

**TOWN OF NORTH HEMPSTEAD
BOARD MEETING**

AGENDA



June 11, 2024

10:00 AM

PUBLIC HEARINGS:

1. A PUBLIC HEARING TO CONSIDER THE RESCISSION AND ADOPTION OF AN ORDINANCE AFFECTING EXFORD PLACE IN ALBERTSON, NEW YORK.

Synopsis: The adoption of this ordinance will establish a No Stopping Here to Corner restriction on the north side of Exford Place, east of Bethel Road, in Albertson. **To be Continued without a date.**

2. A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING FUNSTON AVENUE IN ALBERTSON, NEW YORK.

Synopsis: The adoption of this ordinance will establish a Full Stop southbound on Funston Avenue, at its intersection with Evans Avenue, in Albertson.

3. A RESOLUTION AND ORDER AFTER PUBLIC HEARING HELD ON JUNE 11, 2024, AUTHORIZING THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE ALBERTSON WATER DISTRICT, PURSUANT TO SECTION 202-b OF THE TOWN LAW.

4. A RESOLUTION OF THE TOWN OF NORTH HEMPSTEAD, NEW YORK, ADOPTED JUNE 11, 2024, AMENDING THE BOND RESOLUTION ADOPTED ON JANUARY 22, 2020, RELATING TO THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE ALBERTSON WATER DISTRICT.

RESOLUTIONS:

TABLED ITEMS:

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. - 2024

A PUBLIC HEARING TO CONSIDER THE RESCISSION AND ADOPTION OF AN ORDINANCE AFFECTING EXFORD PLACE IN ALBERTSON, NEW YORK.

NO RESOLUTION.

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

ORDINANCE NO. 8 - 2024

A PUBLIC HEARING TO CONSIDER THE ADOPTION OF AN ORDINANCE AFFECTING FUNSTON AVENUE IN ALBERTSON, NEW YORK.

NOTICE IS HEREBY GIVEN that, after a public hearing duly held by the Town Board of the Town of North Hempstead, the following ordinance was ordered adopted:

ORDINANCE NO. T.O. 8 - 2024

ALBERTSON, NEW YORK

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

PROPOSAL:

ADOPT:

1. FUNSTON AVENUE – EVANS AVENUE – FULL STOP

All traffic Southbound on Funston Avenue shall come to a Full Stop at its intersection with Evans 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 All ordinances or regulations heretofore adopted in conflict with this ordinance are hereby repealed.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

June 11, 2024

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

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

RESOLUTION NO. 323 - 2024

A RESOLUTION AND ORDER AFTER PUBLIC HEARING HELD ON JUNE 11, 2024, AUTHORIZING THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE ALBERTSON WATER DISTRICT, PURSUANT TO SECTION 202-b OF THE TOWN LAW.

WHEREAS, on January 22, 2020, after a public hearing duly called and held, the Town Board of the Town of North Hempstead, New York (the “Town”), adopted: (i) a resolution (Resolution No. 21-2020) pursuant to Section 202-b of the Town Law, authorizing the increase and improvement of facilities of the Albertson Water District (herein called the “District”) consisting of: (1) replacement and/or improvements to Well Nos. 2, 3A and 4, (ii) implementation of a SCADA system and (iii) rehabilitation and/or replacement of storage tanks located at Shepherd Lane (collectively the “2020 Project”), all as further described in the map, plan and report prepared by D&B Engineers and Architects, P.C. (“D&B”), engineers duly licensed by the State of New York, entitled “Report on the Need for Water Supply System Capital Improvements,” dated November 2019, at the aggregate estimated maximum cost of \$31,482,000, including any ancillary or related work necessary in connection therewith and (ii) a bond resolution (Resolution No. 22-2020) appropriating \$31,482,000 therefor and authorizing the issuance of bonds in the principal amount of not to exceed \$31,482,000 to finance said appropriation;

WHEREAS, the District commenced the implementation of the 2020 Project and pursuant to Resolution No. 22-2020 the Town has issued bond anticipation notes on behalf of the District in the principal amount of \$11,000,000 to finance a like portion of the 2020 Project;

WHEREAS, the District has been awarded grant funds in the amount of \$12,428,409 to pay certain costs of the 2020 Project;

WHEREAS, the Board of Commissioners of the District has determined that due to increased costs, supply chain issues, and the imposition of new drinking water standards, it is in the best interest of the District to delay the implementation of certain projects previously authorized at part of the 2020 Project, to modify and/or increase the scope certain projects previously authorized and to add new projects to meet the current capital needs of the District;

WHEREAS, the revised list of projects developed by the District with the assistance of D&B includes the following: (i) replacement and/or improvements to Well Nos. 1, 2, 3A and 4, (ii) implementation of a SCADA system, (iii) rehabilitation of ground storage tank located at Shepherd Lane and (iv) upgrade of transmission mains (the “Reorganized 2020 Project”), including any

ancillary or related work necessary in connection therewith, all as further described in the map, plan and report prepared by D&B Engineers and Architects, P.C. (“D&B”), engineers duly licensed by the State of New York, entitled “Reorganized and Reprioritized Report on the Need for Water Supply System Capital Improvements,” dated April 2024, at the aggregate estimated maximum cost of \$43,910,000, including any ancillary or related work necessary in connection therewith;

WHEREAS, on April 2, 2024, the District submitted a petition to the Town stating that the District shall apply \$12,428,409 in grant funds to pay a part of the \$43,910,000 estimated maximum cost of the Reorganized 2020 Project, the balance of such cost to be financed by bonds issued by the Town on behalf of the District in the principal amount of not to exceed \$31,481,591 and requesting that the Town Board undertaking amendatory proceedings pursuant to Section 202-b of the Town Law on account of the foregoing;

WHEREAS, such map, plan and report and an estimate of cost have been filed with the Town Board, and the Town Board thereafter adopted a Resolution describing in general terms the proposed increase and improvement of facilities of the District, specifying the estimated cost thereof, and stating that the Town Board would meet to hear all persons interested in said increase and improvement of facilities on the date hereof at the Town Hall;

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

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

WHEREAS, such public hearing was duly held by the Town Board on this 11th day of June, 2024, at 10:00 o’clock A.M. (Prevailing Time) at the Town Hall, 220 Plandome Road, Manhasset, New York, with considerable discussion on the matter having been had and all persons desiring to be heard having been heard, including those in favor of and those in opposition to said increase and improvement of the facilities of the District; and

WHEREAS, the District, as lead agency, has given due consideration to the impact that the increase and improvement of the facilities of the District may have on the environment and has complied in every respect with all applicable federal, state and local laws and regulations regarding environmental matters, including compliance with the New York State Environmental Quality Review Act (“SEQRA”), constituting Article 8 of the Environmental Conservation Law;

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

DETERMINED, that it is in the public interest to increase and improve the facilities of the District as hereinabove described and referred to at the estimated maximum cost of \$43,910,000; and it is hereby

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

FURTHER ORDERED, that a part of the expense of said increase and improvement of facilities shall be paid from \$12,428,409 in grant funds awarded to the District on account of the Reorganized 2020 Project and the balance of said expense of shall be financed by the issuance of \$31,481,591 bonds of the Town, and to the extent not paid by such grant funds the cost of said increase and improvement of facilities, including payment of principal of and interest on said bonds, shall be paid from charges collected through water metering and/or the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same; and it is hereby

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

DATED: JUNE 11, 2024

**TOWN BOARD OF THE TOWN OF
NORTH HEMPSTEAD**

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

AYES: Councilperson Adhami, Councilperson Dalimonte, Councilperson Liu, Councilperson Troiano, Councilperson Walsh, Supervisor DeSena.

NOES: None.

ABSENT: Councilperson Scott.

CERTIFICATE

I, Ragini Srivastava, Town Clerk of the Town of North Hempstead, in the County of Nassau, New York, DO HEREBY CERTIFY that I have compared the preceding Resolution and Order After Public Hearing with the original thereof filed in my office on June 11, 2024, and the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this _____ day of June, 2024.

(SEAL)

Town Clerk

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

RESOLUTION NO. 324 - 2024

A RESOLUTION OF THE TOWN OF NORTH HEMPSTEAD, NEW YORK, ADOPTED JUNE 11, 2024, AMENDING THE BOND RESOLUTION ADOPTED ON JANUARY 22, 2020, RELATING TO THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE ALBERTSON WATER DISTRICT.

WHEREAS, on January 22, 2020, after a public hearing duly called and held, the Town Board of the Town of North Hempstead, New York (the “Town”), adopted: (i) a resolution (Resolution No. 21-2020) pursuant to Section 202-b of the Town Law, authorizing the increase and improvement of facilities of the Albertson Water District (herein called the “District”) consisting of: (1) replacement and/or improvements to Well Nos. 2, 3A and 4, (ii) implementation of a SCADA system and (iii) rehabilitation and/or replacement of storage tanks located at Shepherd Lane (collectively the “2020 Project”), all as further described in the map, plan and report prepared by D&B Engineers and Architects, P.C. (“D&B”), engineers duly licensed by the State of New York, entitled “Report on the Need for Water Supply System Capital Improvements,” dated November 2019, at the aggregate estimated maximum cost of \$31,482,000, including any ancillary or related work necessary in connection therewith and (ii) a bond resolution (Resolution No. 22-2020) appropriating \$31,482,000 therefor and authorizing the issuance of bonds in the principal amount of not to exceed \$31,482,000 to finance said appropriation;

WHEREAS, the District commenced the implementation of the 2020 Project and pursuant to Resolution No. 22-2020 the Town has issued bond anticipation notes on behalf of the District in the principal amount of \$11,000,000 to finance a like portion of the 2020 Project;

WHEREAS, the District has been awarded grant funds in the amount of \$12,428,409 to pay certain costs of the 2020 Project;

WHEREAS, the Board of Commissioners of the District has determined that due to increased costs, supply chain issues, and the imposition of new drinking water standards, it is in the best interest of the District to delay the implementation of certain projects previously authorized at part of the 2020 Project, to modify and/or increase the scope certain projects previously authorized and to add new projects to meet the current capital needs of the District;

WHEREAS, the revised list of projects developed by the District with the assistance of D&B includes the following: (i) replacement and/or improvements to Well Nos. 1, 2, 3A and 4, (ii) implementation of a SCADA system, (iii) rehabilitation of ground storage tank located at Shepherd Lane and (iv) upgrade of transmission mains (the “Reorganized 2020 Project”), including any

ancillary or related work necessary in connection therewith, all as further described in the map, plan and report prepared by D&B Engineers and Architects, P.C. (“D&B”), engineers duly licensed by the State of New York, entitled “Reorganized and Reprioritized Report on the Need for Water Supply System Capital Improvements,” dated April 2024, at the aggregate estimated maximum cost of \$43,910,000, including any ancillary or related work necessary in connection therewith;

WHEREAS, on April 2, 2024, the District submitted a petition to the Town stating that the District shall apply \$12,428,409 in grant funds to pay a part of the \$43,910,000 estimated maximum cost of the Reorganized 2020 Project, the balance of such cost to be financed by bonds issued by the Town on behalf of the District in the principal amount of not to exceed \$31,481,591 and requesting that the Town Board undertaking amendatory proceedings pursuant to Section 202-b of the Town Law on account of the foregoing;

WHEREAS, after a public hearing duly called and held on the date hereof, the Town Board of the Town determined that it is in the public interest to approve the Reorganized 2020 Project, at the estimated maximum cost of \$43,910,000, with such cost to be paid from \$12,428,409 in grant funds and not to exceed \$31,481,591 in bonds of the Town authorized for such purpose; and

WHEREAS, the Town Board must now amend the bond resolution adopted on January 22, 2020 on account of the foregoing;

Now, therefore, be it

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

Section (A) The Bond Resolution of said Town duly adopted by the Town Board January 22, 2020, entitled:

“BOND RESOLUTION OF THE TOWN OF NORTH HEMPSTEAD, NEW YORK, ADOPTED JANUARY 22, 2020, APPROPRIATING \$31,482,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE ALBERTSON WATER DISTRICT, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$31,482,000 SERIAL BONDS OF SAID TOWN TO FINANCE SAID APPROPRIATION,”

is hereby amended to read as follows:

BOND RESOLUTION OF THE TOWN OF NORTH HEMPSTEAD, NEW YORK, ADOPTED JANUARY 22, 2020 AND AMENDED ON JUNE 11, 2024, APPROPRIATING \$43,910,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE ALBERTSON WATER DISTRICT, INCLUDING THE EXPENDITURE OF \$12,428,409 IN GRANT FUNDS RECEIVED TO PAY A PART OF SAID APPROPRIATION; AND AUTHORIZING THE ISSUANCE OF \$31,481,591 BONDS TO FINANCE THE BALANCE OF SAID APPROPRIATION

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

Section 1. The Town hereby appropriates the amount of \$43,910,000 for the increase and improvement of facilities of the District, consisting of the (i) replacement and/or improvements to Well Nos. 1, 2, 3A and 4, (ii) implementation of a SCADA system, (iii) rehabilitation of ground storage tank located at Shepherd Lane and (iv) upgrade of transmission mains (the “Reorganized 2020 Project”), including any ancillary or related work necessary in connection therewith, all as further described in the map, plan and report prepared by D&B Engineers and Architects, P.C. (“D&B”), engineers duly licensed by the State of New York, entitled “Reorganized and Reprioritized Report on the Need for Water Supply System Capital Improvements,” dated April 2024. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$43,910,000. The plan of financing includes the expenditure of grant funds in the amount of \$12,428,409 awarded to the District to pay certain costs of the Reorganized 2020 Project, the issuance of bonds in the principal amount of \$31,481,591 to pay the balance of the cost of the Reorganized 2020 Project and the collection of charges from water metering and/or the assessment, levy and collection of assessments upon the several lots and parcels of land within the District which the Town Board shall deem benefited thereby, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon the same, to pay the principal of and interest on said bonds as the same shall become due and payable.

Section 2. Bonds of the Town are hereby authorized to be issued in the principal amount of not to exceed \$31,481,591, pursuant to the provisions of the Local Finance Law, constituting Chapter 33 -a of the Consolidated Laws of the State of New York (herein called the “Law”), to finance a part of said appropriation.

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

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

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

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

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

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

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

(a) such obligations are authorized for an object or purpose for which the Town is not authorized to expend money, or

(b) the provisions of law which should be complied with at the date of the publication of such resolution, or a summary thereof, are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

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

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

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

AYES: Councilperson Adhami, Councilperson Dalimonte, Councilperson Liu, Councilperson Troiano, Councilperson Walsh, Supervisor DeSena.

NOES: None.

ABSENT: Councilperson Scott.

CERTIFICATE

I, Ragini Srivastava, Town Clerk of the Town of North Hempstead, in the County of Nassau, New York, HEREBY CERTIFY that the foregoing annexed extract from the minutes of a meeting of the Town Board of said Town, duly called and held on June 11, 2024 has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Town Board and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Town this 11th day of June, 2024.

(SEAL)

Town Clerk

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

NOTICE

The resolution, a summary of which is published herewith, has been adopted on January 22, 2020 and amended on June 11, 2024, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of North Hempstead, in the County of Nassau, New York, is not authorized to expend money or if the provisions of law which should have been complied with as of the date of publication of this Notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the publication of this Notice, or such obligations were authorized in violation of the provisions of the constitution.

Ragini Srivastava
Town Clerk

BOND RESOLUTION OF THE TOWN OF NORTH HEMPSTEAD, NEW YORK, ADOPTED JANUARY 22, 2020 AND AMENDED ON JUNE 11, 2024, APPROPRIATING \$43,910,000 FOR THE INCREASE AND IMPROVEMENT OF FACILITIES OF THE ALBERTSON WATER DISTRICT, INCLUDING THE EXPENDITURE OF \$12,428,409 IN GRANT FUNDS RECEIVED TO PAY A PART OF SAID APPROPRIATION; AND AUTHORIZING THE ISSUANCE OF \$31,481,591 BONDS TO FINANCE THE BALANCE OF SAID APPROPRIATION

The object or purpose for which the bonds are authorized is the increase and improvement of facilities of the Albertson Water District, consisting of (i) replacement and/or improvements to Well Nos. 1, 2, 3A and 4, (ii) implementation of a SCADA system, (iii) rehabilitation of ground storage tank located at Shepherd Lane and (iv) upgrade of transmission mains, including any ancillary or related work necessary in connection therewith, at the estimated maximum cost of \$43,910,000.

The amount of obligations to be issued is not to exceed \$31,481,591. Grant funds in the amount of \$12,428,409 are expected to be received to pay a part of said appropriation. The period of probable usefulness applicable to the bonds issued is forty (40) years.

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