N/A	903100	N/A	A.30.1480.1200	10/26/2021
New Hire PT	311 Call Center	Alexandra Gilles	Attendent/311 Call Rep	\$16.00 hourly	N/A	N/A	903100	N/A	A.30.1480.1200	10/26/2021
New Hire PT	Department of Parks and Recreation Tully	Isabelle Pinzon	Lifeguard 1	\$16.00 hourly	N/A	933300	N/A	A.05.7181.1200	N/A	
Seasonal to PT	Department of Parks and Recreation Manorhaven	Frank Buck	Laborer 1	\$25.00 hourly	N/A	831000	931000	A.05.7182.1200	N/A	
Title Change, Grade, Step and Salary Change	Department of Buildings	Nicole Spadaro	Clerk/Laborer to Clerk/Typist	\$1,872.60 bi-weekly / \$48,687 annually to \$1,886.30 bi-weekly / \$49,045 annually	Grade 10, Step 2 To Grade 11, Step 1	211000	N/A	B.33.3622.1000	N/A	10/21/2021
Title Change and Salary Change	Receiver of Taxes	Ivan Ramirez	Accountant 2 to Acting Deputy Receiver of Taxes	\$3,135.90 bi-weekly / \$81,533 annually to \$4,311.07 bi-weekly / \$112,088 annually	Grade 17, Step 19 To Exempt	125600	N/A	A.09.1330.1000	N/A	10/2/2021
Title Change, Grade, Step and Salary Change	Department of Highways	Ryan Miller	Equipment Operator Trainee to Equipment Operator 1	\$25.48 hourly / \$53,004 annually to \$25.60 hourly / \$53,250 annually	Grade 11, Step 5 To Grade 13, Step 2.5	311000	N/A	DA.07.5117.1000	N/A	
Resignation FT	Department of Highways	Marvin Rodriguez	Auto Servicer	\$24.83 hourly / \$51,656 annually	Grade 13, Step 1	307000	N/A	DA.07.5146.1000	NA	10/15/2021
Resignation 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
Resignation FT	Town Clerk	Rob H. Russell	Accounting Assistant 1	\$2,133.80 bi-weekly / \$55,479 annually	Grade 12, Step 6	128700	N/A	A.13.1410.1000	N/A	10/15/2021
Resignation PT	Department of Parks and Recreation Yes We Can Community Center	Anissa Dorvilus	Attendant	\$15.00 hourly	N/A	933300	N/A	A.05.7141.1200	N/A	8/2/2021
Resignation PT	Department of Parks and Recreation Yes We Can Community Center	Alejandro Pleitez	Recreation Aide	\$16.25 hourly	N/A	933300	N/A	A.05.7141.1200	N/A	9/25/2021
Resignation PT	Department of Parks and Recreation Tully	Michael Super	Laborer 1 - PT	\$14.25 hourly	N/A	930000	N/A	A.05.7181.1200	N/A	9/6/2021
Resignation PT	Department of Parks and Recreation Tully	Angelo Ferrigno	Laborer 1	\$14.25 hourly	N/A	930000	N/A	A.05.7181.1200	N/A	10/6/2021

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. 616 - 2021

A RESOLUTION APPROVING THE ACTION OF THE FIRE-MEDIC CO., NO. 1, PORT WASHINGTON, NEW YORK, IN ADDING TO MEMBERSHIP JULIETTE CIFARELLI, KELLY KENNEDY, AND JULIA COCCARELLI.

WHEREAS, the Fire-Medic Co. No. 1, Port Washington, New York, has advised of adding Juliette Cifarelli, Kelly Kennedy, and Julia Coccarelli to membership.

NOW, THEREFORE, BE IT

RESOLVED that the action of the Fire-Medic Co. No. 1, 65 Harbor Rd, Port Washington, NY 11050, had advised of adding Juliette Cifarelli of 16 Linwood Rd, Port Washington, NY 110505, Kelly Kennedy of 45-56 171st Pl, Flushing, NY 11358, and Julia Coccarelli of 45-56 171st Pl, Flushing, NY 11358 to membership and the same hereby is approved and the Town Clerk directed to record their names in the Minutes of the Town Board.

Dated: Manhasset, New York

October 21, 2021

The vote on the foregoing resolution was recorded as follows:

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

Nays: None

Absent: Councilperson Ferrara

cc: Fire-Medic Co. No. 1 Town Attorney Comptroller