

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and Municipal Home Rule of the State of New York, both as amended, a public hearing will be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on the 7th day of May, 2019, at 10:30 o'clock in the forenoon of that day to consider the enactment of a local law to amend Chapter 202 of the code of the Town of Hempstead to INCLUDE and REPEAL "REGULATIONS AND RESTRICTIONS" to limit parking at the following locations:

BELLMORE ROYLE STREET (TH 122/19) South Side -
Section 202-15 NO PARKING MONDAY THROUGH SATURDAY -
 starting at a point 222 feet east of
 the east curblineline of Bellmore Avenue
 east for a distance of 58 feet.

ALSO, to REPEAL from Chapter 202 "REGULATIONS AND RESTRICTIONS" to limit parking from the following locations:

BELLMORE ROYLE STREET (TH 647/03) South Side -
Section 202-15 NO PARKING MONDAYS THRU SATURDAYS -
 starting at a point 154 feet east of
 the east curblineline of Bellmore Avenue
 east for a distance of 120 feet.
 (Adopted 9/7/04)

SUNRISE AVENUE (TH 365/15) West Side -
NO PARKING 8 AM TO 6 PM EXCEPT SUNDAYS
AND HOLIDAYS - starting at a point
156 feet south of the south curblineline of
Merrick Road south for a distance of
107 feet. (Adopted 9/21/15)

ALL PERSONS INTERESTED shall have an opportunity to be heard on said proposal at the time and place aforesaid.

Dated: April 16, 2019
Hempstead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF HEMPSTEAD

LAURA A. GILLEN
Supervisor

SYLVIA A. CABANA
Town Clerk

Item # 1
Case # 30109

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and Municipal Home Rule of the State of New York, both as amended, a public hearing will be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on the 7th day of May, 2019, at 10:30 o'clock in the forenoon of that day to consider the enactment of a local law to amend Section 202-1 of the code of the Town of Hempstead to INCLUDE and REPEAL "PARKING OR STANDING PROHIBITIONS" at the following locations:

BELLMORE SUNRISE AVENUE (TH 110/19) West Side -
NO PARKING ANYTIME - starting at a
point 151 feet south of the south
curbline of Merrick Road south for a
distance of 50 feet.

ELMONT KIEFER AVENUE (TH 120/19) North Side -
NO PARKING ANYTIME - starting at the
east curbline of Benson Avenue east to
the west curbline of Travis Avenue.

LEVITTOWN SALEM LANE (TH 379/18) South Side - NO
STOPPING ANYTIME - starting at the east
curbline of Academy Lane east for a
distance of 113 feet.

SCHOOLHOUSE ROAD (TH 103/19) South Side
- NO PARKING ANYTIME - starting at a
point 226 feet west of the west
curbline of Division Avenue west for a
distance of 51 feet.

SEAFORD HUDSON AVENUE (TH 105/19) South Side -
NO STOPPING HERE TO CORNER - starting
at the east curbline of Washington
Avenue east for a distance of 30 feet.

WASHINGTON AVENUE (TH 105/19) East Side
- NO STOPPING HERE TO CORNER - starting
at the south curbline of Hudson Avenue
south for a distance of 30 feet.

Item# 2
Case# 30110

ALSO, to REPEAL from Section 202-1 "PARKING OR STANDING PROHIBITIONS" from the following locations:

LEVITTOWN SALEM LANE (TH 379/18) South Side - NO
PARKING ANYTIME - starting at the east
curbline of Academy Lane east for a
distance of 113 feet. (Adopted
11/13/18)

ALL PERSONS INTERESTED shall have an opportunity to be
heard on said proposal at the time and place aforesaid.

Dated: April 16, 2019
Hempstead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF HEMPSTEAD

LAURA A. GILLEN
Supervisor

SYLVIA A. CABANA
Town Clerk

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and Municipal Home Rule of the State of New York, both as amended, a public hearing will be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on the 7th day of May, 2019, at 10:30 o'clock in the forenoon of that day to consider the enactment of a local law to amend Section 197-5 of the code of the Town of Hempstead to INCLUDE "ARTERIAL STOPS" at the following locations:

LEVITTOWN	BUCKET LANE (TH 92/19) STOP - all traffic traveling eastbound on Sycamore Lane shall come to a full stop.
NORTH BELLMORE	BELLMORE AVENUE (TH 107/19) STOP - all traffic traveling eastbound on Hamilton Road shall come to a full stop.
WANTAGH	SILVERTON AVENUE (TH 93/19) STOP - all traffic traveling northbound on Briard Street shall come to a full stop.
	SILVERTON AVENUE (TH 93/19) STOP - all traffic traveling southbound on Briard Street shall come to a full stop.
	TUSK LANE (TH 101/19) STOP - all traffic traveling eastbound on Spring Lane shall come to a full stop.

ALL PERSONS INTERESTED shall have an opportunity to be heard on said proposal at the time and place aforesaid.

Dated: April 16, 2019
Hempstead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF HEMPSTEAD

LAURA A. GILLEN
Supervisor

SYLVIA A. CABANA
Town Clerk

Item# 3
Case# 30111

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that pursuant to Section 202-48 of the code of the Town of Hempstead entitled, "Handicapped Parking On Public Streets," a public hearing will be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on the 7th day of May, 2019, at 10:30 o'clock in the forenoon of that day, to consider the adoption of a resolution setting aside certain parking spaces for motor vehicles for the sole use of holders of special parking permits issued by the County of Nassau to physically handicapped persons at the following locations:

ELMONT

TRAVIS AVENUE - east side, starting at a point 74 feet south of the south curblineline of Surprise Street, south for a distance of 20 feet.
(TH-115/19)

HOFFMAN AVENUE - north side, starting at a point 285 feet west of the west curblineline of Fourth Street, west for a distance of 20 feet
(TH-052/19)

HILLSBORO AVENUE - east side, starting at a point 235 feet south of the south curblineline of Hempstead Turnpike, south for a distance of 20 feet.
(TH-084/19)

LEVITTOWN

ANDREW LANE - east side, starting at a point 397 feet west then south of the west curblineline of Schoolhouse Road, south for a distance of 20 feet.
(TH-070/19)

VALLEY STREAM

FENWOOD DRIVE - east side, starting at a point 40 feet south of the south curblineline of Shipley Avenue, south for a distance of 20 feet.
(TH-069/19)

Item # 4
Case # 21527

WANTAGH

RIVERSIDE DRIVE - west side, starting at a point 542 feet west, then north of a point opposite the west curblines of Mandalay Beach Road, north for a distance of 20 feet.
(TH-119/19)

and on the repeal of the following locations previously set aside as parking spaces for physically handicapped person:

EAST ATLANTIC BEACH

BAY STREET - north side, starting at a point 128 feet west of a point opposite the southwest curblines of Buffalo Avenue, west for a distance of 18 feet.
(259/10 - 10/05/10) (064/19)

ELMONT

HOFFMAN AVENUE - north side, starting at a point 285 feet west of the west curblines of Fourth Street, west for a distance of 20 feet.
(TH-033/15 - 4/28/28/15) (TH-052/19)

FRANKLIN SQUARE

THEODORA STREET - north side, starting at a point 180 feet east of the east curblines of Randolph Avenue, east for a distance of 20 feet.
(TH-283/11 - 11/22/11) (TH-079/19)

ALL PERSONS INTERESTED shall have an opportunity to be heard on said proposal at the time and place aforesaid.

Dated: April 16, 2019
Hempstead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF HEMPSTEAD

LAURA A. GILLEN
Supervisor

SYLVIA A. CABANA
Town Clerk

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held in the Nathan L. H. Bennett Pavilion, Hempstead Town Hall, Town Hall Plaza, 1 Washington Street, Village and Town of Hempstead, New York, on Tuesday, the 7th day of May, 2019, at 10:30 o'clock in the forenoon of that day, to consider the adoption of the Town of Hempstead's proposed 2019 Capital Plan and the 2019-2023 Multi-Year Capital Improvement Plan for the General Fund, the Town Outside Village Fund and the Town-Operated Special Districts.

Copies of the proposed capital plan and multi-year capital improvement plan are on file in the Office of the Town Clerk of the Town of Hempstead, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, where the same may be inspected during office hours, and on the Town of Hempstead's website.

ALL PERSONS INTERESTED shall have an opportunity to be heard on said proposal at the time and place aforesaid.

Dated: April 16, 2019
Hempstead, New York

BY ORDER OF THE TOWN BOARD
TOWN OF HEMPSTEAD, NEW YORK.

LAURA A. GILLEN
Supervisor

SYLVIA A. CABANA
Town Clerk

Item# 5

Case# 29920

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that pursuant to Article 16 of the Town Law of the State of New York, as amended, a public hearing will be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Village and Town of Hempstead, Hempstead, New York, on the 7th day of May, 2019, at 10:30 o'clock in the forenoon of that day, to consider the creation of a new Article XLIII of the Building Zone Ordinance of the Town of Hempstead, in relation to creation of new Transit Oriented Development and Related Districts for North Lawrence and Inwood.

ALL PERSONS INTERESTED in the subject matter will be given an opportunity to be heard with reference thereto at the time and place above-designated.

Dated: April 16, 2019
Hempstead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF HEMPSTEAD

SYLVIA A. CABANA
Town Clerk

LAURA A. GILLEN
Supervisor

Item # 6

Case # 30115

Chapter BZ. Building Zone Ordinance

Article XLIII. Transit Oriented Development Districts for North Lawrence and Inwood.

§ 432. Transit Oriented Development (TOD) District for North Lawrence and Inwood.

A. Legislative intent.

It is in the public interest for the Town to utilize its zoning authority to establish a Transit Oriented Development (TOD) District, in order to meet the demand for a housing prototype for residents, located in close proximity to mass transportation such as the Long Island Rail Road (LIRR) train stations, and to create and sustain a vibrant, attractive and economically flourishing hamlet area. Having transit oriented development within walking distance of the Lawrence and Inwood LIRR train stations, with appropriate design elements, will achieve multiple goals: encourage walking and bicycling; increase transit ridership; emphasize mixed- use, pedestrian oriented development; reduce potential automobile dependency associated with new land uses by locating multiple destinations within close proximity, and support a larger commercial tax base for North Lawrence and Inwood. The Town recognizes the benefits of development that is consistent with smart growth principles, which encourages a mix of building types and uses, diverse housing and transportation options, walkable neighborhoods, development within existing neighborhoods and community engagement.

The creation of the TOD District integrates concepts of green building and sustainable site development. It demonstrates the Town's commitment to minimize the potential negative impacts construction has on the environment and to promote the benefits that green building and sustainable development have on the public health and welfare. Green building and sustainable site development brings together a vast array of innovative design practices, techniques and skills and emphasizes an improved quality of life for residents, employers and visitors.

The Town finds that an environment which includes a mixture of commercial and residential uses in close proximity to a train station will encourage greater patronage of local businesses in the hamlet areas and contribute to the proper development of the TOD areas. The quality of the built environment and its relationship to the natural landscape are key indicators of quality of life. The objective of having design guidelines for the TOD District is to provide high quality and complementary design of buildings, landscaping, parking and other site design characteristics. The Town will be able to ensure that mixed-use development implemented under this Code will be built in a manner that is aesthetically pleasing and protects or improves upon the character of the area.

Applicants proposing development in the TOD District have the opportunity to receive an expedited approval process by having the projects initially reviewed by a Town-appointed Design Review Committee (DRC) for advisory comments and assistance with preparing and filing compliant submissions with the Building Department. Initiating an application with the DRC allows applicants the opportunity to not have to extend the approval process timeline by having to follow Section 305 procedures.

B. Definitions.

In addition to the definitions of this Building Zone Ordinance, the following special definitions are applicable to this article. In the event of conflict, the following definitions shall be controlling:

AREA MEDIAN INCOME (AMI)

The household income for the median household in the Nassau-Suffolk County metropolitan area. Each year, the Department of Housing and Urban Development (HUD) calculates the median income for every metropolitan region in the country. HUD focuses on the region, rather than just the city, because families searching for housing are likely to look beyond the city itself to find a place to live.

BIO-SWALES / RAIN GARDEN

A bio-swale is linear, sloped, depressed landscaped elements designed to collect and slow the flow of rainwater after it falls (at which point it becomes stormwater). This allows Stormwater to leach into the ground rather than flowing above-ground, reducing the Stormwater quantity, speed, and pollutant concentration. They consist of a linear drainage course with gently sloped sides and filled with vegetation. A rain garden is a designed depression storage or a planted hole that receives stormwater runoff, rather than storage and providing conveyance as a bioswale does. The primary purpose of a rain garden is to improve water quality and to ensure that rainwater becomes available for plants as groundwater.

CARSHARING PROGRAM

A vehicle rental model where multiple parties rent the same cars for short periods of time, often by the hour. Shared cars are parked, accessed, and returned to designated parking spaces within a multi-family residential development. They are available to all legal residents of the development where the cars are located. The property owner sets up an agreement with a carsharing operator and typically schedules car rental and payment using a mobile application or website. Carsharing is promoted as an alternative to owning a car. Carsharing is most viable if public transit, walking, or bicycling can serve most needs, making a separate car necessary only for infrequent use, e.g. out-of-town trips, moving large items, or special occasions. Carsharing facilities reduce vehicle ownership and minimize peak parking demand because the same vehicle can serve different residents at different times.

DWELLING UNIT

A building or portion thereof designed for occupancy by one family only, containing a single kitchen, in which members of a family all live and cook together as a single housekeeping unit. Such a building shall not contain separate or segregated internal partitions or locked internal doors barring access between portions of the dwelling, including bedrooms.

DESIGN REVIEW COMMITTEE (DRC)

Comprised of three (3) to five (5) Town designated representatives, chaired by the Building Department Commissioner, selected to provide an initial review of the architecture and site design of a proposed development, and make an advisory recommendation to the Building Department stating whether a filed submission should be eligible for exemption from Section 305 procedures. In the event of an application that would not require Section 305 review under any circumstances, then notwithstanding any provisions of this Article to the contrary, the Design Review Committee shall make an advisory recommendation to the Building Department as to whether the proposed development complies with the architectural and design standards of this Article, or whether the

Parking Management Plan is adequate to serve the parking needs of the proposed development. If the Committee finds non-compliance or non-adequacy, then the provisions of this Article shall not be applied to the proposed development.

FAIR MARKET RENT (FMR)

Primarily used to determine payment standard amounts for the Housing Choice Voucher program, to determine initial renewal rents for some expiring project-based Section 8 contracts, to determine initial rents for housing assistance payment contracts in the Moderate Rehabilitation Single Room Occupancy program, and to serve as a rent ceiling in the HOME rental assistance program.

HEIGHT

The vertical distance measured from the mean level of the established center-line grade (“crown of road”) of the street adjacent to the building plot to the highest point of the roof deck in the case of flat roofs and to the mean level between the eaves and the highest point of the roof in the case of sloped roofs. Each side of the building shall meet this requirement separately. Roof-mounted solar panels are excluded from the definition of height.

HOUSEHOLD

The person who seeks to rent a workforce housing unit, together with any other individual who resides (for more than 30 days per year) in the workforce housing unit, including without limitation, parents, children, siblings, spouses and persons united in a legally recognized civil union.

MULTIPLE-FAMILY DWELLING UNIT

A building containing two (2) or more dwelling units.

PARKING MANAGEMENT PLAN

A plan designed to manage the use of parking on a property. Proposed parking management tools may include the use of valet parking, designation of car sharing or guest spaces, shared parking agreements between proximate uses, short-term parking limits adjacent to high-turnover land uses, transit subsidies for employees or residents, enforcement, the use of mobile applications for parking payment, wayfinding signage to identify parking areas, or other tools to achieve parking efficiency.

ROOFTOP TERRACE

A flat roof area used for public social activities, which may also contain gardens and open space.

SHARED PARKING

A tool through which adjacent land uses share their parking areas for part or all of the week, and thereby reduce the number of parking spaces that each land use would need to provide on their individual lots. If adjacent land uses have different parking demand patterns (offset peak hours), the parking space can serve the different land uses at different times. The TOD District permits Shared Parking, subject to the applicant providing a parking analysis of the combined peak parking demand.

WORKFORCE HOUSING UNIT (WHU)

A residential unit that is mandated to be constructed under the provisions of this article and to be rented or sold to an eligible individual pursuant to the standards set forth in this article.

C. Applicability.

In a TOD District, the following regulations shall apply.

- (1) For purposes of this article, the TOD District shall be divided into ten subdistricts, with five (5) in North Lawrence and five (5) in Inwood, as indicated on Figure 1 of this article and described below:
 - (a) North Lawrence-1, which includes the east side of Lawrence Avenue, between the LIRR and Mill Street, and the parcels of land situated within the area bounded by the LIRR and Mill Street, extending approximately 330 feet east of Lawrence Avenue.
 - (b) North Lawrence-2, which includes the west side of Lawrence Avenue, between Bayview Avenue and Wanser Avenue, and the parcels of land situated within the area bounded by Bayview Avenue and Wanser Avenue, extending approximately 400 feet west of Lawrence Avenue.
 - (c) North Lawrence-3, which includes the triangular shaped piece of land located just east of the North Lawrence-1 subdistrict, bounded by Mill Street to the north and the LIRR to the south.
 - (d) North Lawrence-4, which includes the 1.5-acre parcel located just west of the North Lawrence-2 subdistrict, bounded by Bayview Avenue to the south.
 - (e) North Lawrence-5, which includes the south side of Bayview Avenue, extending approximately 770 feet west of Lawrence Avenue.
 - (f) Inwood-1, which includes land having frontage on the north side of Prospect Street, the east side of Alvin Place, or the south side of Bayview Avenue, excluding the northwest corner of Doughty Boulevard and Prospect Street and the southwest corner of Doughty Boulevard and Bayview Avenue.
 - (g) Inwood-2, which includes land having frontage on the south side of Prospect Street or the east side of Alvin Place, excluding any parcel having frontage on Doughty Boulevard.
 - (h) Inwood-3, which includes land on the north side of Redfern Avenue, between Doughty Boulevard and the Nassau County boundary, excluding the northwest corner of Doughty Boulevard and Redfern Avenue.
 - (i) Inwood-4, which includes land on the south side of Redfern Avenue, between Doughty Boulevard and the Nassau County boundary.
 - (j) Inwood-5, which includes land on the north side of the LIRR, and bounded by Doughty Boulevard to the west and the Nassau Expressway to the east, and extending approximately 350 feet to the north.

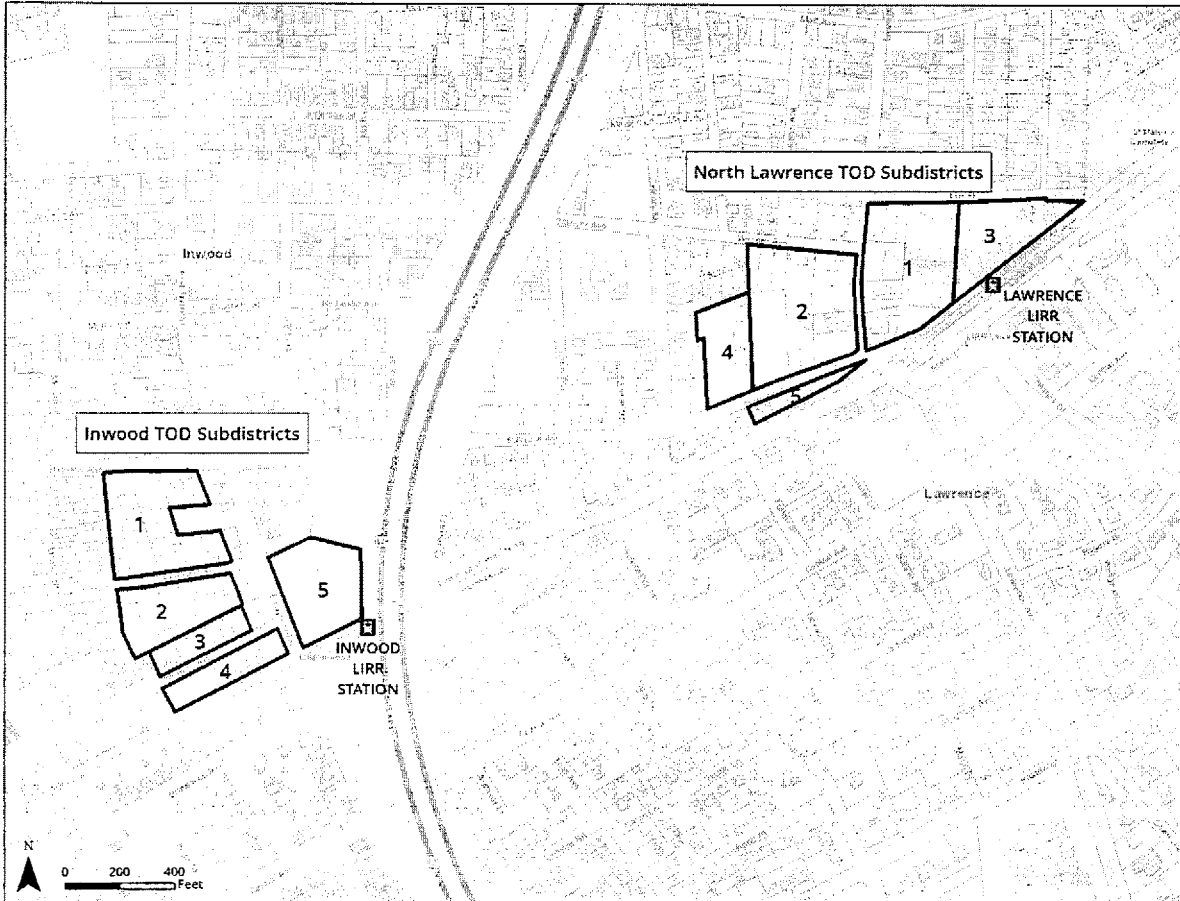


Figure 1: TOD Subdistrict Locations

(Note: Color version of figure can be viewed on the Town's website or in person in the Building Department.)

D. Uses.

(1) (Applies to: North Lawrence-1, North Lawrence-2, Inwood-1, Inwood-3, Inwood-4 and Inwood-5) A building or structure may be erected, altered, or used and a lot or premises may be used for any of the following purposes, and for no other:

(a) Permitted uses:

- [1] Multiple-family dwellings are permitted above the ground level, as well as on the ground level outside of areas shown on Figure 2 as designated ground level commercial space.
- [2] Indoor recreation and outdoor passive space and other amenities servicing the multiple-family development.
- [3] (Applies to: North Lawrence-1) The following uses are permitted on the ground level only, when having frontage on Lawrence Avenue, Mill Street, or the LIRR, in areas shown on Figure 2 as designated ground level commercial space. At least 80% of the aforementioned

ground level floor area shall be dedicated to one or more of the commercial uses as defined below as permitted uses.

(Applies to: North Lawrence-2) The following uses are permitted on the ground level only, when having frontage on Lawrence Avenue, Wanser Avenue, or Bayview Avenue, in areas shown on Figure 2 as designated ground level commercial space. At least 80% of the aforementioned ground level floor area shall be dedicated to one or more of the commercial uses as defined below as permitted uses.

(Applies to: Inwood-1, Inwood-3, Inwood-4 and Inwood-5) The following uses are permitted on the ground level only, when having frontage on Doughty Boulevard, Bayview Avenue or Redfern Avenue. A maximum of 5,000 square feet shall be dedicated to one or more of the commercial uses in each subdistrict, as defined below as permitted uses. Provision of a commercial area greater than 5,000 square feet (in any of the aforementioned subdistricts) requires a special permit from the Town Board.

- (a) Stores for the sale, at retail, of articles to be used or consumed off the premises.
- (b) Personal service shops such as barbershops and beauty parlors.
- (c) Offices (including shared workspace), banks, financial institutions.
- (d) Museums, art galleries.
- (e) Libraries.
- (f) Health clubs.
- (g) Restaurants (including café, deli and bar/tavern).
- (h) Community centers.

(Applies to: Inwood-5) The following use is permitted and required to be a part of any development plan for the Inwood-5 subdistrict:

- (i) Parking lot to be used by train commuters who are Town of Hempstead residents. All development shall include no less than 125 on-site parking spaces to be dedicated for Town of Hempstead residents who are patronizing the LIRR. In addition, a separate on-site area shall be dedicated for use as a drop-off/pick-up area for users of the LIRR who are being dropped off by another person, including by taxi, uber or lyft. The costs of the parking area and associated improvements are the responsibility of the developer.

- [4] Uses not listed above that are similar in character, scale, and impact to the uses listed above may be allowed if granted a special permit by the Town Board, based upon consistency with the regulations and intent of this article.

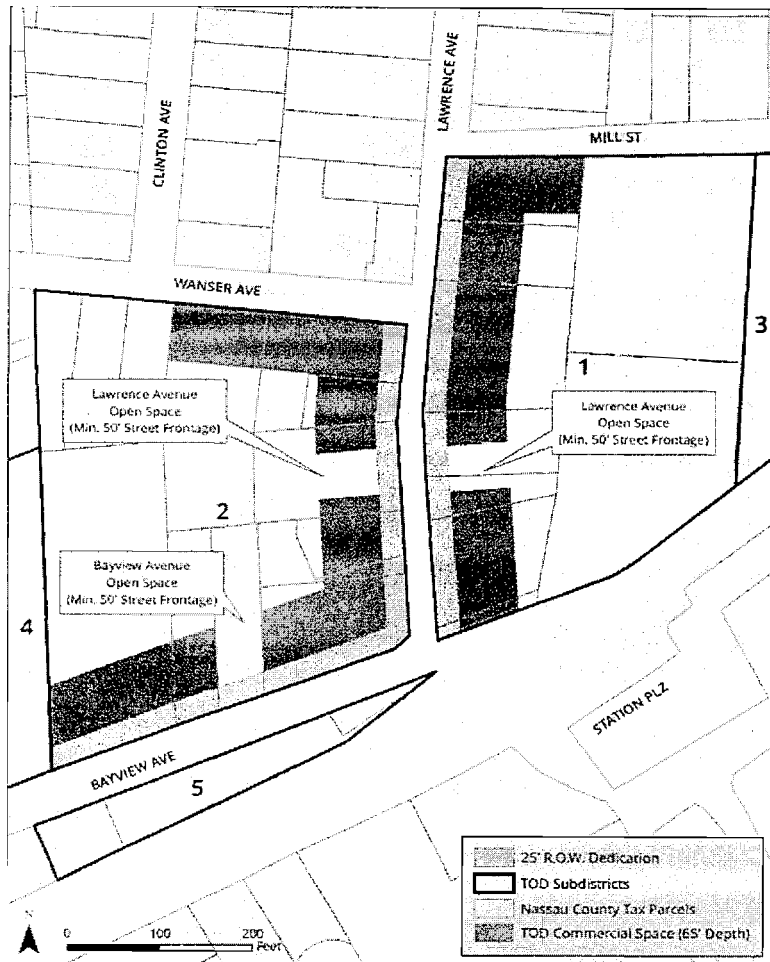


Figure 2: Commercial Space and R.O.W. Dedication in North Lawrence-1 and North Lawrence-2 Subdistricts
 (Note: Color version of figure can be viewed on the Town's website or in person in the Building Department.)

(b) Special permit uses. The following special uses, when approved by the Town Board, as applicable, are permitted:

- [1] Food Grocery Store, Food Specialty Store or Pharmacy (over 10,000 square feet of gross floor space).

(c) Prohibited uses:

- [1] All uses not expressly permitted are prohibited.
- [2] Drive-through facilities.

(2) (Applies to: North Lawrence-3, North Lawrence-4, and Inwood-2) A building or structure may be erected, altered, or used and a lot or premises may be used for any of the following purposes, and for no other:

(a) Permitted uses:

- [1] Multiple-family dwellings.
- [2] Indoor recreation, outdoor passive space, and other amenities servicing the multiple-family development.

(b) Prohibited uses:

- [1] All uses not expressly permitted are prohibited.

(3) *(Applies to: North Lawrence-5)* A building or structure may be erected, altered, or used and a lot or premises may be used for any of the following purposes, and for no other:

(a) Permitted uses:

- [1] Stores for the sale, at retail, of articles to be used or consumed off the premises.
- [2] Personal service shops such as barbershops and beauty parlors.
- [3] Offices (including shared workspace), banks, financial institutions.
- [4] Museums, art galleries.
- [5] Libraries.
- [6] Health clubs.
- [7] Restaurants (including café, deli and bar/tavern).
- [8] Community centers.
- [9] Parking fields, either public or private, for the parking of passenger vehicles only, but not for display or sale of automobiles.
- [10] Uses not listed above that are similar in character, scale, and impact to the uses listed above may be allowed if granted special permit by the Town Board, based upon consistency with the regulations and intent of this article.

(b) Prohibited uses:

- [1] All uses not expressly permitted are prohibited.

E. Population density.

No multiple-family dwelling shall be erected or altered to accommodate or make provision for more than 60 households per acre.

F. Height.

No building shall be greater than 5 stories or 60 feet in height. "Height" shall be defined as applicable to the TOD District (TOD).

G. Building area.

The building area shall not exceed 60% of the lot area, exclusive of all landscaped areas and landscaped courtyards, whether or not constructed above parking areas.

H. Dwelling unit size.

The minimum dwelling unit size shall be as follows: Studio Apartment – 550 square feet.

I. Right-of-way dedication.

(Applies to: North Lawrence-1 and North Lawrence-2) All development projects with frontage facing Lawrence Avenue and Bayview Avenue shall dedicate a continuous 25-foot-wide section of land adjacent to Lawrence Avenue and Bayview Avenue. Allowed density shall be determined by the gross acreage of the property, which includes the area being dedicated.

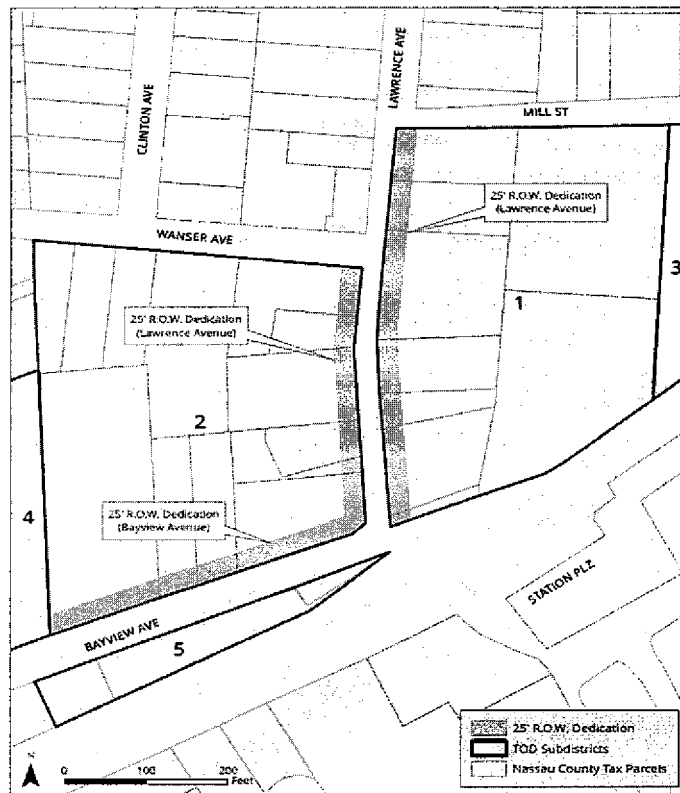


Figure 3: Required 25' R.O.W. Dedication along Lawrence Avenue
(Note: Color version of figure can be viewed on the Town's website or in person in the Building Department.)

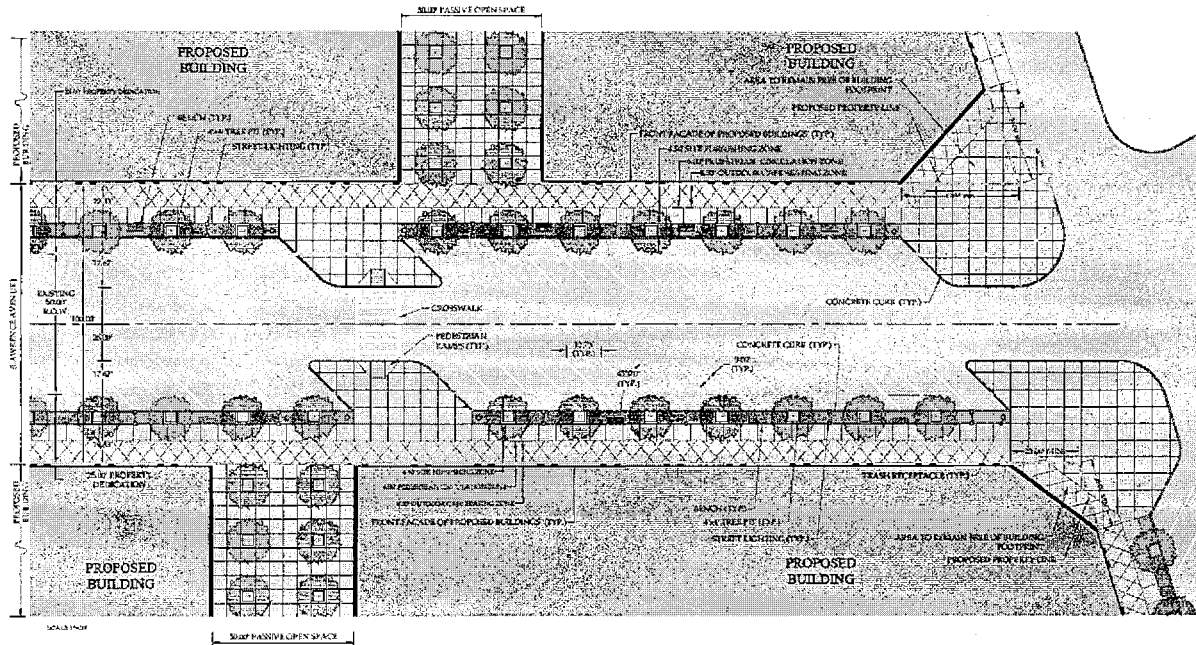


Figure 4: Plan View of Lawrence Avenue R.O.W. Dedication and Potential Streetscape Design
 (Note: Color version of figure can be viewed on the Town's website or in person in the Building Department.)

J. Front yards.

The front building lot line shall be 0 feet, except for pedestrian plaza areas. For buildings having residential units on the ground level, the front yard setback shall be a minimum of 8 feet and a maximum of 12 feet.

(Applies to: North Lawrence-5) There shall be a front yard setback of at least 5 feet.

K. Side yards.

(Applies to: North Lawrence-1 and North Lawrence-2) There shall be no required side yard setback.

(Applies to: North Lawrence-3, North Lawrence-4, Inwood-1, Inwood-2, Inwood-3 and Inwood-4) There shall be no required side yard setback, except when adjacent to a residentially zoned area, where there shall be a side yard setback of at least 25 feet. When not adjacent to a street, there shall also be a landscaped buffer strip of not less than 10 feet in width.

(Applies to: North Lawrence-5) There shall be a side yard setback of at least 5 feet.

L. Rear yards.

(Applies to: North Lawrence-1 and North Lawrence-2) There shall be a rear yard, the depth of which shall be at least 15 feet.

(Applies to: North Lawrence-3, North Lawrence-4, Inwood-1, Inwood-2, Inwood-3 and Inwood-4) There shall be a rear yard setback of at least 25 feet, which also includes a landscaped buffer strip of not less than 10 feet in width.

(Applies to: North Lawrence-5) There shall be a rear yard setback of at least 5 feet.

M. Curb cuts.

No curb cuts shall be permitted on Lawrence Avenue, unless recommended by the Design Review Committee.

N. Open space.

The inclusion of open space is an extension of the streetscape improvements included as part of a Transit Oriented Development project as a means of providing accessible space for the public while walking to and from the train station and while shopping and visiting. The open space serves as a civic space to be used by residents as well as visitors. It acts as a welcoming amenity situated within a walkable mixed-use hamlet center.

- (1) A passive open space shall have a street frontage of 50 feet and a minimum depth of 75 feet. For parcels having frontage along Lawrence Avenue, the open space shall be provided with public access to that street.
- (2) Rooftop terraces shall be permitted, to be used as another means of providing open space for the exclusive use of residents living in the building. For every one (1) square foot of dedicated terrace space for active use by the residents, there shall be an equal or greater amount of "green" surface planted with 100% live vegetation, which can be used as a method for capturing and using rainwater to reduce runoff and irrigation. A credit for stormwater volume shall be applied as determined by the Town Engineering Department.

O. Minimum lot area and street frontage.

(Applies to: North Lawrence-1) No multiple-family dwelling or other building shall be constructed on a lot unless it contains an area of not less than 3.0 acres and has a minimum street frontage of 150 feet. Applications shall be submitted for full site plan development of a parcel or assemblage of parcels within the subdistrict. Development of less than 3.0 acres may be allowed by petition to the Town Board, as long as it does not interfere with the overall legislative intent of this article.

(Applies to: North Lawrence-2) No multiple-family dwelling or other building shall be constructed on a lot unless it contains an area of not less than 4.0 acres and has a minimum street frontage of 150 feet. Applications shall be submitted for full development of a parcel or assemblage of parcels within the subdistrict. Development of less than 4.0 acres may be allowed by appeal to the Town Board, as long as it does not interfere with the overall legislative intent of this article.

(Applies to: Inwood-1) No multiple-family dwelling or other building shall be constructed on a lot unless it contains an area of not less than 2.5 acres and has a minimum street frontage of 150 feet. Applications shall be submitted for full development of a parcel or assemblage of parcels within the

subdistrict. Development of less than 2.5 acres may be allowed by appeal to the Town Board, as long as it does not interfere with the overall legislative intent of this article.

(Applies to: North Lawrence-3 and Inwood-5) No multiple-family dwelling or other building shall be constructed on a lot unless it contains an area of not less than 2.0 acres and has a minimum street frontage of 150 feet. Applications shall be submitted for full development of a parcel or assemblage of parcels within the subdistrict. Development of less than 2.0 acres may be allowed by appeal to the Town Board, as long as it does not interfere with the overall legislative intent of this article.

(Applies to: North Lawrence-4 and Inwood-2) No multiple-family dwelling or other building shall be constructed on a lot unless it contains an area of not less than 1.5 acres and has a minimum street frontage of 150 feet. Applications shall be submitted for full development of a parcel or assemblage of parcels within the subdistrict. Development of less than 1.5 acres may be allowed by appeal to the Town Board, as long as it does not interfere with the overall legislative intent of this article.

(Applies to: North Lawrence-5 and Inwood-4) No multiple-family dwelling or other building shall be constructed on a lot unless it contains an area of not less than 1.0 acre and has a minimum street frontage of 150 feet. Applications shall be submitted for full development of a parcel or assemblage of parcels within the subdistrict. Development of less than 1.0 acre may be allowed by appeal to the Town Board, as long as it does not interfere with the overall legislative intent of this article.

(Applies to: Inwood-3) No multiple-family dwelling or other building shall be constructed on a lot unless it contains an area of not less than 0.75 acres and has a minimum street frontage of 150 feet. Applications shall be submitted for full development of a parcel or assemblage of parcels within the subdistrict. Development of less than 0.75 acres may be allowed by appeal to the Town Board, as long as it does not interfere with the overall legislative intent of this article.

P. Parking.

Transit oriented development (TOD) with mixed uses has the unique advantage of creating an environment where there can be less reliance on driving for daily activities. More emphasis can be placed upon walking when housing and complementary uses are located in close proximity to transit. A reduced reliance on private vehicles requires less off-street parking. Further, having adjacent uses that have peak parking at different times of the day or week allows for shared parking between these adjacent uses, whereby a single parking space serves different uses at different times. This reduces the number of parking spaces relative to providing each land use's parking on individual lots. Transit oriented development can reduce the rate of automobile ownership compared to standalone uses further from transit. A key provision to incentivizing reduced car ownership is a carsharing program. The Town hopes that residents of the new transit oriented uses will benefit greatly from transportation incentive programs that TOD facilitates. These programs contribute to the overall reduction of vehicle travel and help to promote a healthier lifestyle.

- (1) In the case of a multiple-family dwelling, there shall be provided on the premises parking (which can include below-grade garage facilities) adequate to accommodate the following requirements: Studio Apartment – 0.5 spaces per unit; 1-bedroom Apartment – 1 space per unit; and 2-bedroom Apartment – 1.5 spaces per unit. Parking can be provided either at grade or subsurface. If the total number of studio apartment units is greater than 10 percent of the total unit count for the project, the parking requirement for a studio apartment shall be 1 space per unit.

- (a) Tandem parking may be permissible with a covenant demonstrating that a 24-hour parking attendant will be provided on site.
- (2) In the case of non-residential uses, there shall be provided on the premises parking or below-grade garage facilities adequate to accommodate 1 space for each 500 square feet of gross floor area. Restaurants shall accommodate 1 space for each 4 seats, plus 1 space for each 4 employees. Parking may incorporate shared parking spaces located within 500 feet of each individual building. The DRC will consider reduced parking ratios subject to the submittal of a parking analysis prepared by a transportation engineer. Individual uses may consider the use of valet parking as part of their parking plan.
 - (a) Valet parking must be provided at no additional fee to visitors of non-residential uses. If valet parking is to be provided, a valet parking plan shall be submitted to the Town.
- (3) One level of above-grade structured parking shall be permitted if subsurface parking and surface parking is to be constructed with an optimal utilization demonstrated as part of the site plan and parking management plan presented to the Design Review Committee. Structured parking shall not be included as part of the building coverage computation. Additionally, open air courtyard podium above surface parking shall not be included as part of the building coverage computation. The one level of above grade parking shall comply with the following provisions:

(Applies to: Inwood-5) Above-grade structured parking shall be permitted up to three (3) levels with an optimal utilization demonstrated as part of the site plan and parking management plan presented to the Design Review Committee. The following provisions do not apply to above-ground structures constructed in the Inwood-5 subdistrict.

 - (a) For development parcels over 4 acres, an above-grade parking structure shall have lot coverage up to 15%; for parcels between 3-4 acres, an above-grade parking structure shall have lot coverage up to 20%; and for parcels less than 3 acres, an above-grade parking structure shall have lot coverage up to 25% lot coverage.
 - (b) The location of an above-grade parking structure shall be located on the interior side of a building and not be visible from the street which the building fronts including all streets if a corner parcel.
 - (c) An above-grade parking structure shall be setback a minimum of 20 feet from any adjoining residential zoned property and a minimum of 10 feet from all other side and rear property lines. The minimum setback area shall be landscaped with a double row of evergreen trees planted at a minimum height of eight (8) feet.
 - (d) The location of an above-grade parking structure shall not visibly mask sight lines or block accessibility to ground level retail uses located on the interior side of buildings.
 - (e) Any above-grade parking structure exceeding the specified coverage and/or not complying with the specified provisions would be subject to a special exception being granted by the Town Board.

- (4) Parking spaces shall be 9'x18' with 24' drive aisles for two-way traffic flow. Spaces designated for residents only can be 8½'x18'. Parking spaces may be 16½' long if the front of the stall has 18" overhang. Sidewalk shall not be included in overhang space unless the sidewalk is at least 5½' wide (i.e. 4' wide in addition to the 18" overhang).
- (5) Up to 85 percent of tandem or valet parking spaces, if utilized subject to DRC approval, may be 8'x17' with a 20' two-way drive aisle, subject to Fire Code requirements. The Town reserves the right to modify this stall size based on changes in the vehicle mix as evidenced by sales data or other nationally accepted reports (e.g. by the National Parking Association, Edmunds, or Kelly Blue book).
- (6) One-way parking dimensions shall be according to the Town of Hempstead Building Zone Ordinance or the Urban Land Institute *Dimensions of Parking* publication.
- (7) The DRC reserves the right to permit smaller parking stalls and/or drive aisles, if appropriate for circulation and subject to the stipulations of the Fire Code.
- (8) A reduction in the minimum number of required parking spaces may be approved for combinations of uses which have staggered demand schedules over time, such as daytime office with residential. The process for calculating this reduction can be found in Section Q.
- (9) Each development shall be required to submit a parking management plan to the Design Review Committee. The requirements of the parking management plan can be found in Section Q.
- (10) Each development shall demonstrate inclusion of a Town-recognized carsharing program, which includes an agreement between the property owner and a carsharing operator that is filed and approved by the Town. The carsharing program shall be recorded with the deed that runs with the property. Each development shall provide one (1) parking space to be leased by a carsharing program for every 50 dwelling units. These designated parking spaces are included in the required off-street parking spaces to be provided, in a similar fashion to ADA parking. If more than three (3) carsharing parking spaces are provided, for the fourth, fifth, and sixth carsharing spaces, the number of required parking spaces site-wide shall be reduced by three parking spaces as shown in the following table, up to a maximum site-wide reduction of nine (9) required spaces.

Car-Sharing Spaces	Reduction in total parking requirement
1, 2, or 3 spaces	None
4 spaces	3 fewer spaces site-wide
5 spaces	6 fewer spaces site-wide
6 spaces	9 fewer spaces site-wide
7 or more spaces	9 fewer spaces site-wide

- (11) To promote train ridership and the reduction of vehicle usage, property owners shall provide a monthly reimbursement of 25% of the cost of a monthly LIRR ticket to each resident who demonstrates evidence of purchasing a monthly ticket. Reimbursements shall be limited to a maximum of one (1) per unit, and reimbursement will be in the form of a reduction of monthly rent total for the following month. The reimbursement program shall be in place for at least 20 years after the opening of the building.

(12) Property owners shall install a digital “travel concierge” informational kiosk in the building lobby that displays real-time transit (train and bus) arrival information for residents to utilize.

(13) Bicycle parking facilities shall be provided on site in a designated area that is visible from the adjacent parking lot if outdoors. In no case shall there be less than 1 bicycle rack that can accommodate at least three (3) bicycles. Bicycle parking racks should be securely anchored to the ground (in-ground mounting) so they cannot be easily removed and should be of sufficient strength to resist theft. If located in a parking area, the racks should be separated by a physical barrier (e.g. flexible bollards) to discourage errant encroachment by drivers, and there should be a 5’ minimum sidewalk around the rack area. Bicycle parking should be designed subject to the following guidelines:

- (a) Inverted “U” racks are preferred.
- (b) At least 18” wide and 33” tall when installed.
- (c) Securely anchored to a solid, immovable surface.
- (d) Have two (2) points of contact for a typical adult or child’s bicycle frame.
- (e) Allow the user to lock the frame and one (1) wheel using a standard U-lock.
- (f) Constructed of steel pipe or tubing.
- (g) Galvanized with a powder coat finish to protect against corrosion, if located outdoors.
- (h) Racks shall be mounted in the ground or in a concrete pad. Surface mounting is not permitted. If mounted in brick or stone pavers, rack legs must be 9” deep in a 12”x12” concrete block under 6” of pavers. If mounted in concrete, the rack tubes shall be a minimum of 9” deep in concrete.
- (i) If mounted indoors, wall-mounted racks are permissible if the wall material satisfies the above stipulations.
- (j) Clearances around individual racks are tabulated below:

Dimension	Minimum Clearance
Aisle Width - single level	5 ft
Aisle Width - Double-decker racks	7 ft
On-center distance - Parallel or angled racks	3 ft
Distance - end to end U racks	8 ft
Distance from any obstruction	2 ft
Vertical clearance for Double-decker rack	See manufacturer’s specs

Figure 5: Bicycle Rack Dimensional Standards

(14) There shall be 1 electric car charging station provided for each 50 dwelling units or fraction thereof.

Q. Parking management plan submission:

- (1) Submit the number of required parking spaces for each land use based on the parking requirements outlined in Section P. Alternative parking requirements based on the Institute of Transportation Engineers (ITE) Parking Generation Manual, latest edition, or a targeted similar-site engineering study may be submitted for DRC use.
- (2) A reduction in the minimum number of required parking spaces may be approved for combinations of uses which have staggered demand schedules over time, such as daytime office with residential. To take advantage of this parking reduction, an Applicant must:
 - (a) Provide a 24-hour utilization chart for each proposed use based on industry standard documents including but not limited to those published by the Institute of Transportation Engineers (ITE), the Urban Land Institute (ULI), and the American Planning Association (APA) to justify parking reductions due to shared/staggered parking between proposed uses. An example of a parking utilization chart can be found in Figure 5.

Use Type	Weekdays			Weekends		
	8 a.m. - 12 p.m.	12 p.m. - 6 p.m.	6 p.m. - 8 a.m.	8 a.m. - 6 p.m.	6 p.m. - 12 a.m.	12 a.m. - 8 a.m.
Residential	50%	100%	100%	80%	100%	100%
Office	100%	20%	5%	5%	5%	5%
Retail/ Commercial	90%	40%	5%	100%	70%	5%
Restaurant	70%	100%	10%	70%	100%	20%
Civic Institution	100%	20%	5%	10%	10%	5%
Religious Institution	10%	5%	5%	100%	50%	5%
Bar/ Entertainment	40%	100%	10%	80%	100%	50%
Movie Theater	40%	80%	10%	80%	100%	10%
Hotel	70%	100%	100%	70%	100%	100%

Figure 6: Example Parking Utilization by Use

- (b) Provide the staggered demands between multiple uses utilizing the parking requirements and parking utilization chart. A sample calculation can be found in Figure 6.

Example: A property owner wishes to share a parking lot which takes advantage of staggered hours parking demands. One use is an office building which normally requires 30 parking spaces. The other use is residential apartments which also normally would require 30 spaces. Normally, these two uses would require a total of 60 spaces. However, since the parking demand for these two uses isn't always experiencing peak demand at the same time of day, a reduction can be applied.

During weekday business hours (8:00 a.m. to 6:00 p.m.) the office use needs 100% of its parking, so it would need all 30 of its parking spaces. During that same period, however, the residential

use only needs 50% of its total parking, so it would only need 15 of its 30 spaces. The remaining time slots for each use are also filled out as follows:

Use Type	Weekdays			Weekends		
	8 a.m. - 6 p.m.	6 p.m. - 12 a.m.	12 a.m. - 8 a.m.	8 a.m. - 6 p.m.	6 p.m. - 12 a.m.	12 a.m. - 8 a.m.
Residential	15 (50%)	30 (100%)	30 (100%)	24 (80%)	30 (100%)	30 (100%)
Office	30 (100%)	6 (20%)	2 (5%)	2 (5%)	2 (5%)	2 (5%)
Total Spaces Needed:	45	36	32	26	32	32

Figure 7: Example of Reduced Parking Requirement Calculation

Adjusting for the fluctuations, this shared parking area would experience its highest combined peak demand during the 8:00 a.m. to 6:00 p.m. weekday time slot, when 45 parking spaces would be needed. The remaining time slots are each less than that, so this parking lot would only be required to provide 45 spaces instead of the original 60.

- (c) Demonstrate that a minimum of 10% surplus parking spaces above the demand calculated from the process outlined in Section (b) will be provided. Using the example above, the number of required parking spaces would be 50 parking spaces ($45 \times 1.1 = 49.5$). All parking should be provided in accordance with Section P of this code.
- (3) Demonstrate inclusion of a Town-recognized carsharing program as outlined in Section P of this code.
- (4) Provide a diagrammatic exhibit illustrating the location of on-site short-term parking areas for non-residential uses. These spaces should be located closer to building entrances than parking specifically designated for residential use.
- (5) Provide explanation and documentation supporting any additional service the Applicant will provide that may reduce the on-site parking demand.

R. Design guidelines.

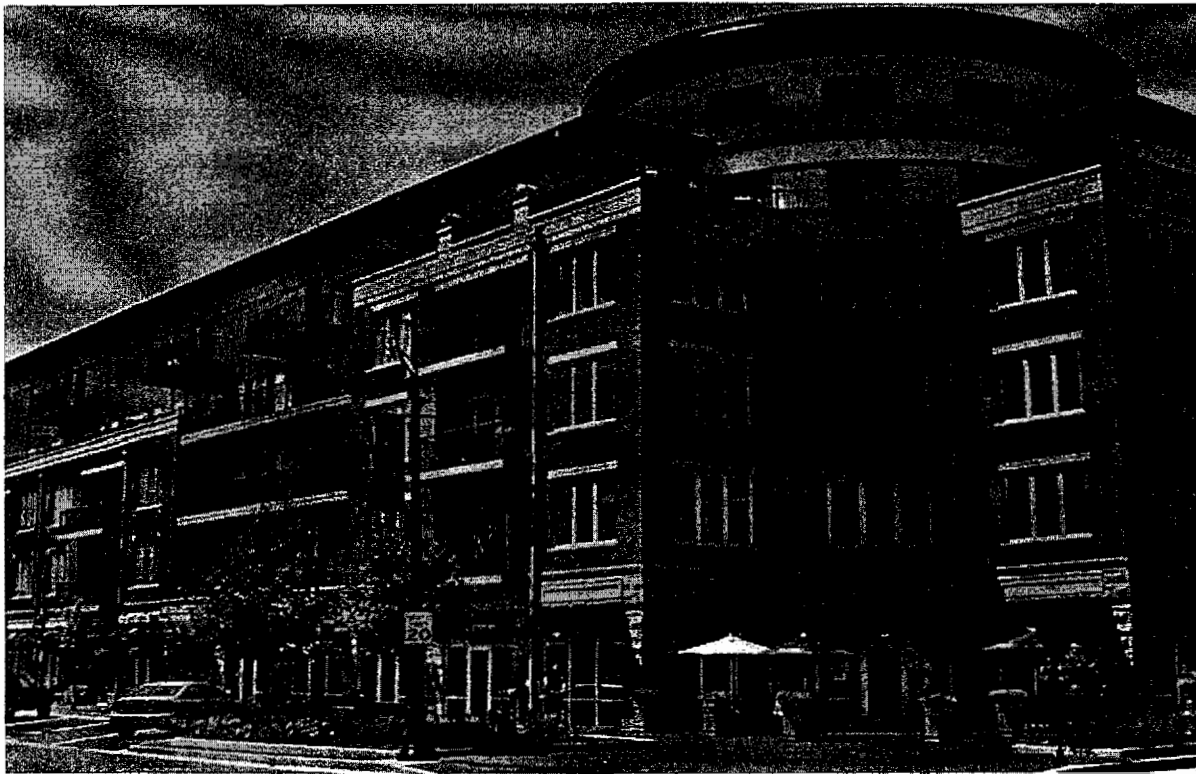
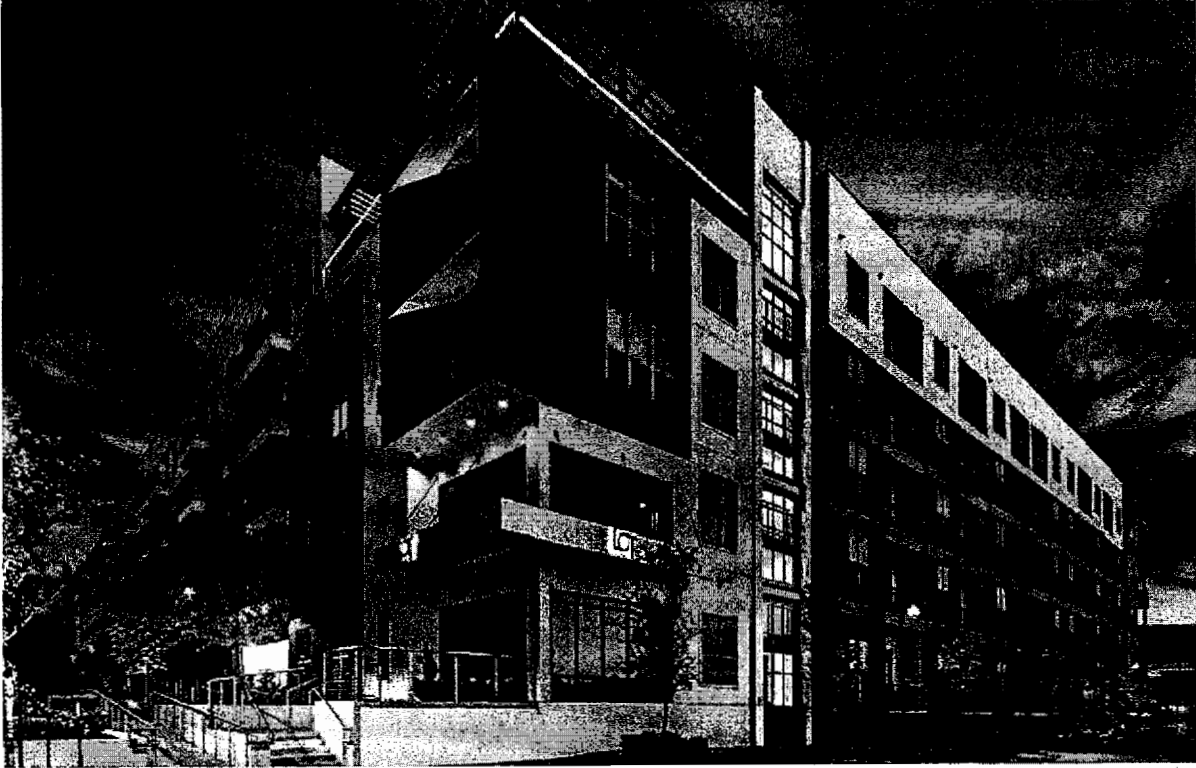
These design guidelines should be used as a tool by the Town's designated Design Review Committee (DRC) as it reviews development proposals for the TOD District and assures a complementary design style for the district that achieves the goals of green building and sustainability principles in creating a vibrant mixed-use environment.

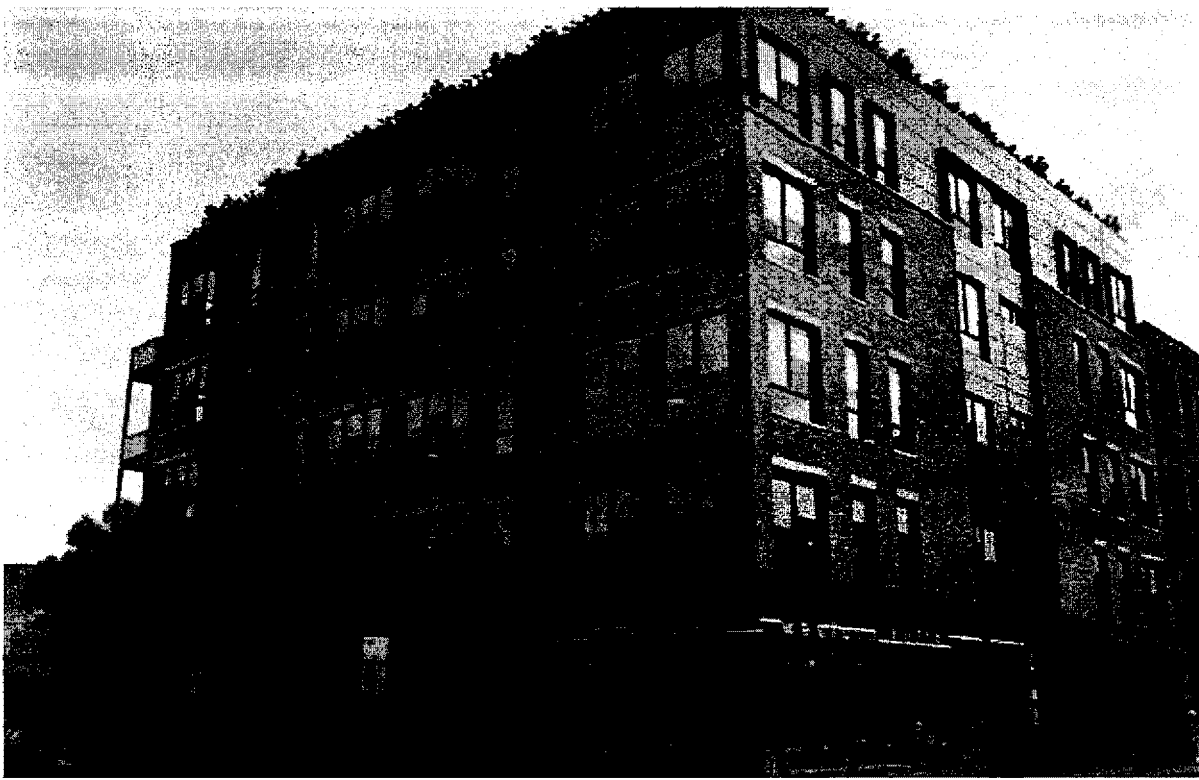
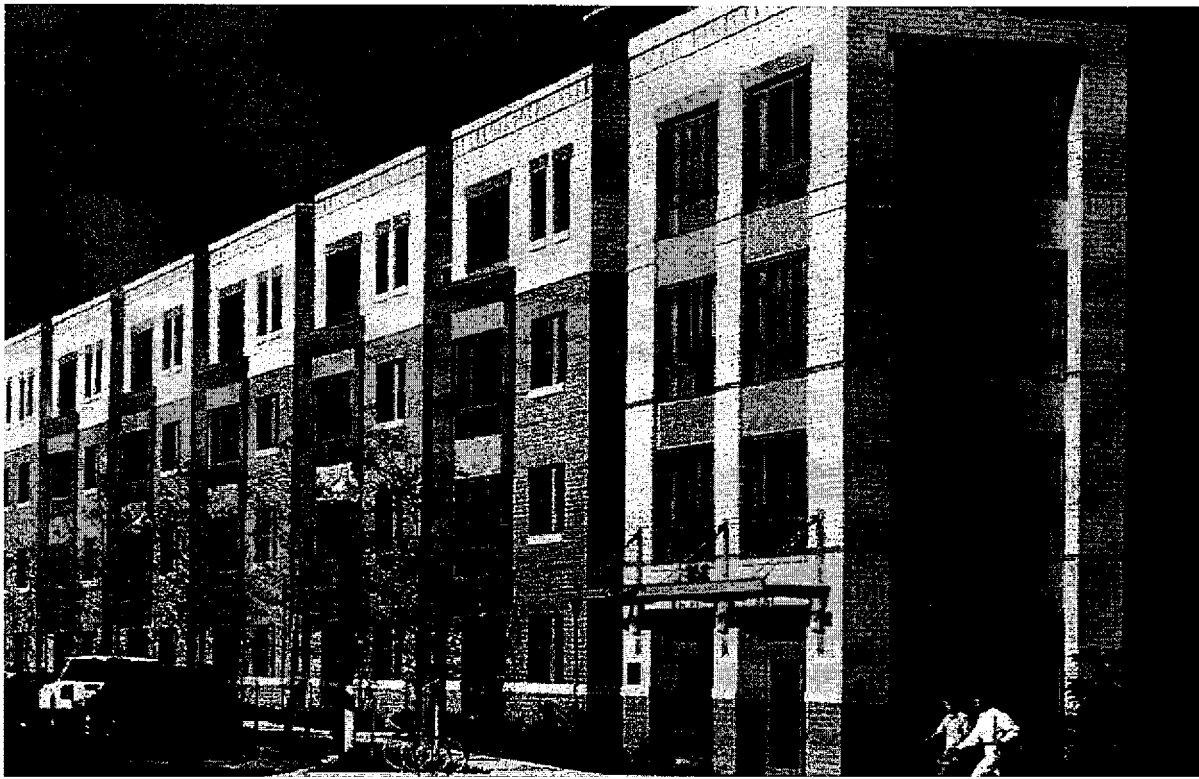
- (1) Building shape, proportions, massing and design should be appropriate to the character achieved through the creation of a transit oriented development area. Architectural articulation should be generally consistent with the recommended examples shown in the following figures.
- (2) The exteriors of buildings shall utilize high quality cladding materials such as brick, stucco, stone, cementitious siding, or a combination of such materials or their equivalent. The use of imitation, synthetic, metallic and reflective materials should be limited. The use of aluminum or vinyl siding, imitation brick, or plastic shall be prohibited, unless recommended by the DRC.

- (3) Buildings located on corner sites shall have enhanced building articulation and façade treatment on all street facing sides.
- (4) Building design and landscaping shall serve to reinforce and announce the main pedestrian building entrances.
- (5) Parking shall be placed in the rear of buildings and should be adequately planted and landscaped in order to create an attractive point of arrival.
- (6) Walkways should be provided for safe and convenient pedestrian access from sidewalks to storefront entries.
- (7) Ground level space improved with commercial use should include display windows, lighting, architectural treatments, and/or landscaping that is active, visible, and enhances the pedestrian environment.
- (8) Trash/dumpster areas shall be fully enclosed with self-closing and self-latching doors, and each enclosure should accommodate both trash and recycling bins. Trash enclosures should be an integral part of the building design whenever possible.
- (9) Whenever a development abuts upon a single-family residential parcel or building, there shall be suitable screening, landscaping or buffer plantings, as recommended by the Design Review Committee.
- (10) Any building constructed over three-stories shall be Type 2 non-combustible construction, in accordance with International Building Code 2015 with amendments.

Recommended Design Styles

(Note: Color version of photos can be viewed on the Town's website or in person in the Building Department.)





S. Green Building and Sustainable Site Development.

- (1) The creation of the Transit Oriented District has provided the setting for integrating the concepts of green building and sustainable site development. It shows the Town's commitment to minimize the short-term and long-term negative impacts construction has on the environment and the commitment to promote the benefits that green building and sustainable development have on the public health and welfare. Green building brings together a vast array of practices, and emphasizes taking advantage of renewable resources. With the proper synergistic design, individual green building technologies may work together to produce a greater cumulative effect. While this does not require USGBC LEED certification, this code encourages developers to utilize green building techniques and sustainability, and requires a LEED (current version) project checklist demonstrating compliance with the certification level to be submitted as part of the DRC review.
 - (a) Energy-efficient and water saving appliances and fixtures shall be used.
 - (b) LED lighting and occupancy sensors should be used to reduce electrical demand.
 - (c) All exterior lighting shall use photosensitive cells that automatically turn off lights at sunrise.
 - (d) Healthy indoor air quality shall be maintained with appropriate building materials and HVAC systems.
 - (e) Landscaping shall consist of native plants that use water efficiently.
 - (f) All sites providing irrigation shall provide a method to capture and re-use rainwater for irrigation purposes.
 - (g) Sites shall provide bio-swales and/or rain gardens to provide pre-treatment, surface detainment and opportunity for surface infiltration.
 - (h) Sun, wind and landscape conditions shall be considered when siting the building to take advantage of natural/passive heating, shade, cooling and daylighting.
 - (i) Developments shall employ passive heating and cooling design strategies to the maximum extent feasible. Strategies to be considered include high insulation values, energy efficient windows including high performance glass, light-colored or reflective roofing and exterior walls, and window shading and landscaping that provides shading during the appropriate seasons.
 - (j) New multi-family residential structures shall include electrical conduit specifically designed to allow for later installation of a photovoltaic (PV) system which utilizes solar energy as a means to provide electricity.
 - (k) Roof top terraces in conjunction with live green roof treatments should be encouraged as another way to provide open space for residents.

(2) Stormwater management.

All development shall comply with the stormwater and erosion and sediment control provisions in Article XXXVIII of the Town Code, as well as the New York State General Stormwater Permit and Green Infrastructure and other applicable requirements set forth in the most current version of the New York State Stormwater Design Manual. When ground level public open space is not located above a below-grade garage, a minimum of 50% of the surface cover area shall be constructed of permeable/porous pavers, and maintained by the building owner according to current accepted practice, to limit the intrusion of sand or other debris that could inhibit stormwater leaching. Impervious cover should be reduced to the maximum extent practicable.

(3) Landscaping.

All usable open space, such as pedestrian walkways, along streetscapes, separations between buildings, common recreation areas, pedestrian-oriented open spaces and outdoor parking areas shall be landscaped and provided with control timers and underground irrigation systems, or an alternative equivalent system. Parking areas shall be screened from all residential uses and pedestrian-oriented areas through the use of trees, shrubs, walls and/or trellis structures with plants. Irrigation systems shall be designed to provide a method for capturing and reusing rainwater for irrigation purposes.

T. Signs.

Signs, which are categorized and authorized under the provisions of Article XXIV, are permitted, subject to general consistency with the Transit Oriented Development District Design Guidelines. Signs should be an integral part of the building and should be compatible in scale and proportion with building design and other signs. Signs shall be located to facilitate passing pedestrians as well as drivers.

U. Design review and application submission procedures.

Applicants proposing development in the TOD District have the opportunity to receive an expedited approval process by having the projects initially reviewed by a Town appointed Design Review Committee (DRC) for advisory comments and assistance with preparing and filing compliant submissions with the Building Department. Initiating an application with the DRC allows applicants the opportunity to not have to extend the approval process timeline by having to follow Section 305 procedures.

(1) There shall be a Design Review Committee for purposes of applying the Transit Oriented Development Zoning District Design Guidelines and Site Requirements to perspective application submissions. The DRC has the ability to recommend to the Department of Buildings whether an application has met the criteria to allow it to be eligible for exemption from Section 305 procedures. The DRC shall be governed as follows:

(a) The DRC shall be comprised of Town designated representatives (a minimum of three (3) and up to five (5)), chaired by the Commissioner of Buildings, or their appointee. A recommendation from the DRC to the Building Department shall be necessary prior to the submission of building plans for properties located in the TOD District.

- (b) After an initial meeting has been scheduled with the DRC, the applicant shall submit the following materials in order for the DRC to provide beneficial comments to the applicant and make a knowledgeable recommendation to the Department of Buildings: conceptual architectural floor plans and color rendered elevations, a conceptual site plan, a conceptual landscape plan, a parking management plan, and a LEED project checklist. The conceptual site plan shall include the building footprint, proposed site access curb cut(s), and off-street parking. The parking management plan shall include any necessary engineering analysis or information required to support shared parking or other requested parking credits.
 - (c) The DRC shall submit a written recommendation to the Department of Buildings stating whether a filed submission should be eligible for exemption from Section 305 procedures within 30 days of its final meeting with an applicant.
 - (d) If an applicant receives a recommendation from the DRC accepting the proposal, then the Commissioner of Buildings is authorized to waive compliance with Section 305 of this Ordinance to the extent that it might otherwise have complied.
 - (e) In reviewing applications, the DRC shall substantially follow the applicable criteria and design guidelines of Section R, Transit Oriented Development District, and such other matters as the DRC may deem germane.
- (2) All applications submitted for new construction on properties located in the TOD District and determined by the Department of Buildings to be compliant with the provisions and guidelines of this article, shall be exempt from Section 305 of the Town Code, which requires a site plan of the property to be submitted to the Town Board for its review and consideration prior to the issuance of a building permit. Approvals from Town of Hempstead Engineering Department, Highways Department, and Conservation and Waterways Department shall be required prior to the issuance of a building permit.

V. Workforce housing.

Projects with five (5) or more residential units shall be required to designate 20% or more of the units as affordable to individuals/families earning no more than 60% of Area Median Income (AMI) for the Nassau-Suffolk, NY HUD Metro FMR Area, subject to guidelines, as established by the Town Board.

- (1) All provisions in this section relating to the construction, maintenance and leasing of workforce housing units shall be binding on all successors and assignees of the initial building owner. No certificate of occupancy shall be issued for any building within the Town that is required to contain workforce housing units unless and until all requisite legal documents to effectuate this, as determined by the Town Attorney, are executed and recorded.
- (2) At the conclusion of the thirty-year period during which the requisite units in a building shall be rented as workforce housing units in accordance with the provisions of this section, such units may thereafter be rented by the building owner at market rates, provided that persons renting and occupying a workforce housing unit shall have an additional period after the conclusion of the thirty-year period to vacate the unit, during which time their rental rate shall remain at the level set in accordance with this section; said additional period shall be six (6) months for persons who have resided in the workforce housing unit for less than four (4) years, and twelve

(12) months for persons who have resided in the workforce housing unit for four (4) years or longer. The building owner shall notify every signatory party on a rental agreement of the thirty-year period sunset date and the stipulations of this Code section.

(3) Financial eligibility.

At the time of the determination of financial eligibility, the current annual gross income of all persons living in the eligible person's household shall not exceed 60% of the median household income of the Nassau-Suffolk NY HUD Metro FMR Area, with adjustments for household size, as defined and periodically updated by the United States Department of Housing and Urban Development (HUD). At the time of application for a workforce housing unit, the applicant may be required to submit a sworn certification attesting to the amount of the household's current annual gross income and, as part of the application process, may also be required to submit documentation to confirm said amount, including but not limited to tax returns and pay stubs.

(4) Rent level.

The annual rent to be charged for a workforce housing unit by the building owner shall be a maximum of 30% of the combined current annual gross income of all persons living in the eligible person's household.

(5) Leases.

(a) Leases for workforce housing units shall be in writing; shall have terms of one (1) or two (2) years; shall provide that the rental costs specified therein to the eligible persons shall be adjusted upon each lease renewal; shall provide for termination and nonrenewal in accordance with the provisions of this article; and shall not have provisions which shall be discriminatory vis-à-vis persons in workforce housing units.

(b) No lease for a workforce housing unit shall be assignable. No subletting of all or any portion of a workforce housing unit shall be permitted.

(c) The building owner shall provide the Town annually with a sworn certification that the workforce housing units in the building have been marketed and leased in accordance with the provisions of this section.

(d) In addition to any other notices required by law, the building owner shall provide written notice to the persons occupying a workforce housing unit of a determination that the lease for a workforce housing unit is not being renewed on the grounds that said person is no longer eligible for a workforce housing unit, together with a written explanation of the basis for the determination of noneligibility; and a determination that the lease for a workforce housing unit is being canceled or terminated for any other reason, together with a written explanation of the basis for the proposed cancellation or termination.

(6) Application and selection process.

(a) When workforce housing units shall become available for rental in buildings in the Town pursuant to the provisions of this article, the building owner shall disseminate information

about the availability of workforce housing units by methods reasonably calculated to notify potentially eligible persons. Such notification shall include materially relevant information about the location, size and cost of the workforce housing units to become available; a statement of eligibility guidelines; a description of the application process; a description of the thirty-year sunset date; and contact information to be used by persons interested in obtaining information or submitting an application. The building owner shall provide a copy of such advertising as part of the annually sworn certification for Town review.

(b) Any person who wishes to apply for a workforce housing unit shall become available shall be required to submit a written application demonstrating eligibility for such units under the standards established by this section and documentation to confirm such eligibility.

(c) The application of all persons who have submitted a valid and complete application for a workforce housing unit shall be ranked in accordance to the following categories of priority. Residents of the hamlets of North Lawrence and Inwood shall be defined as residing in either Census Tract 4110 or 4111, as defined by the United States Census Bureau.

[1] Members of the United States Military (Active or Retired), and are Residents of the hamlets of North Lawrence or Inwood.

[2] Volunteer firefighters from the Inwood and Lawrence-Cedarhurst Fire Departments, and are residents of the hamlets of North Lawrence or Inwood.

[3] Residents of the hamlets of North Lawrence and Inwood.

[4] Members of the United States Military (Active or Retired), and are Residents of the Town of Hempstead.

[5] Residents of the Town of Hempstead.

[6] Other residents of Nassau County.

[7] All others.

Applications received within thirty (30) days of the advertising notice shall then be reviewed, and determination of eligibility made by the building owner, according to the order of ranking.

(d) In marketing and selecting tenants for workforce housing units in a building, a building owner shall contract with a third-party entity, such as Long Island Housing Partnership (LIHP) or Community Development Corporation of Long Island (CDCLI), who has experience in developing and implementing affirmative marketing plans for affordable/workforce housing as well as performing income eligibility reviews on behalf of the building owner. The third-party entity will also be responsible for ongoing administration and management of the building's workforce housing program.

(e) A person who has submitted an application for a workforce housing unit shall receive written notice of eligibility or noneligibility within thirty (30) days or at the same time the

selected lessee is notified, whichever is later. For persons deemed not eligible, the notification shall include the reasons therefor.

- (f) Absent good cause shown, any person who is selected to rent a workforce housing unit shall be required to sign a lease for the workforce housing unit within 15 days after the unit becomes available for rental and the eligible person has been notified of eligibility (the availability date). The eligible person may also be required by the building owner to deposit all sums due in connection with entering into a lease within 30 days after the availability date, and to commence paying rent for the workforce housing unit as of 60 days after the availability date. If a selected eligible person is unable or fails to meet these time requirements, then the available workforce housing unit shall be offered to other eligible persons in the order of their ranking in accordance with the provisions of this section.

(7) Loss of eligibility.

- (a) If a person is initially eligible to rent a workforce housing unit, and during such period of eligibility, enters into a lease for a workforce housing unit, but such person subsequently fails to satisfy eligibility standards, then such person's right to continue renting and occupying the workforce housing unit shall end three (3) months after written notice of loss of eligibility is sent to such person, or at the end of such person's current lease, whichever is later. Every lease for a workforce housing unit shall contain a provision stating this. Determinations regarding a loss of eligibility shall be made in accordance with the provisions of this article. Written notice of the loss of eligibility shall be made in accordance with the provisions of this section by the building owner or by the third party handling oversight (e.g. CDCLI or LIHP). Written notice of the loss of eligibility shall be sent by express mail and/or certified mail, return receipt requested, to the persons occupying the workforce housing unit. If the formerly eligible person fails to voluntarily vacate the workforce housing unit at the requisite time, or violates the lease prior to such date, then all appropriate, lawful and available measures shall be used by the building owner to evict such person involuntarily.
- (b) No person who is occupying a workforce housing unit shall be automatically entitled to a renewal lease from the building owner. However, if a renewal lease is not offered by the building owner to an eligible person who continues to satisfy the eligibility requirements of this section, then, for a period of two (2) years after the expiration date of the lease which has not been renewed (the nonrenewed lease), the building owner shall be prohibited from charging a higher rent for the workforce housing unit than that specified in the nonrenewed lease.

(8) Other laws mandating workforce housing.

- (a) In the event that there are other laws or amendments to existing laws which will be or have been enacted by the Town or other governmental authorities (such as New York State or the County) which require the provision of workforce housing units within the Town, including but not limited to the Long Island Workforce Housing Act, the provisions of this article shall govern, unless they are legally preempted by such other law, to the extent they require a greater number of workforce housing units to be provided, or they address issues which are not addressed by such other law.

- (b) The Town Board may, by resolution, adopt such further procedures and regulations as may be necessary to implement and effectuate the construction and leasing of workforce housing units within the Town.

W. TOD infrastructure/improvement district fee.

The Town is imposing a fee that is reasonably related to the burdens produced by the creation of transit oriented development situated around a LIRR station and serving as a commercial center on the Town's infrastructure system and will enable the Town to construct the required infrastructure and streetscape improvements for Town-owned property that will contribute to fulfilling the goals of having transit oriented development. Infrastructure costs associated with public water supply upgrades, public sanitary sewer upgrades, natural gas and/or electric distribution shall be addressed by the respective utility purveyors or at the cost of the developer(s) as determined at the time of an application made to the Town.

- (1) The regulations, requirements and provisions of this section shall apply to all new residential and development located in the Transit Oriented Development District.
- (2) The developer of a project shall pay an infrastructure/improvement fee in accordance with the following:
 - (a) For multi-family residential development: \$10,000 per dwelling unit, excluding designated workforce housing units, only up to a maximum of 20 percent of the total number of units constructed. The infrastructure/improvement fee shall be applied to all workforce housing units constructed in excess of 20 percent of the total number of units constructed.
- (3) The applicant shall pay the fees according to the schedule of fees in place on the date fees are paid.
- (4) No building permit shall be issued unless the fees have been paid.
- (5) The fees paid to the Town pursuant to the provisions of this Section shall be deposited into a TOD Infrastructure/Improvement Fee Account and used solely for the purpose described in this Section. All monies deposited into this account shall be held separate and apart from other Town funds. All interest or other earnings on the unexpended balance in the account shall be credited to the account.
- (6) All monies and interest earnings in the TOD Infrastructure/Improvement Fee Account shall be expended on the construction and related design and administration costs of constructing roadway, infrastructure and streetscape improvements within the TOD District.
- (7) To account for inflation in infrastructure and improvement costs, the fee imposed by this ordinance shall be adjusted automatically on July 1 of each fiscal year, beginning on July 1, 2020, equivalent to 10% of the annual change in the Consumer Price Index.

X. Interpretation; conflicts with other regulations.

- (1) In interpreting and applying the provisions of this article, the rules of interpretation applicable to remedial legislation shall be used so that the spirit and intent of this article shall be observed.
- (2) In the event of a conflict between the provisions of this article and other provisions of this Building Zone Ordinance, the provisions of this article shall control.

§ 433. Neighborhood Business (NB) Overlay District for North Lawrence and Inwood.

A. Statement of intent and purposes.

It is in the public interest for the Town to utilize its zoning authority to establish a Neighborhood Business (NB) Overlay District, in order to meet the demand for mixed-use development incorporating housing and commercial uses in a walkable environment. The Town recognizes the benefits of development that is consistent with smart growth, which is an approach to development that encourages a mix of building types and uses, diverse housing and transportation options, walkable neighborhoods, development within existing neighborhoods and community engagement. These are some of the principles that are considered the foundation of a smart growth approach.

The area along Lawrence Avenue in North Lawrence is a mix of several different uses, both commercial and industrial, as well as residential. The street is a main thoroughfare for the area, and can become a vibrant, neighborhood-scale mixed-use center for North Lawrence with the creation of a mixed-use district. The area can serve as a commercial center for residents, as well as a place to reside. The area also serves as a transition between the high density housing found in the area around the LIRR train station and the detached and attached residential housing found within the rest of the neighborhood.

The central business district in Inwood is located along Doughty Boulevard. There is a strong need to preserve this identity for the area, and also be able to incorporate residential living to create a distinct mixed-use community. The business district can serve the immediate area as well as the residents who are living there. With design standards in place, the area will have a unique look and feel.

Applicants proposing development in the Neighborhood Business Overlay District have the opportunity to receive an expedited approval process by having the projects initially reviewed by a Town-appointed Design Review Committee (DRC) for advisory comments and assistance with preparing and filing compliant submissions with the Building Department. Initiating an application with the DRC allows applicants the opportunity to not have to extend the approval process timeline by having to follow Section 305 procedures.

B. Definitions.

In addition to the definitions of this Building Zone Ordinance, the following special definitions are applicable to this article. In the event of conflict, the following definitions shall be controlling:

AREA MEDIAN INCOME (AMI)

The household income for the median household in the Nassau-Suffolk County metropolitan area. Each year, the Department of Housing and Urban Development (HUD) calculates the median income for every metropolitan region in the country. HUD focuses on the region, rather than just the city, because families searching for housing are likely to look beyond the city itself to find a place to live.

DWELLING UNIT

A building or portion thereof designed for occupancy by one family only, containing a single kitchen, in which members of a family all live and cook together as a single housekeeping unit. Such a building shall not contain separate or segregated internal partitions or locked internal doors barring access between portions of the dwelling, including bedrooms.

DESIGN REVIEW COMMITTEE (DRC)

Comprised of three (3) to five (5) Town designated representatives, chaired by the Building Department Commissioner, selected to provide an initial review of the architecture and site design of a proposed development, and make an advisory recommendation to the Building Department stating whether a filed submission should be eligible for exemption from Section 305 procedures. In the event of an application that would not require Section 305 review under any circumstances, then notwithstanding any provisions of this Article to the contrary, the Design Review Committee shall make an advisory recommendation to the Building Department as to whether the proposed development complies with the architectural and design standards of this Article, or whether the Parking Management Plan is adequate to serve the parking needs of the proposed development. If the Committee finds non-compliance or non-adequacy, then the provisions of this Article shall not be applied to the proposed development.

FAIR MARKET RENT (FMR)

Primarily used to determine payment standard amounts for the Housing Choice Voucher program, to determine initial renewal rents for some expiring project-based Section 8 contracts, to determine initial rents for housing assistance payment contracts in the Moderate Rehabilitation Single Room Occupancy program, and to serve as a rent ceiling in the HOME rental assistance program.

HEIGHT

The vertical distance measured from the mean level of the established center-line grade (“crown of road”) of the street adjacent to the building plot to the highest point of the roof deck in the case of flat roofs and to the mean level between the eaves and the highest point of the roof in the case of sloped roofs. Each side of the building shall meet this requirement separately. Roof-mounted solar panels are excluded from the definition of height.

HOUSEHOLD

The person who seeks to rent a workforce housing unit, together with any other individual who resides in the workforce housing unit, including without limitation, parents, children, spouses, siblings and persons united in a legally recognized civil union.

MULTIPLE-FAMILY DWELLING UNIT

A building containing two or more dwelling units.

WORKFORCE HOUSING UNIT (WHU)

A residential unit that is mandated to be constructed under the provisions of this article and to be rented or sold to an eligible individual pursuant to the standards set forth in this article.

C. Applicability.

In the Neighborhood Business (NB) Overlay District, the following regulations shall apply.

- (1) In North Lawrence, the Neighborhood Business Overlay District applies to parcels on the west side of Lawrence Avenue, between Wanser Avenue and Mott Avenue, and on the east side of Lawrence Avenue between Mill Street and Mott Avenue. The regulations of the Overlay District are applicable to new development and/or redevelopment of eligible properties, as defined in Section N (Minimum lot area and street frontage).

In Inwood, the Neighborhood Business Overlay District applies to parcels located on the east and west sides of Doughty Boulevard, between Bayview Avenue and Solomon Avenue and the east side of Doughty Boulevard, between Solomon Avenue and Mott Avenue. The NB Overlay District also applies to parcels located on the west side of Lord Avenue, between Wanser Avenue and Bayview Avenue. The regulations of the Overlay District are applicable to new development and/or redevelopment of eligible properties, as defined in Section N (Minimum lot area and street frontage).

- (2) The regulations found in this Article shall govern all development that is fully compliant with the regulations. All other development within the overlay district shall continue to be governed by the regulations governing the existing underlying zoning district.

D. Permitted uses.

A building may be erected, altered or used and a lot or premises may be used for the following purposes, and for no other:

- (1) In the Neighborhood Business Overlay District the following uses, and no others, shall be permitted on the ground level:
 - (a) Stores for the sale, at retail, of articles to be used or consumed off the premises.
 - (b) Personal service shops such as barbershops and beauty parlors.
 - (c) Offices (including shared workspace), banks, financial institutions.
 - (d) Museums, art galleries.
 - (e) Libraries.
 - (f) Health clubs.
 - (g) Restaurants (including café, deli and bar/tavern).
 - (h) Community centers.
 - (i) Uses not listed above that are similar in character, scale, and impact to the uses listed above may be allowed if granted special permit by the Town Board, based upon consistency with the regulations and intent of this article.
- (2) In the Neighborhood Business Overlay District the following residential uses, and no others, shall be permitted on the upper levels:
 - (a) Multiple-family dwellings.

E. Prohibited uses.

- (1) All uses not expressly permitted are prohibited.

(2) Drive-through facilities.

(3) Above-grade structured parking.

F. Population density.

No multiple-family dwelling shall be erected or altered to accommodate or make provision for more than 24 households per acre.

G. Height.

No building shall be greater than 3 stories or 35 feet in height. "Height" shall be defined as applicable to the Neighborhood Business Overlay District.

H. Building area.

The building area shall not exceed 40% of the lot area.

I. Dwelling unit size.

The minimum dwelling unit size shall be as follows: Studio Apartment – 550 square feet.

J. Front yards.

There shall be a front yard, the depth of which shall be at least 5 feet.

K. Side yards.

There shall be a minimum side yard setback of either 0 or 10 feet. The minimum required aggregate side yard width shall be 40 feet. A minimum landscape buffer strip of not less than 5 feet in width shall be maintained where a side yard setback is provided.

L. Rear yards.

There shall be a rear yard, the depth of which shall be at least 60 feet, which includes a landscape buffer strip of not less than 10 feet in width.

M. Curb cuts.

Every effort shall be made to limit access to one (1) curb cut per developable parcel. The DRC shall allow adjacent lots to share a curb cut provided that common ownership applies or a reciprocal easement is executed.

N. Minimum lot area and street frontage.

No multiple-family dwelling or other building shall be constructed on a lot unless it contains an area of not less than 14,000 square feet and has a minimum street frontage of 100 feet. Corner parcels shall

have a minimum total aggregate street frontage of 200 feet. At least 60% of the building facing street frontage shall be occupied by a ground level structure.

O. Off-street parking.

In the case of a multiple-family dwelling, there shall be provided on the premises parking or garage facilities adequate to accommodate the following requirements: 1 space per unit for a studio unit or a 1-bedroom unit, and an additional 0.5 spaces for each additional bedroom. A minimum of one parking space for each 300 square feet of commercial ground floor area shall be provided. Restaurants shall accommodate 1 space for each 4 seats, plus 1 space for each 4 employees.

P. Design guidelines.

A mixed-use district is intended to accommodate and foster pedestrian usage by combining commercial/retail uses and residential uses in the same building. The interaction of these different uses during day and evening hours provides a dynamic that cannot usually be created with typical single use zones. Having the combination of uses helps to reduce the dependency upon the automobile, makes pedestrians a focal point and encourages human interaction, smaller scale buildings, and a vibrant sidewalk environment.

- (1) Massing. Massing is particularly important in creating the proper context and scale of structures in relation to their setting. Proper building massing should be achieved through the use of sufficient vertical, horizontal and roof articulation of the building. Combinations of one- and two-story elements on the same building are encouraged to facilitate articulation. Dormers, gables, eaves, and other projections may also be used to break up architectural forms.
- (2) Facades. Consistent with the architectural style of the building, street-facing facades should incorporate articulation and mix of color and materials to create diversity in the streetscape. Building elevations other than the street-facing elevation should have similar but less detailed architectural treatments. Street level commercial uses should incorporate clear glass and should be designed to incorporate displays. On a corner lot, a building shall expand a minimum of 50 feet along both street frontages and include an enhanced building articulation and façade treatment.
- (3) Windows. Upper and lower story windows are required for each façade having frontage on a street or open space. At least one (1) window per façade should be large enough to accommodate emergency egress as defined by the current New York State Building Code.
- (4) Roofline variation. Where architecturally appropriate, sloped roofs should provide articulation and variations to divide the massiveness of the roof. Sloped roofs should include eaves, which are a minimum of eighteen inches in width. Sloped roofs should screen mechanical equipment by providing a "roof-well," or by placing the equipment within the roof structure. All rooflines in excess of forty feet wide should be broken up through the use of gables, dormers or other appropriate means. No requirement in this Code shall preclude the ability to install roof-mounted solar panels or associated equipment. Solar panels are considered to satisfy the requirements herein for roofline variation.

- (5) Proportions. The scale of all structures in relation to other structures and spaces is important. Buildings and spaces between buildings should relate easily and openly to the external public areas. To balance horizontal features on longer facades, vertical building elements, such as building entries, should be emphasized.
- (6) Façade modulation. Building facades visible from public rights-of-way or public open space, except ground floor commercial, shall be modulated approximately every forty feet. The modulation shall have a minimum depth of four feet.
- (7) Façade articulation. Facades should be varied and articulated to provide visual interest to pedestrians. The roof line of buildings should be modulated and should include interesting architectural features, such as decorative eave, trim or cornice. Window articulation through use of decorative trim, such as window hoods and the use of smaller regularly spaced windows in upper stories with smaller divided lights. Storefront designs and materials should be allowed to be unique while maintaining the character of the building façade of which they are apart. The base of buildings should be articulated through use of plinths, pilasters or other elements.
- (8) Materials and colors. Exterior building materials and finishes should convey an impression of permanence and durability. Materials such as masonry, stone, stucco, terra cotta, stamped and colored concrete, and tile are encouraged. Where masonry is used for exterior finish, decorative patterns should be considered. These patterns could include a change in color or material. Exterior colors should be given careful consideration in the context of the surrounding buildings and environment.
- (9) Lighting. All residential/commercial mixed-use developments should have exterior lighting that provides adequate visibility at entrances, public sidewalks and open areas with a safe level of illumination at night as defined by the Illuminating Engineering Society (IES) or similar accepted standard. Exterior lighting should be of low intensity, designed to avoid excessive glare, and shielded so that light will not spill out onto surrounding properties or project above the horizontal plane of the adjacent building roofline. This code shall not preclude decorative landscape up-lighting that illuminates plantings adjacent to building walls. Lighting should not blink, flash, oscillate, be of unusually high intensity of brightness, or be unshielded or uncovered.
- (10) Parking. Off-street parking shall either be behind or to the side of development, with ground-floor retail or business along the street frontage. A minimum number of curb cuts shall be allowed, typically one curb cut per building.

Recommended Design Styles

(Note: Color version of photos can be viewed on the Town's website or in person in the Building Department.)



Q. Landscaping.

All usable open space, such as pedestrian walkways, along streetscapes, separations between buildings, and outdoor parking areas shall be landscaped and provided with control timer, and underground irrigation systems, or an alternative equivalent system. Parking areas shall be screened from all adjoining residential uses and pedestrian-oriented areas through the use of trees, shrubs, walls and/or trellis structures with plants.

R. Stormwater management.

All development shall comply with the stormwater and erosion and sediment control provisions in Article XXXVIII of the Town Code, as well as the New York State General Stormwater Permit and Green Infrastructure and other applicable requirements set forth in the most current version of the New York State Stormwater Design Manual.

S. Signs.

Signs, which are categorized and authorized under the provisions of Article XXIV, are permitted, subject to general consistency with the Neighborhood Business Overlay Design Guidelines. Signs should be an integral part of the building and should be compatible in scale and proportion with building design and other signs.

T. Design review and application submission procedures.

Applicants proposing development in the Neighborhood Business Overlay District have the opportunity to receive an expedited approval process by having the projects initially reviewed by a Town appointed Design Review Committee (DRC) for advisory comments and assistance with preparing and filing compliant submissions with the Building Department. Initiating an application with the DRC allows applicants the opportunity to not have to extend the approval process timeline by having to follow Section 305 procedures.

- (1) There shall be a Design Review Committee for purposes of applying the Neighborhood Business Overlay District Design Guidelines and Site Requirements to perspective application submissions. The DRC has the ability to recommend to the Department of Buildings whether an application has met the criteria to allow it to be eligible for exemption from Section 305 procedures. The DRC shall be governed as follows:
 - (a) The DRC shall be comprised of Town designated representatives (a minimum of three (3) and up to five (5)), chaired by the Commissioner of Buildings, or their appointee. A recommendation from the DRC to the Building Department shall be necessary prior to the submission of building plans for properties located in the Neighborhood Business Overlay District.
 - (b) After an initial meeting has been scheduled with the DRC, the applicant shall submit the following materials in order for the DRC to provide beneficial comments to the applicant and make a knowledgeable recommendation to the Department of Buildings: conceptual architectural floor plans and color rendered elevations, a conceptual site plan, and a

conceptual landscape plan. The conceptual site plan shall include the building footprint, proposed site access curb cut(s), and off-street parking.

- (c) The DRC shall submit a written recommendation to the Department of Buildings stating whether a filed submission should be eligible for exemption from Section 305 procedures within 30 days of its final meeting with an applicant.
 - (d) If an applicant receives a recommendation from the DRC accepting the proposal, then the Commissioner of Buildings is authorized to waive compliance with Section 305 of this Ordinance to the extent that it might otherwise have complied.
 - (e) In reviewing applications, the DRC shall substantially follow the applicable criteria and design guidelines of Section P, Neighborhood Business Overlay District, and such other matters as the DRC may deem germane.
- (2) All applications submitted for new construction on properties located in the Neighborhood Business Overlay District and determined by the Building Department to be compliant with the provisions and guidelines of this article, shall be exempt from Section 305 of the Town Code, which requires a site plan of the property to be submitted to the Town Board for its review and consideration prior to the issuance of a building permit. Approvals from the Town of Hempstead Engineering Department, Highways Department, and Conservation and Waterways Department, shall be required prior to the issuance of a building permit.

U. Workforce housing.

Projects with five (5) or more residential units shall be required to designate 10% or more of the units as affordable to individuals/families earning no more than 80% of Area Median Income (AMI) for the Nassau-Suffolk, NY HUD Metro FMR Area, subject to guidelines, as established by the Town Board.

- (1) All provisions in this section relating to the construction, maintenance and leasing of workforce housing units shall be binding on all successors and assignees of the initial building owner. No certificate of occupancy shall be issued for any building within the Town that is required to contain workforce housing units unless and until all requisite legal documents to effectuate this, as determined by the Town Attorney, are executed and recorded.
- (2) At the conclusion of the thirty-year period during which the requisite units in a building shall be rented as workforce housing units in accordance with the provisions of this section, such units may thereafter be rented by the building owner at market rates, provided that persons renting and occupying a workforce housing unit shall have an additional period after the conclusion of the thirty-year period to vacate the unit, during which time their rental rate shall remain at the level set in accordance with this section; said additional period shall be six (6) months for persons who have resided in the workforce housing unit for less than four (4) years, and twelve (12) months for persons who have resided in the workforce housing unit for four (4) years or longer. The building owner shall notify every signatory party on a rental agreement of the thirty-year period sunset date and the stipulations of this Code section.

(3) Financial eligibility.

At the time of the determination of financial eligibility, the current annual gross income of all persons living in the eligible person's household shall not exceed 80% of the median household income of the Nassau-Suffolk NY HUD Metro FMR Area, with adjustments for household size, as defined and periodically updated by the United States Department of Housing and Urban Development (HUD). At the time of application for a workforce housing unit, the applicant may be required to submit a sworn certification attesting to the amount of the household's current annual gross income and, as part of the application process, may also be required to submit documentation to confirm said amount, including but not limited to tax returns and pay stubs.

(4) Rent level.

The annual rent to be charged for a workforce housing unit by the building owner shall be a maximum of 30% of the combined current annual gross income of all persons living in the eligible person's household.

(5) Leases.

(a) Leases for workforce housing units shall be in writing; shall have terms of one (1) or two (2) years; shall provide that the rental costs specified therein to the eligible persons shall be adjusted upon each lease renewal; shall provide for termination and nonrenewal in accordance with the provisions of this article; and shall not have provisions which shall be discriminatory vis-à-vis persons in workforce housing units.

(b) No lease for a workforce housing unit shall be assignable. No subletting of all or any portion of a workforce housing unit shall be permitted.

(c) The building owner shall provide the Town annually with a sworn certification that the workforce housing units in the building have been marketed and leased in accordance with the provisions of this section.

(d) In addition to any other notices required by law, the building owner shall provide written notice to the persons occupying a workforce housing unit of a determination that the lease for a workforce housing unit is not being renewed on the grounds that said person is no longer eligible for a workforce housing unit, together with a written explanation of the basis for the determination of noneligibility; and a determination that the lease for a workforce housing unit is being canceled or terminated for any other reason, together with a written explanation of the basis for the proposed cancellation or termination.

(6) Application and selection process.

(a) When workforce housing units shall become available for rental in buildings in the Town pursuant to the provisions of this article, the building owner shall disseminate information about the availability of workforce housing units by methods reasonably calculated to notify potentially eligible persons. Such notification shall include materially relevant information about the location, size and cost of the workforce housing units to become available; a statement of eligibility guidelines; a description of the application process; a description of

the thirty-year sunset date; and contact information to be used by persons interested in obtaining information or submitting an application. The building owner shall provide a copy of such advertising as part of the annually sworn certification for Town review.

- (b) Any person who wishes to apply for a workforce housing unit shall become available shall be required to submit a written application demonstrating eligibility for such units under the standards established by this section and documentation to confirm such eligibility.
- (c) The application of all persons who have submitted a valid and complete application for a workforce housing unit shall be ranked in accordance to the following categories of priority. Residents of the hamlets of North Lawrence and Inwood shall be defined as residing in either Census Tract 4110 or 4111, as defined by the United States Census Bureau.
 - [1] Members of the United States Military (Active or Retired), and are Residents of the hamlets of North Lawrence or Inwood.
 - [2] Volunteer firefighters from the Inwood and Lawrence-Cedarhurst Fire Departments, and are residents of the hamlets of North Lawrence or Inwood.
 - [3] Residents of the hamlets of North Lawrence and Inwood.
 - [4] Members of the United States Military (Active or Retired), and are Residents of the Town of Hempstead.
 - [5] Residents of the Town of Hempstead.
 - [6] Other residents of Nassau County.
 - [7] All others.

Applications received within thirty (30) days of the advertising notice shall then be reviewed, and determination of eligibility made by the building owner, according to the order of ranking.

- (d) In marketing and selecting tenants for workforce housing units in a building, a building owner shall contract with a third-party entity, such as Long Island Housing Partnership (LIHP) or Community Development Corporation of Long Island (CDCLI), who has experience in developing and implementing affirmative marketing plans for affordable/workforce housing as well as performing income eligibility reviews on behalf of the building owner. The third-party entity will also be responsible for ongoing administration and management of the building's workforce housing program.
- (e) A person who has submitted an application for a workforce housing unit shall receive written notice of eligibility or noneligibility within thirty (30) days or at the same time the selected lessee is notified, whichever is later. For persons deemed not eligible, the notification shall include the reasons therefor.

- (f) Absent good cause shown, any person who is selected to rent a workforce housing unit shall be required to sign a lease for the workforce housing unit within 15 days after the unit becomes available for rental and the eligible person has been notified of eligibility (the availability date). The eligible person may also be required by the building owner to deposit all sums due in connection with entering into a lease within 30 days after the availability date, and to commence paying rent for the workforce housing unit as of 60 days after the availability date. If a selected eligible person is unable or fails to meet these time requirements, then the available workforce housing unit shall be offered to other eligible persons in the order of their ranking in accordance with the provisions of this section.

(7) Loss of eligibility.

- (a) If a person is initially eligible to rent a workforce housing unit, and during such period of eligibility, enters into a lease for a workforce housing unit, but such person subsequently fails to satisfy eligibility standards, then such person's right to continue renting and occupying the workforce housing unit shall end three (3) months after written notice of loss of eligibility is sent to such person, or at the end of such person's current lease, whichever is later. Every lease for a workforce housing unit shall contain a provision stating this. Determinations regarding a loss of eligibility shall be made in accordance with the provisions of this article. Written notice of the loss of eligibility shall be made in accordance with the provisions of this section by the building owner or by the third party handling oversight (e.g. CDCL or LIHP). Written notice of the loss of eligibility shall be sent by express mail and/or certified mail, return receipt requested, to the persons occupying the workforce housing unit. If the formerly eligible person fails to voluntarily vacate the workforce housing unit at the requisite time, or violates the lease prior to such date, then all appropriate, lawful and available measures shall be used by the building owner to evict such person involuntarily.
- (b) No person who is occupying a workforce housing unit shall be automatically entitled to a renewal lease from the building owner. However, if a renewal lease is not offered by the building owner to an eligible person who continues to satisfy the eligibility requirements of this section, then, for a period of two (2) years after the expiration date of the lease which has not been renewed (the nonrenewed lease), the building owner shall be prohibited from charging a higher rent for the workforce housing unit than that specified in the nonrenewed lease.

(8) Other laws mandating workforce housing.

- (a) In the event that there are other laws or amendments to existing laws which will be or have been enacted by the Town or other governmental authorities (such as New York State or the County) requiring the provision of workforce housing units within the Town, including but not limited to the Long Island Workforce Housing Act, the provisions of this article shall govern, unless they are legally preempted by such other law, to the extent the provisions herein require a greater number of workforce housing units to be provided, or they address issues which are not addressed by such other law.
- (b) The Town Board may, by resolution, adopt such further procedures and regulations as may be necessary to implement and effectuate the construction and leasing of workforce housing units within the Town.

V. Infrastructure/improvement district fee.

The Town is imposing a fee that is reasonably related to the burdens produced by the creation of transit oriented development situated around a LIRR station and serving as a commercial center on the Town's infrastructure system and will enable the Town to construct the required infrastructure and streetscape improvements for Town-owned property that will contribute to fulfilling the goals of having transit oriented development. Infrastructure costs associated with public water supply upgrades, public sanitary sewer upgrades, natural gas and/or electric distribution shall be addressed by the respective utility purveyors or at the cost of the developer(s) as determined at the time of an application made to the Town.

- (1) The regulations, requirements and provisions of this section shall apply to all new residential development located in the Neighborhood Business Overlay District.
- (2) The fee shall be calculated at \$2,500 per residential unit.
- (3) The applicant shall pay the fees according to the schedule of fees in place on the date fees are paid.
- (4) No building permit shall be issued unless the fees have been paid.
- (5) The fees paid to the Town pursuant to the provisions of this Section shall be deposited into a TOD Infrastructure/Improvement Fee Account and used solely for the purpose described in this Section. All monies deposited into this account shall be held separate and apart from other Town funds. All interest or other earnings on the unexpended balance in the account shall be credited to the account.
- (6) All monies and interest earnings in the TOD Infrastructure/Improvement Fee Account shall be expended on the construction and related design and administration costs of constructing roadway, infrastructure and streetscape improvements within the TOD District and Neighborhood Business Overlay District.
- (7) To account for inflation in infrastructure and improvement costs, the fee imposed by this ordinance shall be adjusted automatically on July 1 of each fiscal year, beginning on July 1, 2020, equivalent to 10% of the annual change in the Consumer Price Index.

W. Interpretation; conflicts with other regulations.

- (1) In interpreting and applying the provisions of this article, the rules of interpretation applicable to remedial legislation shall be used so that the spirit and intent of this article shall be observed.
- (2) In the event of a conflict between the provisions of this article and other provisions of this Building Zone Ordinance, the provisions of this article shall control.

X. Severability.

If any clause, sentence, section, paragraph or provisions of this article shall be adjudged by a court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder

of this article, but shall be confined in its operation to the clause, sentence, section, paragraph or provisions directly involved in the controversy in which such judgement shall have been rendered.

§ 434. Residential Townhouse/Rowhouse (TR) Overlay District for North Lawrence and Inwood.

A. Statement of intent and purposes.

It is in the public interest for the Town to utilize its zoning authority to establish a Residential Townhouse/Rowhouse (TR) Overlay District, in order to meet the demand for diverse housing types offered in the Town. The Town recognizes the benefits of development that is consistent with smart growth, which is an approach to development that encourages a mix of building types and uses, diverse housing and transportation options, walkable neighborhoods, development within existing neighborhoods and community engagement. These are some of the principles that are considered the foundation of a smart growth approach.

The primary purpose of Residential Townhouse/Rowhouse (TR) Overlay District is to implement planning and design guidelines for the redevelopment of this area, which will provide a variety of new housing opportunities to support a vibrant and sustainable residential community.

Applicants proposing development in the Residential Townhouse/Rowhouse Overlay District have the opportunity to receive an expedited approval process by having the projects initially reviewed by a Town-appointed Design Review Committee (DRC) for advisory comments and assistance with preparing and filing compliant submissions with the Building Department. Initiating an application with the DRC allows applicants the opportunity to not have to extend the approval process timeline by having to follow Section 305 procedures.

B. Definitions.

In addition to the definitions of this Building Zone Ordinance, the following special definitions are applicable to this article. In the event of conflict, the following definitions shall be controlling:

AREA MEDIAN INCOME (AMI)

The household income for the median household in the Nassau-Suffolk County metropolitan area. Each year, the Department of Housing and Urban Development (HUD) calculates the median income for every metropolitan region in the country. HUD focuses on the region, rather than just the city, because families searching for housing are likely to look beyond the city itself to find a place to live.

DWELLING UNIT

A building or portion thereof designed for occupancy by one family only, containing a single kitchen, in which members of a family all live and cook together as a single housekeeping unit. Such a building shall not contain separate or segregated internal partitions or locked internal doors barring access between portions of the dwelling, including bedrooms.

DESIGN REVIEW COMMITTEE (DRC)

Comprised of three (3) to five (5) Town designated representatives, chaired by the Building Department Commissioner, selected to provide an initial review of the architecture and site design of a proposed development, and make an advisory recommendation to the Building Department stating whether a filed submission should be eligible for exemption from Section 305 procedures. In the event of an application that would not require Section 305 review under any circumstances, then notwithstanding any provisions of this Article to the contrary, the Design Review Committee shall make an advisory recommendation to the Building Department as to whether the proposed

development complies with the architectural and design standards of this Article, or whether the Parking Management Plan is adequate to serve the parking needs of the proposed development. If the Committee finds non-compliance or non-adequacy, then the provisions of this Article shall not be applied to the proposed development.

FAIR MARKET RENT (FMR)

Primarily used to determine payment standard amounts for the Housing Choice Voucher program, to determine initial renewal rents for some expiring project-based Section 8 contracts, to determine initial rents for housing assistance payment contracts in the Moderate Rehabilitation Single Room Occupancy program, and to serve as a rent ceiling in the HOME rental assistance program.

HEIGHT

The vertical distance measured from the mean level of the established center-line grade (“crown of road”) of the street adjacent to the building plot to the highest point of the roof deck in the case of flat roofs and to the mean level between the eaves and the highest point of the roof in the case of sloped roofs. Each side of the building shall meet this requirement separately. Roof-mounted solar panels are excluded from the definition of height.

HOUSEHOLD

The person who seeks to rent a workforce housing unit, together with any other individual who resides (for more than 30 days per year) in the workforce housing unit, including without limitation, parents, children, spouses, siblings and persons united in a legally recognized civil union.

ROWHOUSE

One of a series of houses, typically 2-3 stories, connected by common sidewalls and forming a continuous group. Entry is found directly or close to the front sidewalk, with parking in the rear.

TOWNHOUSE

Residential units with multiple floors that mimic a detached home, with a continuous roof and foundation, but are attached in a multi-unit complex, with each unit having its own outside door and parking area/driveway located in the front

WORKFORCE HOUSING UNIT (WHU)

A residential unit that is mandated to be constructed under the provisions of this article and to be rented or sold to an eligible individual pursuant to the standards set forth in this article.

C. Applicability.

In the Residential Townhouse/Rowhouse (TR) Overlay District, the following regulations shall apply.

- (1) In North Lawrence, the Residential Townhouse/Rowhouse Overlay District applies to any parcel zoned Res-B, Res-C, Res-CA or Bus, located west of Lawrence Avenue, south of Pearl Street, east of Nassau Expressway and north of the Town boundary. The regulations of the Overlay District are applicable to new development and/or redevelopment of eligible properties, as defined in Section M (Minimum lot area and street frontage).

In Inwood, the Residential Townhouse/Rowhouse Overlay District applies to any parcel zoned Res-B that has frontage on the north side of Wanser Avenue, between Doughty Boulevard and

the Nassau Expressway or on the south side of Wanser Avenue, between Lord Avenue and the Nassau Expressway. The regulations of the Overlay District are applicable to new development and/or redevelopment of eligible properties, as defined in Section M (Minimum lot area and street frontage).

- (2) The regulations found in this Article shall govern all development that is fully compliant with the regulations. All other development within the overlay district shall continue to be governed by the regulations governing the existing underlying zoning district.

D. Permitted uses.

A building may be erected, altered or used and a lot or premises may be used for the following purposes, and for no other:

- (1) In the Residential Townhouse/Rowhouse Overlay District the following uses, and no others, shall be permitted:

- (a) Single-family attached dwellings.

E. Population density.

No multiple-family dwelling shall be erected or altered to accommodate or make provision for more than 15 households per acre.

F. Height.

No building shall be greater than 3 stories or 35 feet in height. "Height" shall be defined as applicable to the Residential Townhouse/Rowhouse Overlay District

G. Building area.

The building area shall not exceed 50% of the lot area.

H. Dwelling unit size.

The minimum dwelling unit size shall be no less than 18 feet in width.

I. Front yards.

- (1) The required front yard setback shall be a minimum of 25 feet for a townhouse and 10 feet for a rowhouse.

- (2) In the case of a corner lot, a front yard setback shall be required on each street.

J. Side yards.

For townhouses, there shall be two (2) side yards, one on each side of the main building, each having a minimum width of at least 10 feet. For rowhouses, there shall be a minimum side yard setback of 30

feet on the side where a driveway is present, and a minimum side yard setback of 10 feet on the opposite side, with a minimum aggregate of 40 feet. Where a driveway is present in the side yard setback, a landscape buffer strip of not less than 5 feet in width shall be maintained.

K. Rear yards.

There shall be a rear yard, the depth of which shall be at least 25 feet for a townhouse, and for a rowhouse there shall be a landscape buffer strip of not less than 10 feet in width along the rear property line.

L. Curb cuts.

For rowhouses, there shall be only one (1) curb cut per each grouping.

M. Minimum lot area, lot depth and street frontage.

No dwelling or other building shall be constructed on a lot unless it contains an area of not less than 12,000 square feet, has a lot depth of no less than 100 feet, and has a minimum street frontage of 125 feet. Corner parcels shall have a minimum total aggregate street frontage of 200 feet.

N. Off-street parking.

Two (2) spaces shall be provided for each dwelling unit on premises, with at least one (1) parking space located in a garage. Parking for townhouses shall be in the front of the building, and parking for rowhouses shall be in the rear of the building.

O. Design guidelines.

Buildings should foster an appearance of a residential neighborhood. Individual units should have a presence on the street and not be walled-off or oriented inward. Living areas with windows, decks and porches, which overlook common areas and drives, are encouraged.

- (1) Building entries. Dwelling entry elements such as stoops and porches should be the predominant façade feature. Entry features should primarily be single-story elements, or incorporated into two story vertical elements to break up the building mass along the street.
- (2) Massing. Massing should typically emphasize individual units. The massing of rowhouses should break the main façade into three or four distinct elements: entry; main façade; a two or three story element and the roof. Front building facades should have step-backs, at or above the second floor (i.e. a smaller footprint for at least one (1) upper level as compared to the footprint of the ground floor). The difference between ground floor and upper floor footprints should be at least ten percent. Basement space, if it is provided, shall not constitute the basis of comparison for upper-floor footprints.
- (3) Articulation. Building façades and roof lines should provide articulation to provide identity for individual units. Long horizontal eaves and roof elements across the façade should be broken up with gables, building projections and articulation. Façade articulation should reflect the rhythm of nearby residential areas with porches, projecting eaves and overhangs, and other

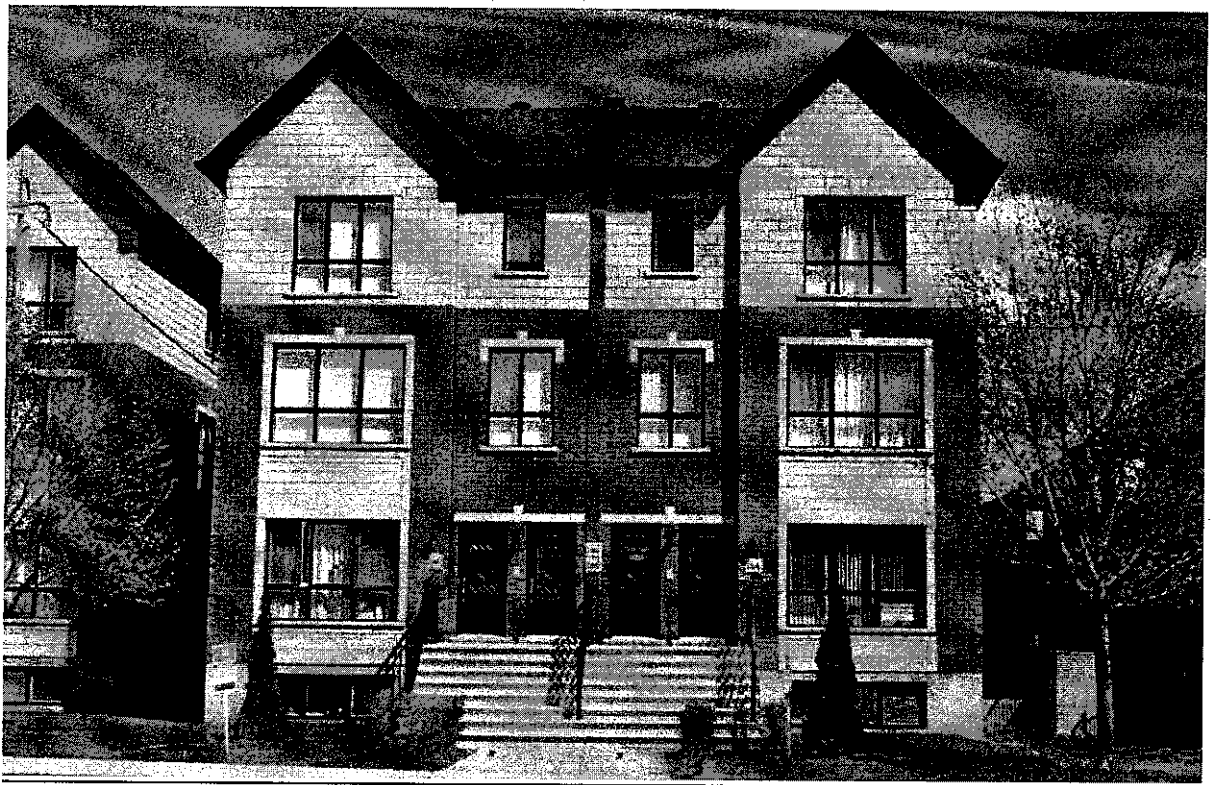
architectural elements such as bay windows, chimneys, and porches which provide residential scale and help to break up building mass. Projecting eaves and roof gables should be related to corresponding projections in building masses. Projections should extend beyond main façade, to increase building articulation. On corner lots, side yard facades shall maintain the architectural design quality consistent with the front façade.

- (4) **Rooflines.** Rooflines should emphasize the individual quality of the units. Rooflines should correspond to variations in building massing and articulation with bays, gables, dormers and strong eave elements. Roof elements should be varied to minimize the appearance of mass and bulk. Gable roofs are encouraged to emphasize vertical proportion and create modulation. Roof-mounted solar panels help satisfy the intent of this line item. No requirement in this Code shall preclude the ability to install roof-mounted solar panels or associated equipment. Solar panels are considered to satisfy the requirements herein for roofline variation.
- (5) **Materials.** Building materials are an important component of a quality residential environment and should be used in a consistent and harmonious manner. New rowhouse development should emphasize high-quality durable materials that are harmonious with existing neighborhood development. The massing and articulation of townhouses and rowhouses will have greater emphasis if the elements are differentiated by a change in detail, color or material. Changes in materials generally should not occur on the same plane as this may result in an insubstantial or applied quality. Changes in detail, color, or material should correspond to variations in building mass. "Piecemeal" and frequent changes in materials should be avoided. Although differentiation of units is desired using dramatically different architectural styles from unit to unit within the same development block is generally discouraged. The base (lower band or lower level) of each building should be clearly defined with a heavier material such as brick or stone or with a darker color than the rest of the building.
- (6) **Windows.** Windows are a very important element of building form and should be well organized on a building façade to create a rhythm or pattern. Windows should emphasize vertical massing of individual rowhouse units. Windows should have a hierarchy of sizes emphasizing the function of the living spaces and views while allowing for privacy of neighboring properties. Windows should be well detailed and consistent with the architectural design of the building. Windows should be recessed from the exterior building wall and should be defined by well-designed trims on the exterior. Facades that face streets and open spaces should include windows on upper levels.
- (7) **Side elevations.** Side elevations which face the street should be designed with the same standards as front elevations, including attractive materials, doors and decks.
- (8) **Garage parking.** Townhouses/Rowhouses shall provide at-grade or slightly below grade parking garages for resident parking.

Recommended Design Styles

(Note: Color version of photos can be viewed on the Town's website or in person in the Building Department.)





P. Design review and application submission procedures.

Applicants proposing development in the Residential Townhouse/Rowhouse Overlay District have the opportunity to receive an expedited approval process by having the projects initially reviewed by a Town appointed Design Review Committee (DRC) for advisory comments and assistance with preparing and filing compliant submissions with the Building Department. Initiating an application with the DRC allows applicants the opportunity to not have to extend the approval process timeline by having to follow Section 305 procedures.

- (1) There shall be a Design Review Committee for purposes of applying the Residential Townhouse/Rowhouse Overlay District Design Guidelines and Site Requirements to perspective application submissions. The DRC has the ability to recommend to the Department of Buildings whether an application has met the criteria to allow it to be eligible for exemption from Section 305 procedures. The DRC shall be governed as follows:
 - (a) The DRC shall be comprised of Town designated representatives (a minimum of three (3) and up to five (5)), chaired by the Commissioner of Buildings, or their appointee. A recommendation from the DRC to the Building Department shall be necessary prior to the submission of building plans for properties located in the Residential Townhouse/Rowhouse Overlay District.
 - (b) After an initial meeting has been scheduled with the DRC, the applicant shall submit the following materials in order for the DRC to provide beneficial comments to the applicant and make a knowledgeable recommendation to the Department of Buildings: conceptual architectural floor plans and color rendered elevations, a conceptual site plan, and a conceptual landscape plan.
 - (c) The DRC shall submit a written recommendation to the Department of Buildings stating whether a filed submission should be eligible for exemption from Section 305 procedures within 30 days of its final meeting with an applicant.
 - (d) If an applicant receives a recommendation from the DRC accepting the proposal, then the Commissioner of Buildings is authorized to waive compliance with Section 305 of this Ordinance to the extent that it might otherwise have complied.
 - (e) In reviewing applications, the DRC shall substantially follow the applicable criteria and design guidelines of Section O, Residential Townhouse/Rowhouse Overlay District, and such other matters as the DRC may deem germane.
- (2) All applications submitted for new construction on properties located in the Residential Townhouse/Rowhouse Overlay District and determined by the Department of Buildings to be compliant with the provisions and guidelines of this article, shall be exempt from Section 305 of the Town Code, which requires a site plan of the property to be submitted to the Town Board for its review and consideration prior to the issuance of a building permit. Approvals from the Town of Hempstead Engineering Department, Highways Department, and Conservation and Waterways Department shall be required prior to the issuance of a building permit.

Q. Workforce housing.

Projects with five (5) or more residential units shall be required to designate 10% or more of the units as affordable to individuals/families earning no more than 100% of Area Median Income (AMI) for the Nassau-Suffolk, NY HUD Metro FMR Area, subject to guidelines, as established by the Town Board.

- (1) All provisions in this section relating to the construction, maintenance and leasing of workforce housing units shall be binding on all successors and assignees of the initial building owner. No certificate of occupancy shall be issued for any building within the Town that is required to contain workforce housing units unless and until all requisite legal documents to effectuate this, as determined by the Town Attorney, are executed and recorded.
- (2) At the conclusion of the thirty-year period during which the requisite units in a building shall be rented as workforce housing units in accordance with the provisions of this section, such units may thereafter be rented by the building owner at market rates, provided that persons renting and occupying a workforce housing unit shall have an additional period after the conclusion of the thirty-year period to vacate the unit, during which time their rental rate shall remain at the level set in accordance with this section; said additional period shall be six (6) months for persons who have resided in the workforce housing unit for less than four (4) years, and twelve (12) months for persons who have resided in the workforce housing unit for four (4) years or longer. The building owner shall notify every signatory party on a rental agreement of the thirty-year period sunset date and the stipulations of this Code section.

(3) Financial eligibility.

At the time of the determination of financial eligibility, the current annual gross income of all persons living in the eligible person's household shall not exceed 100% of the median household income of the Nassau-Suffolk NY HUD Metro FMR Area, with adjustments for household size, as defined and periodically updated by the United States Department of Housing and Urban Development (HUD). At the time of application for a workforce housing unit, the applicant may be required to submit a sworn certification attesting to the amount of the household's current annual gross income and, as part of the application process, may also be required to submit documentation to confirm said amount, including but not limited to tax returns and pay stubs.

(4) Rent level.

The annual rent to be charged for a workforce housing unit by the building owner shall be a maximum of 30% of the combined current annual gross income of all persons living in the eligible person's household.

(5) Leases.

- (a) Leases for workforce housing units shall be in writing; shall have terms of one (1) or two (2) years; shall provide that the rental costs specified therein to the eligible persons shall be adjusted upon each lease renewal; shall provide for termination and nonrenewal in accordance with the provisions of this article; and shall not have provisions which shall be discriminatory vis-à-vis persons in workforce housing units.

- (b) No lease for a workforce housing unit shall be assignable. No subletting of all or any portion of a workforce housing unit shall be permitted.
 - (c) The building owner shall provide the Town annually with a sworn certification that the workforce housing units in the building have been marketed and leased in accordance with the provisions of this section.
 - (d) In addition to any other notices required by law, the building owner shall provide written notice to the persons occupying a workforce housing unit of a determination that the lease for a workforce housing unit is not being renewed on the grounds that said person is no longer eligible for a workforce housing unit, together with a written explanation of the basis for the determination of noneligibility; and a determination that the lease for a workforce housing unit is being canceled or terminated for any other reason, together with a written explanation of the basis for the proposed cancellation or termination.
- (6) Application and selection process.
- (a) When workforce housing units shall become available for rental in buildings in the Town pursuant to the provisions of this article, the building owner shall disseminate information about the availability of workforce housing units by methods reasonably calculated to notify potentially eligible persons. Such notification shall include materially relevant information about the location, size and cost of the workforce housing units to become available; a statement of eligibility guidelines; a description of the application process; a description of the thirty-year sunset date; and contact information to be used by persons interested in obtaining information or submitting an application. The building owner shall provide a copy of such advertising as part of the annually sworn certification for Town review.
 - (b) Any person who wishes to apply for a workforce housing unit shall become available shall be required to submit a written application demonstrating eligibility for such units under the standards established by this section and documentation to confirm such eligibility.
 - (c) The application of all persons who have submitted a valid and complete application for a workforce housing unit shall be ranked in accordance to the following categories of priority. Residents of the hamlets of North Lawrence and Inwood shall be defined as residing in either Census Tract 4110 or 4111, as defined by the United States Census Bureau.
 - [1] Members of the United States Military (Active or Retired), and are Residents of the hamlets of North Lawrence or Inwood.
 - [2] Volunteer firefighters from the Inwood and Lawrence-Cedarhurst Fire Departments, and are residents of the hamlets of North Lawrence or Inwood.
 - [3] Residents of the hamlets of North Lawrence and Inwood.
 - [4] Members of the United States Military (Active or Retired), and are Residents of the Town of Hempstead.
 - [5] Residents of the Town of Hempstead.

[6] Other residents of Nassau County.

[7] All others.

Applications received within thirty (30) days of the advertising notice shall then be reviewed, and determination of eligibility made by the building owner, according to the order of ranking.

- (d) In marketing and selecting tenants for workforce housing units in a building, a building owner shall contract with a third-party entity, such as Long Island Housing Partnership (LIHP) or Community Development Corporation of Long Island (CDCLI), who has experience in developing and implementing affirmative marketing plans for affordable/workplace housing as well as performing income eligibility reviews on behalf of the building owner. The third-party entity will also be responsible for ongoing administration and management of the building's workforce housing program.
- (e) A person who has submitted an application for a workforce housing unit shall receive written notice of eligibility or noneligibility within thirty (30) days or at the same time the selected lessee is notified, whichever is later. For persons deemed not eligible, the notification shall include the reasons therefor.
- (f) Absent good cause shown, any person who is selected to rent a workforce housing unit shall be required to sign a lease for the workforce housing unit within 15 days after the unit becomes available for rental and the eligible person has been notified of eligibility (the availability date). The eligible person may also be required by the building owner to deposit all sums due in connection with entering into a lease within 30 days after the availability date, and to commence paying rent for the workforce housing unit as of 60 days after the availability date. If a selected eligible person is unable or fails to meet these time requirements, then the available workforce housing unit shall be offered to other eligible persons in the order of their ranking in accordance with the provisions of this section.

(7) Loss of eligibility.

- (a) If a person is initially eligible to rent a workforce housing unit, and during such period of eligibility, enters into a lease for a workforce housing unit, but such person subsequently fails to satisfy eligibility standards, then such person's right to continue renting and occupying the workforce housing unit shall end three months after written notice of loss of eligibility is sent to such person, or at the end of such person's current lease, whichever is later. Every lease for a workforce housing unit shall contain a provision stating this. Determinations regarding a loss of eligibility shall be made in accordance with the provisions of this article. Written notice of the loss of eligibility shall be made in accordance with the provisions of this section by the building owner or by the third party handling oversight (e.g. CDCLI or LIHP). Written notice of the loss of eligibility shall be sent by express mail and/or certified mail, return receipt requested, to the persons occupying the workforce housing unit. If the formerly eligible person fails to voluntarily vacate the workforce housing unit at the requisite time, or violates the lease prior to such date, then all appropriate, lawful and available measures shall be used by the building owner to evict such person involuntarily.

(b) No person who is occupying a workforce housing unit shall be automatically entitled to a renewal lease from the building owner. However, if a renewal lease is not offered by the building owner to an eligible person who continues to satisfy the eligibility requirements of this section, then, for a period of two (2) years after the expiration date of the lease which has not been renewed (the nonrenewed lease), the building owner shall be prohibited from charging a higher rent for the workforce housing unit than that specified in the nonrenewed lease.

(8) Other laws mandating workforce housing.

(a) In the event that there are other laws or amendments to existing laws which will be or have been enacted by the Town or other governmental authorities (such as New York State or the County) requiring the provision of workforce housing units within the Town, including but not limited to the Long Island Workforce Housing Act, the provisions of this article shall govern, unless they are legally preempted by such other law, to the extent the provisions herein require a greater number of workforce housing units to be provided, or they address issues which are not addressed by such other law.

(b) The Town Board may, by resolution, adopt such further procedures and regulations as may be necessary to implement and effectuate the construction and leasing of workforce housing units within the Town.

R. Interpretation; conflicts with other regulations.

(3) In interpreting and applying the provisions of this article, the rules of interpretation applicable to remedial legislation shall be used so that the spirit and intent of this article shall be observed.

(4) In the event of a conflict between the provisions of this article and other provisions of this Building Zone Ordinance, the provisions of this article shall control.

S. Severability.

If any clause, sentence, section, paragraph or provisions of this article shall be adjudged by a court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder of this article, but shall be confined in its operation to the clause, sentence, section, paragraph or provisions directly involved in the controversy in which such judgement shall have been rendered.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that a Public Hearing will be held by the Town Board of the Town of Hempstead, Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on May 7, 2019 at 10:30 o'clock in the forenoon of that day for the purpose of considering the application of ALFALFA CARCO, LLC for Special Exception (Public Garage) to renovate the existing one-story, 7,923' building and add 1,837' addition as a service drive entrance and exit to serve as an automotive service and repair facility, with related offices located in Westbury, New York:

A rectangular-shaped parcel of property with a lot size of 62,322' (1.43 acres) and maintains 201.04' of frontage along the easterly property line at Merrick Ave. The lot depth is 310.00' along the northerly and southerly property lines and the westerly lot line is 201.04' the premises is currently improved with one-story, 7,923' building situated in Westbury, Town of Hempstead, County of Nassau, New York.

Maps pertaining to said proposal is on file with the application above mentioned in the Office of the undersigned and may be viewed during office hours.

All persons interested in the subject matter will be given an opportunity to be heard at the time and place above designated.

BY ORDER OF THE TOWN BOARD, TOWN OF HEMPSTEAD, N.Y.

LAURA A. GILLEN
Supervisor

SYLVIA A. CABANA
Town Clerk

Dated: April 16, 2019
Hempstead, N.Y.

Item # 7
Case # 30055

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that a Public Hearing will be held by the Town Board of the Town of Hempstead, Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on May 7, 2019 at 10:30 o'clock in the forenoon of that day for the purpose of considering the application of K&R 630 WOODFIELD, LLC for Special Exception (Public Garage) to construct a one-story masonry addition to the existing building which will serve as additional garage space for vehicle repairs and maintenance operations located on the n/w intersection of Woodfield Rd. & Charles St., 233.71' s/of Oakfoard St. WEST HEMPSTEAD, New York:

A rectangular shaped parcel of property having a lot area of approx. 13'934' & improved with a one(1) story masonry building the premises maintains 125.01' of frontage along the w/si of Woodfield Rd. & 112.14' of frontage along the n/si of Charles St. situated in West Hempstead, Town of Hempstead, County of Nassau, New York.

Maps pertaining to said proposal is on file with the application above mentioned in the Office of the undersigned and may be viewed during office hours.

All persons interested in the subject matter will be given an opportunity to be heard at the time and place above designated.

BY ORDER OF THE TOWN BOARD, TOWN OF HEMPSTEAD, N.Y.

LAURA A. GILLEN
Supervisor

SYLVIA A. CABANA
Town Clerk

Dated: April 16, 2019
Hempstead, N.Y.

Item #

8

Case #

29898

ADOPTED:

offered the following resolution and moved
its adoption:

RESOLUTION GRANTING THE APPLICATION OF VFW POST #1582 FOR A PARADE PERMIT FOR A PARADE TO BE HELD IN INWOOD, NEW YORK, ON MAY 26, 2019.

WHEREAS, Frank Santora of Cedarhurst, New York, Commander of VFW Post #1582, New York has filed an application with the Town Clerk of the Town of Hempstead, for a Parade Permit for a Parade to be held in Inwood, New York, on May 26, 2019 from 12:00 PM to 12:45 PM and

WHEREAS, the said application meets the requirements of section 117-3 of the Hempstead Town Code ("the Code") and has been positively reviewed by the Nassau County Police Department; and

WHEREAS, the Town Clerk has advised the Town Board that the application appears to meet the requirements of section 117-4 of the Code, entitled *Standards for Issuance*;

NOW, THEREFORE, BE IT

RESOLVED, that the of the aforesaid application of Frank Santora, Commander of the VFW Post #1582, be and the same is hereby GRANTED, subject to all the provisions of Chapter 117 entitled Parades, Code of the Town of Hempstead

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 9

Case # 25843

CASE NO. 25843

RESOLUTION NO.

ADOPTED:

offered the following resolution and moved
its adoption:

RESOLUTION GRANTING THE APPLICATION OF ST.MARINA
SOCIETY FOR A PARADE PERMIT FOR A PROCESSION TO
BE HELD IN INWOOD, NEW YORK, ON JULY 13, 2019.

WHEREAS, Marino Curra of Lynbrook, New York, Vice President of the
St. Marina Society, New York has filed an application with the Town Clerk of the
Town of Hempstead, for a Parade Permit for a Procession to be held in Inwood,
New York, on July 13, 2019 from 11:00 AM to 2:00 PM and

WHEREAS, the said application meets the requirements of section 117-3
of the Hempstead Town Code ("the Code") and has been positively reviewed by
the Nassau County Police Department; and

WHEREAS, the Town Clerk has advised the Town Board that the
application appears to meet the requirements of section 117-4 of the Code, entitled
Standards for Issuance;

NOW, THEREFORE, BE IT

RESOLVED, that the of the aforesaid application of Marino Curra, Vice
President of the St.Marina Society, be and the same is hereby GRANTED, subject
to all the provisions of Chapter 117 entitled Parades, Code of the Town of
Hempstead

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item #

9

Case #

25843

ADOPTED:

offered the following resolution and moved
its adoption:

RESOLUTION GRANTING OF THE APPLICATION OF THE JIMI GUBELLI FOUNDATION FOR A PARADE PERMIT FOR A K-RUN TO BE HELD IN ISLAND PARK, NEW YORK, ON JUNE 22, 2019.

WHEREAS, Richard Colon of Island Park, New York, Co-Founder of the Jimi Gubelli Foundation, New York has filed an application with the Town Clerk of the Town of Hempstead, for a Parade Permit for a K-Run to be held in Island Park, New York, on June 22, 2019 from 9:15 AM to 10:30 AM and

WHEREAS, the said application meets the requirements of section 117-3 of the Hempstead Town Code ("the Code") and has been positively reviewed by the Nassau County Police Department; and

WHEREAS, the Town Clerk has advised the Town Board that the application appears to meet the requirements of section 117-4 of the Code, entitled *Standards for Issuance*;

NOW, THEREFORE, BE IT

RESOLVED, that the of the aforesaid application of Richard Colon, Co Founder of the Jimi Gubelli Foundation, be and the same is hereby GRANTED, subject to all the provisions of Chapter 117 entitled Parades, Code of the Town of Hempstead

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 9
Case # 25843

ADOPTED:

offered the following resolution and moved

its adoption:

RESOLUTION RATIFYING AND CONFIRMING THE GRANTING OF THE APPLICATION OF CENTRAL NASSAU LITTLE LEAGUE FOR A PARADE PERMIT FOR A PARADE HELD IN WESTBURY, NEW YORK, ON APRIL 13, 2019.

WHEREAS, Jeff Deluca of Westbury, New York, Safety Officer of the Central Nassau Little League, New York has filed an application with the Town Clerk of the Town of Hempstead, for a Parade Permit for a Parade to be held in Westbury, New York, on April 13, 2019 from 11:00 AM to 11:45 AM and

WHEREAS, the said application meets the requirements of section 117-3 of the Hempstead Town Code ("the Code") and has been positively reviewed by the Nassau County Police Department; and

WHEREAS, the Town Clerk has advised the Town Board that the application appears to meet the requirements of section 117-4 of the Code, entitled *Standards for Issuance*;

NOW, THEREFORE, BE IT

RESOLVED, that the GRANTING of the aforesaid application of Jeff Deluca, Safety Officer of the Central Nassau Little League, be and the same is hereby RATIFIED AND CONFIRMED, subject to all the provisions of Chapter 117 entitled Parades, Code of the Town of Hempstead

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 9

Case # 25843

CASE NO. 25843

RESOLUTION NO.

ADOPTED:

offered the following resolution and moved
its adoption:

RESOLUTION RATIFYING AND CONFIRMING THE GRANTING
OF THE APPLICATION OF WEST HEMPSTEAD LITTLE
LEAGUE FOR A PARADE PERMIT FOR A PARADE HELD IN
WEST HEMPSTEAD, NEW YORK, ON APRIL 27, 2019. RAIN
DATE: MAY 04, 2019.

WHEREAS, George Digivoanni of W Hempstead, New York, Vice
President of the West Hempstead Little League, New York has filed an application
with the Town Clerk of the Town of Hempstead, for a Parade Permit for a Parade
to be held in West Hempstead, New York, on April 27, 2019, Rain Date: May
04, 2019, from 9:30 AM to 11:00 AM and

WHEREAS, the said application meets the requirements of section 117-3 of
the Hempstead Town Code ("the Code") and has been positively reviewed by the
Nassau County Police Department; and

WHEREAS, the Town Clerk has advised the Town Board that the
application appears to meet the requirements of section 117-4 of the Code, entitled
Standards for Issuance;

NOW, THEREFORE, BE IT

RESOLVED, that the GRANTING of the aforesaid application of George
Digivoanni, Vice President of the West Hempstead Little League, be and the same
is hereby RATIFIED AND CONFIRMED, subject to all the provisions of Chapter
117 entitled Parades, Code of the Town of Hempstead

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item #

9

Case #

25843

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING SPECIAL ASSESSMENT FOR PROFESSIONAL SERVICES RENDERED IN REGARD TO AN UNSAFE INGROUND SWIMMING POOL, LOCATED ON THE EAST SIDE OF LEE PLACE, 367 FEET SOUTH OF BOUNDARY LANE. SEC 63, BLOCK 225, AND LOT(S) 21-22, A/K/A 2739 LEE PLACE, BELLMORE, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead entitled, "Dangerous Buildings and Structures," the Commissioner of the Department of Buildings deemed it necessary to inspect the unsafe structure located at 2739 Lee Place, Bellmore, Town of Hempstead, New York; and

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead the Commissioner of the Department of Buildings is authorized to cause the immediate structural surveying of the premises and the Town of Hempstead shall be reimbursed for the cost of the work or the services provided; and

WHEREAS, the services of Cashin Associates, P.C., 1200 Veterans Memorial Highway, #200, Hauppauge, New York, providing architectural and engineering work in connection with Chapter 90, as authorized by the Commissioner of the Department of Buildings, were approved by the Town Board under Resolution Number 456-2017; and

WHEREAS, the Commissioner of the Department of Buildings directed the firm to provide professional architectural and engineering services for a site survey and report, regarding 2739 Lee Place, Bellmore; and

WHEREAS, on November 13, 2018, Cashin Associates, P.C., performed verbal testimony at the Town Board Hearing with regard to the Chapter 90 report and has submitted a bill for services rendered, in the amount of \$300.00; and

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$300.00, the cost associated with such services provided regarding 2739 Lee Place, Bellmore, New York.

WHEREAS, an additional charge of \$250.00 will be assessed in accordance with §90-9 of the Code of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby ratifies and confirms the actions taken by the Commissioner of the Department of Buildings; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified copy of this Resolution with the clerk of the County Legislature and the Board of Assessors of the County of Nassau, so that the sum of \$550.00 may be assessed by the Board of Assessors of the County of Nassau against the lot in question at the same time as other taxes are levied and assessed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 10

Case # 6542

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING SPECIAL ASSESSMENT FOR PROFESSIONAL SERVICES RENDERED IN REGARD TO AN UNSAFE ONE AND ONE HALF STORY WOOD FRAME ONE FAMILY DWELLING WITH ATTACHED GARAGE AND DEBRIS FROM PREMISE: SAID PREMISE LOCATED ON THE NORTH SIDE OF BOOTH LANE, 258 FEET EAST OF BLOCK LANE. SECTION 45, BLOCK 340 AND LOT(S) 5, AKA 33 BOOTH LANE, LEVITTOWN, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead entitled, "Dangerous Buildings and Structures," the Commissioner of the Department of Buildings deemed it necessary to inspect the unsafe structure located at 33 Booth Lane, Levittown, Town of Hempstead, New York; and

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead the Commissioner of the Department of Buildings is authorized to cause the immediate structural surveying of the premises and the Town of Hempstead shall be reimbursed for the cost of the work or the services provided; and

WHEREAS, the services of Cashin Associates, P.C., 1200 Veterans Memorial Highway, #200, Hauppauge, New York, providing architectural and engineering work in connection with Chapter 90, as authorized by the Commissioner of the Department of Buildings, were approved by the Town Board under Resolution Number 456-2017; and

WHEREAS, the Commissioner of the Department of Buildings directed the firm to provide professional architectural and engineering services for a site survey and report, regarding 33 Booth Lane, Levittown; and

WHEREAS, on December 19, 2018, Cashin Associates, P.C., performed the surveying, architectural and engineering services directed by the Commissioner of the Department of Buildings and has submitted a bill for services rendered, in the amount of \$1,137.50; and

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$1,137.50, the cost associated with such services provided regarding 33 Booth Lane, Levittown, New York.

WHEREAS, an additional charge of \$250.00 will be assessed in accordance with §90-9 of the Code of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby ratifies and confirms the actions taken by the Commissioner of the Department of Buildings; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified copy of this Resolution with the clerk of the County Legislature and the Board of Assessors of the County of Nassau, so that the sum of \$1,387.50 may be assessed by the Board of Assessors of the County of Nassau against the lot in question at the same time as other taxes are levied and assessed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 10

Case # 6542

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING SPECIAL ASSESSMENT FOR PROFESSIONAL SERVICES RENDERED IN REGARD TO AN UNSAFE ONE AND ONE HALF STORY WOOD FRAME ONE FAMILY DWELLING WITH ATTACHED GARAGE AND DEBRIS FROM PREMISE: SAID PREMISE LOCATED ON THE WEST SIDE OF ROCKAWAY AVENUE, 1125 FEET SOUTH OF DOVER ROAD. SECTION 38, BLOCK 530 AND LOT(S) 1, AKA 2830 ROCKAWAY AVENUE, OCEANSIDE, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead entitled, "Dangerous Buildings and Structures," the Commissioner of the Department of Buildings deemed it necessary to inspect the unsafe structure located at 2830 Rockaway Avenue, Oceanside, Town of Hempstead, New York; and

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead the Commissioner of the Department of Buildings is authorized to cause the immediate structural surveying of the premises and the Town of Hempstead shall be reimbursed for the cost of the work or the services provided; and

WHEREAS, the services of Cashin Associates, P.C., 1200 Veterans Memorial Highway, #200, Hauppauge, New York, providing architectural and engineering work in connection with Chapter 90, as authorized by the Commissioner of the Department of Buildings, were approved by the Town Board under Resolution Number 456-2017; and

WHEREAS, the Commissioner of the Department of Buildings directed the firm to provide professional architectural and engineering services for a site survey and report, regarding 2830 Rockaway Avenue, Oceanside; and

WHEREAS, on December 19, 2018, Cashin Associates, P.C., performed the surveying, architectural and engineering services directed by the Commissioner of the Department of Buildings and has submitted a bill for services rendered, in the amount of \$1,050.00; and

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$1,050.00, the cost associated with such services provided regarding 2830 Rockaway Avenue, Oceanside, New York.

WHEREAS, an additional charge of \$250.00 will be assessed in accordance with §90-9 of the Code of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby ratifies and confirms the actions taken by the Commissioner of the Department of Buildings; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified copy of this Resolution with the clerk of the County Legislature and the Board of Assessors of the County of Nassau, so that the sum of \$1,300.00 may be assessed by the Board of Assessors of the County of Nassau against the lot in question at the same time as other taxes are levied and assessed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item #

10

Case #

6542

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING SPECIAL ASSESSMENT FOR PROFESSIONAL SERVICES RENDERED IN REGARD TO AN UNSAFE ONE AND ONE HALF STORY WOOD FRAME ONE FAMILY DWELLING, LOCATED ON THE WEST SIDE OF NORTH BROOKSIDE AVENUE, 1125 FEET NORTH OF ALAHAMBRA ROAD. SEC 36, BLOCK 468, AND LOT(S) 418 & 443, A/K/A 475 NORTH BROOKSIDE AVENUE, ROOSEVELT, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead entitled, "Dangerous Buildings and Structures," the Commissioner of the Department of Buildings deemed it necessary to inspect the unsafe structure located at 475 North Brookside Avenue, Roosevelt, Town of Hempstead, New York; and

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead the Commissioner of the Department of Buildings is authorized to cause the immediate structural surveying of the premises and the Town of Hempstead shall be reimbursed for the cost of the work or the services provided; and

WHEREAS, the services of Cashin Associates, P.C., 1200 Veterans Memorial Highway, #200, Hauppauge, New York, providing architectural and engineering work in connection with Chapter 90, as authorized by the Commissioner of the Department of Buildings, were approved by the Town Board under Resolution Number 456-2017; and

WHEREAS, the Commissioner of the Department of Buildings directed the firm to provide professional architectural and engineering services for a site survey and report, regarding 475 North Brookside Avenue, Roosevelt; and

WHEREAS, on November 13, 2018, Cashin Associates, P.C., performed verbal testimony at the Town Board Hearing with regard to the Chapter 90 report and has submitted a bill for services rendered, in the amount of \$300.00; and

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$300.00, the cost associated with such services provided regarding 475 North Brookside Avenue, Roosevelt, New York.

WHEREAS, an additional charge of \$250.00 will be assessed in accordance with §90-9 of the Code of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby ratifies and confirms the actions taken by the Commissioner of the Department of Buildings; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified copy of this Resolution with the clerk of the County Legislature and the Board of Assessors of the County of Nassau, so that the sum of \$550.00 may be assessed by the Board of Assessors of the County of Nassau against the lot in question at the same time as other taxes are levied and assessed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item #

10

Case #

6542

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING SPECIAL ASSESSMENT FOR PROFESSIONAL SERVICES RENDERED IN REGARD TO AN UNSAFE TWO STORY WOOD FRAME ONE FAMILY DWELLING, LOCATED ON THE NORTH SIDE OF PLEASANT AVENUE, 189 FEET WEST OF ELLISON AVENUE. SEC 36, BLOCK 468, AND LOT(S) 57-59, A/K/A 69 PLEASANT AVENUE, ROOSEVELT, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead entitled, "Dangerous Buildings and Structures," the Commissioner of the Department of Buildings deemed it necessary to inspect the unsafe structure located at 69 Pleasant Avenue, Roosevelt, Town of Hempstead, New York; and

WHEREAS, pursuant to Chapter 90 of the Code of the Town of Hempstead the Commissioner of the Department of Buildings is authorized to cause the immediate structural surveying of the premises and the Town of Hempstead shall be reimbursed for the cost of the work or the services provided; and

WHEREAS, the services of Cashin Associates, P.C., 1200 Veterans Memorial Highway, #200, Hauppauge, New York, providing architectural and engineering work in connection with Chapter 90, as authorized by the Commissioner of the Department of Buildings, were approved by the Town Board under Resolution Number 456-2017; and

WHEREAS, the Commissioner of the Department of Buildings directed the firm to provide professional architectural and engineering services for a site survey and report, regarding 69 Pleasant Avenue, Roosevelt; and

WHEREAS, on December 11, 2018, Cashin Associates, P.C., performed verbal testimony at the Town Board Hearing with regard to the Chapter 90 report and has submitted a bill for services rendered, in the amount of \$300.00; and

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$300.00, the cost associated with such services provided regarding 69 Pleasant Avenue, Roosevelt, New York.

WHEREAS, an additional charge of \$250.00 will be assessed in accordance with §90-9 of the Code of the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby ratifies and confirms the actions taken by the Commissioner of the Department of Buildings; and

BE IT FURTHER RESOLVED, that the Town Clerk shall file a certified copy of this Resolution with the clerk of the County Legislature and the Board of Assessors of the County of Nassau, so that the sum of \$550.00 may be assessed by the Board of Assessors of the County of Nassau against the lot in question at the same time as other taxes are levied and assessed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 10

Case # 6542

CASE NO. 461

RESOLUTION NO.

RESOLUTION RE: ACCEPTING JOHNATHAN GROSSMAN, JR.
AND KEVIN GLEESON AS ACTIVE MEMBERS IN THE
MERRICK HOOK AND LADDER CO. NO. 1, MERRICK, NEW
YORK

ADOPTED:

Offered the following resolution and
moved its adoption:

RESOLVED, that the action, of MERRICK HOOK AND LADDER
CO. NO. 1, Merrick, New York in accepting Johnathan
Grossman, Jr., residing, at [REDACTED], Merrick, New
York 11566 and Kevin Gleeson, residing at [REDACTED]
[REDACTED], New York 11566 into the company rolls as a
members, be and the same hereby is ratified and approved.

The foregoing resolution was adopted upon roll call as
follows:

AYES:

NOES:

Item #

11

Case #

461

Case No.

Resolution No.

Adopted:

RESOLUTION AMENDING THE RESOLUTION NO.
15-2018 CONCERNING THE APPOINTMENT OF
MARRIAGE OFFICERS

offered the following resolution and moved its adoption:

WHEREAS, Resolution No. 15-2018, adopted on January 9, 2018
appointed various marriage officers for the Town of Hempstead for a term
to expire on December 31, 2019,

WHEREAS, in order to better serve the public it is necessary to add an
additional marriage officer,

NOW, THEREFORE, BE IT

RESOLVED, that the Resolution No. 15-2018 is hereby amended to
add Marie Mordente as an additional marriage officer and BE IT FURTHER

RESOLVED, that the Resolution No. 15-2018 shall remain in all other
respects in full force and effect.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item #

12

Case #

13642

Case No.

RESOLUTION NO.

Adopted:

offered the following resolution and moved its adoption as follows:

RESOLUTION ACCEPTING A BID FOR THE YEARLY REQUIREMENTS FOR CONTRACT# 13A-2019, TELEPHONE SYSTEM REPAIRS FOR THE DEPARTMENT OF PARKS AND RECREATION.

WHEREAS, the Department of Purchasing, on behalf of the Department of Parks and Recreation, advertised for bids for the yearly requirements for telephone system repairs; and

WHEREAS, the sole bid submitted pursuant to such advertisement was opened and referred to the Department of Parks and Recreation for examination and report:

Telephone Consulting Services of L.I. Corp.
d/b/a T.C.S. Marine Service
2933 Judith Drive
Bellmore, N.Y. 11710

Normal Work Day - 7:00 am to 5:00 pm

Cost per hour per man-\$ 89.88/hour

After hours labor rate- \$121.31/hour

All materials and telephone units provided will be at cost plus 14%, including freight

Cash Discount of 1%

and

WHEREAS, the Commissioner of the Department of Parks and Recreation has reported that the bid submitted by Telephone Consulting Services of L.I. Corp. d/b/a T.C.S Marine Service, 2933 Judith Drive, Bellmore, N.Y. 11710 was the sole bidder and has recommended acceptance of said bid to the Town Board and it appears that said bidder is duly qualified;

NOW, THEREFORE, BE IT

RESOLVED, that the bid from Telephone Consulting Services of L.I. Corp. d/b/a T.C.S Marine Service, be accepted and approved; and

BE IT FURTHER

RESOLVED, that the Town Comptroller be and is hereby authorized to accept such bid and that payments be charged against Parks and Recreation Code 400-007-7110-4180 - Telephone Equipment.

AYES:

NOES

Item # 13

Case # 9920

CASE NO.

RESOLUTION NO.

Adopted:

offered the following resolution

and moved its adoption:

RESOLUTION ACCEPTING BID FOR THE YEARLY REQUIREMENTS FOR CONTRACT #30-2019 MAINTENANCE OF INCANDESCENT & MERCURY VAPOR FLOODLIGHT SYSTEMS WITHIN THE DEPARTMENT OF PARKS AND RECREATION.

WHEREAS, the Department of Purchasing, on behalf of the Department of Parks and Recreation, advertised for bids for the Yearly Requirements for the Maintenance of Incandescent & Mercury Vapor Floodlight Systems.

WHEREAS, the bids submitted pursuant to such advertisement were opened and referred to the Department of Parks and Recreation for examination and report; and

WHEREAS, the following bids were received:

Anker's Electric Service, Inc.
10 South Fifth Street
Locust Valley, N.Y. 11560

Normal Work Day- 7:00am to 5:00pm

- Cost per hour per master electrician- \$ 97.00 normal working days
- Cost per hour per master electrician- \$105 overtime
- Cost per hour per helper- \$72.00 normal working days
- Cost per hour per helper- \$88.00 overtime
- Cost for materials (other than Town supplied)-Contractor's certified cost plus 9%
- Cost for two men & 70ft. bucket truck-\$145.00 per hour

Welsbach Electric Corp. of L.I.
300 Newton Road
Plainview, N.Y. 11803

Normal Work Day-7:00am to 5:00pm

- Cost per hour per master electrician- \$ 99.00 normal working days
- Cost per hour per master electrician- \$115.00 overtime
- Cost per hour per helper- \$68.00 normal working days
- Cost per hour per helper- \$75.00 overtime
- Cost for materials (other than Town supplied)-Contractor's certified cost plus 10%
- Cost for two men & 70ft. bucket truck-\$160.00 per hour

Polaris Electrical Construction Corp.
124 S. Long Beach Road
Rockville Centre, N.Y. 11570

Normal Work Day-7:00am to 5:00pm

- Cost per hour per master electrician-\$135.00 normal working days
- Cost per hour per master electrician-\$186.00 overtime
- Cost per hour per helper- \$63.00 normal working days
- Cost per hour per helper- \$76.00 overtime
- Cost for materials (other than Town supplied)-Contractor's certified cost plus 6%
- Cost for two men & 70ft bucket truck-\$495.00 per hour

and

WHEREAS, the Commissioner of the Department of Parks and Recreation has reported that the bid submitted from Anker's Electric Service, Inc., 10 South Fifth Street, Locust Valley, N.Y. 11560, is the lowest bidder and duly qualified, and has recommended acceptance of said bid to the Town Board and it appears that said bidder is duly qualified;

and

Item #

14

Case # 9920

NOW, THEREFORE, BE IT

RESOLVED, that the bid from Anker's Electric Service, Inc., 10 South Fifth Street, Locust Valley, N.Y. 11560, be accepted and approved; and

BE IT FURTHER

RESOLVED, that the Town Comptroller be and is hereby authorized to accept such bid and that payments be charged against Parks and Recreation Code 400-007-7110-4030.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

CASE NO.

RESOLUTION NO.

Adopted:

offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING ACCEPTANCE OF A BID FOR AN ACCESSIBLE WASHROOM AND RAMP AT MOUNT CARMEL MUTUAL AID SOCIETY, 934 STEWART AVENUE, FRANKLIN SQUARE, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, the Town of Hempstead through the Department of Planning and Economic Development, by public notice in Newsday, duly published according to law, invited sealed bids for an Accessible Washroom and Ramp, located on 934 Stewart Place, Franklin Square, New York, in the Town of Hempstead, County of Nassau; and

WHEREAS, the Department of Planning and Economic Development received three (3) bids in response to the subject project; and

- | | | |
|----|---------------------------|---------------|
| 1. | Westar Construction Group | \$ 100,550.00 |
| 2. | RCX Construction | \$ 143,630.00 |
| 3. | Belcor Builders | \$ 182,500.00 |

WHEREAS, the Commissioner of the Department of Planning and Economic Development recommends that the Town of Hempstead accept the lowest responsible bid submitted by Westar Construction Group Inc., 6800 Jericho Turnpike – Ste. 120 W, Syosset, NY 11791, in the sum of ONE HUNDRED THOUSAND FIVE HUNDRED FIFTY AND 00/100 (\$100,550.00) DOLLARS for an Accessible Washroom and Ramp, located on 934 Stewart Place, Franklin Square, New York, in the Town of Hempstead, County of Nassau; and

WHEREAS, this Town Board deems it to be in the public interest to accept the aforementioned bid.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to accept the bid and execute the contract made by WESTAR CONSTRUCTION GROUP INC. in the sum of ONE HUNDRED THOUSAND FIVE HUNDRED FIFTY AND 00/100 (\$100,550.00) Dollars with payments charged against the appropriate Community Development Account; and

BE IT FURTHER RESOLVED, that the Commissioner of the Department of Planning and Economic Development is hereby authorized to execute any and all documents necessary to implement the project. Said documents shall include, but shall not be limited to award notices, change orders, notices to proceed, and any other documents that are reasonably required for the implementation and completion of the project.

The foregoing resolution was adopted upon roll call as follows:

AYES: ()

NOES: ()

Doc. No. 19-008
April 10, 2019

Item # 15
Case # 18675

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution

And moved its adoption:

RESOLUTION AUTHORIZING THE AWARD OF A BID TO THE FRANKLIN COMPANY CONTRACTORS, INC. FOR UST/AST SYSTEM COMPONENT TESTING VARIOUS TOWN FACILITIES, TOWN OF HEMPSTEAD, NASSAU COUNTY, NEW YORK PW #33-18.

WHEREAS, the Commissioner of the Department of General Services (the "Commissioner"), on behalf of the Town of Hempstead (the "Town"), publicly advertised for bids, for UST/AST System Component Testing Various Town Facilities, Town of Hempstead, Nassau County, New York PW #33-18 (the "Project"); and

WHEREAS, the following bids were received and opened in the Commissioner's office on January 15, 2019:

The Franklin Company Contractors, Inc. 22-44 119 th Street College Point, New York 11356	\$162,530.00/three years
Gemstar Construction Corporation 83 Jewett Avenue Staten Island, New York 10302	\$166,950.00/three years
Island Pump and Tank Corporation 40 Doyle Court East Northport, New York 11731	\$176,576.00/three years

and;

WHEREAS, after review of the bids, the Commissioner has recommended that the contract for the project be awarded to The Franklin Company Contractors, Inc., 22-44 119th Street, College Point, New York 11356 (the "Contractor") as the lowest responsible bidder, for a term of one year, with the Town having the option to renew for two additional one year periods, not to exceed amount of \$162,530.00 for a three year period; and

WHEREAS, consistent with the Commissioner's recommendation, the Town Board desires to authorize the award of a contract to the Contractor for the Project.

NOW, THEREFORE, BE IT

Item # 16

Case # 20465

RESOLVED, that the Town Board hereby awards a contract to the Contractor for the Project, as the lowest responsible bidder for a term of one year, with the Town having the option to renew for two additional one year periods, not to exceed \$162,530.00 for a three year period; and be it further

RESOLVED, that upon the execution of the contract by the Contractor, and submission of the required performance bond and insurance, and approval thereof by the Town Attorney, the Comptroller be and he hereby is authorized to execute said contract on behalf of the Town; and be it further

RESOLVED, the bidder's performance bond and insurance, when approved by the Town Attorney as to form, and a copy of the executed agreement, be filed in the Office of the Town Clerk; and

RESOLVED, that the Comptroller is authorized and directed to pay the cost of the Project in accordance with the contract in an amount not to exceed \$162,530.00 for a three year period with payments to be made from appropriate Capital Fund Accounts.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

CASE NO.

RESOLUTION NO.

ADOPTED:

offered the following resolution and moved its adoption:

RESOLUTION AWARDDING PURCHASE CONTRACT #47-2019 FOR THE YEARLY REQUIRMENTS FOR ACCEPTANCE AND DISPOSAL OF CONSTRUCTION AND DEMOLITION DEBRIS COLLECTED BY THE TOWN OF HEMPSTEAD

WHEREAS, the Director of Purchasing, on behalf of the Commissioner of Sanitation, advertised for the Yearly Requirements for Acceptance and Disposal of Construction and Demolition Debris Collected By the Town of Hempstead; and

WHEREAS, said bids were received and opened on March 22, 2019 with the following results:

<u>Name and Address of Bidder</u>	<u>Bid Proposal Amount</u>
Westbury Paper Stock Corp. 173 School Street Westbury, New York 11590	Item 1 - \$83.80 per ton Total: \$838,000.00
Winter Brothers Hauling of L.I., LLC 1198 Prospect Avenue Westbury, New York 11590	Item 1 - \$83.97 per ton Total \$839,700.00
American Recycling Management, LLC 172-33 Douglas Avenue Jamaica, NY 11433	Item 1 - \$95.00 per ton Total: \$950,000.00
S & M Prompt Rubbish Removal Services, Inc. 228 Miller Avenue Freeport New York 11520	Item 1 - \$197.00 per ton Total \$1,970,000.00

WHEREAS, for purposes of this bid the following applies:

Item 1 – Acceptance and disposal, at Contractor’s Facility, of construction and demolition debris from the Merrick and Oceanside Transfer Stations;

Total- Based on an estimated yearly tonnage of 10,000 tons.

WHEREAS, it has been determined that the bid received by Westbury Paper Stock Corp., 173 School Street, Westbury, New York 11590 represents the lowest responsive bid which meets the qualifications proposed and is acceptable as stated; and

WHEREAS, the term of the agreement shall be upon award until April 30, 2020; and

WHEREAS, the Town at their sole option may offer two, one year extensions, however, said extension must be agreed upon by both parties; and

WHEREAS, the Commissioner of Sanitation recommends said contract be awarded to Westbury Paper Stock Corp.; and

WHEREAS, upon recommendation of the Commissioner, the Town Board deems it to be in the public interest to award this contract to Westbury Paper Stock Corp.;

Item # 17
Case # 17083

NOW, THEREFORE, BE IT

RESOLVED, Purchase Contract #47-2019 for the Yearly Requirements for Acceptance and Disposal of Construction and Demolition Debris Collected By the Town of Hempstead be awarded to Westbury Paper Stock Corp., 173 School Street, Westbury, New York 11590; and

BE IT FURTHER

RESOLVED, that all monies due and owing in connection with this contract shall be paid out of Refuse Disposal District Contract Disposal Fees Account #301-006-0301-4570.

The foregoing was adopted upon roll call as follows:

AYES: ()

NOES: ()
* * * * *

CASE NO.

RESOLUTION NO.

ADOPTED:

offered the following resolution and moved its adoption:

RESOLUTION RATIFYING AND CONFIRMING THE ACCEPTANCE OF THE PROPOSAL OF H2M ARCHITECTS AND ENGINEERS FOR PROFESSIONAL SERVICES RELATED TO PREPARATION OF APPLICATION DOCUMENTS FOR EMERGING CONTAMINANT TREATMENT FUNDING FOR UNIONDALE WELLS 5 AND 6, UNIONDALE WATER DISTRICT, NEW YORK

WHEREAS, New York State has offered funding opportunities to water suppliers affected by currently unregulated emerging contaminants through it's Environmental Facilities Corporation and the State Revolving Fund; and

WHEREAS, Wells 5 and 6 in The Uniondale Water District (the District) has experienced a steady increase of a contaminant included in the definition of emerging contaminants by New York State; and

WHEREAS, the Commissioner of the Department of Water (the Commissioner) has determined that it is prudent to apply for this funding opportunity, the application for which requires specific professional documents which must be prepared by a Profession Engineering Firm; and

WHEREAS, due to the tight time constraints tied to this application the Commissioner solicited a proposal from the firm of H2M Architects and Engineers for services related to the preparation of the application and related reports and documents; and

WHEREAS, upon review, it was determined that the proposal of H2M Architects and Engineers was responsive to the needs of the District and the Form exhibited the necessary qualifications and experience to successfully perform the tasks required; and

WHEREAS, H2M Architects and Engineers in their proposal dated November 27, 2018 agreed to perform the required tasks for an amount not to exceed \$9,500.00 (nine thousand five hundred dollars); and

WHEREAS, the Commissioner deems such services to be necessary and in the public interest.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner is hereby authorized to accept the proposal for of H2M Architects and Engineers with offices at 538 Broad Hollow Road, Melville New York 11747 to perform said professional services and any other necessary services as submitted in their proposal of November 27, 2018, and

BE IT FURTHER RESOLVED that the Comptroller of the Town of Hempstead be and hereby is authorized and directed to make payment of fees for such consulting services in accordance with the terms of the aforementioned proposal, such fees to be paid from and charged against the Uniondale Water District Account 8671-507-8671-5010 for an amount not to exceed \$9,500.00 (nine thousand five hundred dollars).

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 18
Case # 26420

CASE NO.

RESOLUTION NO.

ADOPTED:

offered the following resolution and moved its adoption:

RESOLUTION ACCEPTING THE PROPOSAL OF PITTSBURGH TANK AND TOWER MAINTENANCE CO, INC. AND AUTHORIZING THE COMMISSIONER OF THE DEPARTMENT OF WATER TO EXECUTE A CONSULTING AGREEMENT FOR PROFESSIONAL SERVICES RELATED TO THE INSPECTION OF GROUND WATER STORAGE TANKS (4) AT VARIOUS LOCATIONS, ON BEHALF OF THE DEPARTMENTS OF WATER AND PARKS AND RECREATION, TOWN OF HEMPSTEAD, NEW YORK

WHEREAS, The Town of Hempstead Departments of Water and Parks and Recreation each maintain two concrete ground water storage tanks; and

WHEREAS, the periodic inspection of a concrete water tank is prudent to ascertain it's condition and, as needed, develop a plan from repairs and improvements; and

WHEREAS, the Commissioner of the Department of Water (the Commissioner) issued a request for Proposals (RFP) on March 30, 2018 for professional services to perform said inspection and prepare a report of the findings and recommendations with responses due on April 18, 2018; and

WHEREAS, in response to the request for proposals issued by the Commissioner and publicly advertised, two proposals were received and reviewed by the Department of Water; and

WHEREAS, upon review, it was determined that Pittsburgh Tank and Tower Maintenance Co., Inc. provided the most responsive proposal and exhibits the necessary qualifications and experience to successfully perform the tasks outlined in the Request for Proposals; and

WHEREAS, Pittsburgh Tank and Tower Maintenance Co., Inc. in their proposal dated April 18, 2018 agrees to perform the required tasks for a total amount not to exceed \$7,900.00 (seven thousand nine hundred dollars) broken out as follows Lido Golf Course Irrigation Tank \$1,500.00, Merrick Golf Course Irrigation Tank \$1,500.00, Lido-Point Lookout Water District Potable Water Tank \$2,250.00 and Bowling Green Water District Potable Water Tank \$2,650.00; and

WHEREAS, the Commissioner deems such services to be necessary and in the public interest.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of the Department of Water is hereby authorized to execute an agreement for consulting services accepting the proposal of Pittsburgh Tank and Tower Maintenance Co., Inc. with offices at 1 Watertank Place, Henderson, KY, 42420 to perform said consulting services, as well as any other necessary services as submitted in their proposal of April 18, 2018, and

BE IT FURTHER RESOLVED that the Comptroller of the Town of Hempstead be and hereby is authorized and directed to make payment of fees for such services in accordance with the terms of the aforementioned proposal, such fees to be paid from and charged against the Parks Department Account 400-007-7110-4151 Fees and Services in the amount of \$3,000.00 (three thousand dollars), Lido - Point Lookout Water District Capital Outlay Account no. 505-006-050-3010 in the amount of \$2,250.00 (two

Item # 30119
19741
10729
Case #'s 22356

thousand two hundred fifty dollars) and Bowling Green Water District Capital Outlay Account no. 501-006-0501-3010 in the amount of \$2,650.00 (two thousand six hundred fifty dollars) for a total not to exceed amount of \$7,900.00 (Seven thousand nine hundred dollars).

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT, made this 26 day of November, 2018, by and between the **Town of Hempstead**, a municipal corporation of the State of New York, having its principal office at the Town Hall, Town Hall Plaza, Hempstead, New York, hereinafter referred to as the "TOWN" and **Pittsburgh Tank & Tower Maintenance Co., Inc.** having their principal office at 1 Watertank Place, Henderson, KY 42420 hereinafter referred to as the "CONSULTANT" **WITNESSETH:**

WHEREAS, the Town Department's of Water and Parks and Recreation deem it desirable and necessary to obtain the services of a professional firm to provide services related to Inspection of Ground Water Storage Tanks (4) at Various Locations; and

WHEREAS, in response to a Request for Proposals issued but the Department of Water and publicly advertised on the Town of Hempstead website and other public and professional publications the Consultant herein submitted a proposal for these services on April 18, 2018 which is hereby made part of this agreement, representing that they are adequately staffed, skilled and experienced in the type of work proposed, and represents further that they are staffed with personnel to perform the services as outlined; and

WHEREAS, the services of the Consultant for such proposed work constitute personal services; and

NOW, THEREFORE THE PARTIES HERETO MUTUALLY AGREE AS FOLLOWS:

I. Subject to the direction and control of the Commissioner of Water of the Town, the Consultant agrees to perform the following work:

- Inspect each tank listed, both interior and exterior, for visible signs of failure or deterioration of coatings, linings, foundations, reinforcing structures and materials, joints, seams, inlets, drains, mortar, hatches, manholes, man ways, access portals, vents, overflows, walls, roofs, ladders, railings, climbing gear and other appurtenances along with both exterior and interior surfaces.
- Inspections shall determine if each item complies with the latest AWWA and NSF Recommended Standards and OSHA regulations and standards (as applicable).
- Where deficiencies exist, the Consultant will make recommendations to return the item to compliance and good structural and working order. The Consultant will not be providing specific design details, plans and/or specifications.
- The Consultant shall produce a work product which will be of a quality and substance to be incorporated into a future Request For Proposal for design services (if warranted).

- For the two potable water tanks of the Department of Water, if entry into the tanks is necessary, all equipment and personnel used in the interior of the tank shall be clean and free from loose dirt, rust, lubricant or other foreign matter. All equipment used in a ROV inspection is for use in potable water applications only and shall be disinfected with a 200 ppm chlorine solution in accordance with AWWA C652 Method 2 prior to use in the tank or as required and specified by the Nassau County Department of Health.
- The Consultant shall be responsible for all required submissions to the Department of Health, except that any required sampling shall be performed by the Department of Water. A disinfection plan, if required shall be submitted for review and approval by the Department of Water and subject to approval by the Nassau County Department of Health. The Department of Water will provide disinfection of the tank prior to sampling.

II. A detailed inspection report for each individual tank shall be submitted following the evaluation, which shall include:

- Vital data concerning the tank (i.e. photos of tank, date of inspection, tank name and capacity).
- Summaries describing the exterior, interior, structural and site conditions as observed.
- Recommendations for each area of inspection, with cost estimates.
- Detailed inspection data for each part of the tank, complete with relevant photographs.
- Identification of a schedule of work priorities including recommendations of interim repairs needed.

In addition to the above report, the following shall also be provided:

- Inspection videos on DVD of the exterior and interior surfaces.
- A record of all digital photographs (hard copy in report as well as electronic) taken during the evaluation.
- Detailed and summary data for any testing performed.

The above information shall be provided in enough detail and include enough data to be used in the preparation of a request for proposal for professional design services for the appropriate repairs.

Inspection of the two irrigation tanks can be made at any time coordinated with the Department of Parks and Recreation allowing time to empty the tank to an appropriate level to allow for inspection.

Inspection dates for the two potable water tanks shall be coordinated with the Department of Water's head operator and shall be approved based upon system demand and operating conditions. All work on the potable water tanks is to be completed before June 1 or shall be postponed until after October 1 with no adjustment to the price.

Tanks included in this contract are as follows:

SCHEDULE OF WORK LOCATIONS
IRRIGATION WATER TANKS

Location	Tank Size
2550 Clubhouse Road Merrick	350,000 gal (est) (ground)
255 Lido Blvd Lido Beach	350,000 gal (est) (ground)

POTABLE WATER TANKS

Location	Tank Size
330 Lido Blvd Lido Beach	1,000,000 gal (ground)
Iris Place Westbury	2,000,000 gal (ground)

II. TERMS OF COMPENSATION

A. The Town shall pay the Consultant for services listed above in accordance with the following schedule:

2550 Clubhouse Road, Merrick - 350,000 gal est (irrigation)	\$ 1,500.00
255 Lido Blvd, Lido Beach - 350,000 gal est (irrigation)	\$ 1,500.00
330 Lido Blvd, Lido Beach - 1,000,000 gal (potable)	\$ 2,250.00
Iris Place, Westbury - 2,000,000 gal (potable)	\$ 2,650.00
Total Amount not-to-exceed	<u>\$ 7,900.00</u>

If all work is able to be performed in one visit, consultant agrees to perform all work for a discounted sum of \$7,250.00

The Consultant shall be compensated after acceptance of each report based on submitted actual work effort as documented on submitted time sheets accompanying claims for payments, however the amount paid shall not exceed the total costs above.

It is understood and agreed that the Town reserves the right to progress in such sequence and manner as it deems desirable.

The Consultant agrees that he will comply with any and all applicable provisions of the laws of the State of New York and of the Town of Hempstead and agrees to be responsible for and save the Town harmless from any and all claims, damages, costs and expenses arising from the consultant's negligent performance of the work as provided by this agreement, including damage to person or property, and the defense, settlement or satisfaction of such claims.

The Consultant's compensation shall be paid by the Town out of such moneys appropriated by the Town for the purposes herein provided. Members of any board, any other officer or agent duly authorized to act for and on behalf of the Town shall not, by virtue of such authority or action, be personally liable in any manner whatsoever to the Consultant.

The acceptance by the Consultant or any person claiming under the Consultant, of any payment made on the final payment claim under this contract, shall operate on and shall be a release to the Town from all claims and liability to the Consultant, his successors, legal representatives and assigns, for anything done or furnished under or by the provisions of this contract.

Non-Discrimination

The Consultant will not discriminate against any employee or applicant for employment because of race, creed, color or national origin. The Consultant will take affirmative action to insure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and the Consultant agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Town setting forth the provisions of this non-discrimination clause.

In all solicitations or advertisements for employees placed by or on behalf of the Consultant, the words "EQUAL OPPORTUNITY EMPLOYER" shall appear in type twice as large as that used in the body of the advertisement.

The Consultant shall secure compensation for the benefit of, and keep insured during the life of this agreement, each employee engaged on work under this agreement, in compliance with the provisions of the Workmen's Compensation Law. This agreement shall be void and of no effect unless such compensation is secured.

Since it is intended to secure the personal services of

**Pittsburgh Tank & Tower Maintenance Co., Inc.
1 Watertank Place
Henderson, KY 42420**

as Consultant, this contract shall not be assigned, sublet or transferred, nor shall there be any changes in corporate officers, without the written consent of the Town.

The services to be performed by the Consultant shall at all times be subject to the direction and control of the Commissioner of Water of the Town, whose decision shall be final and binding upon the Consultant as to all matters arising out of, or in connection with, or relating to, this contract. To prevent all disputes and litigation, the Commissioner of Water shall in all cases determine the amount, quality and acceptability and fitness of the work being performed, under the provisions of the contract, and shall determine every question which may arise relative to the fulfillment of this contract on the part of the Consultant, and his estimate and decision shall be final, conclusive, and binding upon the Consultant.

The Town shall have the absolute right to abandon or suspend any work, and such action on its part shall in no event be deemed a breach of the contract. If any work shall be abandoned or suspended the Town will pay the Consultant at the rates listed in Section II for the services rendered by him to the date of such abandonment or suspension, in proportion to all the services to be rendered under the terms of this agreement, provided however, that such compensation shall in no event exceed the amount the Consultant would be entitled to pursuant to the provisions of Section II hereof.

IN WITNESS WHEREOF, the parties have duly executed this agreement the day and year first above written.

TOWN OF HEMPSTEAD

By: _____
John L. Reinhardt, III
Commissioner, Department of Water

By: _____
Daniel Lino
Commissioner, Department of Parks and Recreation

By: Philly
Pittsburgh Tank & Tower Maintenance Co., Inc.

Form Approved:

Joseph J. Ra Date: 4/11/19
Joseph J. Ra By: Charles O. Heine
Town Attorney

Approved:

Kevin Conroy
Town Comptroller

Date _____

APPROVED

William F. D. 4/10/19
~~DIRECTOR OF PURCHASING~~
DEPUTY TOWN COMPTROLLER

APPROVED AS TO CONTENT

COMMISSIONER
WATER DEPARTMENT

DATE 4/9/19

STATE OF NEW YORK)
)s.:
COUNTY OF NASSAU)

On this _____ day of _____, 201__ before me personally came JOHN L. REINHARDT, III of the DEPARTMENT OF WATER of the TOWN OF HEMPSTEAD, NASSAU COUNTY, NEW YORK, who being by me duly sworn did depose and say that he has a place of business at 1995 Prospect Avenue, East Meadow, New York 11554, that he is the COMMISSIONER of the DEPARTMENT OF WATER of the TOWN OF HEMPSTEAD, NASSAU COUNTY, NEW YORK, the corporation described in and which executed the above contract; that he knows the corporate seal of said corporation; that the seal affixed to said contract is such corporate seal; that it was so affixed by order of the TOWN BOARD of the TOWN OF HEMPSTEAD, NASSAU COUNTY, NEW YORK, and that by like order HE thereunto signed his name and official designation.

Notary Public, State of New York

STATE OF NEW YORK)
)s.:
COUNTY OF NASSAU)

On this _____ day of _____, 201__ before me personally came DANIEL LINO of the DEPARTMENT OF PARKS AND RECREATION of the TOWN OF HEMPSTEAD, NASSAU COUNTY, NEW YORK, who being by me duly sworn did depose and say that he has a place of business at 200 North franklin Avenue, Hempstead, New York 11550, that he is the COMMISSIONER of the DEPARTMENT OF WATER of the TOWN OF HEMPSTEAD, NASSAU COUNTY, NEW YORK, the corporation described in and which executed the above contract; that he knows the corporate seal of said corporation; that the seal affixed to said contract is such corporate seal; that it was so affixed by order of the TOWN BOARD of the TOWN OF HEMPSTEAD, NASSAU COUNTY, NEW YORK, and that by like order HE thereunto signed his name and official designation.

Notary Public, State of New York

STATE OF Kentucky)
)s.:
COUNTY OF Henderson)

On this 26 day of November, 2018 before me personally came Patrick Heltsey to me known and known to me, who, being by me by me duly sworn did depose and say that he resides at 1 Water tank place, Henderson, KY and that he is the VP of the Pittsburg Tank & Tower Maintenance Co., Inc. Pittsburg Tank described in and which executed the foregoing instrument; that he knows the seal of said Pittsburg Tank & Tower Maintenance Co., Inc. and the seal affixed to said instrument is such seal; that it was so affixed by order said Patrick Heltsey, and that he signed his name thereto by like order.

Gigi Bryant
Notary Public, State of Kentucky



Case No.

Resolution No.

Adopted:

offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING THE SUPERVISOR OF THE TOWN OF HEMPSTEAD TO EXECUTE A RENEWAL APPLICATION FOR THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT RELATING TO DEPARTMENT OF WATER OPERATIONS, LIDO-POINT LOOKOUT WATER DISTRICT

WHEREAS, the Department of Water's Lido – Point Lookout Water District maintains a water treatment facility located in Lido Beach which includes various treatment systems to meet drinking water regulations and requirements; and

WHEREAS, as part of these treatment systems the District maintains a discharge point in Reynolds Channel for disposal of backwash effluent; and

WHEREAS, the District's State Pollutant Discharge Elimination System (SPDES) Permit (DEC ID [REDACTED] SPDES No. NY0225916) issued by the New York State Department of Environmental Conservation (NYSDEC) for this discharge point which will soon expire; and

WHEREAS, the NYSDEC SPDES permit renewal application requires the signature of the Principle Executive Officer or Ranking Elected Official of a Municipality; and

WHEREAS, the execution of said SPDES permit renewal by the Supervisor is in the best interest of the Town of Hempstead.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and she hereby is authorized to execute SPDES Permit Renewal Application (DEC ID 1282006399 SPDES No. NY0225916) for the Town of Hempstead Department of Water's Lido – Point Lookout Water District.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

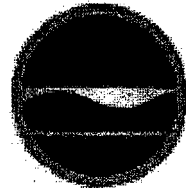
Item #

20

Case #

18911

New York State Department of Environmental Conservation
Division of Water
625 Broadway, Albany, 12233-3505
Phone: (518) 402-8111 . Fax: (518) 402-9029
Website: www.dec.ny.gov



State Pollutant Discharge Elimination System (SPDES)
NOTICE / RENEWAL APPLICATION

03/25/2019

TOWN OF HEMPSTEAD
TOWN HALL PLAZA
1 WASHINGTON ST
HEMPSTEAD NY 11550

Facility: LIDO BLVD WELL FIELD
Ind. Code [redacted] County: NASSAU
DEC ID: [redacted] SPDES No.: NY0225916
Permit Expiration Date: 01/31/2020
Renewal Application Due By: 08/04/2019

Dear Permittee,

The State Pollutant Elimination System (SPDES) permit for the facility referenced above expires on the date indicated. You are required by law to submit a renewal application at least 180 days prior to the expiration date of your current permit.

Please sign the Certification on this page and return it with the attached questionnaire. Refer to the attached instructions for who may sign this application. If there are any corrections to the above name or address, please write in those corrections above.

If there are changes to your discharge, or to operations affecting the discharge, then in addition to this renewal application you must also submit a separate permit modification application to the Regional Permit Administrator for the DEC region where the facility is located. See the attached instructions for information regarding filing an application for permit modification.

Please contact me if you have any questions.

Sincerely,
Cheri Jamison.

Permit Coordinator

SPDES PERMIT RENEWAL APPLICATION CERTIFICATION

CERTIFICATION: I hereby affirm that under penalty of perjury that the information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Laura A. Gillen	Supervisor	Town of Hempstead
Name of Authorized Applicant	Title	Company
Signature of Authorized Applicant	Date	

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
State Pollutant Discharge Elimination System (SPDES) Permit
INSTRUCTIONS FOR PERMIT RENEWAL



The New York State Department of Environmental Conservation (Department) administers a centralized and streamlined process for the renewal of SPDES Permits in accordance with our Environmental Benefit Permit Strategy (EBPS). This renewal application is composed of the SPDES NOTICE/RENEWAL APPLICATION and the SPDES RENEWAL APPLICATION QUESTIONNAIRE.

Instructions for SPDES Permit Renewal

1. SPDES Permit Notice/Renewal Application letter:

Corrections - Make any necessary corrections to the Facility Name, Contact Name and Address. You should note on the *SPDES Permit Notice/Renewal Application letter* if there has been a change in facility ownership resulting in a new permittee, or you may submit an *Application for Permit Transfer and Application for Transfer of Pending Applications* along with your application (available on DEC's website page, *Application Forms for DEC Permits* - <http://www.dec.ny.gov/permits/6222.html>)

Certification - Read and complete the certification at the bottom of the letter. Acceptable signatures are identified in 40 CFR Part 122.22(a) and are summarized below. A *SPDES Permit Designation of Authority Form* (see attached) is required if the application is signed by anyone else.

Organization

- Corporation
- Partnership
- Sole proprietorship
- Municipality, state, federal, or public facility

Required Signature

Principal executive officer of at least vice-president level or duly authorized representative who is responsible for the overall operation of the facility.
General partner
Proprietor
Principal executive officer or other ranking elected official

2. SPDES Permit Renewal Application Questionnaire - Complete the attached *SPDES Permit Renewal Application Questionnaire*.

3. Other Forms - You may receive additional forms with the *SPDES Permit Notice/Renewal Application letter*. These additional forms must be completed and returned with your application or your application will be considered incomplete. For example: Any facility located in Brooklyn, Queens, Nassau or Suffolk counties must submit an application supplement entitled *Discharges Within Sole Source Aquifers*.

4. Submitting the Renewal Application - Complete and submit the following forms by the "Renewal Application Due By" date shown on the *SPDES Permit Notice/Renewal Application letter*.

- SPDES Permit Notice/Renewal Application letter;
- SPDES Permit Renewal Application Questionnaire;
- Application for Permit Transfer and Application for Transfer of Pending Applications, if applicable;
- other forms, if applicable.

The Department encourages electronic submission of the renewal application. Please email to:
DEPermitting@dec.ny.gov

Alternatively, the renewal application may be mailed to:
New York State Department of Environmental Conservation
Division of Environmental Permits
625 Broadway, Albany, NY 12233-1750

Failure to provide a timely and complete application may result in the expiration of your permit. Keep a copy of your completed forms for your records.

DEC Review of Application

In most cases, upon receipt of a completed renewal application, the Department will publish a public notice of your permit renewal in our Environmental Notice Bulletin - <http://www.dec.ny.gov/enb/enb.html>. The Department will notify you if your permit renewal is processed differently.

Following resolution of any comments received during the public notice period concerning renewal of your permit, you will receive a *SPDES Permit Renewal letter* with new permit effective and expiration dates. The *SPDES Permit Renewal letter* together with the previous valid permit for the facility constitute authorization to discharge wastewater in accordance with all terms, conditions and limitations specified in the previously issued permit. **Attach the *SPDES Permit Renewal letter* to your prior permit.**

Permit Modifications

You are required to promptly notify the Department of all proposed changes which might affect your wastewater discharge, and request any necessary modifications to your permit. This includes production changes, discharge of new chemicals, changes to wastewater treatment/discharge facilities, or transfer of ownership.

Requests for permit modifications must be filed as soon as a change that might affect your permit has been identified or is anticipated, by filing an entire new detailed application or by filing specific portions thereof; either on a form or by a letter, or both. Forms may be obtained from DEC's website page, *Application Forms for DEC Permits* - <http://www.dec.ny.gov/permits/6222.html>. Permit modification requests should be filed with the Regional Permit Administrator for the DEC region where your facility is located (note that this is a different location than that required for your permit renewal). Refer to DEC's website page <http://www.dec.ny.gov/about/39381.html> for Regional Permit Administrator contact information.

Department-Initiated Modifications

Information on the *SPDES Permit Renewal Application Questionnaire* together with other available information will be used to determine a priority for the Department to initiate modification of your permit. In this regard, you may be required to submit a detailed application at a future date. You will be notified to file this additional information at least 90 days before it will be due at the Department. Any future Department-initiated modification to your permit requirements will conform to full regulatory due process, including a draft permit, public notice and opportunities for public hearing. This modification process is described at http://www.dec.ny.gov/docs/water_pdf/togs122.pdf.

Annual Regulatory Fees

The Department will bill you separately each year for the required regulatory fees associated with this permit.

For More Information

See http://www.dec.ny.gov/docs/water_pdf/togs122.pdf for more information about EBPS. If you have any questions, please contact the Department's Bureau of Water Permits, Permit Coordinator at (518) 402-8210.

State Pollutant Discharge Elimination System (SPDES) Permit

RENEWAL APPLICATION QUESTIONNAIRE

For Industrial & Municipal discharges only (Class 01, 03, 04, 05, 07 & 10)



Please enter the numbers from your current permit:

DEC ID Number: [redacted]

SPDES Number: NY 0225916

THIS PAGE MUST BE COMPLETED AND RETURNED WITH YOUR RENEWAL APPLICATION

Please TYPE or PRINT neatly. Keep a copy for your records.

Has the SPDES permit for your facility been modified in the past 5 years? [X] YES [] NO

Please indicate which of the following best describes the situation at your facility:

- [X] None of the concerns on the "Self Evaluation List" (see page 2) apply to my facility at this time and I will not be applying for a modification of the SPDES permit in the foreseeable future.
[] Yes, some of the items on the "Self Evaluation List" have led me to believe that the permit for this facility may need to be modified. I have provided an explanation below. (Note that such an explanation does not constitute an application for permit modification. An application for permit modification must be submitted separately to the Department's regional office.)
[] I previously submitted a permit modification application to the Department's regional office.
[] I will submit a permit modification application to the Department's regional office.
[] The items on the "Self Evaluation List" have left me unable to conclude whether my permit needs to be modified at this time. I am reporting the following general concerns about my permit:

Lined area for providing general concerns about the permit.

SELF EVALUATION LIST

The following information focuses on some of the more frequent reasons for requesting a SPDES permit modification. This is presented to aid you in deciding whether to file an application for a SPDES permit modification, but it does not replace the need for you to be thoroughly familiar with all regulatory requirements. As part of the renewal process, each permittee must determine whether a permit modification is required. Please refer to 6 NYCRR Part 750 for further details.

The Department must be notified of any of the following changes at your facility. Some of these changes may require a permit modification or approval:

- Facility expansions or other modifications, production increase or decrease of 20% or more, changed products, changed production methods, use of new water treatment chemicals, changed water intake quantities or locations, or significant increases in discharge flow rate through any outfall point.
- Changes in wastewater collection, treatment or disposal, including plans to substantially alter the method of sludge treatment, conditioning or disposal.
- Any monitoring on your facility's effluent(s) that indicates the presence of pollutants which are not authorized by your present SPDES permit or the presence of toxicity unless this information has been previously reported to the Department.
- Any changes in the Permittee Name and Address, Facility Name and Address, or Discharge Monitoring Report (DMR) Mailing Address found on the first page of your permit. Forms are available to transfer ownership, change permittee name, and authorize a person to sign and submit DMR Reports (see <http://www.dec.ny.gov/permits/6222.html>).
- Any changes or additions to storm water conveyances, including ditch or pipe outfalls, which are defined in federal regulations (40CFR Parts 122, 123 & 124) as discharges associated with "industrial activity" and thereby subject to federal storm water permit regulations.
- Knowledge of any outfalls, bypasses, overflows, or combined sewer overflow points in your system not presently authorized by your SPDES permit.
- Any changes which could cause a violation of permit conditions.
- SPDES permit violations, petroleum or chemical spills and leaks, or wastewater treatment plant upsets which resulted in unauthorized pollutants being released to the surface or ground waters of the State which are reportable to the Department.

ADDITIONAL CONSIDERATIONS FOR PUBLICLY OWNED TREATMENT WORKS (POTW)

- ~~Accepting or planning to accept industrial waste, hazardous waste, landfill leachate, septage, or other wastes containing pollutants not covered by your SPDES permit or constituting a substantial change in the volume or character of pollutants.~~
- Any proposals for sewer extensions:

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution and moved its Adoption as follows:

RESOLUTION AMENDING RESOLUTION NO. 638-2010 WITH RESPECT TO SERVICE CHARGES FROM PROGRESSIVE BENEFITS SOLUTION LLC FOR ADMINISTRATION OF THE TOWN OF HEMPSTEAD FLEXIBLE SPENDING PROGRAM AND AUTHORIZING THE PAYMENT OF ANNUAL INITIAL PREFUNDING.

WHEREAS, pursuant to Resolution No. 638-2010 the proposal of Progressive Benefits Solution LLC to administer Town of Hempstead Cafeteria Flexible Spending program was accepted ; and

WHEREAS, the per employee per month administrative fee of \$4.00 has remained constant since 2010; and

WHEREAS, pursuant to the terms of the proposal, Progressive Benefits Solution, LLC may request an increase at each new year of the program; and

WHEREAS, Progressive Benefits Solutions LLC has requested an adjustment due to increased postage, labor and service time to \$5.50 per employee per month effective April 1, 2019; and

WHEREAS, such increase is reasonable and it is in the best interest of the Town to renew at this new rate; and

NOW, THEREFORE, BE IT

RESOLVED, that Resolution No. 638-2010 is hereby amended to increase the monthly per employee service charge from \$4.00 to \$5.50 retroactive to April 1, 2019; and BE IT FURTHER

RESOLVED, that the Director of Human Resources, Is hereby authorized to pay the increased amount of \$5.50 for administrative fees, to be charged to each departments appropriate expense account.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 21

Case # 27485

PBS Administrative Charges

MAY 2019

Fund	Budget Code	Fund Totals
010 General (A)	010-012-9000-8290	416.00
030 Part Town (B)	030-012-9000-8290	60.00
041 Highway (DR)	041-003-5110-8290	16.00
300 Sanitation (MO)	300-006-8110-8290	24.00
400 Parks (MP)	400-007-7110-8290	76.00
500 Water (MN)	500-006-8310-8290	48.00
608W Workforce Investment (WIA)	* 608W-004-608W-W800	28.00
618 Community Development (CD)	* 618-006-00XX-0618	8.00
618 Community Development (CD)	* 618-006-00XX-0634	4.00
GRAND TOTAL - Transfer to Trust and Agency (T-9)		680.00



**PROGRESSIVE BENEFIT SOLUTIONS
AND ADMINISTRATIVE SERVICES AGREEMENT**

This Administrative Services Agreement ("Agreement") by and between Progressive Benefit Solutions ("PBS") and Town of Hempstead, NY ("Client") is dated as of 04/01/2019 ("Effective Date").

RECITALS

WHEREAS, the Plan (as defined below) is a self-funded group plan or consumer driven health plan providing, among other things, an IRS Section 125 Cafeteria Plan, Health Reimbursement Arrangement (HRA), and /or Health Savings Account (HSA) and/or Qualified Transportation Account (QTA) program of benefits to certain eligible employees and their qualified dependents ("Participants") of Client; and

WHEREAS, Client desires to retain PBS to perform ministerial duties related to certain elements of the Plan and PBS shall provide these ministerial services pursuant to the terms of this Agreement.

NOW WHEREFORE, in consideration of the promises and mutual covenants contained herein, PBS and the Client agree as follows:

Section 1 - Tax Favored Program

The term "Plan(s)" shall mean the group benefits plan(s) in which IRS Section 125 Cafeteria benefits and /or Health Reimbursement Arrangement (HRA) and/or Health Savings Account (HSA) and/or Qualified Transportation Account (QTA) (the "Benefits") are provided to Client employees and their qualified beneficiaries. The Plan(s), the Benefits and the Services provided by PBS to the Client will be as outlined in Schedule A of this document.

Section 2 - The Plan

2.1 Responsibility for the Plan.

Client accepts total responsibility for and exclusive authority over the following:

- 1) the Benefits and the design of the Plan;

- 2) the final and binding discretionary authority and power to interpret the terms, conditions, limitations, and exclusions of the Plan; and
- 3) compliance with any laws that apply to Client or the Plan, whether or not Client or its designee is the Plan Administrator.

As of the date hereof, Client, not PBS, is the Plan Administrator. Client shall have the right to delegate such discretionary authority to any other persons, including, but not limited to persons or entities providing services in regard to the Plan.

2.2 Description of the Plan.

Client will give PBS a written description of the provisions it would like in the Plan and the Benefits to be provided there under (the "DPB"), as well as, written authorization of the approval of the foregoing in a timely manner, so that PBS will be able to provide its services under this Agreement on the Effective Date.

2.3 Plan Consistent with the Agreement.

Client represents that the DPB is consistent with this Agreement. Client will provide PBS with copies of the DPB and communications to Participants prior to distributing such materials to Participants or third parties. Client agrees that it will amend such DPB and communications to Participants in the event PBS determines in its reasonable judgment that references to PBS are not acceptable, or any Plan provision is not consistent with this Agreement or the services that PBS is providing.

2.4 Plan Changes.

The Plan or DPB may be amended by Client in its sole discretion. Client agrees that it will notify PBS in writing if it changes the Plan's benefits or other material Plan provisions that would affect the services provided by PBS hereunder, (including termination of the Plan), within a reasonable period of time from such change, but at least sixty (60) days prior to the change becoming effective. PBS then shall have the option whether or not it will continue to provide services to Client as a result of those changes. PBS has the option of giving Client sixty (60) days written notice of termination of this Agreement following its receipt of its notice of the change. Any change or increase in the nature of the services provided by PBS must be approved in writing by PBS for the change in services to be included under this Agreement. Any such approved increase or change may also be a basis for PBS to request renegotiation of the service fee Client is obligated to pay pursuant to this Agreement and will be evidenced by revisions of Exhibit and Schedule A. In the event the parties cannot agree on a new service fee within thirty (30) days of the date PBS receives written notice of the change, PBS shall have no obligation to provide the changed service and PBS may terminate this Agreement upon sixty (60) days written notice to Client.

Section 3 - Records, Information, Audits

3.1 Records.

PBS will keep records relating to the services it provides under this Agreement for as long as it is required to do so by law.

3.2 Access to Information.

If Client needs information that PBS has in its possession in connection with the Plan, for any purpose, including but not limited to, an audit, PBS will give Client access to such information, if legally permissible, as long as the information relates to PBS' services under this Agreement, and Client shall use its best efforts to give PBS at least thirty (30) days prior notice of the need for the information.

By execution of this Agreement, Client represents that it has a reasonable procedure in place for handling confidential participant information ("CPI"). PBS will provide information only while this Agreement is in effect and for a period of six (6) months after the Agreement terminates, unless demonstrated that the information is required by law for Plan purposes.

PBS will also provide access to information to any entity providing like services to Client, at Client's request. For any disclosure of Protected Health Information ("PHI"), as defined in the Health Insurance Portability and Accountability Act of 1996 (as amended, "HIPAA"), Client will provide PBS with written, specific authorization for such information's release.

3.3 Proprietary Business Information.

Any proprietary business information ("Proprietary Business Information") provided to PBS by Client shall be used by PBS solely to perform duties or obligations under this Agreement and shall be held in the strictest confidence. The parties agree that any proprietary business information will not be disclosed to any person or entity other than party's employees, subcontractors, or representatives needing access to such information to administer the Plan or perform under this Agreement.

3.4 Protected Health Information (PHI)

The Client and PBS agree that PHI, as defined in 45 CFR § 160.103, will be used solely to administer the Plan or to perform duties or obligations under this Agreement in accordance with any applicable laws. The parties agree that PHI will not be disclosed to any person or entity other than either party's employees, subcontractors, or representatives needing access to such information to administer the Plan or perform under this Agreement provided proper business associate agreements are executed and maintained when required under the HIPAA privacy regulations.

(a) In addition to the permitted uses stated above, the parties agree that PBS may also use PHI for the following purposes:

- (i) proper management and administration and to fulfill any present or future legal responsibilities;
- (ii) disclose the PHI to third parties for the purpose of our proper management and administration or to fulfill any present or future legal responsibilities; provided, however, that the disclosures are required by law or we have received from the third party written assurances that the PHI will be held confidentially and used or further disclosed only as required by law or for the purpose for which it was disclosed to the third party; and the third party will notify us of any instances of which it becomes aware in which the confidentiality of the PHI has been breached;
- (iii) aggregate the PHI as permitted under HIPAA and 45 CFR § 164.504;
- (iv) de-identify any and all PHI provided that we de-identify the information in accordance with HIPAA.

Further agree the Client and PBS or the recipient shall:

- (1) Not use or further disclose the limited data sets other than as permitted by this Agreement or as otherwise required by law;
- (2) Use appropriate safeguards to prevent use or disclosure of the limited data sets other than as provided for by this Agreement;
- (3) Report to you any use or disclosure of the limited data sets not provided for by this Agreement of which we become aware;
- (4) Ensure that any agents, including a subcontractor, to whom we provide the limited data sets agrees to the same restrictions and conditions that apply to the limited data set recipient with respect to such information; and
- (5) Not re-identify the PHI in the limited data sets or contact the individuals. These limited data sets are considered by us to be Proprietary Business Information.

(b) PBS Obligations. PBS agrees that it shall:

- (i) not use or further disclose the PHI other than as set forth by this Agreement or required by law;
- (ii) use appropriate safeguards to prevent use or disclosure of PHI other than as set forth or required by this Agreement;

- (iii) report to Plan any use or disclosure of any PHI, as well as any security incident as defined in 45 CFR § 164.304, of which we become aware that is not set forth by this Agreement;
- (iv) ensure that any subcontractor or agent to whom we provide any PHI agrees to the same restrictions and conditions that apply to use with regard to the use and/or disclosure of PHI pursuant to this section
- (v) respond to individuals' requests for access to PHI in our possession that constitutes a Designated Record Set in accordance with HIPAA and 45 CFR § 164.524;
- (vi) incorporate any amendments or corrections to the PHI in our possession that constitutes a Designated Record Set in accordance with HIPAA and 45 CFR § 164.526;
- (vii) provide to individuals an accounting of disclosures, in accordance with HIPAA;
- (viii) make our internal practices, books and records relating to the use and disclosure of PHI available to the Secretary of HHS for purposes of determining your compliance with HIPAA and 45 CFR § 164.528; and
- (ix) except as provided for herein or as required by law, upon termination of this Agreement, return to Plan or destroy the PHI and retain no copies in any form, if feasible. If we determine that returning or destroying the PHI is infeasible, we agree to extend the protections, limitations and restrictions of this section to such PHI and to limit any further uses and/or disclosures of such PHI retained to the purposes that make the return or destruction of the PHI infeasible, for as long as we maintain such PHI. In this regard, to the extent we retain such PHI, we also shall comply with any and all federal, state and local privacy and data security laws, including but not limited to, state or local data breach notification requirements and any other requirements to reasonably safeguard personal information, in effect now or at any time in the future.

Client agrees that it will:

- (1) obtain any consent or authorization that may be required by applicable federal or state laws and regulations prior to furnishing us the PHI, and
- (2) not furnish us any PHI that is subject to any arrangements permitted or required of Plan that may adversely affect our ability to use and/or disclose PHI under this Agreement, including, but not limited to, restrictions on the use and/ or disclosure of PHI as provided for in HIPAA.

Section 4 – Indemnification

4.0 PBS Indemnification

PBS agrees to indemnify and hold Client harmless against any and all losses, claims, causes of action, liabilities, penalties, fines, costs, damages, and expenses, that Client incurs, including, reasonable attorneys' fees, which result from PBS' (i) breach of any of the representations, warranties or covenants in this Agreement; or (ii) gross negligence or willful misconduct in the performance of its obligations under this Agreement. Notwithstanding the foregoing, Client shall remain responsible for payment of Benefits and PBS's shall not indemnify Client or the Plan against any claims, liabilities, damages, judgment, or expenses that constitute payment of Benefits.

Section 5 - Plan Benefits Litigation

5.1 Litigation Against PBS

In the event a demand is asserted or litigation or administrative proceedings (collectively, a "Proceeding") are commenced by a participant as defined in the Plan, beneficiary, or health care provider against PBS, or against the Plan and PBS jointly, to recover Plan benefits, in connection with its duties as defined herein ("Plan Benefits Litigation"), PBS shall select and retain counsel to represent its interest. In the circumstance that a Proceeding is asserted against Client and PBS jointly, so long as no conflict of interest arises between the parties, PBS agrees in advance to have joint defense counsel to be chosen by Client. All reasonable legal fees and costs PBS incurs in defense of the litigation will be paid by Client except in the event that of litigation commenced under Section 4 above).

PBS agrees to immediately notify Client if it receives notice of any actual or threatened Proceeding. To the extent that no conflict of interest exists, both parties agree to fully cooperate with each other in the defense of any Plan Benefits Litigation. Each party shall maintain the right to resolve any Plan Benefits Litigation to the extent of its respective interests or involvement. The Client shall remain responsible for the full amount of any Plan benefits paid as a result of such Proceeding.

5.2 Litigation Against Client.

If any Proceeding is commenced against Client and/or the Plan, Client will select and retain counsel and Client will be responsible for all legal fees and costs in connection with such Proceeding. PBS agrees to cooperate fully in the defense of any Proceeding arising out of matters relating to this Agreement.

Section 6 - Taxes and Assessments

6.1 Payment of Taxes and Expenses.

In the event that the Plan, Client, the arrangement established by this Agreement, or any payments for claims or fees to PBS are subjected to any form of governmental or regulatory charges, or any similar charges, such charges shall be the sole responsibility of Client or the Plan and Client or the Plan agree to reimburse PBS for such charges.

6.2 Tax Reporting.

In the event that the reimbursement of any benefits to Participants in connection with this Agreement is subject to tax reporting requirements, Client is responsible for complying with these requirements.

Section 7 - Parties Responsibilities

7.1 Eligibility Information.

Client shall inform PBS which of its employees, their dependents and/or other persons are eligible to be Participants. To the extent provided to Client, Client shall provide PBS this information accurately and timely, in an agreed to format. Client shall notify PBS of any change to this information as soon as reasonably possible. PBS shall be entitled to rely on the most current information in its possession regarding eligibility of Participants in paying Plan benefits and providing other services under this Agreement.

7.2 Notices to Participants.

Client agrees to give Participants the information and documents they need to obtain benefits under the Plan within a reasonable period of time from the implementation of the coverage. In the event of this Agreement's discontinuance, Client will notify all Participants of the discontinuance of the services PBS is providing under this Agreement.

Section 8 - Service Fees

8.1 Outline of Services and Fees

Client is fully obligated to reimburse PBS for the fees listed in Exhibit A of this Agreement and the Client agrees to pay or have paid to PBS the listed service fees for the Agreement Period shown therein. In addition to the service fees specified in Exhibit A, Client shall also pay or have paid any additional fees that are authorized in this Agreement or are otherwise agreed to by the parties.

PBS will require an initial deposit to assure that there are always sufficient Funds to cover the Employer's payment obligations in an amount equal to ten percent (10%) of the annual election contributions and/or Employer plan commitments for all participating employees enrolled in the FSA, DCA, and HRA programs under the Deposit Based Funding alternative and three

percent (3%) under the Claims Based Funding alternative as specified in Exhibit A. This deposit will be required as of the Client's Administrative Services Agreement Effective Date.

In addition, Clients with HRA Plans will be invoiced monthly for all the HRA Plan expenditures paid by PBS on behalf of the Client during the month prior, which will be payable net 30 days from receipt of the invoice.

8.2 Changes in Service Fees.

PBS can change the service fees: (1) on each Agreement Period (as defined below) anniversary provided Client is notified at least 90 days prior to the effective date; (2) any time there are material changes made to this PBS's obligations or duties under this Agreement or the Plan, which affect the fees; (3) when there are changes in laws or regulations which affect the services PBS is providing, or will be required to provide, under this Agreement; or (4) if the number of Participants covered by the Plan is over fifty (50) and any option of the Plan changes by twenty-five percent (25%) or more (e.g., when Participants change from an indemnity plan to a plan with a network differential). As an example, a network differential would require PBS to retain provider based reimbursement schedules and/or information that could affect the participant's reimbursement under the Plan.

Any new service fee which arises out of such change will be effective when noticed to Client and are to be effective on the date the changes occur.

8.3 Due Dates, Payments, and Penalties.

PBS will invoice Client or a party designated by Client, via e-mail or first class mail on or about the fifth (5) business day following the end of the month. Monthly administrative fees will be based on Client Participants with the status of 'active', 'ready to activate', or 'suspended'. Payment is due ten (10) days after receipt of such invoice by Client.

Section 9 - Term of the Agreement

9.1 Commencement of Services

PBS will begin providing Client services under this Agreement on or around the Effective Date. PBS' services apply only to claims for Plan benefits that are incurred on or after the Effective Date.

The Agreement Period in this Agreement is twenty four (24) months commencing on the Effective Date (the "Agreement Period")

9.2 Termination of Services

Unless otherwise provided herein or agreed to, PBS' services under this Agreement stop on the date this Agreement terminates, provided however, PBS shall process claims for any claims incurred before the terminate date up to a period of three (3) months after the termination date. PBS may agree to continue providing certain services beyond the termination date.

Section 10 - Termination of the Agreement

10.1 Termination Events.

This Agreement shall terminate if: (i) the Plan terminates; (ii) both parties mutually agree to terminate the Agreement; (iii) either party gives the other party at least sixty (60) days prior written notice of the intent to terminate the agreement; (iv) PBS gives Client notice of termination because of non payment of fees or other amounts owed under this Agreement, provided however that Client shall be given a thirty (30) day cure period to cure such delinquency; (v) Client fails to provide the required funds for payment of Benefits; (vi) either party is in material breach of this Agreement and does not correct the breach within thirty (30) days after being notified in writing by the other party; (vii) the date Client or PBS becomes insolvent, or bankrupt, or subject to liquidation, receivership, or conservatorship; or (viii) any state or other jurisdiction penalizes a party for administering the Plan under the terms of this Agreement, provided however, in such situation, the parties may immediately discontinue the Agreement's application in such state or jurisdiction and agree to notify each other promptly.

10.2 Run-Out Administration.

PBS may provide services for a period of three (3) months following the Agreement's termination. PBS will not provide these services after the Agreement's termination, if the Agreement was terminated because (i) Client failed to pay PBS fees due; (ii) Client did not provide the funding required under the Plan; or (iii) when there is termination for any other material breach.

The fee for run-out services for 3 months will be calculated by taking the average number of Participants for the last three months of the contract multiplied by three times the administration fee in effect at the time of termination.

Section 11 - Disputes

In the event that any dispute, claim, or controversy of any kind or nature relating to this Agreement arises between the parties, the parties agree to make a good faith effort to resolve the dispute. If such negotiations fail to resolve the dispute, each party shall be free to take such steps as it deems necessary to protect its interests.

Section 12 – Services and Fee Provisions

Services and Fees are outlined in Exhibit A attached.

12.1 Assistance with General Plan Administration.

PBS will provide administrative services and assistance necessary to perform its responsibilities under the terms of this Agreement. Administrative support that exceeds the standard level PBS offers to its customers shall be subject to an additional fee agreed to by the parties. PBS shall also provide Client with the standard Election and Accounting reports normally provided to its self-funded customers. Client may request that PBS provides services in addition to those set forth in this Agreement. If PBS and Client agree that PBS shall provide such additional services, such services shall be governed by the terms of this Agreement, unless otherwise specified in an amendment to this Agreement. The parties shall agree to any additional fees for those services.

12.2 Health Insurance Portability and Accountability Act of 1996.

PBS represents and warrants that it is a "business associate" of the Plan as defined in HIPAA and Client acknowledges such representation.

Section 13 - Miscellaneous

13.1 Subcontractors.

PBS can use its affiliates or other subcontractors to perform its services under this Agreement. PBS agrees to be responsible for those services to the same extent that PBS would have been had it performed those services without the use of an affiliate or subcontractor.

13.2 Assignment.

Except as provided in this paragraph, neither party can assign this Agreement or any rights or obligations under this Agreement to anyone without the other party's written consent such consent not be unreasonably withheld.

13.3 Relationship Between Parties.

The relationship between the parties is solely one of independent contractors and nothing in this Agreement shall be construed or deemed to create any other relationship between the parties, including one of employment, agency or joint venture.

13.4 Governing Law.

This Agreement is governed by the applicable laws of the State of Connecticut. Each party submits to the exclusive jurisdiction of the courts of the State of Connecticut and the United States District Court for Connecticut.

13.5 Entire Agreement.

This Agreement, including any Exhibits and Schedules, constitutes the entire Agreement between the parties governing the subject matter of this Agreement. This Agreement replaces any prior written or oral communications or agreements between the parties relating to the subject matter of this Agreement. The headings and titles within this Agreement are for convenience only and are not part of the Agreement.

13.6 Amendment.

Except as may otherwise be set forth in this Agreement, the Agreement may be amended only by both parties agreeing to the amendment in writing, executed by a duly authorized person of each party.

13.7 Waiver/Estoppels.

Nothing in this Agreement is considered to be waived by any party unless the party claiming the waiver receives the waiver in writing. No breach of the Agreement is considered to be waived unless the non-breaching party waives it in writing. A waiver of one provision does not constitute a waiver of any other. A failure of either party to exercise any right or remedy under this Agreement shall in no way be construed to be a waiver of such provision of this Agreement.

13.8 Notices.

Any notices, demands or other communications required pursuant to this Agreement shall be in writing and may be provided via electronic means (e.g. e-mail, facsimile transmission, electronic posting, etc.) or by United Parcel Service (UPS), Federal Express DHL or States Postal Service by certified or registered mail, return receipt requested.

13.9 Regulatory Compliance.

PBS represents warrants and covenants that it shall obtain and maintain any licenses or regulatory approvals necessary for it to perform its services under this Agreement. Further, PBS shall comply with any laws and regulations applicable to it in carrying out its services under this Agreement.

Client and the Plan's compliance with any federal, state or local laws and regulations applicable to the Plan shall be solely Client's responsibility.

13.10 Security Procedures.

Client shall use commercially reasonable physical and software-based measures, and comply with its security procedures, as may be amended from time to time, to protect its computer system, its functionalities, and the data accessed through systems from any unauthorized

access or damage (including damage caused by computer viruses). Client shall notify us immediately if any breach of the security procedures, such as unauthorized use, is suspected.

13.11 General Provisions.

(a) This Agreement is the entire understanding between the parties as to the subject matter hereof.

(b) No modification to this Agreement shall be binding upon the parties unless evidenced in writing signed by both parties.

(c) Headings in this Agreement shall not be used to interpret or construe its provisions.

(d) The alleged invalidity of any term shall not affect the validity of any other terms.

(e) This Agreement may be executed in multiple counterparts and all of such counterparts taken together shall be deemed to constitute one and the same instrument.

(f) **Force Majeure and Disaster Recovery.** If the performance of this agreement is prevented, restricted or interfered with by reason of any act, omission, or occurrence whatsoever, which is beyond the reasonable control of that party; including but not limited to strikes, lockouts, the performance of software, or computer technology, acts of God, fire, floods, disputes or disturbances of Client's employees, severe weather, shortage of materials, rationing, utility or communication failures, events constituting a national emergency, failure or delay of any system of electronically transmitting or receiving information, earthquakes, war, revolution, civil commotion, acts of terrorism, acts of public enemies, blockade, embargo, or any law in any form which prevents or materially restricts the party's performance having the legal effect of any government or any judicial authority or representative of any such government, then, the party shall be excused from performance without liability to the extent of the prevention, restriction, delay or interference. If either party is affected by such circumstances constituting Force Majeure under this Section, that party shall give prompt written notice to the other party and shall promptly take reasonable steps to overcome such circumstances and to mitigate the consequences thereof.

The parties have caused their authorized representatives to execute this Agreement.
By signing below, each party agrees to the terms of this Agreement.


CLIENT _____

By: _____

Title: _____

Date: _____

PROGRESSIVE BENEFIT SOLUTIONS

By:  _____
Ryan S. Torello,

Title: Principal, Progressive Benefit Solutions, LLC
Authorized Signatory

Date: 4/11/19 _____

Town of Hempstead, NY
PBS Benefit Administration Services
(Pre-Tax Plan Administration)

PBS Pricing Schedule
(Effective 4/1/2019)

Cafeteria 125 Administration	
Health Debit Card-Issuance -- (Card valid for five years) Health Debit Card Issuance Fee for 2 Cards	\$10 per Participant
Health Debit Card-Requests Additional/Replacement Health Debit Card Re-Issuance Fee for 2 Cards	\$5 per Participant
PBS – Administrative Fee Monthly Administration Fee – \$5.50 PEPM (\$50 Minimum Invoice)	
Services included in the administration fee: <ul style="list-style-type: none"> ➤ The coordination of the distribution of two (2) Health Debit Cards per cardholder ➤ Electronic Enrollment, Participant Contributions & Renewal Interface/Template ➤ Claims payment and substantiation via the Benny™ Health Debit Card ➤ Daily processing of manually submitted claims ➤ Reimbursement of manual claim submissions via check or direct deposit ➤ Periodic ACH/EFT Participant contribution pulls per payroll cycles ➤ PBS Employer Administration Manual ➤ PBS Administrative forms ➤ PBS Employee communication materials (Tailored to Account Plan Design) ➤ Access to account and reporting information via the Web 24/7 ➤ Toll-free customer service support (Monday – Friday, 8:30 a.m. to 4:30 p.m. EST, excluding business holidays) 	
Document Services 1. Plan document, summary plan description, & administrative support 2. Restatements/Amendments 3. Summary of Benefits & Coverage (SBC) - HRA Plan Only if PBS Completes on behalf of Client. Client can complete for no charge.	\$250.00/Plan \$50.00/Plan \$250.00/Plan
Government Reporting Services** Form 5500 & related schedules, Summary Annual Report **Only applies if you have 100+ participants in plan.	Not Available

FSA/DCA/HRA Funding Alternatives:

1. **Deposit Based Funding:** PBS will accept an initial deposit to assure that there are always sufficient Funds to cover the Client's payment obligations in an amount equal to 7% of the annual election contributions and/or Client plan commitments for all participating employees enrolled in the FSA, DCA, and HRA programs. This deposit:
 - Will serve as a surplus account for participant payments and must be maintained at the determined level each month for as long as the Account remains active.
 - Will be annually re-calculated based on the new plan year participant levels.
 - Will be included in the Account's final settlement determination at the point of termination.
 - PBS will assume responsibility for the annual reconciliation of participant plan transactions as recorded through benefit plan elections, pay period distributions and benefit payments.
 - PBS A/R Fees will be invoiced on the last date of each month and the ACH withdrawal will be effective from the accounts 2-3 business days after.

Note:

(PBS reserves the right to periodically revise the fees identified herein with at least 90 days prior written notice to impacted Accounts.)

Adopted:

offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING PAYMENT BY THE TOWN OF
HEMPSTEAD TO THE NEW YORK STATE DEPARTMENT OF
CIVIL SERVICE FOR EXAMINATION SERVICE FEES.**

WHEREAS, the New York State Department of Civil Service has advised the Town of Hempstead Civil Service Commission that there is a \$20.00 fee (½ of the \$40.00 total fee) per APPROVED paid candidate for each centralized Civil Service examination between January 1, 2018 through December 31, 2018; and

WHEREAS, the New York State Department of Civil Service has advised the Town of Hempstead Civil Service Commission that there is a \$5.00 fee for the first 20 candidates approved for each decentralized examination announced. For each candidate beyond that first 20, the fee is \$3.00 per candidate approved; for each decentralized exam program used; and

WHEREAS, the Town of Hempstead Civil Service Commission has indicated that there were twenty eight (28) approved paid candidates taking centralized Civil Service examinations for the period of January 1, 2018 to December 31, 2018, for a total amount due to the state of \$560.00; and

WHEREAS, the Town of Hempstead Civil Service Commission has indicated that there were five (5) decentralized exam programs used for the period of January 1, 2018 through December 31, 2018, and there were twenty (20) approved paid candidates for a fee of \$100 and for the remaining one hundred seventy five (175) approved paid candidate for a fee of \$525 for a total of \$625 for the first exam , and there were ten (10) approved paid candidates for a fee of \$50 for the second exam, and there was one (1) approved paid candidates for a fee of \$5 for the third exam, and there were fourteen (14) approved paid candidates for a fee of \$70 for the fourth exam, and there were fourteen (14) approved paid candidates for a fee of \$70 for the fifth exam for a total amount due to the state of \$820.00; and

WHEREAS, this Town Board deems it in the interest of the Town of Hempstead and government thereof that the Town of Hempstead pay for such fees as stated herein;

NOW THEREFORE, BE IT

RESOLVED, that payment of the candidate fee for Civil Service centralized examination approved applicants and payment for decentralized exam programs is hereby authorized; and

BE IT FURTHER

RESOLVED, that the total approved candidate fee for all the Civil Service examinations equals a total of \$1380.00 to be paid to the New York State Department of Civil Service, Application and Fee Processing Unit, New York State Department of Civil Service, Albany, New York 12239; such expense to be charged to General Funds Fees and Services Account No. 010-012-9000-4151.

The foregoing resolution was adopted upon roll call as follows:

Item # 22

Case # 25265

Case No.

Resolution No.

Adopted:

offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING AN AMENDMENT APPROVING AN INCREASE IN THE BASE CAP OF THE CONTRACT BETWEEN THE TOWN OF HEMPSTED AND VHB ENGINEERING, SURVEYING AND LANDSCAPE ARCHITECTURE P.C. (VHB) TO PROVIDE PROFESSIONAL SERVICES IN CONNECTION WITH THE BALDWIN OVERLAY ZONE

WHEREAS, the Town of Hempstead (hereinafter "Town") on December 11, 2018 by Resolution Number 1644-2018 authorized the extension of a contract between the Town and VHB to provide professional services in connection with the community development programs of the Town; and

WHEREAS, the Town entered into an extension of a contract with VHB dated December 11, 2018 to perform professional services in connection with the planning and implementation of community development projects (hereinafter "Contract"); and

WHEREAS, the Contract provided for a sum not to exceed Fifty Thousand and 00/100 (\$50,000.00) dollars, exclusive of disbursements, exercising an option in favor of the Town to increase the base cap on the Contract by up to an additional Fifty Thousand and 00/100 (\$50,000.00) Dollars; and

WHEREAS, the Town of Hempstead by agreement seeks to amend Resolution Number 1644-2018 to increase the base cap by up to an additional Three Hundred and Twenty Seven Thousand and 00/100 (\$327,000.00) Dollars for a total amount of \$377,000.00 for planning and environmental consulting services in connection with the downtown and commercial corridor located in Baldwin, NY for the creation of an overlay zone; and

BE IT RESOLVED, that the Town hereby authorizes and approves an amendment to increase the base cap on the contract between the Town and VHB up to the sum of Three Hundred and Seventy Seven Thousand and 00/100 (\$377,000.00) Dollars; and

BE IT RESOLVED, that the Town shall pay VHB out of the Community Development Block Grant account for the Department of Planning and Economic Development an amount not to exceed FIFTY THOUSAND and 00/100 (\$50,000.00) upon receipt by said Commissioner of a claim form completed by the land use planning firm specifying the time worked and a recital that said firm is entitled to receive the amount requisitioned under the terms of the contract for services in connection with the community development programs of the Town other than the Baldwin overlay zone; and

BE IT FURTHER RESOLVED, that the Town shall pay VHB out of and charged against 030-006-8020-4151 the Planning & Economic Development Fees and Services Accounts upon a duly issued claim form presented to the Department for processing for only those consulting cost incurred in connection with the creation of the overlay zone an amount not to exceed Three Hundred and Twenty Seven Thousand and 00/100 (\$327,000.00).

The foregoing Resolution was duly adopted upon roll call as follows:

Ayes:
Nayes:

Doc. No. 19-002
April 11, 2019

Item # 23
Case # 28537

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING THE RENEWAL OF A PERSONAL SERVICES CONTRACT WITH R AND S HOLDINGS AND MANAGEMENT LLC D/B/A T3 TECH FOR ONE YEAR OF MAINTENANCE FOR THE IBM MAINFRAME SERVER AND THE DISASTER RECOVERY BOX.

WHEREAS, the Town of Hempstead (the "Town") had an agreement with , R and S Holdings and Management LLC ("T3 Tech"), 9887 4th Street North, Suite 315, St. Petersburg, FL 33702, for the maintenance of the IBM Mainframe Server in the Department of Information & Technology for a one year period (the "Maintenance Agreement"); and

WHEREAS, the Town requires the continued maintenance of the IBM Mainframe Server (the "Services"); and

WHEREAS, this Board wishes to authorize the use of the agreement between the Town and T3 Tech for the provision of the Services for the duration of the contract's term, including any future extensions (the "Agreement").

NOW, THEREFORE, BE IT

RESOLVED, that the renewal of the Maintenance Agreement is authorized; and be it further

RESOLVED, that the Town Board authorizes the Commissioner to execute a renewal to the Maintenance Agreement, and/or such other documents as may be required, with , R and S Holdings and Management LLC ("T3 Tech"), 9887 4th Street North, Suite 315, St. Petersburg, FL 33702 to provide the Services; and be it further

RESOLVED, that the Comptroller is authorized and directed to make payment from the Department of Information and Technology account 010-001-1680-4030 in an amount not to exceed \$27,965.00.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item #

24

Case #

14301

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING THE RENEWAL OF AN AGREEMENT WITH S3 LLC FOR MAINTENANCE ON ONE XEROX D95CP PRINTER UNDER NEW YORK STATE CONTRACT PT66616.

WHEREAS, the Town of Hempstead (the "Town") had an agreement with S3 LLC, 516 Cherry Lane, Floral Park, New York, for the maintenance for one Xerox D95CP printer under New York State Contract PT66616 (the "Maintenance Agreement"); and

WHEREAS, the Maintenance Agreement expired on March 1, 2019; and

WHEREAS, the Town requires the continued maintenance of the Xerox D95CP printer (the "Services"); and

WHEREAS, the State of New York awarded a contract for the Services to S3 LLC; and

WHEREAS, under New York General Municipal Law §103, the Town is authorized to contract for services through other municipalities; and

WHEREAS, this Board wishes to authorize the use of the agreement between the State of New York and S3 LLC under New York State Contract PT66616 for the provision of the Services for the duration of the contract term, including any future extensions.

NOW, THEREFORE, BE IT

RESOLVED, that the renewal of the Maintenance Agreement under New York State Contract PT66616 is authorized; and be it further

RESOLVED, that the Town Board authorizes the Commissioner to execute a renewal to the Maintenance Agreement, and/or such other documents as may be required, with S3 LLC, 516 Cherry Lane, Floral Park, New York to provide the Services; and be it further

RESOLVED, that the Comptroller is authorized and directed to make payment from the Department of Information and Technology account 010-001-1680-4030 in an amount not to exceed \$8,400.00.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 25

Case # 14301

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING A RENEWAL OF A CONTRACT WITH CABLEVISION LIGHTPATH, INC D/B/A ALTICE BUSINESS TO PROVIDE INTERNET CONNECTIVITY TO TOWN FACILITIES FOR 3 YEARS.

WHEREAS, the Town of Hempstead (the "Town") had an agreement with Cablevision Lightpath, Inc., 1111 Stewart Avenue, Bethpage, NY 11714, to provide internet connectivity at all Town owned locations under NYS Contract PS63855 (the "Agreement"); and

WHEREAS, the Town requires continued internet connectivity for these facilities (the "Services"); and

WHEREAS, under New York General Municipal Law §103, the Town is authorized to contract for services through other municipalities; and

WHEREAS, the Commissioner of Information and Technology (the "Commissioner") has recommended that the Town enter into the Agreement with Cablevision Lightpath, Inc. for 3 years starting May 2019 in an amount of \$6,035.00 per month; and

NOW, THEREFORE, BE IT

RESOLVED, that the renewal of the Agreement under New York State Contract PS63855 is authorized; and be it further

RESOLVED, that the Town Board authorizes the Commissioner to execute the Agreement, and/or such other documents as may be required, with Cablevision Lightpath, Inc., 1111 Stewart Avenue, Bethpage, NY 11714; and be it further

RESOLVED, that the Comptroller is authorized and directed to make monthly payments from the Information and Technology account (010-001-1680-4250) in an amount of \$6,035.00 per month.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 26

Case # 12583

Case No.

Resolution No.

Adopted:

offered the following resolution and moved its adoption:

RESOLUTION AMENDING RESOLUTION NO 862-2016
AUTHORIZING A 3 MONTH EXTENSION OF A LEASE
AGREEMENT FOR A KYOCERA COPIER FOR USE IN THE
DEPARTMENT OF ENGINEERING, TOWN OF HEMPSTEAD,
NASSAU COUNTY, N.Y.

WHEREAS, pursuant to Resolution 862-2016 (the "Resolution"), duly adopted by the Town Board on June 21, 2016 the Department of Engineering entered into a lease agreement with CIT Bank, N.A., and service agreement with its leasing partner, CCP Solutions, LLC, for a Kyocera TASKalfa3551ci copier, in consideration of rental payments in the amount of \$338.52 per month for 39 months, including full service maintenance and all supplies (together the "Lease Agreement"); and

WHEREAS, the Lease Agreement expired on March 31, 2019; and

WHEREAS, the Lease Agreement by its terms automatically renewed for a 3 month period, commencing April 1, 2019 and expiring June 30, 2019, on the same terms and conditions as contained in the Lease Agreement (the "Extension Period"); and

WHEREAS, the Commissioner of the Department of Engineering has recommended that the Resolution be amended to extend the term of the Lease Agreement for the term of the Extension Period (the "Amendment"); and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Resolution is amended to reflect that the Lease Agreement has been extended for a period of 3 months, commencing April 1, 2019 and expiring June 30, 2019, on the same terms and conditions as contained in the Lease Agreement; and be it further

RESOLVED, the Comptroller be and hereby is authorized and directed to pay the additional costs of the renewed three month lease period at the same monthly rate contained in the Lease Agreement and said payments are to be made from the Department of Engineering Account Number 010-001-1440-4250

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 29
Case # 6317

Case No.

Resolution No.

Adopted:

offered the following resolution and moved its adoption:

RESOLUTION AMENDING RESOLUTION NO 1055-2018 AUTHORIZING THE AWARD OF A BID FOR THE 2018 PEDESTRIAN ACCESS RAMP INSTALLATION PROGRAM TO VALENTE CONTRACTING CORPORATION, TOWN OF HEMPSTEAD, NASSAU COUNTY, NEW YORK PW# 10-18

WHEREAS, pursuant to Resolution 1055-2018, duly adopted by the Town Board on August 7, 2018 the Town entered into an agreement (the "Original Agreement") on September 13, 2018 with Valente Contracting Corporation for the 2018 Pedestrian Access Ramp Installation Program (the "Project") in the amount of \$797,475.00 (the "Contract Amount"); and

WHEREAS, the Original Agreement is unit price based, with estimated quantities and a contract term of 365 calendar days; and

WHEREAS, the Resolution authorized the Department of Engineering to limit the quantity of work actually performed in connection with the Project to the budgeted amount of \$500,000.00 under the 2018 Highway Capital Budget; and

WHEREAS, the 2019 Highway Capital Budget authorizes additional funding in the amount of \$500,000.00 for pedestrian access work; and

WHEREAS, the Commissioner of the Department of Engineering (the "Commissioner") has recommended that the Town amend the Original Agreement to provide an increase in estimated quantities for additional work being performed in connection with the Project (the "Additional Work"); and

WHEREAS, the budgeted cost for the Additional Work is approximately \$500,000.00 and the Commissioner recommends amending resolution 1055-2018 to increase the Contract Amount under the Original Agreement by an amount not to exceed a Total Project Cost of \$1,000,000.00 (the Amendment"); and

WHEREAS, upon the recommendation of the Commissioner, this Board finds it to be in the best interest 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, that the Commissioner is authorized and directed to execute, on behalf of the Town, the Amendment, all as more particularly set forth in the Amendment; which shall be on file in the Office of the Town Clerk; and be it further

RESOLVED, the Comptroller be and hereby is authorized and directed to pay the additional costs of the Amendment with a total Project cost not to exceed \$1,000,000.00 with payments to be made from funding available under Account No. 9571-503-9571-5010.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 28

Case # 21364

CASE NO.

RESOLUTION NO.

Adopted

offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING THE AWARD OF A BID FOR THE DIAGNOSTIC TROUBLESHOOTING OF UNDERGROUND ELECTRIC STREET LIGHTING SERVICE CABLE AND THE INSTALLATION OF POLES AND CONCRETE FOUNDATIONS FOR 2019 STREET LIGHTING REQUIRED INFRASTRUCTURE REPAIRS AND MAINTENANCE VARIOUS STREET LIGHTING LOCATIONS TOWN OF HEMPSTEAD NASSAU COUNTY, NEW YORK PW#7-19

WHEREAS, the Commissioner of the Department of General Services (the "Commissioner") advertised for receipt of bids for The Diagnostic Troubleshooting of Underground Electric Street Lighting Service Cable and the Installation of Poles and Concrete Foundations for 2019 Street Lighting Required Infrastructure Repairs and Maintenance Various Street Lighting Locations, Town of Hempstead, Nassau County, New York, PW#7-19 (the "Project"); and

WHEREAS, the following bids were received and opened in the Commissioner's Office on April 18, 2019:

Anker's Electric Service, Inc. \$ 238,940.00
Welsbach Electric Corp. of L.I..... \$ 257,000.00

; and

WHEREAS, the Commissioner has recommended that the contract for the Project be awarded to Anker's Electric Service Inc., 10 South Fifth St., Locust Valley, New York 11560 (the "Contractor"), as the lowest responsible bidder at its bid price of \$ 238,940.00; and

WHEREAS, consistent with the Commissioner's recommendation the Town Board desires to authorize the award of a contract to the Contractor for the Project; and

WHEREAS, said contract will run from on or before a date to be specified in a written "Notice to Proceed" issued by the Town of Hempstead to midnight of 1 (One) calendar year as stipulated in the bid documents with the Department of General Services reserving the exclusive option to renew said contract for one additional year as per the terms of the contract; and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby awards a contract to the Contractor for the Project, as the lowest responsible bidder at its bid price of \$238,940.00; and be it further

RESOLVED, that upon the execution of the contract by the Contractor, and the submission of the required performance bond and insurance, and the approval thereof by the Town Attorney, the Commissioner be and he hereby is authorized to execute the said contract on behalf of the Town of Hempstead; and be it

FURTHER RESOLVED, that the Bidder's performance bond and insurance, when approved by the Town Attorney as to form, be filed in the Town Clerk's office with the contract; and be it further

RESOLVED, that the Comptroller be and hereby is authorized and directed to make payments in accordance with the contract executed from the Town of Hempstead Street Lighting Funding Account Numbers 171-003-0171-4630 and Number 171-003-0171-4635

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 29

Case # 8143

Adopted:

offered the following resolution and moved its adoption as follows:

RESOLUTION ACCEPTING A BID FOR THE YEARLY REQUIREMENTS FOR THE SUPPLY, DELIVERY, AND INSTALLATION FOR POOL MAINTENANCE (Contract # 53-2019)

WHEREAS, the Department of Purchasing, on behalf of the Department of Parks and Recreation, advertised for bids for the supply, delivery, and installation of the yearly requirements for pool maintenance; and

WHEREAS, the bids submitted pursuant to such advertisement were opened and referred to the Department of Parks and Recreation for examination and report:

Filter Room Solutions Inc.
P.O. Box 228
Mineola, N.Y. 11501

A) Labor
Any material offered @ 22% discount
From Price List Dated: Bel Aqua 2019 Catalog

B) Labor Rates
Service Call – Regular Hourly Rate (M-F/7-5pm) \$ 92.75/ man hour
Billing will be done in ½ hour increments \$ 45.88/ ½ man hour
after the initial hour
Emergency Service Call \$139.13/ man hour
(outside normal hours M-F 7-5pm)

Cash Discount of 2%

Commercial Clearwater Co, Inc.
P.O. Box 909
Plandome, N.Y. 11030

A) Labor
Any material offered @ 25% discount
From Price List Dated: Current year price list from Bel Aqua retail catalog
If there is no published price list, cost will be 25% above our supplier's invoice

B) Labor Rates
Service Call – Regular Hourly Rate (M-F/7-5pm) \$149.00/ man hour
Billing will be done in ½ hour increments \$74.50/ ½ man hour
after the initial hour
Emergency Service Call \$222.73/ man hour
(outside normal hours M-F 7-5pm)

Cash Discount of N/A

and

WHEREAS, the Commissioner of the Department of Parks and Recreation has reported that the bid submitted by Filter Room Solutions Inc., P.O. Box 228, Mineola, N.Y. 11501 was the lowest bidder and has recommended acceptance of said bid to the Town Board and it appears that said bidder is duly qualified.

NOW, THEREFORE, BE IT

RESOLVED, that the bid from Filter Room Solutions Inc., P.O. Box 228, Mineola, N.Y. 11501, be accepted and approved; and

30

BE IT FURTHER

RESOLVED, that the Town Comptroller be and is hereby authorized to accept such bid and that payments be charged against Parks and Recreation Code 400-007-7110-4720 – Pool Maintenance.

AYES:

NOES

ADOPTED:

offered the following resolution and moved its adoption:

RESOLUTION ACCEPTING THE PROPOSAL OF NASSAU AHRC AS A MEMBER AGENCY OF NYSID FOR LAWN MAINTENANCE SERVICES FOR THE DEPARTMENT OF SANITATION CODE ENFORCEMENT DIVISION

WHEREAS, the Department of Sanitation has numerous properties that have been notified in accordance with the Town of Hempstead Code that they are in violation of the provisions of section 128-61 of the Town of Hempstead Code and have failed to cure said violations; and

WHEREAS, pursuant to section 128-63 of said Code, the Town may enter the property and bring it into compliance; and

WHEREAS, the costs associated with bringing a property into compliance with section 128-61 of said Code are assessed as a lien against the property; and

WHEREAS, in an effort to bring said properties into compliance more expeditiously it is desirable to utilize the services of a lawn maintenance company; and

WHEREAS, §162 of the New York State Finance Law established the "Preferred Source Program" to advance the special social and economic goals of certain organizations servicing certain constituent populations, such as workers with disabilities and provide them an opportunity to provide goods and services to New York State agencies, political subdivisions, and public benefit corporations without the requirement for competitive bidding; and

WHEREAS, the Town of Hempstead is bound to utilize the process set forth in §162 of the New York State Finance Law; and

WHEREAS, NYSID has facilitated a proposal from its membership organization Nassau AHRC., 230 Hanse Avenue, Freeport, New York 11520 to provide lawn maintenance services for properties identified by the Code Enforcement Division as being in violation of section 128-61 of the Code of Ordinances of the Town of Hempstead; and

WHEREAS, AHRC has submitted a proposal to provide lawn maintenance services for the sum of \$49.46 per property; and

WHEREAS, the proposal falls within the parameters established by law; and

WHEREAS, the Commissioner recommends that it is in the public interest to accept the proposal of AHRC, as a membership agency of NYSID, to provide lawn maintenance services for the Department of Sanitation Code Enforcement Division; and

WHEREAS, upon recommendation of the Commissioner the Town Board deems it to be in the public interest to accept the proposal of AHRC, as a membership agency of NYSID, to provide lawn maintenance services for the Department of Sanitation Code Enforcement Division;

NOW, THEREFORE, BE IT

Item # 31

Case # 28720

RESOLVED, that the Commissioner, be and is hereby authorized to accept the proposal of proposal of AHRC, 230 Hanse Avenue, Freeport, New York 11520 as a membership agency of NYSID, to provide lawn maintenance services for the Department of Sanitation Code Enforcement Division; and

BE IT FURTHER

RESOLVED, that all monies due and owing in connection with this contract shall be paid out of Operating Fees & Services Account #300-006-0301-4151.

The foregoing was adopted upon roll call as follows:

AYES: ()

NOES: ()

* * * * *



Partnership Request for Price Concurrence

Date Sent: April 9, 2019

Contracting Agency: Town of Hempstead Sanitation Department

Customer Contact: John Conroy

Job Title: Commissioner

Street Address: 1600 Merrick Road

City, State Zip: Merrick, New York 11566

Phone: (516) 378-4210 Fax: _____ E-Mail: JConroy@tohmail.org

PLEASE UPDATE INFORMATION IF NEEDED

Member Agency: Nassau AHRC

Associate Member: _____

Description: Grounds keeping and lawn maintenance

Location: Freeport

See proposal for specifications

Proposed Price: Price per cut - \$49.46

If a Renewal, Current Contract # _____

Proposed Renewal Term: 4/15/2019 – 12/31/2019

This form is not a contract; it is only an acknowledgment of your concurrence to the above proposed price. If requested a cost analysis can be provided for your review documenting the proposed cost of service.

Please Note: All contracts with Prevailing Wage Schedules issued on or after 8/1/2010 must contain escalation clauses for wages and supplemental benefits and other related costs dependent upon the annual NYS Department of Labor Published Prevailing Wage Schedules. All contracts with NYC Prevailing Wage Schedules must contain escalation clauses for wages and supplemental benefits and other related costs dependent upon the NYC Comptrollers Published Prevailing Wage Schedule

Contract Notes:

If you are in agreement with the proposed price, please sign this form as soon as possible and return by mail or fax. Upon receipt, NYSID will apply to the NYS Office of General Services for price approval if necessary. If you have any questions, please call NYSID Contract Administration at the number below. Please fax or mail to:

New York State Industries for the Disabled, Inc. E-mail: acervone@nysid.org
 ATTN: Angelo Cervone Phone: (631) 655-4416
 11 Columbia Circle Drive Ext: _____
 Albany, NY 12203-5156 Fax: (518) 694-0573

NYSID Account Representative _____ Authorized Signature: _____
 Angelo Cervone Printed Name: _____
 Job Title: _____
 Date: _____

See attached documents in lieu of signed form.

The information contained herein is proprietary and confidential

Services performed by: Nassau AHRC
Term: 4/15/2019 – 12/31/2019

Scope of Work

The Town of Hempstead Department of Sanitation Code Enforcement Division is responsible for enforcing the sanitation codes. One of the biggest issues the Department faces is in obtaining property maintenance compliance from vacant houses. When grass reaches 8 inches the Department can issue a violation. After the time prescribed in the Code the Town can enter the property and cut the grass.

The Department proposes to provide on Fridays a list of 25 properties that need to be cut the following week. The Department will limit these to properties that are vacant and do not have an extensive amount of litter and debris. This proposal envisions that small amounts of litter and debris would be cleaned up. In the event a property is occupied the Town will ensure that a Code Enforcement Officer is present at the time of the cut.

Price per cut - \$49.46

CASE NO.

RESOLUTION NO.

ADOPTED:

offered the following resolution and moved its adoption:

RESOLUTION RATIFYING AND CONFIRMING THE ACCEPTANCE OF THE PROPOSAL OF D&B ENGINEERS AND ARCHITECTS, P.C. FOR PROFESSIONAL SERVICES RELATED TO THE PREPARATION OF APPLICATION DOCUMENTS FOR EMERGING CONTAMINANT TREATMENT FUNDING FOR EAST MEADOW WELL 1, EAST MEADOW WATER DISTRICT, NEW YORK

WHEREAS, New York State has offered funding opportunities to water suppliers affected by currently unregulated emerging contaminants through it's Environmental Facilities Corporation and the State Revolving Fund; and

WHEREAS, Well 1 in The East Meadow Water District (the District) has experienced a steady increase of a contaminant included in the definition of emerging contaminants by New York State; and

WHEREAS, the Commissioner of the Department of Water (the Commissioner) has determined that it is prudent to apply for this funding opportunity, the application for which requires specific professional documents which must be prepared by a Profession Engineering Firm; and

WHEREAS, due to the tight time constraints tied to this application the Commissioner solicited a proposal from the firm of D&B Engineers and Architects, P.C. for services related to the preparation of the application and related reports and documents; and

WHEREAS, upon review, it was determined that the proposal of D&B Engineers and Architects P.C. was responsive to the needs of the District and the firm exhibited the necessary qualifications and experience to successfully perform the tasks required; and

WHEREAS, D&B Engineers and Architects P.C.in their proposal dated November 20, 2018 agreed to perform the required tasks for an amount not to exceed \$9,000.00 (nine thousand dollars); and

WHEREAS, the Commissioner deems such services to be necessary and in the public interest.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of the Department of Water is hereby authorized to accept the proposal of D&B Engineers and Architects P.C. with offices at 330 Crossways Park Drive, Woodbury 11797 to perform said professional services and any other necessary services as submitted in their proposal of November 20, 2018, and

BE IT FURTHER RESOLVED that the Comptroller of the Town of Hempstead be and hereby is authorized and directed to make payment of fees for such professional services in accordance with the terms of the aforementioned proposal, such fees to be paid from and charged against the East Meadow Water District Account 8581-507-8581-5010 for an amount not to exceed of \$9,000.00 (nine thousand dollars).

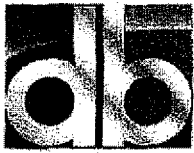
The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 32

Case # 17527



Board of Directors

Steven A. Fangmann, P.E., BCEE
President & Chairman

Robert L. Raab, P.E., BCEE, CCM
Senior Vice President

William D. Merklin, P.E.
Senior Vice President

November 20, 2018

John Reinhardt, Commissioner
Department of Water
Town of Hempstead
1995 Prospect Avenue
East Meadow, NY 11554

Re: Proposal for Engineering Services
Preparation of Funding Applications for
1, 4- Dioxane Treatment at East Meadow Well 1

Dear Mr. Reinhardt:

In accordance with your request, D&B Engineers and Architects, P.C. (D&B) is pleased to submit this proposal to provide engineering services associated with the preparation of two applications for emerging contaminant grant funding through the Environmental Facilities Corporation (EFC) and the State Revolving Fund (SRF) for 1,4-Dioxane Treatment at East Meadow Well 1.

The first application which D&B will prepare is for the Emerging Contaminants Project Planning Grant. This grant was initiated by EFC to help fund the planning and development of engineering reports associated with treatment of emerging contaminants. A grant received for project planning may be up to \$30,000 based on the Department's size and population served. Funds from this grant can be applied to the engineering effort required to prepare a detailed engineering design report for the purpose of Nassau County Department of Health (NCDH) review.

The second application which D&B will prepare is for the Water Infrastructure Improvement Act (WIIA) for Emerging Contaminants in Drinking Water. This grant was initiated by EFC to help fund the engineering and construction of projects associated with treatment of emerging contaminants. A grant received under this act may be up to \$3 million or 60% of eligible project costs.

The following is a summary of the major steps required to prepare each of the complete applications for this project:

1. Prepare an application for the Project Planning Grant.
2. Prepare an Engineering Report in accordance with the attached outline provided by EFC, including a project schedule and project budget. It should be noted that this report will not be suitable as a Basis of Design Report (BODR) for submittal to NCDH.
3. Prepare other documents and forms required for the complete Emerging Contaminants grant application:
 - Environmental Review

"Facing Challenges, Providing Solutions... Since 1965"

John Reinhardt, Commissioner
Department of Water
Town of Hempstead
November 20, 2018

- SEQR Documentation
- SHPO Project Review Letter
- Smart Growth Assessment Form
- Application Form
- Municipal Bond Resolutions*
 - Bond Resolution (Certified Copy)
 - Proof of Publication of Permissive Referendum (if applicable)
 - Proof of Publication of Estoppel Notice
- Board Resolution for Authorized Representative

*Note - It may be necessary for the Department to retain the services of an attorney and an accountant to assist with some of these documents. Additionally, the Department will need to provide certain financial information to be included in the Application Form.

If the Department is approved for funding, additional forms and documentation will be required to close the financing. Preparation of these documents is not included in this proposal. A separate proposal will be submitted if funding is approved. In addition, if approved for funding, the Department will be required to provide a local match equal to 20 percent of the requested Planning Grant amount.

A. SCOPE OF WORK

The following major tasks will be included in the scope of this project:

- Meet with the Department to review the application requirements and to obtain the required information.
- Manage the completion of all project application deliverables with each responsible party, in accordance with the attached preliminary milestone schedule.
- Prepare a draft application package for the Project Planning Grant for review by the Department.
- Finalize and submit the complete Project Planning Grant application.
- Prepare a draft Engineering Report for review by the Department.
- Prepare a draft Application package for review by the Department.
- Meet with the Department to review comments on the draft Engineering Report and Application package.
- Finalize the Engineering Report and Application package
- Submit the complete Application package, including the Engineering Report, to EFC.

John Reinhardt, Commissioner
Department of Water
Town of Hempstead
November 20, 2018

B. FEE

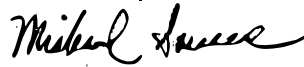
The not-to-exceed fee for the work described above will be \$9,000.

The cost for reproduction, mileage and postage is included in the above.

We look forward to working with you on this project. We understand that time is of the essence as the application deadlines are December 14, 2018 and January 11, 2019, respectively. We are prepared to commence work immediately upon your authorization.

If you have any questions, or require additional information, please feel free to call me.

Very truly yours,



Michael G. Savarese, P.E.
Senior Associate

MGSt/kap

Attachments:

- Application Milestone Tracking Schedule
- Engineering Report Outline from EFC

cc: W. Merklin (D&B)

◆PX9871\MGS112018JR-Ltr(R02)

ACCEPTED BY:

Signature	Date
Name	

Adopted:

Council
moved for its adoption:

offered the following resolution and

RESOLUTION ADOPTING A S.E.Q.R. NEGATIVE DECLARATION AND DETERMINATION OF NON-SIGNIFICANCE IN CONNECTION WITH AN APPLICATION FOR SITE PLAN APPROVAL FOR A PARCEL OF LAND LOCATED IN EAST MEADOW, COUNTY OF NASSAU, STATE OF NEW YORK.

WHEREAS, the applicant, East Meadow Properties, LLC, has submitted to the Town of Hempstead an application for site plan approval for a 3.05 acre parcel of land located at 845 East Meadow Avenue, East Meadow, New York; and

WHEREAS, the purpose of the proposed site plan approval is to allow for the demolition of an existing nursery and a single family house and the construction of a 48 unit Townhouse Development with parking for 129 cars; and

WHEREAS, the applicant has submitted to the Town of Hempstead an Environmental Assessment Form (E.A.F.); and

WHEREAS, said E.A.F. has been reviewed by the Town Attorney of the Town of Hempstead and his staff and the significance of all environmental considerations, including those enumerated in 6NYCRR part 617.7c, have been thoroughly evaluated to ascertain whether adverse environmental impacts will result; and

WHEREAS, the proposed action is an Unlisted Action as defined in 6NYCRR Part 617; and

WHEREAS, upon completion of said review, the Town Attorney has made a recommendation to the Town Board; and

WHEREAS, the Town Board, after due consideration of the recommendation of said Town Attorney considers the project to be an Unlisted Action and will not have a significant effect on the environment for the following reasons:

The Proposed Action will not result in any significant physical alterations to the site.

The Proposed Action will not have a significant adverse environmental impact on any Critical Environmental Area.

The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms.

The Proposed Action will not have a significant adverse environmental impact on any water body designated as protected.

The Proposed Action will not have a significant adverse environmental impact on any non-protected existing or new body of water.

The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.

The Proposed Action will not have a significant adverse environmental impact on or alter drainage flow or patterns, or surface water runoff.

The Proposed Action will not have a significant adverse environmental impact on air quality.

The Proposed Action will not have a significant adverse environmental impact on any threatened or endangered species.

The Proposed Action will not have a significant adverse environmental impact on agricultural land resources.

The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.

The Proposed Action will not have a significant adverse environmental impact on any site or structure of historic, prehistoric or paleontological importance.

The Proposed Action will not have a significant adverse environmental impact on the quantity or quality of existing or future open spaces or recreational opportunities.

The Proposed Action will not have any significant adverse environmental impact on existing transportation systems.

The Proposed Action will not have a significant adverse environmental impact on the community's sources of fuel or energy supply.

The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or vibration.

The Proposed Action will not have a significant adverse environmental impact on the public health and safety.

The Proposed Action will not have a significant adverse environmental impact on the character of the existing community.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board is "Lead Agency" for the proposed site plan approval for said parcel of land located in East Meadow, New York; and

BE IT FURTHER

RESOLVED, that the proposed action is an Unlisted Action pursuant to Part 617.6 and will not have a significant adverse impact on the environment; and BE IT FURTHER

RESOLVED, that the Town Board hereby declares that a Declaration of Non-Significance in connection with the proposed site plan approval is consistent with considerations of public interest; and BE IT FURTHER

RESOLVED, that the S.E.Q.R. process has been satisfied and completed with the completion of the above-mentioned review and duly approved Negative Declaration.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Adopted:

Council
moved for its adoption:

offered the following resolution and

RESOLUTION ADOPTING A S.E.Q.R. NEGATIVE DECLARATION AND DETERMINATION OF NON-SIGNIFICANCE IN CONNECTION WITH AN APPLICATION FOR SITE PLAN APPROVAL FOR A PARCEL OF LAND LOCATED IN ISLAND PARK, COUNTY OF NASSAU, STATE OF NEW YORK.

WHEREAS, the applicant, Waterview Development, LLC, has submitted to the Town of Hempstead an application for Site Plan Approval for a 2.53 acre parcel of land on the southeast corner of Waterview Road and Petit Place, Island Park, New York; and

WHEREAS, the purpose of the Proposed Site Plan Approval is to allow for the construction of 86 units of Multiple Family Dwelling with parking for 153 cars and a swimming pool; and

WHEREAS, the applicant has submitted to the Town of Hempstead an Environmental Assessment Form (E.A.F.); and

WHEREAS, said E.A.F. has been reviewed by the Town Attorney of the Town of Hempstead and his staff and the significance of all environmental considerations, including those enumerated in 6NYCRR part 617.7c, have been thoroughly evaluated to ascertain whether adverse environmental impacts will result; and

WHEREAS, the proposed action is an Unlisted Action as defined in 6NYCRR Part 617; and

WHEREAS, upon completion of said review, the Town Attorney has made a recommendation to the Town Board; and

WHEREAS, the Town Board, after due consideration of the recommendation of said Town Attorney considers the project to be an Unlisted Action and will not have a significant effect on the environment for the following reasons:

The Proposed Action will not result in any significant physical alterations to the site.

The Proposed Action will not have a significant adverse environmental impact on any Critical Environmental Area.

The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms.

The Proposed Action will not have a significant adverse environmental impact on any water body designated as protected.

The Proposed Action will not have a significant adverse environmental impact on any non-protected existing or new body of water.

The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.

The Proposed Action will not have a significant adverse environmental impact on or alter drainage flow or patterns, or surface water runoff.

Item # 34

Case # 29118

The Proposed Action will not have a significant adverse environmental impact on air quality.

The Proposed Action will not have a significant adverse environmental impact on any threatened or endangered species.

The Proposed Action will not have a significant adverse environmental impact on agricultural land resources.

The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.

The Proposed Action will not have a significant adverse environmental impact on any site or structure of historic, prehistoric or paleontological importance.

The Proposed Action will not have a significant adverse environmental impact on the quantity or quality of existing or future open spaces or recreational opportunities.

The Proposed Action will not have any significant adverse environmental impact on existing transportation systems.

The Proposed Action will not have a significant adverse environmental impact on the community's sources of fuel or energy supply.

The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or vibration.

The Proposed Action will not have a significant adverse environmental impact on the public health and safety.

The Proposed Action will not have a significant adverse environmental impact on the character of the existing community.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board is "Lead Agency" for the Proposed Site Plan Approval for said parcel of land located in Island Park, New York; and

BE IT FURTHER

RESOLVED, that the proposed action is an Unlisted Action pursuant to Part 617.6 and will not have a significant adverse impact on the environment; and BE IT FURTHER

RESOLVED, that the Town Board hereby declares that a Declaration of Non-Significance in connection with the Proposed Site Plan Approval is consistent with considerations of public interest; and BE IT FURTHER

RESOLVED, that the S.E.Q.R. process has been satisfied and completed with the completion of the above-mentioned review and duly approved Negative Declaration.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Adopted:

Council
moved for its adoption:

offered the following resolution and

RESOLUTION ADOPTING A S.E.Q.R. NEGATIVE DECLARATION AND DETERMINATION OF NON-SIGNIFICANCE IN CONNECTION WITH AN APPLICATION FOR SITE PLAN APPROVAL FOR A PARCEL OF LAND LOCATED IN WESTBURY, COUNTY OF NASSAU, STATE OF NEW YORK.

WHEREAS, the applicant, Westbury Alfa Romeo, has submitted to the Town of Hempstead an application for Site Plan Approval for a parcel of land on the southwest corner of Corporate Drive and Merrick Avenue, Westbury, New York; and

WHEREAS, the purpose of the Proposed Site Plan Approval is to allow for the renovation of a 7,923 square foot Restaurant and to construct a one-story 1,840 square foot addition to the existing building to be used for Automotive Repairs and Service; and

WHEREAS, the applicant has submitted to the Town of Hempstead an Environmental Assessment Form (E.A.F.); and

WHEREAS, said E.A.F. has been reviewed by the Town Attorney of the Town of Hempstead and his staff and the significance of all environmental considerations, including those enumerated in 6NYCRR part 617.7c, have been thoroughly evaluated to ascertain whether adverse environmental impacts will result; and

WHEREAS, the proposed action is an Unlisted Action as defined in 6NYCRR Part 617; and

WHEREAS, upon completion of said review, the Town Attorney has made a recommendation to the Town Board; and

WHEREAS, the Town Board, after due consideration of the recommendation of said Town Attorney considers the project to be an Unlisted Action and will not have a significant effect on the environment for the following reasons:

The Proposed Action will not result in any significant physical alterations to the site.

The Proposed Action will not have a significant adverse environmental impact on any Critical Environmental Area.

The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms.

The Proposed Action will not have a significant adverse environmental impact on any water body designated as protected.

The Proposed Action will not have a significant adverse environmental impact on any non-protected existing or new body of water.

The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.

The Proposed Action will not have a significant adverse environmental impact on or alter drainage flow or patterns, or surface water runoff.

The Proposed Action will not have a significant adverse environmental impact on air quality.

The Proposed Action will not have a significant adverse environmental impact on any threatened or endangered species.

The Proposed Action will not have a significant adverse environmental impact on agricultural land resources.

The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.

The Proposed Action will not have a significant adverse environmental impact on any site or structure of historic, prehistoric or paleontological importance.

The Proposed Action will not have a significant adverse environmental impact on the quantity or quality of existing or future open spaces or recreational opportunities.

The Proposed Action will not have any significant adverse environmental impact on existing transportation systems.

The Proposed Action will not have a significant adverse environmental impact on the community's sources of fuel or energy supply.

The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or vibration.

The Proposed Action will not have a significant adverse environmental impact on the public health and safety.

The Proposed Action will not have a significant adverse environmental impact on the character of the existing community.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board is "Lead Agency" for the Proposed Site Plan Approval for said parcel of land located in Wesbury, New York; and

BE IT FURTHER

RESOLVED, that the proposed action is an Unlisted Action pursuant to Part 617.6 and will not have a significant adverse impact on the environment; and BE IT FURTHER

RESOLVED, that the Town Board hereby declares that a Declaration of Non-Significance in connection with the Proposed Site Plan Approval is consistent with considerations of public interest; and BE IT FURTHER

RESOLVED, that the S.E.Q.R. process has been satisfied and completed with the completion of the above-mentioned review and duly approved Negative Declaration.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Adopted:

Council
moved for its adoption:

offered the following resolution and

RESOLUTION ADOPTING A S.E.Q.R. NEGATIVE DECLARATION AND DETERMINATION OF NON-SIGNIFICANCE IN CONNECTION WITH AN APPLICATION FOR A "SPECIAL EXCEPTION" (PUBLIC GARAGE) FOR A PARCEL OF LAND LOCATED IN ROOSEVELT, NEW YORK.

WHEREAS, the applicant, Manaj Ramautar, has submitted to the Town of Hempstead an Application for a "Special Exception" (Public Garage) for a parcel of land located at 105 Babylon Turnpike, Roosevelt, New York; and

WHEREAS, the purpose of the proposed "Special Exception" (Public Garage) is to allow for the renovation of an existing one-story warehouse to be used for an Auto Body Repair Shop with outdoor storage of vehicles under repair; and

WHEREAS, the applicant has submitted to the Town of Hempstead and Environmental Assessment Form (E.A.F.); and

WHEREAS, said E.A.F. has been reviewed by the Town Attorney of the Town of Hempstead and his staff and the significance of all environmental considerations, including those enumerated in 6NYCRR part 617.7 have been thoroughly evaluated to ascertain whether adverse environmental impacts will result; and

WHEREAS, the proposed action is an Unlisted Action as defined in 6NYCRR Part 617; and

WHEREAS, upon completion of said review, the Town Attorney has made a recommendation to the Town Board; and

WHEREAS, the Town Board, after due consideration of the recommendation of said Town Attorney considers the project to be an Unlisted Action and will not have a significant effect on the environment for the following reasons:

The Proposed Action will not result in any significant physical alterations to the site.

The Proposed Action will not have a significant adverse environmental impact on any Critical Environmental Area.

The Proposed Action will not have a significant adverse environmental impact on any unique or unusual land forms.

The Proposed Action will not have a significant adverse environmental impact on any water body designated as protected.

The Proposed Action will not have a significant adverse environmental impact on any non-protected existing or new body of water.

The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity.

Item # 36
Case # 29998

The Proposed Action will not have a significant adverse environmental impact on or alter drainage flow or patterns, or surface water runoff.

The Proposed Action will not have a significant adverse environmental impact on air quality.

The Proposed Action will not have a significant adverse environmental impact on any threatened or endangered species.

The Proposed Action will not have a significant adverse environmental impact on agricultural land resources.

The Proposed Action will not have a significant adverse environmental impact on aesthetic resources.

The Proposed Action will not have a significant adverse environmental impact on any site or structure of historic, prehistoric or paleontological importance.

The Proposed Action will not have a significant adverse environmental impact on the quantity or quality of existing or future open spaces or recreational opportunities.

The Proposed Action will not have any significant adverse environmental impact on existing transportation systems.

The Proposed Action will not have a significant adverse environmental impact on the community's sources of fuel or energy supply.

The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise or vibration.

The Proposed Action will not have a significant adverse environmental impact on the public health and safety.

The Proposed Action will not have a significant adverse environmental impact on the character of the existing community.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board is "Lead Agency" for the proposed "Special Exception" (Public Garage) for said parcel of land located in Roosevelt, New York; and BE IT FURTHER

RESOLVED, that the proposed action is an Unlisted Action pursuant to Part 617.6 and will not have a significant adverse impact on the environment; and BE IT FURTHER

RESOLVED, that the Town Board hereby declares that a Declaration of Non-Significance in connection with the proposed "Special Exception" (Public Garage) is consistent with considerations of public interest; and BE IT FURTHER

RESOLVED, that the S.E.Q.R. process has been satisfied and completed with the completion of the above-mentioned review and duly approved Negative Declaration.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

CASE NO.

RESOLUTION NO.

Adopted:

offered

the following resolution and moved its adoption:

RESOLUTION APPROVING SITE PLANS SUBMITTED BY DAVID L. MAMMINA AND H2M ARCHITECTS AND ENGINEERS ON BEHALF OF JEFFERY J. FEIL AND WOODCREST VILLAGE PARK ASSOCIATES, IN CONNECTION WITH BUILDING APPLICATION #201716989, TO CONSTRUCT A FOUR STORY, 230 UNIT APARTMENT BUILDING IN THE CA-S ZONE WITH ASSOCIATED SITE IMPROVEMENTS LOCATED ON THE WEST SIDE OF ROCKAWAY AVENUE, 102.83' NORTH OF WEST ATLANTIC AVENUE, OCEANSIDE, TOWN OF HEMPSTEAD, NEW YORK.

WHEREAS, heretofore, David L. Mammina and H2M Architects and Engineers, on behalf of Jeffery J. Feil and Woodcrest Village Park Associates has submitted an application bearing #201716989, to construct a four story, 230 unit apartment building in the CA-S zone with associated site improvements located on the west side of Rockaway Avenue, 102.83' north of West Atlantic Avenue, Oceanside, Town of Hempstead, New York; and

WHEREAS, in connection with such application and pursuant to the requirements of Section 305 of Article XXXI of the Building Zone Ordinance of the Town of Hempstead, said applicant has submitted a Site Plan, dated June 20, 2017, last revised February 15, 2019, and bearing the seal of Michael Wade Keffer, P.E., License # 077701, University of the State of New York, which site plans show the use, dimensions, types and locations of each of the buildings, structures, or other improvements existing or proposed to be installed, erected or altered upon the site shown and the provisions proposed to be made for the facilities and improvements required by said Section 305 to be shown; and

WHEREAS, said site plan has been approved as submitted by the Commissioner of the Highway Department, the Town Engineer and the Commissioner of the Department of Buildings; and

WHEREAS, the Town Board, after giving due consideration to those matters required to be considered by them pursuant to the provisions of the aforesaid Section 305, finds it in the public interest that the site shown be developed and improved in accordance with the site plan as submitted subject to the conditions thereon noted;

NOW THEREFORE, BE IT

RESOLVED, that the site plan submitted by Jeffery J. Feil and Woodcrest Village Park Associates entitled Site Plan, dated June 20, 2017 and last revised February 15, 2018 and bearing the seal of Michael Wade Keffer, P.E., License #077701, University of the State of New York, in connection with building application #201716989, to construct a four story, 230 unit apartment building in the CA-S zone with associated site improvements located on the west side of Rockaway Avenue, 102.83' north of West Atlantic Avenue, Oceanside, Town of Hempstead, New York, be and the same is hereby approved.

The foregoing resolution was adopted upon role call as follows:

AYES:

NOES:

Recommended for approval:

John E. Rottkamp
John E. Rottkamp, Commissioner
Building Department 4/22/19

Item # 37

Case # 29674

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution and moved its
adoption:

RESOLUTION AUTHORIZING THE TOWN OF HEMPSTEAD TO PAY ANNUAL
MEMBERSHIP DUES TO THE INTERNATIONAL CODE COUNCIL FOR THE
TOWN OF HEMPSTEAD DEPARTMENT OF BUILDINGS TO MAINTAIN ITS
MEMBERSHIP

WHEREAS, the Commissioner of the Department of Buildings has requested payment be made
for an annual membership from June 1, 2019 to May 31, 2020 to the International Code Council.

WHEREAS, it continues to be in the towns best interest to maintain membership in the
International Code Council. Membership in the International Code Council allows for 12 Code
Enforcement Officers of the Building Department to be voting members of the International
Code Council providing the Town of Hempstead a voice in Building Code Development and
organization of the executive board of the International Code Council.

NOW, THEREFORE, BE IT

RESOLVED, that the comptroller is hereby authorized to pay the current membership dues of
\$370.00 for a one year membership for the Department of Buildings to be paid out of and charged against
the Department of Buildings fees and services account 030-002-3620-4151 with payment made to the
International Code Council, 900 Montclair Road, Birmingham, Alabama 35235.

The forgoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item #

38

Case #

3003

CASE NO.

RESOLUTION NO.

Adopted:

offered the following resolution and
moved its adoption:

RESOLUTION AUTHORIZING THE OFFICE OF
THE TOWN ATTORNEY TO SETTLE THE CLAIM
OF LIDO BEACH TOWERS CONDOMINIUM IN THE
AMOUNT OF \$8,774.73.

WHEREAS, Lido Beach Towers Condominium, located at 2
Richmond Road in Lido Beach, New York, made a property damage
claim against the Town of Hempstead when a Town of Hempstead
Department of Sanitation truck came into contact with a fence at
the Lido Beach Towers Condominium in Lido Beach, New York on
January 31, 2019; and

WHEREAS, subsequent to making this claim, a proposal was
made between Lido Beach Towers Condominium, and the Claim
Service Bureau of New York, Inc., the claims investigation and
adjusting firm retained by the Town of Hempstead for such
purposes, to settle this claim for the amount of \$8,774.73; and

WHEREAS, Lido Beach Tower Condominium, has forwarded an
executed general release to the Office of the Town Attorney; and

WHEREAS, the Claims Service Bureau of New York, Inc., and
the Office of the Town Attorney recommend that this claim be
settled in the amount proposed as being in the best interest of
the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the Office of the Town Attorney is
authorized to settle the vehicle damage claim of Lido Beach
Towers Condominium for damages occurring on January 31, 2019 in
the amount of \$8,774.73 in full and final settlement amount to be
paid out of the Sanitation Operating Fund Tort Liability Account.

The foregoing resolution was adopted upon roll call
as follows:

AYES:

NOES:

Item #

39

Case #

10889

CASE NO.

RESOLUTION NO.

Adopted:

offered the following resolution
and moved its adoption as follows:

RESOLUTION AUTHORIZING THE PAYMENT
OF ANNUAL FEES TO ISO SERVICES, INC.
FOR MEDICARE SECONDARY REPORTING.

WHEREAS, by Resolution No. 386-2010, as amended, an agreement was approved with ISO Services, Inc., also known as ISO Claimsearch, (ISO), for mandatory medicare secondary reporting as required by the United States Centers for Medicare and Medicaid Services (CMS); and

WHEREAS, ISO has presented a 2019 annual fee schedule to provide these mandatory required services; and

WHEREAS, such pricing schedule includes Annual Membership Fees of \$1,100.00 (Annual Claimsearch Participation Fees), and annual reporting fees of \$600.00 (CMS Reporting Fee); and

WHEREAS, it is in the best interest of the Town to continue the agreement with ISO at the above pricing schedule to comply with mandatory CMS reporting requirement;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to pay the annual fees of \$1,100.00 and \$600.00 to ISO Services, Inc., General Post Office, P.O. Box 27508, New York, New York from Account No. 010-012-9000-4151.

AYES:

NOES:

#

40

#

7433

CASE NO.

RESOLUTION NO.

Adopted:

Council offered the following resolution and moved its adoption as follows:

RESOLUTION SELECTING MARSH USA, INC.
TO PROVIDE INSURANCE BROKER SERVICES.

WHEREAS, the Town of Hempstead maintains multi-peril real property insurance and flood insurance and is self-insured for automobile and general liability and workers' compensation; and

WHEREAS, in the interest of renewing or securing new insurance coverage the Town prepared a request for proposal for insurance brokerage services, RFP 15-2019; and

WHEREAS, four responses were received from qualified insurance brokers; and

WHEREAS, these four proposals were reviewed and interviews were conducted with all four responders; and

WHEREAS, after careful consideration, it has been determined that Marsh USA, Inc., 1166 Avenue of the Americas, New York, New York is best qualified to meet the insurance needs of the Town as set forth in RFP 15-2019; and

NOW, THEREFORE, BE IT

RESOLVED, that Marsh USA, Inc. is selected to provide insurance brokerage services to the Town of Hempstead for the period of one year from the date of this resolution subject to continuing obligations of Marsh under existing insurance policies; and, BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized to execute any contracts or other required documents with respect to Marsh USA, Inc. services and to pay fees for such services may be necessary to Marsh USA, Inc., P.O. Box 417724, Boston, Massachusetts 02241-7724 in an amount not to exceed \$100,000.00 to be paid from and charged to the insurance accounts of the appropriate funds.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item #

41

Case #

16452

CASE NO.

RESOLUTION NO.

ADOPTED:

Council(wo)man

offered the following resolution and moved its adoption:

RESOLUTION AMENDING RESOLUTION NO. 121-2019, WHICH AUTHORIZED AN AGREEMENT WITH CORVEL CORPORATION AS THE TOWN'S WORKERS' COMPENSATION THIRD PARTY ADMINISTRATOR.

WHEREAS, pursuant to Resolution No. 121-2019 (the "Resolution"), and following completion of a request for qualifications (RFQ) process, the Town Board authorized the execution of a three year agreement with CorVel Corporation, located at 320 Carleton Avenue, Suite 4800, Central Islip, New York 11722 ("Corvel") to be the workers' compensation third party administrator for the Town (the "Agreement"); and

WHEREAS, based on the necessity to have continual workers' compensation third party administrator services, the Town Attorney recommended during the course of the contract negotiation that the three year term in the Resolution and the Agreement contain a provision for services to be provided 90 days after the expiration of the term, in the event the Town has not completed a new RFQ process prior to the expiration of the Agreement (the "Amendment"); and

WHEREAS, the terms of the Agreement between the Town and Corvel have been finalized, and pursuant to the Resolution, the Agreement has been executed by the Supervisor; and

WHEREAS, the Town Attorney has further recommended that the Agreement, as executed by the Town and Corvel, be ratified and confirmed.

NOW, THEREFORE, BE IT

RESOLVED that the Town Board does hereby authorize the Amendment to the Resolution; and be it further

RESOLVED, that the Supervisor's execution of the Agreement with Corvel on April 30, 2019 is hereby ratified and confirmed; and be it further

RESOLVED, that the fees set forth in the Resolution and the Agreement, in an amount not to exceed \$244,500 per year for the services and \$500 per file for each legacy claim which is open, as more specifically set forth in the Agreement, which shall be on file in the Office of the Town Attorney, shall be paid from the appropriate departmental 8050 Account (Workers' Compensation); and be it further

RESOLVED, that any other authorization set forth in the Resolution not modified by this resolution shall remain in full force and effect.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 42
Case # 27490

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution
and moved its adoption as follows:

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A PROPOSAL
FOR SERVICES FROM THE PI COMPANY TO BE USED BY THE
DEPARTMENT OF URBAN RENEWAL.

WHEREAS, the PI company, 500 President Clinton Avenue, Suite 401, Little Rock, Arkansas, 72201 has submitted a one year proposal for Tenant PI services at a cost of \$100 annually and \$15 per criminal background check, at a maximum cost not to exceed \$4,500 per year with four, one year contract renewals, effective January 1, 2019; and

WHEREAS, the Department of Urban Renewal has deemed it to be in the best interest of the Department to accept the proposal for services for one year at a cost of \$100 annually and \$15 per criminal background check, at a maximum cost not to exceed \$4,500 per year with four, one year contract renewals;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Hempstead be and hereby is authorized to accept the above stated proposal, said payment to be charged against the Department of Urban Renewal account number 617 006 0617 X419.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item #

43

Case #

3553

CASE NO.

RESOLUTION NO.

Adopted:

offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING THE EXECUTION OF VARIOUS AGREEMENTS AND RELATED DOCUMENTS WITH EMPIRE NATIONAL BANK.

WHEREAS, the Town Board (the "Board") of the Town of Hempstead (the "Town") has heretofore authorized the designation of certain banks and trust companies of the State of New York to be depositories of Town funds for the deposit and drawing of orders for the payment of money by the Town; and

WHEREAS, Empire National Bank (the "Bank") has been designated as an approved depository for Town funds; and

WHEREAS, the Town Comptroller has recommended to the Board that the Town enter into an ICS Deposit Placement Agreement and a Custodial Agreement with the Bank (the "Agreements"); and

WHEREAS, due to time constraints concerning the implementation of a new Workers' Compensation program, the Town Comptroller determined that it was necessary for the Town to establish two additional bank accounts and execute certain related documents with the Bank, including a Municipal Checking Account Agreement, a Negotiable Order of Withdrawal (NOW) Account Agreement, and a Municipal Resolution (the "Banking Documents"); and

WHEREAS, this Board finds it in the best interests of the Town to authorize and enter into the Agreements with the Bank and to ratify the execution of the Banking Documents, as recommended.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Town to enter in the Agreements with the Bank; and be it further

RESOLVED, that the Supervisor is authorized and directed to execute, on behalf of the Town, the Agreements with the Bank, together with such other necessary documents, as more particularly set forth in copies of the Agreement which will be on file in the Office of the Town Clerk, and to take such other action as may be necessary to effectuate the foregoing; and be it further

RESOLVED, that the Town Board hereby ratifies the Supervisor and Comptroller's execution of the Banking Documents, copies of which shall be on file in the Office of the Town Clerk, and further authorizes the Supervisor and Town Comptroller to take such other action as may be necessary to effectuate the foregoing; and be it further

Item # 46

Case # 2

RESOLVED that the Town Comptroller be and hereby is authorized and directed to pay the costs of any Bank fees associated with the Agreements or Banking Documents, upon receipt of duly executed Agreements or Banking Documents, and to take all necessary action to effectuate the foregoing.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Adopted:

offered the following resolution and moved its adoption:

**RESOLUTION REJECTING BIDS
AND AUTHORIZING RE-BID FOR THE
SPRAY PAD AT VETERANS MEMORIAL PARK,
EAST MEADOW, NEW YORK (PW #37-18)**

WHEREAS, the Commissioner of General Services, on behalf of the Department of Parks and Recreation, advertised for bids for the contract in connection with the Spray Pad at Veterans Memorial Park, East Meadow, NY, PW #37-18; and

WHEREAS, the bids set forth immediately below, submitted pursuant to such advertisement were opened and read in the office of the Commissioner of General Services on January 25th, 2019, at 11 o'clock in the forenoon:

Contractor:	Total:
A.I.I. Allen Industries, Inc.	\$366,700.00
510 Broadway	
Amityville, NY 11701	
Stasi Brothers Asphalt	\$489,900.00
435 Maple Ave.	
Westbury, NY 11590	
Norberto Construction	\$546,832.00
227 Commack Road	
Commack, NY 11725	
Woodstock Construction	\$632,625.00
41 Ludlam Ave.	
Bayville, NY 11709	

and;

WHEREAS, the bids submitted were higher than budget allotments for this particular project; and

WHEREAS, in the interest of obtaining a bid that may fall within project budget guidelines, the Commissioner of the Department of Parks & Recreation recommends to this Town Board that the above bids be rejected and that the Department of Parks and Recreation be authorized to redesign and re-bid the Spray Pad at Veterans Memorial Park, East Meadow, New York.

NOW, THEREFORE, BE IT

RESOLVED, that the above listed bids be and the same hereby are rejected and that the Department of Parks & Recreation be and hereby is authorized to redesign and rebid the proposed project for the Spray Pad at Veterans Memorial Park, East Meadow, New York.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 47

Case # 16905

CASE NO.

RESOLUTION NO.

Adopted:

Council(wo)man offered the following resolution and moved its adoption as follows:

RESOLUTION AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH BEACH COMFORT INC. FOR THE RENTAL OF BEACH CHAIRS AND UMBRELLAS AS WELL AS THE SALE OF SUNSCREEN PRODUCTS AND BEACH TOWELS.

WHEREAS, the Town duly issued a Request for Proposals ("RFP") on February 15, 2019 seeking proposals from qualified vendors to rent beach equipment and non-motorized sports equipment at one or more of the Town's beaches; and

WHEREAS, Beach Comfort Inc. ("BCI") with offices at 74 West Park Avenue, Long Beach, New York, was the sole proposer in response to the RFP seeking permission to rent beach chairs and umbrellas as well as sell sunscreen products and beach towels at the following Town beaches: (i) Town Park Point Lookout (east beach entrance); (ii) Town Park Point Lookout (west beach entrance); (iii) Lido Beach (beach entrance); and (iv) Lido West (the "Services"); and

WHEREAS, the relevant price points for the Services included in the BCI proposal consist of the following: (i) Umbrella rental all day (\$17.00); (ii) Chair rental all day (\$14.00); (iii) 2 chairs and 1 umbrella rental all day (\$40.00); and (iv) sale of beach towels (\$25.00); and

WHEREAS, a Town Evaluation Committee consisting of representatives from the Supervisor's office, Town Board and the Department of Parks & Recreation reviewed the BCI proposal, as well as the business experience of BCI, and satisfied itself that BCI was qualified to satisfactorily provide the contemplated beach rental equipment services; and

WHEREAS, the Evaluation Committee further negotiated the following primary terms and conditions with BCI: (i) an initial two year License Agreement, commencing on April 1, 2019 and terminating on September 30, 2020, with a maximum of three one year extensions; (ii) guaranteed annual License Fee payment to the Town of \$5,000.00 coupled with an automatic 5% increase in said License Fees for each successive year of the License Agreement; (iii) 10% of BCI's gross revenue at Town Beaches over \$100,000.00 for year one; (iv) 10% of BCI's gross revenue at Town Beaches over \$50,000.00 for year two; and (v) BCI is additionally obligated to furnish, at no cost to the Town, 100 chairs and 50 umbrellas for the Town's annual Salute to Veteran's and Family Festival By the Sea events for each year that the License Agreement is in effect; and

WHEREAS, this Town Board believes that the beach rental services provided by BCI will be an amenity appreciated by a number of Town beachgoers and that BCI is qualified to render such services, and finds it to be in the best interest of the Town to authorize the License Agreement with BCI

NOW, THEREFORE, BE IT

RESOLVED, that a License Agreement with Beach Comfort Inc. to provide the Services be and hereby is authorized; and be it further

RESOLVED, that the Supervisor be and she hereby is authorized to execute on behalf of the Town of Hempstead a License Agreement with Beach Comfort Inc. for the rental of beach chairs and umbrellas and the sale of sunscreen products and beach towels; and be it further

RESOLVED, that the Comptroller is hereby authorized and directed to accept monies due and owing to the Town in conjunction with this agreement and deposit same into Account#:

The foregoing resolution was adopted upon roll call as follows:

AYES:

NONE:

Item # 48
30124
Case # ~~_____~~

Case No.

Resolution No.

Adopted:

Council(wo)man offered the following resolution and moved its adoption:

RESOLUTION ADOPTING S.E.Q.R. NEGATIVE DECLARATION AND DETERMINATION OF NON-SIGNIFICANCE IN CONNECTION WITH THE PROPOSED CREATION OF NEW ZONING DISTRICTS AND OVERLAY DISTRICTS SET FORTH AS A NEW ARTICLE XLIII OF THE BUILDING ZONE ORDINANCE OF THE TOWN OF HEMPSTEAD, INCLUDING THE ESTABLISHMENT OF A TRANSIT ORIENTED DEVELOPMENT (TOD) DISTRICT PROXIMATE TO THE INWOOD AND LAWRENCE LIRR TRAIN STATIONS, THE ESTABLISHMENT OF A NEIGHBORHOOD BUSINESS (NB) OVERLAY DISTRICT ALONG THE LAWRENCE AVENUE CORRIDOR IN NORTH LAWRENCE AND ALONG THE DOUGHTY BOULEVARD CORRIDOR IN INWOOD AND THE ESTABLISHMENT OF A RESIDENTIAL TOWNHOUSE/ROWHOUSE (TR) OVERLAY DISTRICT WITHIN NORTH LAWRENCE AND INWOOD.

WHEREAS, An Expanded Environmental Assessment was prepared to assess the impacts associated with the creation of a new Transit Oriented District (TOD) District and two (2) new zoning overlay districts to be applied to the existing underlying zoning districts in the hamlets of North Lawrence and Inwood. This assessment included analysis of existing build-out potential and potential build-out under the proposed zoning. Overall, the potential build-out under the proposed zoning does not have the potential for any significant adverse environmental impacts; and

WHEREAS, the proposed action seeks to create walkable hamlet centers, each with a distinctive sense of place, around the Inwood and Lawrence LIRR train stations with mixed-use development and housing choices in a sustainable approach to improve the quality of life for the north Lawrence and Inwood residents and the surrounding communities. The Town has recognized the opportunity and need for transformative redevelopment with the benefits of development that is consistent with smart growth principles. These principles encourages a mix of building types and uses, diverse housing and transportation options, walkable neighborhoods, development within existing neighborhoods, and community engagement. There are numerous benefits that will result from the implementation of the proposed zoning districts, including:

- Redevelopment and revitalization of obsolete and incompatible industrial land uses.
- A vibrant mixed-use development that creates a "sense of place" for residents to enjoy.
- Walkable neighborhoods and connectivity to public transportation.
- Affordable workforce housing with preferences given to local residents.
- Providing a wide range of housing choices.
- Green building and sustainable site design promoting healthy living.
- Incentivizing reduced car ownership.
- The ability to retain the younger population, empty nesters, and seniors.
- The ability to retain the unique community diversity; and

WHEREAS, key strategies were identified and guided by the Town's Vision. The strategies provided guidance on the formulation of the proposed zoning districts. These strategies will help generate the benefits created through implementation of the zoning

Item # 49

Case # 30115

codes and can be used as a guide for transformative redevelopment. These strategies include:

- Strengthen community identity with a unified building character and streetscape beautification.
- Attract and retain younger and senior populations.
- Create a positive economic environment.
- Improve existing traffic conditions.
- Reduce car ownership and trip generation.
- Improve public safety.
- Create a distinctive sense of place.
- Promote wellness and healthy living; and

WHEREAS, a major focus of the zoning initiative is addressing the challenge of affordable housing for young people as well as for longtime residents who want to remain in the community. This resulted in the provision of affordable workforce housing for all projects with five (5) or more residential units. All residential developments within the TOD district will be required to designate 20% or more of the units as affordable to individuals/families earning no more than 60% of Area Median Income (AMI) for the Nassau-Suffolk, NY Metro Area. All residential portions of new developments adhering to the guidelines and regulations of the Neighborhood Business overlay zone will be required to designate 10% or more of the units as affordable to individuals/families earning no more than 80% of AMI, while all new residential developments adhering to the guidelines and regulations of the Townhouse/Rowhouse overlay zone will be required to designate 10% or more of the units as affordable to individuals/families earning no more than 100% of AMI. The inventory of affordable housing on Long Island is very scarce. This provision will assist those people who want to remain in the area but are unable to do so due to the high cost of housing; and

WHEREAS, another major element of the new TOD zoning district is the creation of an infrastructure/improvement fund tied to the intensity of each new development. The contributions to the fund will enable the Town to construct the required infrastructure, traffic mitigation elements, and the streetscape improvements that will help fulfill the goal of creating successful, walkable, transit-oriented development areas; and

WHEREAS, two public involvement meetings took place to introduce the Town's proposed zoning initiatives to the public and to potential stakeholders. In attendance at the meetings were representatives from the police and fire departments, County public works officials, elected officials, members of civic organizations, officials from adjacent municipalities, representatives from the water supplier and sanitation district, representatives from the regional bus operator, and a representative from the MTA. At the second meeting, there were over 140 residents in attendance; and

WHEREAS, overall, the Town's proposal received overwhelming support in favor of the proposal moving forward. Residents were looking forward to the many benefits that would result from the opportunities created from the adoption of the proposal. The local fire departments wanted to ensure that the proposed high density residential buildings would be Type 2 non-combustible construction, in order to have the highest level of fire safety. There were no concerns raised by the police department or any of the utility providers. The audience needed to be reassured that the new zoning requirements would not be forced upon any property owner, and that residents would not be forced to relocate as a result of the new zoning districts;

WHEREAS, the replacement of incompatible industrial land uses with new mixed-use development is one of the key objectives and positive impacts resulting from the change in land use proposed by this action. The incompatible uses would be replaced by ground-level retail and multi-family housing in hamlet centers that are adjacent to mass transit. Residents will now have a desire to remain in the areas near the train stations, as they will become hubs of activity for places where people can live, work, and shop. The proposed transit-oriented development districts would introduce a mix of multi-family housing and commercial uses in one location, in place of existing unsightly industrial buildings that do not have any connectivity to a mass transit center; and

WHEREAS, the change in land use will have a positive impact on property values in the surrounding areas and will not have any adverse effect on the character of the

immediate neighborhoods or on the patterns of future development in the surrounding areas. Any future TOD development would most likely lead to revitalization and increased investment in the surrounding neighborhoods and should have a positive influence on local property values. The investment made into the creation of the TOD districts and other new development will result in higher property values for the surrounding properties; and

WHEREAS, another important benefit resulting from the creation of TOD districts is an improvement in existing traffic conditions, measures are taken to reduce traffic delays and increase intersection functionality, as well as a result of residents being provided with opportunities that allow them to reduce their number of vehicle trips and even possibly reduce their car ownership. In addition, the proposed TOD code implements a car-sharing program and an incentive program to use mass transit. Both of these programs will help to further reduce traffic in the area. Furthermore, the amount of traffic will be reduced by the elimination of industrial and manufacturing buildings that generate a large number of truck trips and noise. Overall, the close proximity to mass transit, as well as the innovative measures imposed by the code to reduce vehicle trips and car ownership, will make a dramatic improvement in the TOD areas. In the code, there is also a dedicated infrastructure/improvement fund that will go towards additional traffic reduction projects; and

WHEREAS, the existing conditions in North Lawrence and Inwood exhibit many neglected and derelict properties that are visually unappealing. The conversion of these unmaintained properties and incompatible uses to high quality new development will help to create a visually appealing neighborhood that local residents can take pride in. Eliminating neglected properties and incompatible uses will assist in the visual transformation of North Lawrence and Inwood;

WHEREAS, the introduction of overlay districts does not directly change the existing land uses found in those areas, but creates a mechanism that could potentially change existing land uses in the future. The Neighborhood Business (NB) Overlay District introduces the ability to have parcels with both residential and commercial uses, rather than only commercial. This helps create a walkable, transit-accessible "main street" corridor that is an extension of the TOD district. It also increases local economic activity through new investments in both residential and commercial uses. It is possible that the overlay will help to redevelop incompatible uses that currently exist on a main commercial thoroughfare; and

WHEREAS, the resulting changes created by the Townhouse/Rowhouse (TR) Overlay District are quite minimal in comparison to the other proposed zoning changes. This overlay is being proposed in areas that already have residential land uses. The overlay allows for an increase in density as compared to what currently exists, and provides an opportunity to redevelop existing, incompatible/nonconforming uses that are adjacent to one another. Furthermore, the overlay provides an opportunity to develop new styles of housing that are not currently seen in the area; and

WHEREAS, the proposed zoning codes include specific provisions that foster "smart growth" development which brings together a vast array of innovative design practices, techniques and skills and emphasizes an improved quality of life for residents, employers, and visitors through the formulation of a vibrant mixed-use hamlet center; and

WHEREAS, police protection for the areas included in the proposed zoning districts is provided by the Nassau County Police Department, 4th Precinct, and fire protection and medical services are provided by the Inwood Fire Department and the Lawrence-Cedarhurst Fire Department. Existing levels of service will continue with the implementation of the proposed new zoning districts; and

WHEREAS, the project area is in the Lawrence Union Free School District. Potential new residential development throughout project area, like any residential development, has the potential to generate school-age children. However, based on the housing typologies set forth in the proposed zoning districts and overlays, generation of school-age children is anticipated to be minimal. Therefore, the school district is expected to benefit from the increased tax revenues that will exceed any additional expenses; and

WHEREAS, at the request of the local fire departments, the proposed codes require Type 2 non-combustible construction for all buildings constructed over three stories. This provision provides additional fire safety and assists in fire prevention efforts; and

WHEREAS, the zoning initiative was formulated with the underlying mandate of improving existing vehicle and pedestrian traffic conditions within the study area and adjoining road network. This includes zoning code provisions which incentivize reduced car ownership and increased use of public transportation; reduce trip generation with mixed-use development; encourage walking and bicycling; and enhance overall quality of life with reduced truck traffic, reduced air emissions, and reduced noise compared to the significant existing industrial and manufacturing use around the train stations; and

WHEREAS, the traffic impact study considers the potential changes associated with this zoning initiative occurring over ten years, as well as an earlier redevelopment level three (3) years from the 2018 count dates. The two (2) sets of analyses gauge and define what degree of mitigation is warranted after 3 and 10 years. The majority of the early redevelopment is expected to occur in the TOD districts and on larger parcels that would not require consolidation with other parcels in order to be eligible for redevelopment; and

WHEREAS, the zoning initiative includes a number of Complete Streets elements, meaning all road/sidewalk users' needs are reflected in the design elements and the street corridor becomes a "place." Lawrence Avenue and Doughty Boulevard are proposed to be transformed into "traditional main streets." TOD requirements to promote and support walkability and bicycling include:

- Mid-block open space (pocket parks).
- Mid-block and corner bump-outs to reduce pedestrian crossing distances.
- Wide sidewalks with street trees, decorative lighting, and benches to provide a highly aesthetic character and pleasant walking experience.
- Bicycle parking facilities (for at least 3 bicycles) must be provided with a 5' minimum sidewalk width and appropriate visibility from adjacent parking areas.
- Applicants must pay into an infrastructure/improvement fee to fund streetscape improvements; and

WHEREAS, the parking ratios in the zoning code account for genuine anticipated demand without over-parking, based on this initiative codifying multiple incentives to encourage reduced vehicle ownership, which in turn reduces the number of required parking spaces.

- Shared parking acknowledges that one space can serve different uses at different times, so each land use functions with fewer off-street spaces.
- Car-sharing parking spaces that can each serve multiple rental units, and if sufficient car-sharing spaces are provided, the total site requirement is permitted to be lowered.
- Workforce housing typically corresponds to lower car-ownership rates per unit than market rate housing.
- Rent abatements for LIRR monthly ticket purchases and real-time LIRR data kiosks in TOD building lobbies, a unique benefit for people who utilize the LIRR, to facilitate train ridership and reduce the need to drive; and

WHEREAS, the traffic generation projections also reflect the zoning incentives that facilitate the use of sidewalks and transit and facilitate reduced car ownership. The new residences lend themselves to transit use, whereas the existing industrial and manufacturing uses do not; and

WHEREAS, of the twenty-six (26) intersections studied, five (5) warrant mitigation at the 3-year early-implementation level and seven (7) warrant mitigation at the full buildout level, considering the 3-year mitigation is in place. It is important to note that the proposed zoning codifies required funding provided by developers/applicants so that mitigation and improvements will be implemented before the corresponding redevelopment comes online; and

WHEREAS, the proposed mitigation will improve existing traffic conditions related to congestion (e.g. at Nassau Expressway intersections) and safety (pertaining to

left turn movements that warrant a protected left turn arrow and/or a dedicated turn lane). Some movements will have minor delay increases; however, the goal was to level delays across each approach, so that increases would be smaller than significant delay decreases at other movements at the same intersection. Overall, intersections will function similarly to their projected operation without the proposed zoning, combined with safety improvements at some locations. Additionally, the proposed zoning will make vast improvements to sidewalks and adjacent streetscaping and lighting, and will enhance the vitality of the two (2) LIRR stations in the study area; and

WHEREAS, the proposed code provisions will improve walkability throughout the study area by requiring wide sidewalks, decorative lighting, benches, and extensive streetscaping. The proposed code will facilitate redevelopment with fewer trucks (and associated noise), and will incentivize reduced car ownership in the new residential units; and

WHEREAS, recognizing that the implementation of the planning initiative would require infrastructure upgrades, including Complete Streets improvements, road widening, parking improvements, intersection improvements, storm water drainage, street lighting, and streetscape upgrades. The proposed action will establish a dedicated infrastructure fund that will use development impact fees for the purpose of upgrading and enhancing existing Town-owned and maintained infrastructure. This infrastructure fund will play a significant role in transforming the existing industrial setting by creating new transit-oriented environments and streetscapes within the two (2) TOD districts. In addition to improving the existing pedestrian and vehicular streetscapes, this fund will also work towards mitigating potential burdens on existing Town-owned and maintained infrastructure associated with new development. Lastly, it will provide a new, dedicated infrastructure funding source that will support targeted infrastructure upgrades (e.g. parking, traffic calming, etc.) within the study areas; and

WHEREAS, the timing of the infrastructure improvements will occur simultaneously with the development buildout so that improvements are "on line" as individual developments are completed and ready for occupancy. Infrastructure costs associated with public water supply upgrades, public sanitary sewer upgrades, natural gas and/or electric distribution are to be addressed by the respective utility purveyors or at the cost of the developer(s) as determined at the time of an application made to the Town. It is important to note that all infrastructure costs on private property, including utility connections to public infrastructure, are the responsibility of the developer(s); and

WHEREAS, the projected water demand loads would not be a significant increase over existing use levels. Within the TOD districts, specific code requirements associated with water demand reduction are as follows:

- Energy-efficient and water saving appliances and fixtures shall be used.
- Landscaping shall consist of native plants that use water efficiently.
- All sites providing irrigation shall provide a method to capture and re-use rainwater for irrigation purposes; and

WHEREAS, NCDPW has indicated that projected water/sewage flows do not represent a significant increase over existing flows. NCDPW also indicated that sewer main enlargement is not anticipated along the primary study area corridors Lawrence Avenue or Doughty Boulevard; and

WHEREAS, within the TOD districts, specific code requirements associated with water demand reduction are as follows:

- Energy-efficient and water saving appliances and fixtures shall be used.
- Landscaping shall consist of native plants that use water efficiently.
- All sites providing irrigation shall provide a method to capture and re-use rainwater for irrigation purposes; and

WHEREAS, an increase in energy consumption is anticipated as a result of the proposed action. It is anticipated that National Grid and PSEG-LI have the capacity to serve the proposed development; and

WHEREAS, to reduce overall electricity and natural gas demand and use, modern energy efficient building materials and energy conservation have been incorporated into each of the proposed zoning districts and overlay districts. The proposed TOD districts,

in particular, will require that all development implement an aggressive and comprehensive range of building and energy efficiency measures. While the code does not require United States Green Building Council (USGBC) - Leadership in Energy and Environmental Design (LEED) certification, it does require submission of a LEED (current version) project checklist that demonstrates compliance with a targeted certification level. This checklist is submitted as part of the Design Review Committee review process; and

WHEREAS, in addition to the submission of a LEED checklist, developments within the TOD districts will work towards reducing energy demands through the following code requirements:

- Energy-efficient and water saving appliances and fixtures shall be used.
- LED lighting and occupancy sensors should be used to reduce electrical demand.
- All exterior lighting shall use photosensitive cells that automatically turn lights off at sunrise.
- Healthy indoor air quality shall be maintained with appropriate building materials and HVAC systems.
- Sun, wind, and landscape conditions shall be considered when siting the building to take advantage of natural/passive heating, shade, cooling, and daylighting.
- Developments shall employ passive heating and cooling design strategies to the maximum extent feasible. Strategies to be considered include high insulation values, energy efficient windows including high performance glass, light-colored or reflective roofing and exterior walls, and window shading and landscaping that provide shading during the appropriate seasons.
- New multi-family residential structures shall include electrical conduit specifically designed to allow for later installation of a photovoltaic (PV) system which utilizes solar energy as a means to provide electricity; and

WHEREAS, a fiscal impact analysis on two (2) prospective multi-phase, mixed-use redevelopment build-out programs, resulting from the implementation of the Transit Oriented Development (TOD) Zoning District, the Neighborhood Business (NB) Overlay District and the Residential Townhouse/Rowhouse (TR) Overlay District, within the areas in close proximity to the Lawrence and Inwood LIRR train stations was performed. A fiscal impact analysis allows for the projection of the direct, current, public costs, and revenues associated with residential and/or non-residential growth within a municipality where new investment is to take place; and

WHEREAS, key findings of the Fiscal Impact Analysis include:

- Development within the TOD district will yield the greatest net positive impact, since prospective development closest to each of the commuter rail stations is to contain only one- and two-bedroom multi-family rental units. The projected number of residents, generally, and public school-age children, in particular, is relatively small, when compared to the taxable value created by the development.
- Based on a relatively low per capita marginal municipal service cost within the Town of Hempstead, the projected municipal portion of the real property tax revenue associated with the prospective build-out in all of the proposed districts examined greatly exceeds the project municipal service costs, in most cases, by greater than a factor of five (5).
- Examination of the Lawrence Union Free School District's (UFSD) student enrollment trends since the 2014-15 calendar school year indicates that there would likely be more than sufficient capacity to absorb the projected number of public school-age students generated by the build-out across all proposed districts.
- The projected school service costs are likely greatly overstated, due to: more than sufficient school capacity, the population multipliers employed by this analysis are significantly outdated, and the prospective development is expected to attract a number of Orthodox households, who may instead choose to enroll students within a private school system.

- A PILOT incentive which provides a minimum payment from the development sponsor (covering annual municipal service costs) will not adversely impact the Town of Hempstead;

NOW, THEREFORE, BE IT

RESOLVED, that the proposed action, which is the creation of a new Transit Oriented District (TOD) District and two (2) new zoning overlay districts to be applied to the existing underlying zoning districts in the hamlets of North Lawrence and Inwood, is a Type 1 Action pursuant to 6 NYCRR Part 617; and be it further,

RESOLVED, based upon the foregoing, the Town Board finds that the proposed action would not create any potential impacts associated with new development resulting from the new zoning districts and would not result in any significant adverse impacts to the environment; and, be it further,

RESOLVED, this determination is issued in consideration of the Criteria for Determining Significance contained in SEQRA Part 617.7(a)-(c); and be it further,

RESOLVED, the Town Board finds the environmental documentation is complete, the proposed action will not result in significant adverse environmental impacts and as a result, a Negative Declaration is determined to be appropriate for this project.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Resolution – Amending Resolution No. 36-2019 Re: Various offices, position & occupations in the Town Government of the Town of Hempstead

Item # 50

Case # 7

CASE NO. 30120

RESOLUTION NO.

ADOPTED:

offered the following resolution and moved its adoption:

RESOLUTION CALLING A PUBLIC HEARING ON A PROPOSED LOCAL LAW TO AMEND CHAPTER 202 OF THE CODE OF THE TOWN OF HEMPSTEAD TO INCLUDE AND REPEAL "REGULATIONS & RESTRICTIONS" TO LIMIT PARKING AT VARIOUS LOCATIONS.

WHEREAS, the Town Board of the Town of Hempstead is empowered to enact and amend local laws pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and the Municipal Home Rule Law, both as amended; and

WHEREAS, it appears to be in the public interest to consider the enactment of a local law amending Chapter 202 of the Code of the Town of Hempstead entitled "REGULATIONS & RESTRICTIONS" to limit parking at various locations; and

WHEREAS, has introduced a proposed local law known as Intro. No. 25-2019, Print No. 1 to amend the said Chapter 202 of the Code of the Town of Hempstead to include and repeal "REGULATIONS & RESTRICTIONS" to limit parking at various locations; NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York on May 21, 2019 at 10:30 o'clock in the forenoon of that day, at which time all interested persons shall be heard on the proposed enactment of a local law known as Intro. No. 25-2019, Print No. 1, to amend Chapter 202 of the Code of the Town of Hempstead to include and repeal "REGULATIONS & RESTRICTIONS" to limit parking at various locations; and, BE IT FURTHER

RESOLVED, that the Town Clerk shall give notice of such hearing by the publication thereof in a newspaper of general circulation in the Town of Hempstead and by the posting of such notice on the Bulletin Board maintained for such purpose in the Town Hall not less than three nor more than thirty days prior to the date of such hearing.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item# 51
Case# 30120

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and Municipal Home Rule of the State of New York, both as amended, a public hearing will be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on the 21st day of May, 2019, at 10:30 o'clock in the forenoon of that day to consider the enactment of a local law to amend Chapter 202 of the code of the Town of Hempstead to INCLUDE and REPEAL "REGULATIONS AND RESTRICTIONS" to limit parking at the following locations:

(NR) ATLANTIC BEACH SCOTT DRIVE (TH 135/19) East Side - NO
Section 202-9 PARKING 10 AM TO 5 PM JUNE 1 TO
 SEPTEMBER 30 - starting at the north
 curbline of Park Street following the
 curvature of the roadway north and
 east, east for a distance of 320 feet.

 SCOTT DRIVE (TH 135/19) South Side -
 NO PARKING 10 AM TO 5 PM JUNE 1 TO
 SEPTEMBER 30 - starting at a point
 377 feet north of the north curbline
 of Park Street following curvature of
 the roadway east for a distance of
 189 feet.

BELLMORE BROADWAY (TH 133/19) North Side - TWO
Section 202-15 HOUR PARKING 7 AM TO 7 PM EXCEPT
 SATURDAYS, SUNDAYS, AND HOLIDAYS -
 starting at a point 50 feet east of
 the east curbline of Bedford Avenue
 east to a point 220 feet west of the
 west curbline of Bellmore Avenue.

 THIRD PLACE (TH 378/18) North Side -
 TWO HOUR PARKING 8 AM TO 6 PM EXCEPT
 SATURDAYS, SUNDAYS, AND HOLIDAYS -
 starting at a point 30 feet east of
 the east curbline of Bedford Avenue
 east for a distance of 130 feet.

EAST MEADOW NOTTINGHAM ROAD (TH 143/19) North Side
Section 202-24 - NO PARKING 8 AM TO 4 PM EXCEPT
 HOLIDAYS - starting at a point
 132 feet east of the east curbline of
 Jane Court east for a distance of
 30 feet.

HEWLETT
Section 202-16

CRYSTAL COURT (TH 138/19) South Side -
NO PARKING 12 MIDNIGHT TO 8 AM -
starting at a point 30 feet west of
the west curblineline of East Broadway
west then south for a distance of
225 feet.

ALSO, to REPEAL from Chapter 202 "REGULATIONS AND
RESTRICTIONS" to limit parking from the following locations:

BELLMORE
Section 202-15

BROADWAY (TH 444/83) North Side - TWO
HOUR PARKING 7 AM TO 7 PM EXCEPT
SATURDAYS, SUNDAYS, AND HOLIDAYS -
starting at a point 50 feet east of
the east curblineline of Bedford Avenue
east to a point 30 feet west of the
west curblineline of Bellmore Avenue.
(Adopted 3/27/84)

EAST ATLANTIC BEACH
Section 202-9

SCOTT DRIVE (TH 224/89) East Side - NO
PARKING 10 AM TO 5 PM JUNE 1, TO
SEPTEMBER 30, - starting at the north
curblineline of Park Street following the
curvature of the roadway north and
east for a distance of 566 feet.
(Adopted 8/22/89)

HEWLETT
Section 202-16

CRYSTAL COURT (TH 317/92) South Side -
NO PARKING 12 MIDNIGHT TO 8 AM -
starting 80 feet west of the west
curblineline of East Broadway west then
south for a distance of 175 feet.
(Adopted 1/12/93)

ALL PERSONS INTERESTED shall have an opportunity to be
heard on said proposal at the time and place aforesaid.

Dated: May 7, 2019
Hempstead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF HEMPSTEAD

LAURA A. GILLEN
Supervisor

SYLVIA A. CABANA
Town Clerk

Town of Hempstead

A local law to amend Chapter two hundred and two of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, to include and repeal "REGULATIONS AND RESTRICTIONS" to limit parking at various locations.

Be it enacted by the Town Board of the Town of Hempstead as follows:

Section 1. Chapter two hundred and two of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, said Section last amended by local law number twenty of two thousand nineteen is hereby amended by including therein "REGULATIONS AND RESTRICTIONS" to limit parking at the following locations:

(NR) ATLANTIC BEACH
Section 202-9

SCOTT DRIVE (TH 135/19) East Side – NO PARKING
10 AM TO 5 PM JUNE 1 TO SEPTEMBER 30 – starting at the north curbline of Park Street following the curvature of the roadway north and east, east for a distance of 320 feet.

SCOTT DRIVE (TH 135/19) South Side – NO PARKING
10 AM TO 5 PM JUNE 1 TO SEPTEMBER 30 – starting at a point 377 feet north of the north curbline of Park Street following curvature of the roadway east for a distance of 189 feet.

BELLMORE
Section 202-15

BROADWAY (TH 133/19) North Side – TWO HOUR
PARKING 7 AM TO 7 PM EXCEPT SATURDAYS,
SUNDAYS, AND HOLIDAYS – starting at a point 50 feet east of the east curbline of Bedford Avenue east to a point 220 feet west of the west curbline of Bellmore Avenue.

THIRD PLACE (TH 378/18) North Side – TWO HOUR
PARKING 8 AM TO 6 PM EXCEPT SATURDAYS,
SUNDAYS, AND HOLIDAYS – starting at a point 30 feet east of the east curbline of Bedford Avenue east for a distance of 130 feet.

EAST MEADOW
Section 202-24

NOTTINGHAM ROAD (TH 143/19) North Side – NO
PARKING 8 AM TO 4 PM EXCEPT HOLIDAYS – starting at a point 132 feet east of the east curbline of Jane Court east for a distance of 30 feet.

HEWLETT
Section 202-16

CRYSTAL COURT (TH 138/19) South Side – NO
PARKING 12 MIDNIGHT TO 8 AM – starting at a point 30 feet west of the west curbline of East Broadway west then south for a distance of 225 feet.

Section 2. Chapter two hundred and two of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine said Section last amended by local law number twenty of two thousand nineteen is hereby amended by repealing therein "REGULATIONS AND RESTRICTIONS" to limit parking at the following locations:

BELLMORE
Section 202-15

BROADWAY (TH 444/83) North Side – TWO HOUR
PARKING 7 AM TO 7 PM EXCEPT SATURDAYS,
SUNDAYS, AND HOLIDAYS – starting at a point 50 feet east of the east curbline of Bedford Avenue east to a point 30 feet west of the west curbline of Bellmore Avenue.
(Adopted 3/27/84)

EAST ATLANTIC BEACH
Section 202-9

SCOTT DRIVE (TH 224/89) East Side – NO PARKING
10 AM TO 5 PM JUNE 1, TO SEPTEMBER 30, - starting at the north curbline of Park Street following the curvature of the roadway north and east for a distance of 566 feet.
(Adopted 8/22/89)

HEWLETT
Section 202-16

CRYSTAL COURT (TH 317/92) South Side – NO
PARKING 12 MIDNIGHT TO 8 AM – starting 80 feet west
of the west curbline of East Broadway west then south for a
distance of 175 feet. (Adopted 1/12/93)

Section 3. This local law shall take effect immediately upon filing with the secretary of state.

CASE NO. 30121

RESOLUTION NO.

ADOPTED:

offered the following resolution and moved its adoption:

RESOLUTION CALLING A PUBLIC HEARING ON A PROPOSED LOCAL LAW TO AMEND SECTION 202-1 OF THE CODE OF THE TOWN OF HEMPSTEAD TO INCLUDE AND REPEAL "PARKING OR STANDING PROHIBITONS" AT VARIOUS LOCATIONS.

WHEREAS, the Town Board of the Town of Hempstead is empowered to enact and amend local laws pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and the Municipal Home Rule Law, both as amended; and

WHEREAS, it appears to be in the public interest to consider the enactment of a local law amending Section 202-1 of the Code of the Town of Hempstead entitled "PARKING OR STANDING PROHIBITONS" at various locations; and

WHEREAS, has introduced a proposed local law known as Intro. No. 26-2019, Print No. 1 to amend the said Section 202-1 of the Code of the Town of Hempstead to include and repeal "PARKING OR STANDING PROHIBITIONS" at various locations; NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York on May 21, 2019, at 10:30 o'clock in the forenoon of that day, at which time all interested persons shall be heard on the proposed enactment of a local law known as Intro. No. 26-2019, Print No. 1, to amend Section 202-1 of the Code of the Town of Hempstead to include and repeal "PARKING OR STANDING PROHIBITIONS" at various locations; and, BE IT FURTHER

RESOLVED, that the Town Clerk shall give notice of such hearing by the publication thereof in a newspaper of general circulation in the Town of Hempstead and by the posting of such notice on the Bulletin Board maintained for such purpose in the Town Hall not less than three nor more than thirty days prior to the date of such hearing.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item# 52
Case# 30121

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and Municipal Home Rule of the State of New York, both as amended, a public hearing will be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on the 21st day of May, 2019, at 10:30 o'clock in the forenoon of that day to consider the enactment of a local law to amend Section 202-1 of the code of the Town of Hempstead to INCLUDE and REPEAL "PARKING OR STANDING PROHIBITIONS" at the following locations:

BELLMORE

BROADWAY (TH 133/19) North Side - NO STOPPING HERE TO CORNER - starting at the west curbline of Bellmore Avenue west for a distance of 59 feet.

PARK PLACE (TH 141/19) West Side - NO STOPPING HERE TO CORNER - starting at the north curbline of Park Court north for a distance of 36 feet.

PARK PLACE (TH 141/19) West Side - NO STOPPING ANYTIME - starting at a point 36 feet north of the north curbline of Park Court north to the south curbline of Merrick Road.

THIRD PLACE (TH 378/18) North Side - NO STOPPING ANYTIME - starting at a point 160 feet east of the east curbline of Bedford Avenue east for a distance of 32 feet.

FRANKLIN SQUARE

WILLOW ROAD (TH 157/19) South Side - NO STOPPING HERE TO CORNER - starting at the east curbline of Palm Terrace east for a distance of 25 feet.

PALM TERRACE (TH 157/19) East Side - NO STOPPING HERE TO CORNER - starting at the south curbline of Willow Road south for a distance of 30 feet.

LEVITTOWN

GARDINERS AVENUE (TH 152/19) East Side West Side Marginal Road - NO STOPPING HERE TO CORNER - starting at the south curbline of the Marginal Road north for a distance of 30 feet.

ROXBURY LANE (TH 152/19) North Side -
NO STOPPING HERE TO CORNER - starting
at the west curbline of the
entrance/exit of the Gardiners Avenue
westside Marginal Road west for a
distance of 50 feet.

OCEANSIDE

FIREMANS MEMORIAL DRIVE (TH 121/19)
West Side - NO STOPPING ANYTIME -
starting at a point 219 feet south of
the south curbline of Neil Court then
north for a distance of 75 feet.

UNIONDALE

EMERSON STREET (TH 15/19) South Side -
NO STOPPING HERE TO CORNER - starting
at the east curbline of Liberty Street
east for a distance of 33 feet.

EMERSON STREET (TH 15/19) North Side -
NO STOPPING HERE TO CORNER - starting
at the east curbline of Liberty Street
east for a distance of 35 feet.

EMERSON STREET (TH 15/19) South Side -
NO STOPPING HERE TO CORNER - starting
at the west curbline of Liberty Street
west for a distance of 30 feet.

EMERSON STREET (TH 15/19) North Side -
NO STOPPING HERE TO CORNER - starting
at the west curbline of Liberty Street
west for a distance of 30 feet.

JERUSALEM AVENUE (TH 15/19) North Side
- NO STOPPING HERE TO CORNER - starting
at the east curbline of Liberty Street
east for a distance of 30 feet.

LIBERTY STREET (TH 15/19) West Side -
NO STOPPING HERE TO CORNER - starting
at the north curbline of Emerson Street
north for a distance of 30 feet.

ALSO, to REPEAL from Section 202-1 "PARKING OR STANDING
PROHIBITIONS" from the following locations:

BELLMORE

BROADWAY (TH 86/65) North Side - NO
STOPPING HERE TO CORNER - starting at
the west curbline of Bellmore Avenue
west for a distance of 30 feet.
(Adopted 7/27/65)

PARK PLACE (TH 13/07) West Side - NO
STOPPING ANYTIME - starting at the
south curbline of Merrick Road south to
the north curbline of Park Court.
(Adopted 4/17/07)

ALL PERSONS INTERESTED shall have an opportunity to be heard on said proposal at the time and place aforesaid.

Dated: May 7, 2019
Hempstead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF HEMPSTEAD

LAURA A. GILLEN
Supervisor

SYLVIA A. CABANA
Town Clerk

Town of Hempstead

A local law to amend Section two hundred two dash one of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, to include and repeal "PARKING OR STANDING PROHIBITIONS" at various locations.

Be it enacted by the Town Board of the Town of Hempstead as follows:

Section 1. Section two hundred two dash one of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, said Section last amended by local law number twenty one of two thousand nineteen is hereby amended by including therein "PARKING OR STANDING PROHIBITIONS" at the following locations:

BELLMORE

BROADWAY (TH 133/19) North Side – NO STOPPING HERE TO CORNER – starting at the west curbline of Bellmore Avenue west for a distance of 59 feet.

PARK PLACE (TH 141/19) West Side – NO STOPPING HERE TO CORNER – starting at the north curbline of Park Court north for a distance of 36 feet.

PARK PLACE (TH 141/19) West Side – NO STOPPING ANYTIME – starting at a point 36 feet north of the north curbline of Park Court north to the south curbline of Merrick Road.

THIRD PLACE (TH 378/18) North Side – NO STOPPING ANYTIME – starting at a point 160 feet east of the east curbline of Bedford Avenue east for a distance of 32 feet.

FRANKLIN SQUARE

WILLOW ROAD (TH 157/19) South Side – NO STOPPING HERE TO CORNER – starting at the east curbline of Palm Terrace east for a distance of 25 feet.

PALM TERRACE (TH 157/19) East Side – NO STOPPING HERE TO CORNER – starting at the south curbline of Willow Road south for a distance of 30 feet.

LEVITTOWN

GARDINERS AVENUE (TH 152/19) East Side – West Side Marginal Road – NO STOPPING HERE TO CORNER – starting at the south curbline of the Marginal Road north for a distance of 30 feet.

ROXBURY LANE (TH 152/19) North Side – NO STOPPING HERE TO CORNER – starting at the west curbline of the entrance/exit of the Gardiners Avenue westside Marginal Road west for a distance of 50 feet.

OCEANSIDE

FIREMANS MEMORIAL DRIVE (TH 121/19) West Side – NO STOPPING ANYTIME – starting at a point 219 feet south of the south curbline of Neil Court then north for a distance of 75 feet.

UNIONDALE

EMERSON STREET (TH 15/19) South Side – NO STOPPING HERE TO CORNER – starting at the east curbline of Liberty Street east for a distance of 33 feet.

EMERSON STREET (TH 15/19) North Side – NO STOPPING HERE TO CORNER – starting at the east curbline of Liberty Street east for a distance of 35 feet.

EMERSON STREET (TH 15/19) South Side – NO STOPPING HERE TO CORNER – starting at the west curbline of Liberty Street west for a distance of 30 feet.

EMERSON STREET (TH 15/19) North Side – NO STOPPING HERE TO CORNER – starting at the west curbline of Liberty Street west for a distance of 30 feet.

JERUSALEM AVENUE (TH 15/19) North Side – NO STOPPING HERE TO CORNER – starting at the east curbline of Liberty Street east for a distance of 30 feet.

LIBERTY STREET (TH 15/19) West Side – NO STOPPING HERE TO CORNER – starting at the north curbline of Emerson Street north for a distance of 30 feet.

Section 2. Section two hundred two dash one of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, said Section last amended by local law number twenty one of two thousand nineteen is hereby amended by repealing therein “PARKING OR STANDING PROHIBITIONS” at the following locations:

BELLMORE

BROADWAY (TH 86/65) North Side – NO STOPPING HERE TO CORNER – starting at the west curbline of Bellmore Avenue west for a distance of 30 feet.
(Adopted 7/27/65)

PARK PLACE (TH 13/07) West Side – NO STOPPING ANYTIME – starting at the south curbline of Merrick Road south to the north curbline of Park Court. (Adopted 4/17/07)

Section 3. This local law shall take effect immediately upon filing with the secretary of state.

CASE NO. 30122

RESOLUTION NO.

ADOPTED:

offered the following resolution and moved its adoption:

RESOLUTION CALLING A PUBLIC HEARING ON A PROPOSED LOCAL LAW TO AMEND SECTION 197-5 OF THE CODE OF THE TOWN OF HEMPSTEAD TO INCLUDE "ARTERIAL STOPS" AT VARIOUS LOCATIONS.

WHEREAS, the Town Board of the Town of Hempstead is empowered to enact and amend local laws pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and the Municipal Home Rule Law, both as amended; and

WHEREAS, it appears to be in the public interest to consider the enactment of a local law amending Section 197-5 of the Code of the Town of Hempstead entitled "ARTERIAL STOPS" at various locations; and

WHEREAS, has introduced a proposed local law known as Intro. No. 27-2019, Print No. 1 to amend the said Section 197-5 of the Code of the Town of Hempstead to include "ARTERIAL STOPS" at various locations; NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York on May 21, 2019, at 10:30 o'clock in the forenoon of that day, at which time all interested persons shall be heard on the proposed enactment of a local law known as Intro. No. 27-2019, Print No. 1, to amend Section 197-5 of the Code of the Town of Hempstead to include "ARTERIAL STOPS" at various locations; and, BE IT FURTHER

RESOLVED, that the Town Clerk shall give notice of such hearing by the publication thereof in a newspaper of general circulation in the Town of Hempstead and by the posting of such notice on the Bulletin Board maintained for such purpose in the Town Hall not less than three nor more than thirty days prior to the date of such hearing.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item# 53
Case# 30122

Town of Hempstead

A local law to amend Section one hundred ninety seven dash five of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, to include "ARTERIAL STOPS" at various locations.

Be it enacted by the Town Board of the Town of Hempstead as follows:

Section 1. Section one hundred ninety seven dash five of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, said Section last amended by local law number sixteen of two thousand nineteen is hereby amended by including therein "ARTERIAL STOPS" at the following locations:

MERRICK

JENKINS STREET (TH 146/19) STOP – all traffic traveling eastbound on Sydney Drive shall come to a full stop.

Section 2. This local law shall take effect immediately upon filing with the secretary of state.

CASE NO.30123

RESOLUTION NO.

ADOPTED:

offered the following resolution and moved its adoption:

RESOLUTION CALLING A PUBLIC HEARING ON A PROPOSED LOCAL LAW TO AMEND SECTION 197-13 OF THE CODE OF THE TOWN OF HEMPSTEAD TO INCLUDE AND REPEAL "TRAFFIC REGULATIONS IN THE VICINITY OF SCHOOLS" AT VARIOUS LOCATIONS.

WHEREAS, the Town Board of the Town of Hempstead is empowered to enact and amend local laws pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and the Municipal Home Rule Law, both as amended; and

WHEREAS, it appears to be in the public interest to consider the enactment of a local law amending Section 197-13 of the Code of the Town of Hempstead entitled "TRAFFIC REGULATIONS IN THE VICINITY OF SCHOOLS" at various locations; and

WHEREAS, has introduced a proposed local law known as Intro. No. 28-2019, Print No. 1 to amend the said Section 197-13 of the Code of the Town of Hempstead to include and repeal "TRAFFIC REGULATIONS IN THE VICINITY OF SCHOOLS" at various locations; NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York on May 21, 2019 at 10:30 o'clock in the forenoon of that day, at which time all interested persons shall be heard on the proposed enactment of a local law known as Intro. No. 28-2019, Print No. 1, to amend Section 197-13 of the Code of the Town of Hempstead to include and repeal "TRAFFIC REGULATIONS IN THE VICINITY OF SCHOOLS" at various locations; and, BE IT FURTHER

RESOLVED, that the Town Clerk shall give notice of such hearing by the publication thereof in a newspaper of general circulation in the Town of Hempstead and by the posting of such notice on the Bulletin Board maintained for such purpose in the Town Hall not less than three nor more than thirty days prior to the date of such hearing.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item# 54
Case# 30123

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and Municipal Home Rule of the State of New York, both as amended, a public hearing will be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on the 21st day of May, 2019, at 10:30 o'clock in the forenoon of that day to consider the enactment of a local law to amend Section 197-13 of the code of the Town of Hempstead to INCLUDE AND REPEAL "TRAFFIC REGULATIONS IN THE VICINITY OF SCHOOLS" at the following locations:

FRANKLIN SQUARE WILLOW ROAD (TH 157/19) South Side - NO PARKING 7 AM TO 4 PM SCHOOL DAYS EXCEPT SATURDAYS, SUNDAYS, AND HOLIDAYS - starting at a point 25 feet east of the east curbline of Palm Terrace east for a distance of 89 feet.

 PALM TERRACE (TH 157/19) East Side - NO PARKING 7 AM TO 4 PM SCHOOL DAYS EXCEPT SATURDAYS, SUNDAYS, AND HOLIDAYS - starting at a point 30 feet south of the south curbline of Willow Road south for a distance of 49 feet.

ALSO, to REPEAL from Section 197-13 "TRAFFIC REGULATIONS IN THE VICINITY OF SCHOOLS" from the following locations:

EAST MEADOW LINDY ROAD (TH 441/69) North Side - ONE HOUR PARKING 8 AM TO 4 PM SCHOOL DAYS - from the west curbline of Washington Avenue west to school property.
(Adopted 8/12/69)

ALL PERSONS INTERESTED shall have an opportunity to be heard on said proposal at the time and place aforesaid.

Dated: May 7, 2019
Hempstead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF HEMPSTEAD

LAURA A. GILLEN
Supervisor

SYLVIA A. CABANA
Town Clerk

Town of Hempstead

A local law to amend Section one hundred ninety seven dash thirteen of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, to include and repeal "TRAFFIC REGULATIONS IN THE VICINITY OF SCHOOLS" at various locations.

Be it enacted by the Town Board of the Town of Hempstead as follows:

Section 1. Section one hundred ninety seven dash thirteen of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, said Section last amended by local law number twenty two of two thousand nineteen is hereby amended by including therein "TRAFFIC REGULATIONS IN THE VICINITY OF SCHOOLS" at the following locations:

FRANKLIN SQUARE

WILLOW ROAD (TH 157/19) South Side – NO PARKING 7 AM TO 4 PM SCHOOL DAYS EXCEPT SATURDAYS, SUNDAYS, AND HOLIDAYS – starting at a point 25 feet east of the east curbline of Palm Terrace east for a distance of 89 feet.

PALM TERRACE (TH 157/19) East Side – NO PARKING 7 AM TO 4 PM SCHOOL DAYS EXCEPT SATURDAYS, SUNDAYS, AND HOLIDAYS – starting at a point 30 feet south of the south curbline of Willow Road south for a distance of 49 feet.

Section 2. Section one hundred ninety seven dash thirteen of the Code of the Town of Hempstead as constituted by local law number one of nineteen hundred and sixty-nine, said Section last amended by local law number twenty two of two thousand nineteen is hereby amended by repealing therein "TRAFFIC REGULATIONS IN THE VICINITY OF SCHOOLS" at the following locations:

EAST MEADOW

LINDY ROAD (TH 441/69) North Side – ONE HOUR PARKING 8 AM TO 4 PM SCHOOL DAYS – from the west curbline of Washington Avenue west to school property. (Adopted 8/12/69)

Section 3. This local law shall take effect immediately upon filing with the secretary of state.

CASE NO.

RESOLUTION NO.

Adopted:

Council offered the following resolution and moved its adoption:

RESOLUTION CALLING A PUBLIC HEARING ON A PROPOSED FIRST AMENDMENT TO LEASE AGREEMENT TO THAT CERTAIN LEASE AGREEMENT DATED JUNE 17, 2003 BETWEEN SPRINT SPECTRUM REALTY COMPANY, LLC, AND THE DEPARTMENT OF WATER FOR THE LIDO-POINT LOOKOUT WATER DISTRICT TO MAINTAIN THE EXISTING MOBILE COMMUNICATIONS ANTENNAE ON THE LIDO-POINT LOOKOUT ELEVATED WATER STORAGE TANK AND A 12 FOOT BY 21 FOOT PARCEL ON THE ACCOMPANY PROPERTY TO SPRINT SPECTRUM REALTY COMPANY, LLC, AND AUTHORIZING THE MODIFICATION OF THE ANTENNAE IN THE LIDO-POINT LOOKOUT WATER DISTRICT OF THE TOWN OF HEMPSTEAD, COUNTY OF NASSAU, NEW YORK.

WHEREAS, Sprint Spectrum Realty Company, LLC, as successor in interest to Sprint Spectrum L.P. heretofore leased a portion of space on an elevated water storage tank located on Lido Boulevard, Point Lookout, New York, pursuant to that certain lease agreement dated June 17, 2003 for the purposes of placing mobile telephone communications antennae upon the tank, together with the construction, installation, maintenance, repair and operation of a Communications Facility on accompanying property (the "Lease"); and

WHEREAS, the Town Board for the Town of Hempstead duly adopted Resolution No. 634-2003 approving and adopting the Lease; and

WHEREAS, the Lease expired on or about September 30, 2018; and

WHEREAS, the Town of Hempstead, the Department of Water for the Lido-Point Lookout Water District and Sprint Spectrum Realty Company, LLC desire to reinstate the Lease as of the date of October 1, 2018, extend its term and provide for four (4) additional renewal terms of five (5) years each, and modify certain other provisions of the Lease;

NOW THEREFORE, BE IT

RESOLVED, that a public hearing be held in the Town Meeting pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York on May 21, 2019 at 10:30 o'clock in the forenoon of that day, at which time all interested persons shall be heard on the proposed reinstatement, renewal and modification to the provisions of a lease between the Department of

Item # 55
Case # 11708

Water for the Lido-Point Lookout Water District and Sprint Spectrum Realty Company, LLC;
and, BE IT FURTHER

RESOLVED, that the Town Clerk shall give notice of such hearing by the publication thereof in a newspaper of general circulation in the Town of Hempstead and by posting of such notice on the Bulletin Board maintained for such purpose in the Town Hall not less than three nor more than thirty days prior to the date of such hearing.

The foregoing resolution was adopted on the roll call as follows:

AYES:

NOES:

CASE NO.

RESOLUTION NO.

Adopted:

offered the following resolution and moved its adoption:

RESOLUTION CALLING A PUBLIC HEARING ON A LOCAL LAW TO ESTABLISH CHAPTER 36 OF THE CODE OF THE TOWN OF HEMPSTEAD TO BE ENTITLED "WHISTLEBLOWER PROTECTION ACT".

WHEREAS, the Town Board of the Town of Hempstead is empowered to enact and amend local laws pursuant to Article 9 of the New York State Constitution, the provisions of the Town Law and the Municipal Home Rule Law of the State of New York, as amended; and

WHEREAS, it is in the public interest to consider the enactment of a local law to establish Chapter 36 of the Code of the Town of Hempstead to be entitled "Whistleblower Protection Act" in order to establish procedures to protect employees who disclose illegal or improper governmental activities from retaliation in the form of adverse personnel actions; and

WHEREAS, _____ has introduced the proposed local law known as Intro. No. --2019 Print No. 1, as aforesaid; and

NOW, THEREFORE, BE IT

RESOLVED, that a public hearing be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Village and Town of Hempstead, New York on the 11th day of June, 2019 at 7:00 P.M. of that day at which time all interested persons shall be heard on the enactment of a local law known as Intro. No. --2019, Print No. 1, to establish Chapter 36 of the Code of the Town of Hempstead to be entitled "Whistleblower Protection Act" in order to establish procedures to protect employees who disclose illegal or improper governmental activities from retaliation in the form of adverse personnel actions; and, be it further

RESOLVED, that the Town Clerk shall give notice of such hearing by the publication thereof in a newspaper of general circulation in the Town of Hempstead and by the posting of such notice on the bulletin board maintained by her for that purpose in the Town Hall not less than three nor more than thirty days prior to the date of said hearing.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 56

Case # 29960

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that pursuant to article 9 of the New York State Constitution, the provisions of the Town Law and Municipal Home Rule Law of the State of New York, as amended, a public hearing will be held in the Nathan L. H. Bennett Pavilion, Hempstead Town Hall, Town Hall Plaza, 1 Washington Street, Village and Town of Hempstead, New York, on Tuesday, the 11th day of June, 2019, at 7:00 P.M. of that day, to consider the enactment of a local law to establish Chapter 36 of the Code of the Town of Hempstead to be entitled "Whistleblower Protection Act" in order to establish procedures to protect employees who disclose illegal or improper governmental activities from retaliation in the form of adverse personnel actions.

The proposed local law is on file in the Office of the Town Clerk of the Town of Hempstead, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, where the same may be inspected during office hours.

ALL PERSONS INTERESTED shall have an opportunity to be heard on said proposal at the time and place aforesaid.

Dated: Hempstead, New York
May 7, 2019

BY ORDER OF THE TOWN BOARD
TOWN OF HEMPSTEAD, NEW YORK.

SYLVIA A. CABANA
Town Clerk

LAURA A. GILLEN
Supervisor

Town of Hempstead

A LOCAL LAW ESTABLISHING CHAPTER 36 OF THE CODE OF THE TOWN OF HEMPSTEAD ENTITLED "WHISTLEBLOWER PROTECTION ACT".

Introduced by:

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

Section 1. Legislative Intent.

The Board finds that it is in the best interests of the Town of Hempstead to establish Chapter 36 of the Town Code entitled "Whistleblower Protection Act" in order to establish procedures to protect employees who disclose illegal or improper governmental activities from retaliation in the form of adverse personnel actions.

Section 2.

Chapter 36 of the Town Code entitled "Whistleblower Protection Act" is hereby established to read as follows:

Chapter 36

Whistleblower Protection Act

§ 36-1 Legislative intent.

The Board finds that it is in the best interests of the Town of Hempstead to establish Chapter 36 of the Town Code entitled "Whistleblower Protection Act". It is the purpose of this local law to encourage Town employees to report information that they reasonably and in good faith believe to be a violation of law, rule, Town policy or regulation by another Town employee; or which constitutes an improper governmental action. It is the further purpose of this local law to protect employees who report such information from reprisals in the form of adverse personnel actions, and to establish procedures in order to accomplish this goal.

§ 36-2. Definitions.

When used in this Chapter, and in accordance with New York Civil Service Law § 75-b, the following words shall have the meanings indicated unless the context specifically indicates otherwise:

IMPROPER GOVERNMENTAL ACTION

Any action taken by a Town official or employee, or an agent of such official or employee, which is undertaken in the performance of such official's, employee's or agent's official duties, whether or not such action is within such official's, employee's or agent's scope of employment, and which action is in violation of any federal, state or local law, or rule, Town policy or regulation.

PERSONNEL ACTION

Any action affecting compensation, appointment, promotion, transfer, assignment, reassignment, reinstatement or evaluation of performance.

SUPERVISORY AUTHORITY

Managerial authority or any other authority to direct and control the work performance of any other Town official or employee.

TOWN

The Town of Hempstead

TOWN EMPLOYEE or EMPLOYEE

Any person holding a position by appointment or employment with the Town.

§ 36-3. Retaliation prohibited.

No official or employee having supervisory authority over another official or employee of the Town shall engage in, or threaten to engage in, retaliatory personnel action against any official or employee because he/she has disclosed to the Town or other governmental body having jurisdiction, pursuant to the procedures set forth herein, information: (i) regarding a violation of a law, rule or regulation which violation creates and presents a substantial and specific danger to the public health or safety; or (ii) which the employee reasonably believes to be true and reasonably believes constitutes an improper governmental action.

§ 36-4. Procedure for disclosure of information.

A. Any official or employee of the Town who possesses information protected under Section 36-3 of this Chapter may disclose such information to the official's or employee's supervisor or department head, or to the Town Attorney, or the designees of any of the foregoing individuals, for appropriate action. Upon receipt of such information by the supervisor, department head or Town Attorney, or their designee, such disclosure shall be deemed to be a protected disclosure.

B. Notwithstanding the procedure enumerated in Subsection A above, any official or employee of the Town who possesses information protected under Section 36-3 of this chapter, and reasonably believes that disclosure to his/her respective supervisor or department head, or the Town Attorney, or designee will not result in the taking of corrective action, may disclose such information directly to the Town Supervisor, or his/her designee, any member of the Town Board, or his/her designee, or if the allegations involve criminal conduct, to the District Attorney or the United States Attorney, or his/her designee, for further investigation and official action. Upon receipt of such information by the Town Supervisor, Town Board member, the District Attorney or the United States Attorney, or his/her designee, such disclosure shall be deemed to be a protected disclosure. If the disclosure is made to the Supervisor or a Town Board member, he/she shall notify the Town Attorney or the appropriate law enforcement agency having jurisdiction.

C. The Town Attorney, or the Town's outside investigator where the Town Attorney has a conflict of interest, is hereby designated by the Town Board of the Town of Hempstead, to investigate all allegations of improper governmental action, and shall be authorized to recommend appropriate corrective action, or any other action required to be taken by law.

§36-5. Procedure for filing complaint of alleged retaliatory personnel action.

A. Where an official or employee of the Town of Hempstead is subject to dismissal, or other retaliatory personnel action, and the official or employee reasonably believes that such dismissal or other retaliatory personnel action would not have been taken but for the official's or employee's release of any information constituting a protected disclosure, the official or employee may file a complaint with the Town Attorney or the Town Supervisor within 15 days of the alleged prohibited retaliatory personnel action or dismissal.

B. The Town Attorney or his/her designee, or the Town's outside investigator where the Town Attorney has a conflict of interest, shall immediately initiate and coordinate a thorough and impartial investigation of any complaint filed pursuant to Subsection A above. Upon receipt of a complaint made to the Town Supervisor, he/she shall notify the Town Attorney or the appropriate law enforcement agency having jurisdiction.

C. Where an employee is subject to dismissal or other disciplinary action under a final and binding arbitration provision, or other disciplinary procedure contained in the Collective

Bargaining Agreement, or under section seventy-five of the New York Civil Service Law or any other provision of state or local law and the employee reasonably believes dismissal or other disciplinary action would not have been taken but for the official's or employee's release of any information constituting a protected disclosure under Section 36-3 of this Chapter, he or she may assert such as a defense before the designated arbitrator or hearing officer. The merits of such defense shall be considered and determined as part of the arbitration award or hearing officer decision of the matter. If there is a finding that the dismissal or other disciplinary action is based solely on a violation by the employer of such section, the arbitrator or hearing officer shall dismiss or recommend dismissal of the disciplinary proceeding, as appropriate, and, if appropriate, reinstate the employee with back pay, and, in the case of an arbitration procedure, may take other appropriate action as is permitted in the Collective Bargaining Agreement.

D. Where an employee is subject to the Collective Bargaining Agreement which contains provisions preventing the Town from taking adverse personnel actions and which contains a final and binding arbitration provision to resolve alleged violations of such provisions of the agreement and the employee reasonably believes that such personnel action would not have been taken but for the conduct protected under Section 36-3 of this Chapter, he or she may assert such as a claim before the arbitrator. The arbitrator shall consider such claim and determine its merits and shall, if a determination is made that such adverse personnel action is based on a violation by the employer of such subdivision, take such action to remedy the violation as is permitted by the Collective Bargaining Agreement.

E. Where an employee is not subject to any of the provisions of paragraph (c) or (d) of this subdivision, the employee may commence an action in a court of competent jurisdiction under the same terms and conditions as set forth in article twenty-C of the labor law.

§ 36-6. Remedy and relief.

If it is determined that a prohibited retaliatory personnel action has occurred, appropriate action shall be taken, which may include but shall not be limited to the discipline of the employee(s) and/or official(s) who caused the retaliatory personnel action to occur, and, to the extent feasible, affording appropriate relief to the employee or official who was the subject of the retaliatory personnel action, including but not limited to, back pay with interest, attorneys' fees, and punitive damages.

§ 36-7. Existing rights.

Nothing in this Chapter shall be deemed to diminish the rights, privileges, or remedies of any official, employee or candidate under any other law or regulation or under the Collective Bargaining Agreement or any employment contract.

§ 36-8. Bad faith allegations.

Allegations made in bad faith may result in disciplinary action.

§ 36-9. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof, to any person, individual, corporation, firm, partnership, entity 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, section or part of this local law or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 3.

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

CASE NO.

RESOLUTION NO.

RESOLUTION CALLING PUBLIC HEARING
ON APPLICATION OF AAA NADERI HOLDINGS, LLC.
FOR SPECIAL EXCEPTION (PUBLIC GARAGE) AT WEST
HEMPSTEAD, NEW YORK.

ADOPTED:

offered the following resolution and moved its
adoption:

RESOLVED, that a public hearing be held July 2, 2019
at 10:30 o'clock in the forenoon of that day, in the town
Meeting Pavilion, Hempstead Town Hall, 1 Washington Street,
Hempstead, New York, to consider the application of AAA
NADERI HOLDINGS, LLC for Special Exception (Public Garage)
to make some minor interior and exterior alterations to the
existing one- story stucco building and attached metal
storage shed, staying within the existing building's foot
print on the e/si Woodfield Rd. 140' n/si Eagle Ave
situated in HEMPSTEAD, New York, and BE IT

FURTHER RESOLVED, that the Town Clerk be and hereby is
directed to publish notice thereof once at least ten (10)
days prior to date of hearing in Long Island Business News.

The foregoing resolution was adopted upon roll call as
follows:

AYES:

NOES:

item #

57

Case #

29887

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that a Public Hearing will be held by the Town Board of the Town of Hempstead, Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on July 2, 2019 at 10:30 o'clock in the forenoon of that day for the purpose of considering the application of AAA NADERI HOLDINGS, LLC for Special Exception (Public Garage) to make some minor interior and exterior alterations to the existing one-story stucco building and attached metal storage shed, staying within the existing building's foot print located in WEST HEMPSTEAD, New York:

A 13,186.60' parcel of land on the e/si of Woodfield Rd. 139.5' n/of Eagle Ave. with a depth of approx. 130' situated in West Hempstead, Town of Hempstead, County of Nassau, New York.

Maps pertaining to said proposal is on file with the application above mentioned in the Office of the undersigned and may be viewed during office hours.

All persons interested in the subject matter will be given an opportunity to be heard at the time and place above designated.

BY ORDER OF THE TOWN BOARD, TOWN OF HEMPSTEAD, N.Y.

LAURA A. GILLEN
Supervisor

SYLVIA A. CABANA
Town Clerk

Dated: May 7, 2019
Hempstead, N.Y.

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: DEMOTION OF LARRY BELL TO LABORER II,
IN THE DEPARTMENT OF SANITATION.

On motion made by
the following resolution was adopted upon roll call:

RESOLVED, that Larry Bell, now serving as Recycling Worker II, in
the Department of Sanitation, be and hereby is demoted to Laborer II, Non Competitive, Grade 11,
Step 13 (N), \$81,886, by the Commissioner of the Department of Sanitation and ratified by the Town
Board of the Town of Hempstead effective May 13, 2019, and BE IT

FURTHER RESOLVED, that subject appointment is probationary for
twenty-six weeks and should candidate prove unsatisfactory during this period, said appointment may be
terminated.

AYES:

NOES:

5/7/2019

In addition there are (8) Eight Resolutions for various types of Leaves of Absence.