

**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 10<sup>th</sup> day of May, 2022, 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:

GARDEN CITY SOUTH  
Section 202-14

GREENWAY EAST (TH 125/22) North Side -  
NO PARKING 9 PM TO 7 AM - starting at a  
point 80 feet east of the east curblines  
of Nassau Blvd east for a distance of  
78 feet.

ROOSEVELT  
Section 202-6

ST. FRANCIS STREET (TH 145/22) East  
Side - 3 HOUR PARKING 8 AM TO 6 PM -  
starting at a point 110 feet south of  
the south curblines of Bennett Avenue  
then south for a distance of 250 feet.

ST. FRANCIS STREET (TH 145/22) East  
Side - NO PARKING 6 PM TO 8 AM -  
starting at a point 110 feet south of  
the south curblines of Bennett Avenue  
then south for a distance of 250 feet.

WOODMERE  
Section 202-17

RAILROAD AVENUE (TH 120/22) North Side  
- TWO HOUR PARKING 8 AM TO 8 PM EXCEPT  
SATURDAYS, SUNDAYS AND HOLIDAYS -  
starting at a point 26 feet east of the  
east curblines of Irving Place east to a  
point 26 feet west of the west curblines  
of Franklin Place.

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

Item #

1

Case #

30669

GARDEN CITY SOUTH  
Section 202-14

GREENWAY EAST (TH 58/85) North Side -  
NO PARKING 9 P.M. TO 7 A.M. - starting  
at a point 60 feet east of the east  
curbline of Nassau Boulevard, east for  
a distance of  
106 feet. (Adopted 6/4/85)

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

Dated: April 26, 2022  
Hempstead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HEMPSTEAD

DONALD X. CLAVIN, JR.  
Supervisor

KATE MURRAY  
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 10<sup>th</sup> day of May, 2022, 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 "PARKING OR STANDING PROHIBITIONS" at the following locations:

**EAST MEADOW**

STRATFORD DRIVE (TH 127/22) North Side  
- NO STOPPING HERE TO CORNER - starting at the west curbline of Bellmore Avenue west for a distance of 42 feet.

STRATFORD DRIVE (TH 127/22) South Side  
- NO STOPPING HERE TO CORNER - starting at the west curbline of Bellmore Avenue west for a distance of 38 feet.

**ELMONT**

HERBERT AVENUE (TH 134/22) West Side -  
NO STOPPING HERE TO CORNER - starting at the south curbline of Pelham Street south for a distance of 35 feet.

MARGUERITE AVENUE (TH 134/22) East Side  
- NO STOPPING HERE TO CORNER - starting at the south curbline of Pelham Street south for a distance of 35 feet.

**BELLMORE**

ANTHONY AVENUE (TH 621/21) North Side -  
NO STOPPING HERE TO CORNER - starting at the west curbline of Bellmore Avenue west for a distance of 35 feet.

BELLMORE AVENUE (TH 621/21) West Side -  
NO STOPPING HERE TO CORNER - starting at the north curbline of Anthony Avenue north for a distance of 35 feet.

**OCEANSIDE**

LOFTUS AVENUE (TH 108/22) East Side -  
NO PARKING ANYTIME - starting at a point 242 feet south of the south curbline of Nassau Parkway south for a distance of 100 feet.

Item #

2

Case #

30670

ROOSEVELT

EAST CENTENNIAL AVENUE (TH 140/22)  
North Side - NO PARKING ANYTIME -  
starting at a point 390 feet east of  
the east curbline of Babylon Turnpike  
then east for a distance of 82 feet.

EAST CENTENNIAL AVENUE (TH 150/22)  
North Side - NO STOPPING HERE TO CORNER  
- starting at the east curbline of  
Babylon Turnpike east for a distance of  
60 feet.

UNIONDALE

CEDAR STREET (TH 139/22) North Side -  
NO STOPPING HERE TO CORNER - starting  
at the west curbline of Greengrove  
Avenue west for a distance of 30 feet.

CEDAR STREET (TH 139/22) North Side -  
NO STOPPING HERE TO CORNER - starting  
at the east curbline of Greengrove  
Avenue east for a distance of 25 feet.

CEDAR STREET (TH 139/22) South Side -  
NO STOPPING HERE TO CORNER - starting  
at the west curbline of Greengrove  
Avenue west for a distance of 25 feet.

CEDAR STREET (TH 139/22) South Side -  
NO STOPPING HERE TO CORNER - starting  
at the east curbline of Greengrove  
Avenue east for a distance of 25 feet.

GREENGROVE AVENUE (TH 139/22) East Side  
- NO STOPPING HERE TO CORNER - starting  
at the south curbline of Webster Avenue  
south for a distance of 30 feet.

GREENGROVE AVENUE (TH 139/22) West Side  
- NO STOPPING HERE TO CORNER - starting  
at the south curbline of Webster Avenue  
south for a distance of 25 feet.

GREENGROVE AVENUE (TH 139/22) West Side  
- NO STOPPING HERE TO CORNER - starting  
at the north curbline of Webster Avenue  
north for a distance of 30 feet.

GREENGROVE AVENUE (TH 139/22) East Side  
- NO STOPPING HERE TO CORNER - starting  
at the north curbline of Webster Avenue  
north for a distance of 25 feet.

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

Dated: April 26, 2022  
Hempstead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HEMPSTEAD

DONALD X. CLAVIN, JR.  
Supervisor

KATE MURRAY  
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 10<sup>th</sup> day of May, 2022, 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:

BALDWIN                      GRAND AVENUE (TH 151/22) STOP - all traffic approaching west on Grace Street shall come to a full stop.

GRAND AVENUE (TH 151/22) STOP - all traffic approaching east on The Fenway shall come to a full stop.

WANTAGH                      EDGERTON AVENUE (TH 138/22) STOP - all traffic traveling southbound on Briard Street shall come to a full stop.

EDGERTON AVENUE (TH 138/22) STOP - all traffic traveling northbound on Briard Street shall come to a full stop.

JANE STREET (TH 153/22) STOP - all traffic traveling westbound on Princeton Drive North shall come to a full stop.

JANE STREET (TH 153/22) STOP - all traffic traveling eastbound on Princeton Drive North 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 26, 2022  
Hempstead, New York

Item # 3

Case # 30671

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HEMPSTEAD

DONALD X. CLAVIN, JR.  
Supervisor

KATE MURRAY  
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 10<sup>th</sup> day of May, 2022, 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 REPEAL "TRAFFIC REGULATIONS IN THE VICINITY OF SCHOOLS" at the following locations:

ELMONT

COVERT AVENUE (TH 191/92) East Side - NO PARKING 8 A.M. TO 4 P.M. SCHOOL DAYS - starting at a point 273 feet north of the north curblineline of Reed Avenue north for a distance of 80 feet. (Adopted 6/14/94)

COVERT AVENUE (TH 191/92) East Side - NO PARKING 8 A.M. TO 4 P.M. SCHOOL DAYS - starting at a point 353 feet north of the north curblineline of Reed Avenue north for a distance of 40 feet. (Adopted 1/31/95)

COVERT AVENUE (TH 8/96) East Side - NO PARKING 8 A.M. TO 4 P.M. SCHOOL DAYS - starting at a point 233 feet north of the north curblineline of Reed Avenue north for a distance of 40 feet. (Adopted 5/7/96)

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

Dated: April 26, 2022  
Hempstead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HEMPSTEAD

DONALD X. CLAVIN, JR.  
Supervisor

KATE MURRAY  
Town Clerk

Item #

4

Case #

30672



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 10<sup>th</sup> day of May, 2022, at 10:30 in the forenoon of that day, to consider the enactment of Chapter 142 of the Code of the Town of Hempstead entitled "Wireless Telecommunications Facilities."

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  
April 26, 2022

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

KATE MURRAY  
Town Clerk

DONALD X. CLAVIN, JR.  
Supervisor

Item #

5

Case #

28235

Intro. No.: 34-2022

Print No.: 1

Town of Hempstead

A local law to repeal and reenact Chapter one hundred forty-two of the Code of the Town of Hempstead to be entitled, "Wireless Telecommunications Facilities."

Introduced by Councilmember Goosby

Be it enacted by the Town Board of the Town of Hempstead as follows:

Amendment to the Code of the Town of Hempstead Chapter 142 (Wireless Telecommunications Facilities); as follows:

CHAPTER 142  
WIRELESS TELECOMMUNICATIONS FACILITIES

ARTICLE I  
GENERAL PROVISIONS

§142-1. Legislative intent.

In 2013, pursuant to L.L. 47-2013, the Town Board of the Town of Hempstead enacted Chapter 142 of the Code of the Town of Hempstead to address the rapidly expanding need for infrastructure to provide wireless telecommunications services. In adopting its original wireless telecommunications code, the Town Board recognized both the significant benefits of wireless telecommunications and the concerns expressed by many residents over the proliferation of large infrastructure to provide these expanding services. As originally enacted, Chapter 142 sought to establish a fair, efficient and comprehensive process for the review and approval of applications for the construction and installation of wireless telecommunications facilities.

Since the original enactment of Chapter 142, wireless telecommunications has undergone both a technological and regulatory revolution. The Telecommunications Act of 1996 (P.L. 104-104) codified the intention of the United States Congress to promote the deployment of wireless infrastructure. Subsequent regulatory rulings by the Federal Communications Commission have sought to further implement these goals, recognizing that it is the physical infrastructure that supports wireless communications and promotes the intentions of Congress. Demand for wireless capacity has grown exponentially since the original enactment of Chapter 142 in order to support growing adoption of wireless broadband.

The Town's original wireless telecommunications code was adopted at a time when the majority of telecommunications infrastructure was deployed on enormous towers. As originally enacted, Chapter 142 sought to foster the development of wireless telecommunications while minimizing the impact of its infrastructure. The unique and priceless suburban character of the Town of Hempstead required a substantial level of regulatory oversight to promote the development of these vital services while ensuring that they were located and constructed in a manner which protected the special character of the Town and protected the interests of its residents. While macro facilities continue to be an important component of the infrastructure deployed to provide wireless communications, the Town Board acknowledges and concurs in the statement of the Federal Communications Commission that there are now a variety of complementary and alternative technologies which impose a far less obtrusive impact on the surround community.

Wireless Telecommunications Facility Applications include a variety of application types that can be reviewed by the Department of Buildings and the Board of Zoning Appeals.

The Town Board has determined that it is in the best interests of town residents to establish updated standards for the location of Wireless Telecommunication Facilities and the provision of communication services consistent with applicable federal and state laws, statutes, rules and regulations in order to:

- A. Protect the health, safety and welfare of the residents of the Town.
- B. Assure access of our residents to wireless telecommunications technologies while at the same time protecting natural features, aesthetics, and the residential character of neighborhoods and areas surrounding educational, environmentally sensitive, historic and other unique or sensitive facilities within the Town and protect the efficient and orderly development of land uses from potential adverse impacts.
- C. Promote and encourage the location of these devices in nonresidential areas of the Town.
- D. Minimize the total number of such devices constructed throughout the Town within legal limits.
- E. Promote and encourage joint use of such new and existing structures and discourage the erection of such structures for single users.
- F. Promote and encourage the location of such devices, to the extent possible, in areas where adverse impacts on the surrounding neighborhoods are minimized.
- G. Promote and encourage the configuration of such devices in a manner that minimizes adverse visual and aesthetic impacts through careful design, siting, landscape screening, and innovative camouflaging techniques.
- H. Promote the ability of service providers to supply such services as effectively and efficiently as possible.
- I. Prohibit potential damage to adjacent and/or nearby properties from collapse or failure of such devices through adequate engineering and siting requirements.
- J. Verify that proposed Wireless Telecommunication Facilities and other facilities subject to this legislation comply with federally established limits for RF (radiofrequency) exposure.
- K. Require Applicants to prepare RF propagation studies and produce such other proof as is reasonably necessary to establish that the proposed facility is necessary to remedy a Gap in Service, Densification of a wireless network, introducing new services, frequency bands, or otherwise improving service capabilities at a specified location.
- L. Ensure meaningful input by the community into important land use decisions.
- M. Minimize intrusions on pedestrian and vehicular travel and safety on roads, streets and sidewalks.

These regulations are not intended to prohibit or have the effect of prohibiting the provision of adequate Wireless Telecommunications Services.

#### §142-2. Legislative Authority

This Chapter is enacted as a local law under the Municipal Home Rule Law, and pursuant to all applicable authority granted by the state and federal governments.

§142-3. Definitions and word usage. The following terms shall have the meanings indicated. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and

words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**ANTENNA** - A system of electrical conductors designed for the purpose of emitting or receiving electromagnetic waves or radio frequency or other wireless signals from a fixed location.

**ANTENNA ARRAY** - An Antenna Array (or Array Antenna) is a set of multiple connected Antennas which work together as a single Antenna, to transmit or receive radio waves.

**APPLICANT** - The Person or entity submitting an Application for a Wireless Telecommunications Facility.

**APPLICATION** - All necessary and appropriate information and data submitted by an Applicant that is necessary to receive approval for Wireless Telecommunications Facilities from the Board or Department having jurisdiction.

**BOARD** - The Board of Zoning Appeals as applicable.

**COLLOCATION** - The use of an existing Telecommunications Wireless Facility or location by more than one Telecommunications provider, which includes sharing an Antenna, Tower, or mounting location, and which may include Modifications to the existing facility for the purpose of mounting or installing new Antennas. Consistent with the Code of Federal Regulations, the term Collocation shall also be defined to include the mounting, installation or modification of an Antenna on a pre-existing structure (47 C.F.R. § 1.6002(g)).

**COMMERCIAL IMPRACTIBILITY OR COMMERCIALLY IMPRACTICABLE** - The inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be "Commercially Impracticable" and shall not render an act or the terms of an agreement "Commercially Impracticable."

**COMMISSIONER** - The Town's Commissioner of Buildings or his/her designee.

**CONSULTANT** - An individual or entity consisting of qualified professionals retained by the Town at the Applicant's expense necessary to verify that the proposed Wireless Telecommunication Facility subject to this Chapter complies with the applicable limits for RF exposure, and to advise the Town on any technical aspect of the Application including conducting a physical inspection of the site or facility.

**CONSULTANT ESCROW** - An escrow account established pursuant to this Chapter funded by an Applicant and used to pay the reasonable fees of a Consultant.

**DENSIFICATION** - The establishment by the Applicant of sufficient Wireless Telecommunications capacity to not only provide basic area coverage but to also meet all reasonably foreseeable demand for communications and data in the service area.

**DISTRIBUTED ANTENNA SYSTEM (DAS)** - A network of spatially separated Antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.

**ELIGIBLE FACILITY REQUEST** - Any request for the Modification of an existing Tower or base station that does not Substantially Change the physical dimensions of such Tower or base station as defined in Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 ("The Spectrum Act") or hereafter amended, involving:

- (1) The Collocation of new Transmission Equipment; or

(2) The removal of Transmission Equipment; or

(3) The replacement of Transmission Equipment.

FAA – The Federal Aviation Administration of the United States or successor agency.

FCC – The Federal Communications Commission of the United States or successor agency.

GAP IN SERVICE - A Gap in Service exists where a remote user of services is unable to either connect with the land-based national telephone network, or to maintain a connection capable of supporting a reasonably uninterrupted communication. When a coverage Gap exists customers cannot receive and send signals, and when customers pass through a coverage Gap their calls are disconnected.

HEIGHT – The distance measured from the lowest point to the highest point on the Tower or other structure, including the highest point of the mount, Antenna, or any lightning protection device attached to the Tower or structure. Changes in Height should be measured from the original support structures in cases where deployments are or will be separated horizontally, such as on the rooftops of buildings; in circumstances involving Eligible Facilities Requests, changes in Height should be measured from the dimensions of the Tower or base station, inclusive of originally approved appurtenances and any Modifications that were approved prior to the passage of the Spectrum Act.

LICENSE AGREEMENT – A written agreement between the Town and an Applicant which authorizes the Applicant to erect, install, attach, deploy, operate, maintain, alter or modify any Wireless Telecommunications Facility on Municipal Property, a Municipal Facility or, in the public right-of-way and which governs the terms and conditions of the use.

MODIFICATION OR MODIFY – The addition, removal, replacement, or change of any of the physical and visually discernable components or aspects of a Wireless Telecommunication Facility, such as Antennas, cabling, equipment shelters, equipment cabinets, generators, utility feeds, Tower Height and mounting Heights, or changing the color or materials of any visually discernable components. Adding a new wireless carrier or service provider to a Wireless Telecommunications Facility as a Collocation is a Modification.

MUNICIPAL FACILITIES – Town-owned streetlamps, light poles, lighting fixtures, electroliers, flagpoles, and other similar town-owned structures, excluding such facilities in the Public Rights-of-Way.

MUNICIPAL PROPERTY – Town-owned buildings, and the space in, upon, above, under, along, across, and over real property that is under the sole ownership, jurisdiction, possession and control of the Town, except property licensed to the Town, any property where the Town holds an easement or other beneficial interest, Public Rights-of-Ways, and underwater lands.

PERMIT OR PERMITTED – Any structure, facility or equipment for which any permit required by applicable law has been previously issued and has not been revoked and which structure, facility or equipment has not been modified in violation of the issued permit.

PERSON - Any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more Persons having a joint common interest, or any other business entity.

PERSONAL TELECOMMUNICATIONS SERVICE (PCS) or PERSONAL WIRELESS SERVICES (PWS) – These terms shall have the same meaning as defined and used in the 1996 Telecommunications Act or successor law.

**PUBLIC RIGHTS-OF-WAY or RIGHTS-OF-WAY** – The space in, upon, above, under, along, across and over the public streets, roads, highways, lanes, courts, ways, alleys, sidewalks, and similar places, that are under the jurisdiction and exclusive control of the Town together with public utility easements and public service easements. The term shall not include county, state, or federal rights-of-way or places owned by the Town jointly with another Person, entity or agency.

**SENSITIVE LOCATIONS** – The area within 100 feet of historic landmarks as listed on the federal or state registry of historic places or as designated pursuant to Chapter 76 of the Code of the Town of Hempstead.

**SITE** – For the purpose of determining whether an excavation or deployment is within or outside of a proposed Site and is therefore a Substantial Change, the term Site shall include Towers other than Towers in the Public Rights-of-Way, the current boundaries of the leased or owned property surrounding the Tower and any access or utility easements currently related to the Site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other Transmission Equipment already deployed on the ground. The current boundaries of a Site are the boundaries that existed as of the date that the original support structure or a Modification to that structure was last reviewed and approved by the Town if the approval of the Modification occurred prior to the Spectrum Act [Eff. February 22, 2012] or otherwise outside of the Section 6409 (a) process.

**SMALL WIRELESS FACILITY (OR FACILITIES)** – Any Wireless Telecommunications Facility which meets the following criteria as set forth in 47 C.F.R. § 1.6002(i)(1) – (6) or as it may be amended after the effective date of this Chapter, where

(1) The facilities:

(i) Are mounted on structures 50 feet or less in height including their antennas as defined in § 1.1320(d); or

(ii) Are mounted on structures no more than 10 percent taller than other adjacent structures; or

(iii) Do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater;

(2) Each antenna associated with the deployment, excluding associated antenna equipment (as defined in the definition of antenna in § 1.1320(d)), is no more than three cubic feet in volume;

(3) All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment on the structure, is no more than 28 cubic feet in volume;

(4) The facilities do not require antenna structure registration under part 17 of this chapter;

(5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and

(6) The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in § 1.1307(b).

**SPECIAL USE PERMIT** – The official document or permit granted by the Board pursuant to which an Applicant is authorized to obtain a building permit from the Department of Buildings to construct a new wireless telecommunications facility.

**STEALTH OR CONCEALMENT TECHNOLOGY** – The minimization of potential adverse aesthetic and visual impacts from the installation of Wireless Telecommunications Facilities as directed in this Chapter.

**SUBSTANTIAL CHANGE** – A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- (1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
- (2) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six (6) feet;
- (3) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure. A generator shall be considered the equivalent of two (2) new equipment boxes;
- (4) It entails any excavation or deployment outside of the current Site, except that, for towers other than towers in the public rights-of-way, it entails any excavation or deployment of transmission equipment outside of the current site by more than 30 feet in any direction. The site boundary from which the 30 feet is measured excludes any access or utility easements currently related to the site;
- (5) It would defeat the concealment elements of the eligible support structure; or
- (6) It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in § 1.40001(b)(7)(i) through (iv).

**TELECOMMUNICATIONS** - The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

**TOWER** – Any structure built for the sole or primary purpose of supporting any FCC authorized Antennas and their associated facilities, including structures that are constructed for Wireless Telecommunications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed Wireless Telecommunications Facilities and fixed services, and the associated site. A Tower shall include the structure and any support systems appurtenant thereto. Any pole, mast, mount, or other structure, and all attached equipment, including Antennas, exceeding 50 feet in Height above ground level shall be considered a Tower.

**TOWN** – The Town of Hempstead, Town of Hempstead Board, and any subdivision thereof, including Town-operated special improvement districts and agencies.

**TRANSMISSION EQUIPMENT** – Equipment that facilitates transmission for any Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and

backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

**WIRELESS TELECOMMUNICATIONS FACILITY (OR FACILITIES)** - Includes Antennas, Towers, and any structure, equipment, installation, facility, device, wires, cables or appurtenance designed, installed or intended to be used to support Antennas or other transmitting or receiving devices used for the purpose of transmitting, receiving, distributing, providing or accommodating data, cellular, radio, television, specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, 911, Personal Telecommunication Services (PCS), commercial satellite services, microwave, mobile and any commercial Wireless Telecommunication service not licensed by the FCC, including without limit mounts, Towers of all types, structures, buildings, church steeples, or anything that is used to support Antennas or its functional equivalent; and Distributed Antenna Systems (DAS) including all accessory facilities, installations, and equipment such as utility poles, transmission cables, wires, mounts, cabling, equipment shelters and other appurtenances.

§142-4. Exemptions. Unless otherwise provided, this Chapter shall not apply to the following:

- A. All Antennas which are accessory to permitted residential uses and are mounted on the residential dwelling without a tower, including but not limited to the reception Antennas for direct broadcast satellites (DBS), television broadcast stations (TVBS) and other customer-end Antennas that receive and transmit fixed wireless signals that are primarily used for reception.
- B. Such uses that are licensed to operate by the Federal Communications Commission, pursuant to 47 CFR 97, or successor law, such as amateur radio operations, private citizen's bands, and other similar non-commercial Telecommunications, subject to the provisions of Article IX of Chapter 198 (Height, Area & Bulk Regulations).
- C. Uses which are pre-empted or exempt from local regulation by federal or state law or regulation including uses on State or County property or Rights-of-Way except that the Town shall retain jurisdiction to review and issue any permit of general applicability, including any building permit relating to the construction of a Wireless Telecommunications Facility.
- D. Repairs and maintenance to existing equipment shall not require any permits from the Town unless otherwise determined by the Commissioner of Buildings or his designee.
- E. No license agreement shall be required of any entity that already holds a cable franchise issued by the Town for cable service as defined in 47 U.S.C.A. §522(6), or telephone franchise, except that proposed installations of cabinets, boxes, equipment or other structures on the ground or partially below the surface of the ground along the public rights-of way shall be subject to review by the Department of Buildings to determine the suitability of the proposed location for the proposed installation, highway work permits, building permits, and certificates of occupancy. The provisions of this section shall apply to both wired and wireless equipment.
- F. Facilities used exclusively for providing unlicensed spread spectrum technology i.e. Bluetooth or WiFi, where the facility does not require a new Tower, where the service is not to be used for commercial purposes, where there is no fee or charge for the use of the service, and where the service is intended to be useable for less than 200 feet.

§142-5. Variances.

- A. Variances from the requirements of this Chapter shall be considered by the Board subject to the notice and hearing requirements set forth in Article XXVI and XXVII of the Code of the Town of Hempstead. Any variances that may be necessary shall



be identified in the Application for the installation of the Wireless Telecommunications Facility.

- B. Nothing set forth in this Chapter shall be deemed to relieve any Applicant for the construction of a Wireless Telecommunications Facility from compliance with the requirements of the Town's Building Zone Ordinance.

ARTICLE II  
STANDARDS FOR DESIGN AND PLACEMENT

§142-6. Locational Considerations and Preferences.

- A. Applications for Wireless Telecommunications Facilities shall be evaluated by the Board in the order of the following priority:
- (1) On existing Towers or other structures on Municipal Properties, Municipal Facilities (exclusive of decorative light poles and clocks), and Public Rights of Way adjacent to commercially and industrially zoned areas.
  - (2) On existing Towers or other structures on commercially or industrially zoned property in the Town.
  - (3) On existing Towers or other structures on residentially zoned property in the Town.
  - (4) On Town rights-of-way adjacent to residentially zoned areas.
  - (5) On new Towers on properties zoned for commercial or industrial use.
  - (6) On new Towers on properties zoned for residential use.
- B. The existence of a lease agreement or investments in studying one location shall not be considered as a valid reason to bypass a location of higher priority.
- C. Except as otherwise set forth in Article IV of this Chapter, before locating an entirely new Facility in a residentially-zoned area, the Applicant must demonstrate that its Facility cannot achieve its intended purpose by being placed within or upon an existing Tower or other Wireless Telecommunications Facility, or within or upon a proposed new Tower or structure on Municipal Property (except for Public Rights of Way in residential areas), Municipal Facilities (exclusive of decorative light poles and clocks), or in a commercial or industrial zoning district, including whether such alternate locations are Commercially Impracticable. Such evidence is also required to support requests to locate new Wireless Telecommunications Facilities within a Sensitive Location, one hundred (100) feet of the boundary lines of property containing a public or private school or licensed day care center, or to erect a new Tower in lieu of installing the Facilities within or upon an existing Tower or structure.
- D. Notwithstanding that a potential site may be situated in a location of highest available priority, the Town may disapprove an Application for any of the following reasons:
- (1) Aesthetic impact on a historic landmark or historic district; and
  - (2) The availability and suitability of a less intrusive location based on the criteria in this Chapter, where such alternate location is determined to not adversely impair the Applicant's ability to provide Wireless Telecommunications services.
- E. Prohibited locations. Wireless Telecommunications Facilities shall not be installed or mounted on municipally owned or controlled decorative lamp posts or clocks. New equipment and utility poles shall not be installed in locations where they obstruct the

visibility of vehicular, bicycle, or pedestrian traffic and shall not screen traffic control signs and signals from view.

- F. Principal and accessory use. Wireless Telecommunications Facilities may be considered either principal or accessory uses, in that the prior existence of a different use on the same lot shall not preclude the installation of an Antenna or Tower on such lot.

§142-7. Criteria for Review. The following factors shall be considered for all Applications to locate Wireless Telecommunications Facilities.

- A. Due consideration shall be given to the Town's Comprehensive Plan, existing land uses and development, environmentally sensitive areas, and other appropriate factors in approving the issuance of a special use permit or other Town approval for the siting of Wireless Telecommunications Facilities.

- B. The Board shall give due consideration to the following factors where applicable.

- (1) Height, size, condition, stability, and appearance of the proposed or existing Facility, structure, pole, or device, with due consideration given to the applicable zoning district.
- (2) Proximity of the proposed use to residential structures and residential district boundaries.
- (3) Nature of existing and/or proposed uses on adjacent and nearby properties.
- (4) The topography of the site and surrounding areas.
- (5) Surrounding tree coverage and foliage.
- (6) Design and aesthetic appearance of the structure, Facility, or device, with particular reference to design elements that have the effect of reducing or eliminating visual obtrusiveness.
- (7) The proposed ingress and egress for construction and maintenance.
- (8) Availability of suitable existing uses or structures or poles.
- (9) Whether the proposed Wireless Telecommunications Facility, or its location, will impede or obstruct vehicular or pedestrian travel, obstruct or interfere with traffic control signs and signals, creates a nuisance or hazard, and/or substantially detracts from a historic landmark, scenic or visual space or corridor, or a culturally significant resource.
- (10) Any other relevant factor under statutory and decisional law, and regulatory agency rulings.

- C. Unless the Board determines that a new Wireless Telecommunications Facility will be less intrusive than an existing structure, or based upon other considerations is better suited, no Application shall be granted unless the Applicant demonstrates to the reasonable satisfaction of the Board that no existing Facility or structure can accommodate the Applicant's proposed installation. Such evidence may consist of any or all of the following:

- (1) That no other suitable lawfully and Permitted existing structures or Wireless Telecommunications Facilities are available for Collocation within the geographic area which meet the Applicant's engineering requirements without which the Applicant's ability to provide Personal Wireless Telecommunications Services would be materially inhibited.

(2) That the fees and costs charged, or contractual provisions required by the owner of an existing Facility or structure in order to share it, or adapt it for sharing, are unreasonable or Commercially Impracticable.

- D. The Applicant must demonstrate a good faith effort to locate the Facility in the least intrusive location on the property or structure, in a manner that preserves the character and aesthetics of the area by maximizing the use of site configurations, building materials, and design to blend the project in with the surrounding area.
- E. The Applicant must establish that without the proposed Facility, its ability to provide Personal Telecommunications Services would be materially inhibited. In determining whether the ability to provide Personal Telecommunications Services would be materially inhibited, the Board must find that the gap in service or need for Densification exists and can only be remedied by the location of the proposed Antennas, DAS system, or Tower. Such evidence shall include documentation of the coverage area of existing Facilities within the area in which the Applicant contends there exists a Gap in Service or need for Densification to be served by the proposed Facility. In determining what constitutes substantial remediation of a Gap in Service or Densification, and to what extent an Applicant needs to locate a Facility at a specific location or Height, and what level of service is to be made available to users, the Board shall be guided by standards set or as interpreted by federal or state law, decisional law and regulatory agencies.

§142-8. General aesthetic requirements. All Wireless Telecommunications Facilities shall comply with the following requirements, unless otherwise required by the FAA, FCC or other applicable authority:

- A. Color. All Wireless Telecommunication Facilities shall be of a neutral color or such other color(s) as the Board may require to reduce the visual impact to surrounding areas. If an Antenna is installed on a structure other than a Tower, it and its supporting electrical and mechanical components must be of a color that is identical to or closely compatible with the color of the supporting structure so as to render it as visually unobtrusive as practicable. Whenever feasible, Antennas on top of a building shall be placed in a location where they are not visible from street level.
- B. Design. All Wireless Telecommunication Facilities shall, to the extent feasible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
- C. Lighting. The Facility shall not be artificially lighted. If required by safety codes, the Federal Aviation Administration, or as expressly authorized by the Board for good cause shown by the Applicant, lighting shall be designed to minimize to the maximum extent practicable the resultant disturbance to the surrounding views and properties. Any Person who commits an offense against the provisions of this section shall be deemed to be in violation of this Chapter and shall be subject to the fines and penalties set forth herein.
- D. Signs. The Facility shall not bear any signs or advertising devices other than legally required certifications, warnings, or other required seals or signage, or as expressly authorized by the Board for good cause shown by the Applicant. Any Person who commits an offense against the provisions of this section shall be deemed to be in violation of this Chapter and shall be subject to the fines and penalties set forth herein.
- E. Screening. To the extent feasible, Towers, equipment enclosures, and generator enclosures shall be landscaped with vegetation and/or fencing sufficient to screen the view of such uses from surrounding property, and to maintain the aesthetic quality of the surrounding community.
- F. Preservation of site. Existing mature tree growth and natural landforms and topography at the site shall be preserved to the maximum extent possible.

G. Stealth and Concealment. Where Antennas or other equipment cannot comply with these aesthetic requirements and would be easily visible from street level around the installation, the Board may require that solid opaque panels of sufficient size be installed to shield the equipment from view. No material that affects the ability of the Antennas to function will be required. Concealment may also be required on properties occupied by or adjacent to historic sites, schools, and houses of worship. The Stealth material should comply with the color and design standards in this chapter.

§142-9. Specific Locational Aesthetic Requirements. All Wireless Telecommunications Facilities in the following specified areas shall be designed and constructed in order to minimize the visual and audible impact on the surrounding areas. Unless the use of such design features would impair the ability of the Facility to provide Wireless Telecommunications services or is Commercially Impracticable, all Wireless Telecommunications Facilities shall utilize Collocation and Stealth Technology consistent with the prevailing natural and architectural features in the area in which the Facility is to be constructed or modified. In order to comply with these standards, all Wireless Telecommunications Facilities shall be consistent with the following standards.

A. Residential Zoning Districts. Facilities to be constructed in any residential zoning district or within one hundred (100) feet of a residential zoning district within the Town of Hempstead shall comply, to the extent permitted by existing technology, with the following criteria:

(1) All Facilities installed on utility poles, including any electric meter required to provide service to the Facility, shall be painted a solid, flat color to match the color of the utility pole and minimize the visual impact on the surrounding area.

(2) In the event there is no existing utility pole or alternative structure in the area in which the Applicant proposes to construct and install the Facility, the Applicant shall construct and install the Facility utilizing Stealth Technology if directed by the Board. Stealth poles shall consist of an opaque "clamshell" or similar type base approved by the Board, in which all related equipment, including any associated electrical meter, is fully contained inside the pole. Such Stealth Technology Wireless Transmission Facilities shall be painted a solid, flat color to minimize the visual impact of the Facility on the surrounding area.

B. Sensitive Locations. Facilities to be constructed in Sensitive Locations shall comply with the following criteria: The Applicant shall construct and install the Facility utilizing Stealth Technology if directed and approved by the Board. Such Stealth Technology may include but shall not be limited to poles shall consist of an opaque "clamshell" or similar type base approved by the Board, in which all related equipment, including any associated electrical meter, is fully contained inside the pole provided same does not materially inhibit the Applicant's ability to provide Wireless Telecommunications Services. Such Stealth Technology Wireless Telecommunications Facilities shall be painted a solid, flat color to minimize the visual impact of the Facility on the surrounding area.

§142-10. Noise. At no time shall equipment noise (including chilling units, cooling fans, and backup generators or other power supplies) from any installation exceed the applicable requirements of the Town noise ordinance, and federal and state statutory requirements, whichever is stricter, at the site of the installation. Any Person who commits an offense against the provisions of this section shall be deemed to be in violation of this Chapter and the Unreasonable Noise Code in Chapter 144, or successor law, and shall be subject to the fines and penalties set forth therein.

§142-11. Building Permit and Special Use Permit Requirements.

A. Except as otherwise expressly provided herein, no Person shall site, place, build, construct, or modify any Wireless Telecommunications Facility without having first obtained a Special Use Permit and any and all other approvals or permits required herein or under other applicable law. In addition to all required permits, no Person

shall site, place, build, construct or modify any Wireless Telecommunications Facility without, if applicable, having first obtained a special use permit from the Board and certificates of occupancy/completion and/or other necessary approvals for each node, Antenna, piece of equipment or structure to be installed.

- B. The Board, pursuant to its authority and the criteria under Article 16 of the Town Law, Article XXVII of the Town's Building Zone Ordinance, and this chapter, and subject to the federal Telecommunications Act of 1996, as modified, and any other applicable state or federal law, shall review, analyze, evaluate and make all determinations relevant to the issuance, denial or revocation of special use permits for Wireless Telecommunications Facilities.
- C. All applications for a Special Use Permit or other approval under this chapter shall commence with an application for a building permit and be administered by the Department of Buildings under the requirements of Chapter 86 of this Code and Article XXVI of the Town's Building Zone Ordinance. The Board's procedures shall be as provided in Article 16 of the Town Law and Article XXVII of the Building Zone Ordinance.

### ARTICLE III STANDARDS FOR TOWERS

§142-12. Tower Requirements. In addition to the requirements in Article II, all Towers shall be subject to the following:

- A. Distance between Towers. The minimum distance between Towers shall be five thousand (5,000) feet, measured by drawing or following a straight line between the base of any existing like use and the base of the proposed use, delineated on a map or site plan. Said distance requirement may be reduced by the Board only after a finding that a specific Application merits a reduction and closer siting due to reception and/or transmission limitations caused by topographical interference, avoidance of residential neighborhoods.
- B. Towers shall be set back from any adjoining residentially zoned or residentially used lot line a distance equal to at least one hundred twenty-five (125%) percent of the Height of the Tower, and this requirement may be varied only if the Board finds that the relaxation of this standard will not create an unsafe condition, or increased aesthetic impact, or is necessary to provide wireless telecommunications service(s). In addition, all Applicants shall demonstrate that the Tower is designed to fall within the located property to the extent technically feasible and away from any building.
- C. All proposed Tower Applications shall contain a demonstration that the Facility will be sited so as to minimize visual intrusion, given the facts and circumstances involved and to the extent feasible and will thereby have the least adverse visual effect on the environment and its character, and on the residences in the area of the Wireless Telecommunications Facility. The Applicant shall show on the site plans or describe in writing how it shall effectively screen from view the base of the Tower and all related equipment, including generators, and structures of the proposed Wireless Telecommunications Facility. Landscaping and Stealth Technology may be required where feasible as described in §142-8 and §142-9.
- D. At the request of the Board, the Applicant shall submit documentation justifying the total Height of any Tower requested and the basis thereof. The documentation may include propagation studies at the requested Height and at least two intervals of twenty (20') feet lower in Height to support the request for the proposed Height.
- E. Security fencing. Such uses shall be surrounded by security fencing not less than eight (8) feet in height (unless otherwise limited by the Town's Building Zone Ordinance) and shall be equipped with appropriate anticleimbing devices, where applicable.

- F. All utilities at a Tower site shall be installed underground whenever feasible and in compliance with all laws, ordinances, rules, and regulations of the Town, including specifically, but not limited to, the 2020 New York State Uniform Fire Prevention and Building Code and the 2017 National Electrical Code, or successor laws as adopted by New York State, where appropriate.
- G. All Towers shall be constructed in accordance with ANSI/TIA-222-H or successor standards.

§142-13. Additional standards for new Towers and all Towers Increasing in Height. The following additional standards shall be applied unless the Application is an Eligible Facilities Request:

- A. New Towers shall be structurally designed to accommodate at least three (3) additional Antenna Arrays equal to those of the Applicant and located as close to the Applicant's equipment as possible without causing interference. The requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage of the Tower is not technologically feasible, is Commercially Impracticable, or creates an unnecessary and unreasonable burden, based upon:
  1. The ability to comply with ANSI/TIA-222-H or successor construction standards;
  2. The kind of Wireless Telecommunications Facility site and structure proposed;
  3. The number of existing and potential FCC licenses without Wireless Telecommunications Facilities spaces/Sites;
  4. Available space on existing and approved Towers.
- B. The owner of a proposed new Tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed Tower by other Wireless service providers in the future, and shall:
  1. Respond within a reasonable amount of time to a request for information from a potential shared use Applicant;
  2. Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers;
  3. Allow shared use of the new Tower if another Telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction, and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference.
  4. Failure to abide by the conditions outlined above may be grounds for revocation of the special use permit or other approval issued by the Town.
- C. If a new Tower or Modifications increasing the Height of an existing Tower is proposed, the Applicant shall furnish a Visual Impact Assessment, which shall include:
  - (1) A computer generated "Zone of Visibility Map" at a minimum of one mile radius from the proposed structure, with and without foliage to illustrate locations from which the proposed installation may be seen.
  - (2) Pictorial representations of "before and after" (photo simulations) views from key viewpoints surrounding the proposed site. Provide a map showing the locations of where the pictures were taken and identify the distance between such locations and the proposed structure.

ARTICLE IV  
ELIGIBLE FACILITY REQUESTS  
AND SMALL WIRELESS FACILITY APPLICATIONS

§142-14. Applications for Eligible Facility Requests and Small Wireless Facilities.

A. An Application for proposed work qualifying as either an Eligible Facility Request or a Small Wireless Facility shall be made to the Department of Buildings and shall include the appropriate fee. The Department of Buildings shall, upon receipt of such an Application, promptly review said Application to confirm that the proposed work qualifies as an Eligible Facility Request or a Small Wireless Facility. All Applications shall include the following Application materials:

- (1) A statement of the nature of the Wireless Telecommunications Facility including the coverage and/or Densification, and a description of its compliance with Town, State, and Federal requirements and recommendations.
- (2) A written statement of why the Application qualifies as an Eligible Facilities Request or Small Wireless Facility.
- (3) A completed Application form, including any required Disclosure Certification forms as adopted by the Town for the Application.
- (4) A completed application for a Building Permit.
- (5) A site plan drawn to scale, which shall include:
  - (a) The postal address and tax map parcel number of the property.
  - (b) The Zoning District in which the property is situated.
  - (c) Size of the property stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines.
  - (d) The location, size and height of all existing and proposed structures on the property which is the subject of the Application.
  - (e) The azimuth, size and center-line Height location of all proposed and existing Antennas on the supporting structure.
  - (f) The location of any proposed Towers, Antennas, equipment cabinets, and generators, and all related fixtures, structures, appurtenances, and apparatus, including a labeling of dimensions and setbacks, materials, colors, and lighting.
  - (g) Delineation of all distances between the proposed use and all adjoining residentially zoned or residentially utilized properties, and the distance between the nearest boundary line of any Sensitive Locations and the Facility at issue if the distance is five hundred (500) feet or less.
- (6) If new Antennas are proposed, a report verifying that the Wireless Telecommunication Facility will be in full compliance with the current FCC RF Exposure guidelines. This report shall show the anticipated radiofrequency emissions of the proposed Antenna installation combined with all existing Antennas on the site, in comparison to FCC guidelines at ground level and at same-Height exposure, if applicable, for general population standards.
- (7) If new Antennas are proposed, a statement containing the following information: (a) frequency and modulation of transmitting equipment; (b) actual intended transmission power stated as the maximum effective radiated power (ERP) in watts; (c) that an attached copy of the FCC license for the intended use of the Telecommunication Facilities is a true and complete copy; and (d) the number, type and model of the proposed Antenna(s) with a copy of the specification sheet.



- (8) A photograph, photograph simulation, or architectural drawing to demonstrate the appearance of the proposed Facility.
- (9) Any additional documents, studies and specifications requested by the Department of Buildings during the review process.
- B. The Department of Buildings shall determine whether the proposed work or Modification to existing Wireless Telecommunications Facilities or new installations qualifies as an Eligible Facility Request or a Small Wireless Facility. Among the factors to be weighed in making such determination are whether there is a Substantial Change, or there are any visible changes that would require review based upon aesthetic considerations, or the adequacy of the structure to support the proposed Modification. A joint Application for the same type of Modification to multiple Sites may be made provided a separate Application fee is paid for each Site subject to the provisions of this Chapter and in accordance with Federal law.
- C. In the event that the Commissioner of Buildings determines that due to the circumstances of the specific Application, the staff of the Department of Buildings is unable to render a determination as to (i) whether the Application constitutes an Eligible Facilities Request or a Small Wireless Facility, or (ii) the Application involves factors which are beyond the capability of the Department of Buildings to review, he/she may require the retention of Consultants, at the Applicant's expense, to assist it in its determination. In such event, the Commissioner of Buildings shall designate the scope of work to be performed by the Consultant and may require the Applicant to deposit with the Town's Comptroller the sum of \$3,500, to be held to pay the fees of the Consultant. In the event that the Consultant's review exceeds the amount of the escrow, and the Commissioner determines that further Consultant review is required, the Applicant may be required to replenish the escrow. Any monies that are not expended to pay the Consultant shall be promptly refunded to the Applicant at the conclusion of the Application process. The review of the Application may include a physical inspection of the site or facility.
- D. If a request to classify an Application as an Eligible Facility or a Small Wireless Facility is denied, the fee paid for the review may be applied towards a new Application for the standard approval before the appropriate Department or Board.
- E. If a request to classify an Application as an Eligible Facility or Small Wireless Facility is approved, no Board approval in accordance with Articles II, III, V, VI, VII, and VIII of this Chapter will be required, except that proof of compliance with the insurance requirements set forth in §142-19 shall be provided. Further, in the event that a request involves the Collocation of equipment by an Applicant on Municipal Property, a Municipal Facility, or the Public Right-of-Way which has not previously entered into a License Agreement, the Applicant shall enter into a License Agreement authorizing the use of the Municipal Property, Municipal Facility, or Public Rights-of-Way, and pay an appropriate license fee to the Town. Applicants will still have to demonstrate compliance with the design standards of Article II of this Chapter.
- F. Other necessary approvals. Eligible Facilities and Small Wireless Facilities are subject to the filing of Applications for and issuance of building permits, certificates of occupancy/completion, highway roadway opening permits, and other approvals, as is applicable to each such installation. The Applicant shall pay all required fees and charges for such approvals as established by the Board or local law. Any Person who fails and/or neglects to file an Application and secure all other necessary approvals and permits before the commencement of work shall be deemed to be in violation of this Chapter and shall be subject to the fines and penalties set forth herein.

ARTICLE V  
PUBLIC LANDS AND STRUCTURES

§142-15. Municipal Facilities, Municipal Property and Public Rights-of-Way (License Agreement).

A. Municipal Facilities and Municipal Property. No Wireless Telecommunications Facilities shall be constructed or installed on any public lands or structures until such time the Applicant has entered into a License Agreement with the Town. Requests for a License Agreement to erect, install, attach, deploy, operate, maintain, alter, or modify Wireless Telecommunications Facilities in, over or upon Municipal Facilities, Municipal Property or public rights-of-way shall be determined solely by the Town Board, as owner thereof.

B. Public Rights-of-Way.

(1) Requests for a License Agreement to (a) erect, install, attach, deploy, operate, maintain, alter, or modify Wireless Telecommunication Facilities in or along the Rights-of-Way on specific poles, streetlights, stanchions and other similar structures owned by the Town, utility companies or other entities; or (b) to install utility poles, boxes, cabinets, equipment or other structures on or partially below ground level at specific locations along the Public Rights-of-Way, shall file an Application with the Town Board, for a License Agreement which shall have jurisdiction to review and approve said request for a License Agreement.

(2) Except in those instances where the proposed modification constitutes an Eligible Facilities Request, subsequent Applications to locate or install additional equipment or structures, or to Modify existing installations along the Public Rights-of-Way as described herein once a License Agreement is in place shall continue to be determined by the Board. The Board may grant or deny an Application, in whole or in part, with or without conditions, as it deems advisable in accordance with state and federal law.

C. Any Person who fails and/or neglects to file an Application for a License Agreement, and secure all other necessary approvals and permits before the commencement of work shall be deemed to be in violation of this Chapter and shall be subject to the fines and penalties set forth herein.

§142-16. Application requirements. An electronic copy of all documents must be filed with the Town's Department of Buildings pursuant to the regulations of the department. A non-refundable Application fee and refundable escrow fee in amounts established by the Town Board shall accompany the Application and filed with the Department of Buildings. The Application fee shall be tripled in all cases where installations have been made or work commenced without the necessary Town approvals or permits. The Department of Buildings shall forward copies of the Application to the Board, and where applicable to the Commissioner of the Department of Highways. The Board may refer an Application to other Town agencies or departments for recommendations on any issue it deems necessary and proper. Such referral shall specify the reasons for the referral.

§142-17. Public hearing; notice.

All requests for a License Agreement before the Town Board shall be determined after a public hearing.

§142-18. Town Board action on license applications. An application for a License Agreement may be approved or denied, in whole or in part, with or without conditions in accordance with state and federal law. If the application is approved, in whole or in part, a License Agreement shall be authorized and shall contain the term of the license; conditions on the use or occupation of the property or structure(s), including separate compensation, where applicable, for the use of public rights-of-way, municipal facilities, and municipal property; provisions for construction and/or performance bonds; indemnity and insurance; obligations concerning areas disturbed during construction, installation, attachment or maintenance activities; submission of annual inventory reports showing the exact location of all installations; conditions on transfer or assignment; and such other conditions consistent with the requirements and intent of this chapter that ensures that the Applicant's use or occupation of public property minimizes disruption to the public,

adheres to all applicable laws, and promotes safe, effective and efficient use of town resources.

§142-19. Conditions of approval. In addition to any other condition or restriction the Town Board deems necessary or advisable under the circumstances, all approvals, as set forth below, shall include the following conditions, whether approved by a Board or by operation of law, and whether or not same is set forth in the Resolution approving the license application. Any Person who fails and/or neglects to comply with the conditions of approval shall be deemed to be in violation of this Chapter and shall be subject to the fines and penalties set forth herein.

A. Public Rights-of-Way. In cases where installations are proposed for along the ground or partially below the ground of the Public Rights-of-Way, or on poles, streetlights, and stanchions owned by the Town or by one other than the Town along the Public Rights-of-Way, the following shall apply.

- (1) Indemnification. To the fullest extent permitted by law, and whether or not the facilities being approved are wired or wireless, the Applicant and any successors and assigns, shall indemnify and hold harmless the Town, its Board, public officers, employees, servants and agents, from and against any liability, claims, suits, actions, administrative and regulatory proceedings, losses, expenses and costs of any kind, whether actual, alleged, or threatened, including but not limited to actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to the existence, maintenance, location, configuration, design, installation, or operation of the Wireless Telecommunications Facility, the issuance of any municipal approval by the Town or Board, or arising out of the obligations of the parties under the License Agreement, except for the gross negligence or willful acts of the Town, as the case may be, their public officers, employees, servants, and/or agents. The Applicant shall pay such obligations as they are incurred by the Town and/or Board, Town Board, their public officers, employees, servants, and/or agents, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the Town reasonably determines necessary to protect the Town, Board, officials, employees, servants and/or agents from exposure to fees, costs, attorney fees, or liability with respect to such claim or lawsuit. If any provision of the License Agreement or resolution approving the Application shall conflict with the provisions of this subsection, then in such event, the provisions of this subsection shall control; and
- (2) Height. To the fullest extent permitted by law, no pole, mast, or mount and all attached equipment, including Antennas, exceeding 50 feet in Height above ground level shall be installed or located within the Public Rights-of-Way; and
- (3) Compliance with law. The Applicant shall comply with all applicable provisions of the Town Code, the License Agreement, any permit or approval issued pursuant to this Chapter, and all other applicable federal, state and local laws, rules and regulations. Any failure of the Town to enforce compliance with such approval or any applicable law, rule or regulation shall not relieve the Applicant of its obligations under the code, the License Agreement, any permit or approval issued, or other applicable law; and
- (4) Verification of data. The owner of the site or pole, the Applicant and operator of the facility or equipment shall cooperate with the Town to (a) verify that the facility design conforms to relevant building, maintenance, landscaping and safety requirements and specifications; and (b) verify that the facility complies with the applicable provisions of the Town Code and federal and state rules and regulations.
- (5) Proper maintenance. All Wireless Telecommunications Facilities shall be maintained in a safe and proper manner. Any Person who commits an offense

against the provisions of this section shall be deemed to be in violation of this Chapter and shall be subject to the fines and penalties set forth herein.

B. Municipal Property and Municipal Facilities. In cases where installations are proposed on Municipal Property or Municipal Facilities, the following shall apply.

- (1) Indemnification. To the fullest extent permitted by law, and whether or not the facilities being approved are wired or wireless, the Applicant and any successors and assigns, shall indemnify and hold harmless the Town, its Board, public officers, employees, servants and agents, from and against any liability, claims, suits, actions, administrative and regulatory proceedings, losses, expenses and costs of any kind, whether actual, alleged, or threatened, including but not limited to actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to the existence, maintenance, location, configuration, design, installation, or operation of the Wireless Telecommunications Facility, the issuance of any municipal approval by the Town or Board, or arising out of the obligations of the parties under the License Agreement, except for the gross negligence or willful acts of the Town, the Board, the Town Board, or as the case may be, their public officers, employees, servants, and/or agents. The Applicant shall pay such obligations as they are incurred by the Town and/or Board, the Town Board, their public officers, employees, servants, and/or agents, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the Town reasonably determines necessary to protect the Town, Board, officials, employees, servants and/or agents from exposure to fees, costs, attorney fees, or liability with respect to such claim or lawsuit. If any provision of the license agreement or resolution approving the Application shall conflict with the provisions of this subsection, then in such event, the provisions of this subsection shall control; and
- (2) Compliance with law. The Applicant shall comply with all applicable provisions of the Town Code, the License Agreement, any permit or approval issued pursuant to this Chapter, and all other applicable federal, state and local laws, rules and regulations. Any failure of the Town to enforce compliance with such approval or any applicable law, rule or regulation shall not relieve the Applicant of its obligations under the code, any permit or approval issued, or other applicable law; and
- (3) Verification of data. The owner of the site or pole, the Applicant and operator of the facility or equipment shall cooperate with the Town to (a) verify that the facility design conforms to relevant building, maintenance, landscaping and safety requirements and specifications; and (b) verify that the facility complies with the applicable provisions of the Town Code and federal and state rules and regulations.
- (4) Proper maintenance. All Wireless Telecommunications Facilities shall be maintained in a safe and proper manner. Any Person who commits an offense against the provisions of this section shall be deemed to be in violation of this Chapter and shall be subject to the fines and penalties set forth herein.

§142-20. Insurance Requirements.

A. An owner and/or operator of a Wireless Telecommunications Facility on Municipal Facilities, Municipal Property and Public Rights-of-Way shall secure, and at all times maintain, in full force and effect, insurance coverage as set forth below:

- (1) Commercial General Liability Coverage: covering bodily injury, personal injury, property damage, public disputes, libel, slander, and other events related to their products and operations with limits of no less than \$2,000,000 per occurrence/\$2,000,000 in the aggregate. Said coverage may not contain any electromagnetic frequency (EMF) exclusions; and

- (2) Commercial Automobile Liability Coverage: with limits of no less than \$1,000,000 per occurrence/ \$2,000,000 in the aggregate; and
  - (3) Workers Compensation and Disability Insurance with limits of no less than \$1,000,000, or in the statutory amount, whichever is greater; and
  - (4) Umbrella Liability Coverage with limits of no less than \$5,000,000 per occurrence/\$5,000,000 in the aggregate.
  - (5) Commercial Property Insurance with limits of no less than the value of all of the Owners' Property and Equipment including but not limited to cellular Towers, Antennas, and related equipment.
  - (6) Stand Alone Network Security/Cyber Liability Insurance with limits of no less than \$5,000,000 per occurrence/\$5,000,000 aggregate.
- B. The Commercial General Liability Insurance Policy and Commercial Property Coverage shall specifically include the Town of Hempstead and its elected officials, officers, Board and employees as additional insureds, by endorsement, and a copy of the endorsement shall be provided to the Town Attorney's Office, as respects any covered liability arising out of or in connection with the issuance of a License Agreement or other approval by the Town, the performance of the work, the installation, maintenance and operation of its Wireless Telecommunication Facility, and its use and occupancy of the Public Rights-of-Way, Municipal Property, and Municipal Facilities. Coverage shall be in an occurrence format and in accordance with the limits set forth herein. Claims-made policies are not acceptable.
- C. All policies shall be on a form acceptable to the Town Attorney. All insurance providers shall be authorized to do business in the State of New York and shall carry a minimum rating assigned by A.M. Best & Company's Key Rating Guide of at least "A VII" overall.
- D. The insurance shall not be canceled, non-renewed, or any material change made by the owner or operator of the Wireless Telecommunication Facility, nor shall the required occurrence or aggregate limits be reduced during the term of the License Agreement, or while the installation is in place, unless approved by the Town Attorney in writing. The owner or operator shall be responsible for notifying the Town in writing of any cancellation, non-renewal, or material change at least thirty (30) business days prior to such action and for non-payment of premium at least ten (10) business days prior to such cancellation. The failure of such Person(s) to maintain in good standing the coverages and insurance policies set forth herein during the term of the license agreement, or while the installation is in place, or to notify the Town of any proposed cancellation shall be deemed a violation of this chapter.
- E. Renewal or replacement policies or certificates shall be delivered to the Town at least fifteen (15) business days before the expiration of the insurance that such policies are to renew or replace. The certificate(s) of insurance shall be mailed with the payments required to be made, if applicable, pursuant to the License Agreement to the attention of the Town Comptroller and Town Attorney.
- F. The owner/operator shall pay all premiums and deductibles applicable to its insurance policies.
- G. All coverage shall be primary and non-contributory to the Town of Hempstead, the Board, and the Town Board of Trustees, its elected officials, officers, and employees.
- H. The Applicant and the owner/operator of the Wireless Telecommunications Facility shall remain fully informed of all municipal ordinances and regulations, State and Federal Laws in any manner affecting the work or goods herein specified, and any extra work contracted by the Contractor and shall at all times observe and comply with said ordinances, laws, and regulations, including all applicable provisions of the

Workers' Compensation and Labor Laws. The owner/operator agrees to defend, indemnify, and hold the Town of Hempstead, Town of Hempstead Board, the Town Board of Trustees, its officers, agents, and employees harmless from any liability and attorney's fees, imposed upon or incurred by the Town, its officers, agents, and/or employees arising from the negligence, gross negligence, recklessness, malpractice, or intentional tort of the contractor including any Action Over Claims. Other necessary approvals. Subject to the provisions of this Chapter, all Wireless Telecommunications Facilities approved for installation are subject to the filing of an Application for and issuance of building permits and certificates of occupancy/completion, or other necessary approvals for each node, Antenna, piece of equipment or structure to be installed. The installation of new poles, streetlights, stanchions and other similar structures, or ground-mounted equipment and structures in Public Rights-of-Way shall also require road opening permits from the Town's Department of Highways. The Applicant shall pay all required fees and charges for such approvals. Any Person who fails and/or neglects to file an Application and secure all other necessary approvals and permits before the commencement of work shall be deemed to be in violation of this Chapter and shall be subject to the fines and penalties set forth herein.

ARTICLE VI  
PRIVATE LANDS AND STRUCTURES

§142-21. Privately-Owned Property. Applications to erect, install, attach, or Modify Wireless Telecommunications Facilities on privately-owned parcels and structures shall require a Special Use Permit issued by the Board, unless exempted under §142-3 or classified as an Eligible Facility or Small Wireless Facility under Article IV of this Chapter. New Towers shall be subject to the provisions of Article III of this Chapter. Any Person who fails and/or neglects to file an Application for a building permit and/or a Special Use Permit and secure all necessary approvals and permits before the commencement of work shall be deemed to be in violation of this Chapter and shall be subject to the fines and penalties set forth herein.

§142-22. Application requirements. Except as otherwise expressly provided herein, an Application to construct a Wireless Telecommunications Facility shall comply with all requirements of Chapter 86 of the Code of the Town of Hempstead, Article VIII of this Chapter and the requirements, rules and regulations of the Department of Buildings. All Applications shall be filed with the Department of Buildings along with a non-refundable Application fee and Consultant Escrow deposit.

- A. Public hearing; notice. All Applications before the Board shall be determined after a public hearing conducted in accordance with the requirements of Articles XXVI and XXVII of the Building Zone Ordinance and Article 16 of the Town Law of the State of New York.
- B. Applications for a Special Use Permit issued by the Board shall run concurrently with the Department of Buildings review of the Application and shall be administered so that determinations can be made at approximately the same time to the extent practicable

§142-23. Action on Applications. The Application can be approved or denied, in whole or in part, with or without conditions as deemed advisable by the Board in accordance with state and federal law. The Board shall have all of the powers vested in it by law. Any Person who fails and/or neglects to comply with the conditions of approval shall be deemed to be in violation of this Chapter and shall be subject to the fines and penalties set forth herein.

§142-24. Proper maintenance; compliance with law. All Wireless Telecommunications Facilities shall be maintained in a safe and proper manner and shall be in compliance with all conditions of the Board's approval, building permit, as well as with all applicable Town, State and Federal laws, rules and regulations, without exception. Any Person who commits an offense against the provisions of this section shall be deemed to be in violation of this Chapter and shall be subject to the fines and penalties set forth herein. Any failure of the Town to enforce compliance with such approval or any applicable law, rule or regulation shall not relieve the Applicant of its obligations under the code, any permit or approval issued, or other applicable law.

ARTICLE VII  
APPLICATION REQUIREMENTS

§142-25. Except as otherwise provided in Article IV of this Chapter, applications for Wireless Telecommunications Facilities shall include the following documentation. Where a certification is required, such certification shall bear the signature and seal of a Registered Professional Engineer licensed in New York State.

- A. A statement of the reason for the new or modified Telecommunications Facility including the coverage and/or capacity justification, and a description of its compliance with Town, State, and Federal requirements and recommendations.
- B. A completed application form, including any required Disclosure Certification forms as adopted by the Town for the particular application.

- C. A completed Environmental Assessment Form, Part I in accordance with SEQRA regulations.
- D. Inventory of existing Wireless Telecommunications Facilities when a new site is proposed. An inventory of all existing like uses, or sites approved for like uses, that are located within one (1) mile, including specific information about the location of each Tower or DAS System, compiled from public records by the best efforts of the Applicant; the distance from the proposed new use as shown on the map or plan submitted with the Application; and the name of the owner/operator of each such use, as best as same can be ascertained. An inventory is not needed for Collocations or Modifications to existing sites.
- E. A certification of the suitability or unsuitability of existing Towers or other structures and installations in the inventory. This certification is not needed for Collocations or Modifications to existing sites.
- F. Application fee and Consultant Escrow deposit in the amount of \$7,500 shall be paid by the Applicant to be utilized by the Town and the Department of Buildings, as necessary, to pay for the services of a Consultant(s) at the Applicant's expense to verify that the proposed Wireless Telecommunication Facility complies with the applicable state and federal laws and regulations and to advise the Town on any technical aspect of the Application. The Applicant shall submit to the Department of Buildings or other Town department for deposit into a non-interest-bearing trust and agency account maintained by the Town the amount of \$7,500 to be utilized by the Town to pay for such services during the review process. The Consultant shall provide the Department of Buildings with copies of its monthly invoices for services rendered by e-mail transmission. In the event the sum on deposit has a balance of less than 20% of the amount initially deposited by the Applicant, the Applicant shall, upon notice from the Town, deposit additional amounts so that the balance on deposit reaches at least 50% of the amount initially deposited. No further action or review of the Application shall be conducted until such balance is reached. After all reasonable charges have been paid to the vendor(s) by the Town, any balance remaining on deposit in the account shall be returned to the Applicant. In the event an Application is withdrawn at any stage by the Applicant, any unused portion of the sums on deposit shall be returned to the Applicant.
- G. A site plan drawn to scale meeting all the requirements contained in this Chapter and the Town Subdivision and Site Plan Regulations, which shall include:
- (1) The postal address and tax map parcel number of the property.
  - (2) The Zoning District in which the property is situated.
  - (3) Size of the property stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines.
  - (4) The location, size and height of all existing and proposed structures on the property which is the subject of the Application.
  - (5) The azimuth, size and center-line Height location of all proposed and existing Antennas on the supporting structure.
  - (6) The location of any proposed Towers, Antennas, equipment cabinets, and generators, and all related fixtures, structures, appurtenances, and apparatus, including a labeling of dimensions and setbacks, materials, colors, and lighting.
  - (7) Delineation of all distances between the proposed use and all adjoining residentially zoned or residentially utilized properties, and the distance between the nearest boundary line of any Sensitive Location and the facility at issue if the distance is five hundred (500) feet or less.



- H. A report verifying that the Wireless Telecommunication Facility will be in full compliance with the current FCC RF exposure guidelines for Maximum Permissible Exposure. This report shall comply with the FCC methodology as set forth in OET Bulletin 65 and Part 1 of Title 47 of the code of Federal Regulations, as each may be amended or superseded.
- I. A statement containing the following information: (a) frequency, modulation and class of service of radio or other transmitting equipment; (b) actual intended transmission power stated as the maximum effective radiated power (ERP) in watts; (c) that an attached copy of the FCC license for the intended use of the Telecommunication Facilities is a true and complete copy; and (d) the number, type and model of the proposed Antenna(s) with a copy of the specification sheet.
- J. A photograph, photograph simulation, or architectural drawing to demonstrate the appearance of the proposed facility, from multiple angles and Heights for new Towers.
- K. A certification establishing that the use meets the standards and regulations of the FAA, the FCC, and any other state or federal agency having jurisdiction. The certification shall indicate whether the Application is subject to FAA Regulation Part 77 or successor regulation and whether it requires lighting. If an FAA determination is required, then all documentation filed in connection with the Application must be provided.
- L. The make, model, type, and manufacturer of the Tower (if proposed), along with any additional information required by Article III (Standards for Towers).
- M. Documentation that demonstrates and establishes compliance with Article II (Standards for Design and Placement). Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service, or existing sites that demonstrate a Gap in Service or Densification.
- N. The Applicant shall be required to submit a written report demonstrating its diligent efforts to secure shared use of existing Towers or the use of alternative buildings or other structures within the Town. Copies of written requests and responses for shared use shall be provided to the Town in the Application, along with any letters of rejection stating the reason for rejection.
- O. Any relevant additional documents, studies and specifications requested by the Town during the review process.

ARTICLE VIII  
AUTHORITY OF THE BOARD

§142-26. Authority of the Board.

- A. The Board may as a condition of approval, propose the Applicant erect a structure at the Applicant's expense to house or screen the proposed Antenna and related equipment, as it deems necessary or desirable in accordance with the established guidelines in Article II of this Chapter.
- B. The Board may propose a reduction in the Height of the proposed Tower, Antennas, or other Facilities and structures or make other Modifications to the proposed Wireless Telecommunication Facility for the purpose of making aesthetic improvements, if technically feasible.
- C. The Board may refer an Application to other Town agencies or departments for recommendations on any issue it deems necessary and proper. Such referral shall specify the reasons for the referral.

- D. The Board may retain a Consultant(s) at the Applicant's expense to verify that the proposed Wireless Telecommunication Facility subject to this Chapter complies with the applicable state and federal laws and regulations and to advise the Board on any technical aspect of the Application. The review of the Application may include a physical inspection of the site or facility.
- E. The Board may place special conditions or limitations on the approval of an application that include the following:
- (1) Location of principal and accessory structures.
  - (2) Limitation on signs or advertising devices, including number, size, location, type, and illumination.
  - (3) Limitation on amount, location, intensity, and direction of exterior illumination.
  - (4) Amount, location, and improvement of off-street parking and loading spaces.
  - (5) Type, location, and design of drainage and drainage structures.
  - (6) Control of access and circulation within the premises.
  - (7) Grading and the location and type of retaining walls or structures.
  - (8) Landscaping, screening, fencing, and walls, including the location and types of plantings and fencing required for screening purposes.
  - (9) Structural changes.
  - (10) Control or elimination of smoke, dust, gas, noise, vibration, odor, and lighting.
  - (11) Other conditions applicable under New York State Zoning Laws found by the Board to be necessary.

§142-27. Retention of outside Consultant(s) and independent studies.

- A. As a condition of processing any matter over which it has jurisdiction, the Board may commission independent studies and retain a Consultant(s) at the Applicant's expense to verify that the proposed Wireless Telecommunication Facility complies with the applicable state and federal laws and regulations and to advise the Board on any technical aspect of the Application as provided in § 142-24(F).
- B. In its discretion the Board may adopt or reject, in whole or in part, the findings and determinations of any Consultant or study commissioned by the Board or the Applicant.
- C. Nothing contained in this Chapter shall be deemed to relieve any Applicant from complying with all applicable sections of the Town Code and/or the Town's Building Zone Ordinance.

ARTICLE IX  
DISPUTE RESOLUTION

§142-28. Dispute Resolution. In the event the Town has retained the services of a Consultant in connection with the review of any Application, upon completion of the application process and the issuance of all necessary permits and approvals, the Comptroller's Office shall, within sixty (60) days after the final invoice has been paid, prepare a final accounting of the Consultant Escrow for that project and refund to the Applicant any unused portion of the Consultant Escrow.

1. Upon receipt of the final accounting, the Applicant shall promptly review the accounting. In the event the Applicant objects to the final accounting, the

Applicant shall, not more than forty-five (45) days after receipt of the final accounting, serve upon the Town Attorney written notice, by certified mail, return receipt requested, a detailed description of its objection to the Consultant's fees and charges and/or the final accounting. The objections shall specify the invoice date(s) and the particular line item(s) to which it objects and the basis for the objection. Within forty-five (45) days after receipt of the Applicant's objections, the Town Attorney shall issue an administrative written decision determining the Applicant's objections. This written decision shall either (i) confirm the accounting and the amount of the refund/transfer, or (ii) reject and modify the accounting and the amount of the final refund/transfer.

2. In the event that the Applicant disputes the administrative decision of the Town Attorney it may contest said determination in a court of competent jurisdiction.

## ARTICLE X POST-APPROVAL MONITORING

### §142-29. Access to Wireless Telecommunications Facilities.

- A. **Unauthorized Access.** All Wireless Telecommunications Facilities shall be operated and maintained so as to prevent unauthorized access to and upon such facilities. Any owner or Person-in-charge of the property, an accessory facility or any Wireless Telecommunications Facility who commits an offense against the provisions of this section shall be deemed to be in violation of this Chapter.
- B. **Continuing Compliance.** The Town shall have access to Wireless Telecommunications Facilities upon notice of at least 48 hours for the purpose of verifying continuing compliance with this Chapter, and that the Facility is being operated and maintained in accordance with the terms of the License Agreements if applicable, and all permits and approvals. Notice shall be served upon the Applicant and/or operator of the Wireless Telecommunications Facility by overnight mail addressed to the Applicant and/or operator at its last known address.

### §142-30. Revocation or suspension of certificates, permits and other approvals.

- A. **Existence of Violations.** The Commissioner of Buildings shall report to the Town Attorney, on behalf of the Town Board, if the Facilities are on Municipal Property, Municipal Facilities, or using the Public Rights-of-Way, or to the Board, if the Facilities are on private property, that the Facilities, or any part thereof, are not in compliance with the License Agreement or any permit or approval issued by the Board. The Commissioner of Buildings, or his/her designee shall indicate that a Notice to Comply, Notice of Violation or summons, as the case may be, has been issued and there has been no compliance, or compliance has not been achieved to their satisfaction.
- B. **Special Use Permit approval.** The Board may, upon notice and after a public hearing, revoke any special use permit granted by the Board if it determines that there are substantial violations of a condition of approval, or of a map or plan, or Special Use Permit, or variance, or if false documents or statements have been submitted in support of the Application, or if equipment is not functioning within expected parameters, or on such other grounds deemed appropriate by the Board.
- C. **License Agreement.** The Town Board may terminate a License Agreement previously approved, upon notice and after a public hearing, if the Town Board determines that a substantial violation of the License Agreement, or of a map or plan, or of a Special Use Permit, or variance, or of any condition established by the Board has occurred, or if false documents or statements have been submitted in support of the Application, or if equipment is not functioning within expected parameters or on such other grounds deemed appropriate by the Board.

D. Certificate of occupancy, permit or other approval. In the event that it is determined that any Wireless Telecommunications Facility is being operated or maintained in violation of Chapter, the Commissioner of Buildings, or his/her designee may revoke or suspend a Certificate of Occupancy/Completion, permit or other approval for a Wireless Telecommunications Facility in accordance with the procedures set forth in Section 86-16 of the Town Code upon the following grounds:

- (1) The Board has revoked their approval of the Facility or any part thereof; or
- (2) The FCC has revoked the license of the Telecommunications provider; or
- (3) The Department receives sufficient evidence to show that the Wireless Telecommunications Facility is violating FCC RF exposure standards; or
- (4) The Facility or elements of the Facility fall into such a state of disrepair that the condition jeopardizes the health, welfare and safety of Persons or property, or creates a nuisance or danger

E. Notice of hearing.

- (1) If the Board or the Town Board seeks action, written notice of the grounds for revocation of any License Agreement, certificate, permit, grant or other approval, and the date, time and place of a hearing before an Administrative Hearing Officer, shall be mailed to the private property owner; the Applicant who filed for the use or installation and owner or operator of the facility, system, or equipment; and their attorney, if known, to their last known address, by regular and certified mail, return receipt, requested at least fifteen (15) calendar days before the hearing.
- (2) The notice shall also contain a statement that they are (a) entitled to be represented by legal counsel at the hearing; (b) they will be provided with an opportunity to be heard and may present the testimony of witnesses, experts, and other evidence in their own behalf; and (c) that upon their failure to appear at the hearing, then in such event, the determination of the Board or the Town Board as applicable, shall be final.

F. Hearing. All hearings shall be recorded and may be adjourned only upon good cause shown and at the discretion of the Person or entity holding the hearing.

- (1) Authority. At the hearing the Hearing Officer shall consider the evidence, and may adopt or reject, in whole or in part, any portion of the Board or the Town Board's determination, with or without conditions, as deemed advisable or necessary under the circumstances.
- (2) Upon a finding that the use or Facilities is in violation of the License Agreement, certificate, permit, grant or other approval, the Board or the Town Board, as applicable, may order the property owner, and/or the Applicant, operator and/or owner of the Facility to repair, remediate, rectify, demolish or remove any part of the Wireless Telecommunications Facilities in violation, within the time specified, and upon the failure, neglect, or refusal of such Person(s) to comply, may revoke its approval, in whole or in part. The decision of the Board is final as to the Town of Hempstead.
- (3) Administrative Hearing Officer. The Administrative Hearing Officer's findings and recommendations shall be filed with the Town Clerk and mailed to the party or entity which requested the hearing or their attorney(s), together with the holder of the Permit, approval and/or license that is the subject of the hearing, if known, with a copy to the Town Attorney, and to the Board or Town Board, as applicable.
- (4) If there has been no appearance at the hearing by the holder of the Permit, the resulting determination of the Hearing Officer shall be final and shall be served in the same manner as the Notice of Hearing. Once revoked, the use and its

accessory uses or the specific approval, as is applicable, shall not be reestablished until all violation(s) are corrected to the satisfaction of the Town. Reestablishment of a grant will require a new Application subject to the requirements of this Chapter.

- (5) Liability for costs. The private property owner, Applicant, or owner or operator of the Facility shall be jointly and severally liable for the payment of all costs and expenses the Town incurs for the abatement, repair, or removal of the Facilities and restoration of the site, if applicable, including legal fees and costs.
- (6) Recovery of costs. The costs incurred by the Town shall be certified by the Commissioner of each Town department providing services and the Town Attorney shall mail written notice of such costs by both regular mail and certified or registered mail, return receipt requested, to the property owner, Applicant, and owner or operator of the Facility, as the case may be. The notice shall state that upon the failure to pay the amount certified within thirty (30) calendar days of receipt of the notice by money order, or certified or bank check the amount will be added to the tax bill if permitted by law, or other action will be taken without further notice. Nothing contained herein shall be construed to limit the Town's remedies or bar the commencement of an action to collect the debt in lieu of a tax lien.
- (7) Tax lien. In the event the debt is not paid within the thirty (30) day period, or if the mailing is returned by the Post Office because of the inability to make delivery for any reason, as long as the notice was properly addressed to the last known address, such certification of costs shall be provided to the Tax Receiver, who shall cause the costs as shown thereon to be charged against such lands and/or facilities (if permitted by law) without further notice. The amount so charged shall forthwith become a lien against such lands and/or facilities and shall be added to and become part of the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officer(s) and in the same manner as taxes.
- (8) §142-31. Violation. Any Applicant, owner or Person-in-charge of property, an accessory facility or any Wireless Telecommunications Facility who fails or neglects to abide by a revocation or suspension order, or a termination of the license agreement shall be deemed to be in violation of this Chapter.

## ARTICLE XI ABANDONMENT OF FACILITIES

§142-32. Abandonment. It shall be a rebuttable presumption that any such Wireless Telecommunications Facility that has not been in operation or use for more than ninety (90) continuous days or a total of one hundred-eighty (180) days in any three hundred sixty-five (365) day period shall be deemed abandoned, and the private property owner or Applicant who filed for the use or installation of the system or equipment, and the operator or owner of the system or equipment shall be responsible for removal of all structures and facilities within one hundred twenty (120) days of the date of the notice of the Commissioner of the Department of Buildings, or his designee, declaring the Wireless Telecommunications Facility and/or use abandoned and directing removal, and upon failure to do so the Town may take such action at the expense of the property owner, Applicant, and the operator or owner of the system or equipment, as follows:

- A. Notice. Written notice of the determination that the facility, system or equipment is not in operation, and the equipment and/or use has been deemed abandoned and must be removed within one hundred and twenty (120) calendar days of the date on the notice shall be mailed by the Department of Buildings to the private property owner or the Applicant who filed for the use or installation, and owner and/or operator of the facility, system, or equipment, if known, to their last known address, by regular and certified mail, return receipt, requested. The notice shall also advise the recipient that they are entitled to a hearing on that determination before an Administrative Hearing Officer, provided that written request for such a hearing is received by the Town

Attorney with a copy to the Commissioner of the Department of Buildings within thirty (30) calendar days of the date on the notice. If a timely request has been filed, written notice of the date, place, and time of the hearing shall be mailed to the Person(s) who have requested a hearing, or to their attorney(s), if known, along with a statement that they (a) are entitled to be represented by legal counsel at the hearing; (b) they will be provided with an opportunity to be heard and may present the testimony of witnesses, experts, and other evidence in their own behalf; and (c) that upon their failure to appear at the hearing, then in such event, the determination of the Town shall be final.

- B. Amendment, modification, or withdrawal. The Commissioner of the Department of Buildings may, after consultation with the Town Attorney, amend or modify any notice issued if, in his judgment, the circumstances warrant such action provided the amended or modified notice is clearly marked as such and is served as provided in (A) herein within ten (10) calendar days of service of the original notice, and a hearing has not occurred. A notice may be withdrawn at any time.
- C. Hearing. All hearings shall be recorded and may be adjourned only upon good cause shown and at the discretion of the Person or entity holding the hearing.
- (1) At the hearing the Hearing Officer shall consider the evidence, and may adopt or reject, in whole or in part, any portion of the Commissioner of the Department of Buildings determination, with or without conditions, as deemed advisable or necessary under the circumstances. The determination of the Hearing Officer shall be deemed final as to the Town of Hempstead
  - (2) Hearing Officer. The Hearing Officer's findings and recommendations shall be filed with the Town Clerk and mailed to those who requested the hearing or their attorney(s), if known. Upon a finding that the use or equipment has been abandoned, the Commissioner of the Department of Buildings may order the Applicant, operator, and/or owner of the Facility or equipment to demolish and remove the Wireless Telecommunications Facilities and restore the site within the time specified, and upon the failure, neglect, or refusal of such Person(s) to comply, may authorize the code officer or other town personnel, upon reasonable notice, to enter the premises and demolish and remove the same, and restore the site.
- D. Compliance. A property owner, Applicant, operator, or owner of a facility who wishes to comply with the notice of abandonment and order to remove shall notify the Commissioner of the Department of Buildings in writing of its intent to abandon a permitted site. Removal shall comply with applicable health and safety regulations, including demolition permits from the Building Department. Upon completion of the removal process, the site shall be restored to its original condition at the expense of the private property owner, Applicant, operator, or owner of the facility.
- E. Grounds for a default. The notice shall automatically become a final order if there has been no request for a hearing within the period specified, or, if having requested a hearing, there has been no appearance at the hearing by the Person who had requested it. The resulting order shall be served in the same manner as the original notice. Such Facilities shall be removed, and the location restored to its original condition by the property owner, Applicant, and owner and operator of the facility or equipment, at their own cost and expense, within one hundred and twenty (120) calendar days of the date of the notice declaring the abandonment. In the event of a default, the Town is authorized, upon reasonable notice, to enter the premises and demolish and remove the same and restore the site.
- F. Liability for costs. All facilities or equipment not removed within the required period shall be in violation of this chapter. In the event the Town removes abandoned equipment or facilities upon the failure of the private property owner, Applicant, operator, or facility owner to timely do so, then the private property owner, Applicant, operator, and facility owner shall be jointly and severally liable for the

payment of all costs and expenses the Town incurs for the removal of the facilities and restoration of the site, if applicable, including legal fees and costs.

- G. Recovery of costs. The costs incurred by the Town shall be certified by the Commissioner of each Town department providing services and the Town Attorney shall mail written notice of such costs by both regular mail and certified or registered mail, return receipt requested, to the property owner, Applicant, owner, or operator of the facility, as the case may be. The notice shall state that upon the failure to pay the amount certified within thirty (30) days of receipt of the notice by money order, or certified or bank check the amount will be added to the tax bill or other action will be taken without further notice. Nothing contained herein shall be construed to limit the Town's remedies or bar the commencement of an action to collect the debt in lieu of a tax lien.
- H. Tax lien. In the event the debt is not paid within the ten (10) day period, or if the mailing is returned by the Post Office because of the inability to make delivery for any reason, as long as the notice was properly addressed to the last known address, such certification of costs shall be provided to the Tax Receiver, who shall cause the costs as shown thereon to be charged against such lands and/or facilities without further notice. The amount so charged shall forthwith become a lien against such lands and/or Facilities and shall be added to and become part of the taxes next to be assessed and levied, the same to bear interest at the same rate as taxes, and shall be collected and enforced by the same officer(s) and in the same manner as taxes.

## ARTICLE XII ADMINISTRATION AND ENFORCEMENT

§142-33. Notice to Comply. Whenever the Commissioner is satisfied that a Wireless Telecommunication Facility is being erected, constructed, installed, modified, renovated, altered or repaired, or that activity is occurring in violation of this Chapter or other applicable law, rule, order or regulation, or in violation of a License Agreement, grant, approval, map or plan issued or approved by an officer, Board, department or agency of the Town, he or she may order compliance by written notice to comply to the property owner, the Applicant who filed for the use or installation, the owner and/or operator of the Facility, system, or equipment, and/or Person committing the offense. The notice to comply shall identify the violation or offense and may, without limitation, require the abatement, remediation or restoration of the Wireless Telecommunications Facility, building, structure, or property, within the period identified in the notice. Such notice shall be deemed to be properly served if a copy is personally delivered to the owner, Person-in-charge, Applicant, operator, or Person committing the offense; or by posting a copy of the notice to comply in a conspicuous place on the property or Facility and mailing a copy by regular and registered or certified mail, return receipt requested, within two (2) business days of its posting to the property owner, Applicant, operator, and Person committing the offense at their last known address, or by such other method authorized by the laws of the State of New York.

§142-34. Stop-work orders.

- A. Pursuant to Section 6, Appendix A221 governing Building Code Administration, the Commissioner may, in his sole discretion, order the work or installation being performed on any property, building or structure, a Wireless Telecommunication Facility, or an accessory thereof, suspended forthwith if he or she has reasonable grounds to believe that the work or installation is being performed in an unsafe and/or dangerous manner; or the work is not in conformity with the building permit application, plans and/or specifications approved by the Department; or with a map, plan, permit, grant or agreement approved by the Town, its officers and/or Board, any License Agreement, or the work is in violation of any section or article of the Code of the Town of Hempstead, the Building Code of the State of New York and/or other applicable law, ordinance, rule or regulation; or jeopardizes the health, welfare or safety of the public or surrounding community; or is injurious to Town property or the property of others.

- B. The stop-work order shall comply with the requirements of Appendix A221 and shall be served and posted upon the property owner or Person-in-charge of the property, the Applicant who filed for the use or installation, the owner and/or operator of the Facility.
- C. Violation. It shall be unlawful for any Person to remove, alter, obscure, deface, change or otherwise tamper with any portion of a stop-work order that has been posted by the Town.
- D. Suspension of work. Upon the issuance of a stop-work order, the property owner or Person-in-charge of the Property and/or the Applicant shall immediately cease all work and activities which are the subject of the stop-work order.

§142-35. Penalties for Violations.

- A. Any property owner, Person in charge of the premises, Applicant, owner or operator of the Wireless Telecommunication Facility or any part thereof, who violates any provision of this Chapter, shall upon conviction thereof be guilty of an offense, punishable by a fine of not less than one thousand (\$1,000) dollars nor more than five thousand (\$5,000) dollars for a conviction of a first offense; upon conviction of a second offense where the violation is committed within a period of five (5) years of the first conviction, a fine of not less than two thousand (\$2,000) dollars nor more than ten thousand (\$10,000) dollars; and upon conviction of a third or subsequent offense where the violation is committed within a period of five (5) years of the second convictions a fine of not less than four thousand (\$4,000) dollars nor more than fifteen thousand (\$15,000) dollars. Each day, or part thereof, such violation continues shall constitute a separate offense punishable in like manner.
- B. Any property owner, Person in charge of the premises, Applicant, owner or operator of the Wireless Telecommunication Facility or part thereof, found by the Bureau of Administrative Adjudication to have violated any provision of this Chapter shall likewise be subject to a monetary penalty in an amount within the range of fines authorized in subdivision A for a first offense, subsequent offenses and continuing offenses.
- C. In addition to the penalties set forth herein or in other applicable law, rule or regulation, the Town Attorney is authorized to pursue, in a court of competent jurisdiction, civil and equitable relief, including but not limited to compensatory actions; civil penalties in the amount of up to five hundred (\$500) dollars per day, or any part thereof; an action to compel compliance with or to restrain by injunction the violation of this Chapter; and other remedies which in the opinion of the Town Attorney may seem necessary and proper. Any civil monetary penalty awarded may be added to the tax bill of the property where the violation has occurred and shall be collected in the same manner.
- D. In addition to the penalties set forth herein or in other applicable law, rule or regulation and without limitation, a violation of this Chapter may subject the permit holder to the revocation or suspension of its permit, as provided in this Chapter.
- E. No oversight or dereliction of duty on the part of the Town, nor any failure to strictly enforce the terms of this Chapter, shall serve to legalize the maintenance, erection, construction, alteration, Modification, replacement or removal of a Wireless Telecommunication Facility, or to legalize the use and/or occupancy of any property, building or structure for the operation of any Wireless Telecommunication Facility, if the work or activity is conducted in violation of this Chapter or other applicable local, state and/or federal law, rule, ordinance or regulation.

Section 2. Severability.

If any clause, sentence, paragraph, subdivision, section or other part of this local law shall for any reason be adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or



invalidate the remainder of this local law, and it shall be construed to have been the legislative intent to enact this local law without such unconstitutional or invalid parts therein.

Section 3. Effective Date.

This Local Law shall take effect immediately upon filing in the Office of the Secretary of State of the State of New York.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Section 273 of Article 28 of the Building Zone Ordinance of the Town of Hempstead, that a public hearing be held May 10, 2022, 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 CONKLIN ESTATES, LLC. for rezoning from Residence "B" to Residence "CA" District. situated in Woodmere,

An irregularly-shaped parcel with 243.15' of frontage on the s/si of Conklin Street and depth of 136.10' located 140.15' East of Yung Pl. Woodmere, Town of Hempstead, County of Nassau, State of New York.

The above mentioned application & maps which accompanies it are on file with the undersigned and may be viewed during office hours.

Any person interested in the subject matter will be given an opportunity to be heard with reference thereto at the time and place above designated.

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

DONALD X. CLAVIN, JR.  
Supervisor

KATE MURRAY  
Town Clerk

Dated: April 26, 2022  
Hempstead, N.Y.

Item # 6  
Case # 27919

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION RATIFYING AND CONFIRMING THE DECLARATION OF AN EMERGENCY POSED BY THE THREAT OF IMMINENT DANGER AND AUTHORIZING SPECIAL ASSESSMENT IN REGARD TO AN UNSAFE TREE, LOCATED ON THE PREMISES IMPROVED WITH A TWO STORY WOOD FRAME MULTI FAMILY DWELLING, LOCATED ON THE EAST SIDE OF ELMONT ROAD, 95 FEET NORTH OF HEMPSTEAD TURNPIKE. SEC 32, BLOCK 361, AND LOT (S) 105, A/K/A 10 ELMONT ROAD, ELMONT, 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 exterior property area located at 10 Elmont Road, Elmont; and

WHEREAS, said inspection disclosed that contrary to NYS §302.1 of the New York State Property Maintenance Code and Chapter 90-1 of the Code of the Town of Hempstead regulations, an unsafe dead tree upon an abandoned building; and

WHEREAS, the Commissioner of the Department of Buildings deemed the open and abandoned structure to be a source of imminent danger to the life and/or safety of the residents in the area; 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 securing of dangerous structures or buildings and the Town of Hempstead shall be reimbursed for the cost of the work or the services provided; and

WHEREAS, the services of Long Island Tree & Landscape Service Inc., PO Box 1531, Seaford, New York 11783, and the costs incurred by the emergency services authorized by the Commissioner of the Department of Buildings were approved by the Town Board under Resolution Number 932-2017; and

WHEREAS, the Commissioner of the Department of Buildings directed Long Island Tree & Landscape Service Inc., for emergency removal of one (1) tree, located at 10 Elmont Road, Elmont;

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$3,625.00, the cost associated with the emergency services provided at 10 Elmont Road, Elmont, New York

WHEREAS, an additional charge of \$500.00 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 \$4,125.00 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 # 7

# 6542

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING SPECIAL ASSESSMENT IN RELATION TO THE DEMOLITION AND REMOVAL OF A TWO STORY WOOD FRAME ONE FAMILY DWELLING WITH DETACHED GARAGE, AND REMOVAL OF ALL LITTER AND DEBRIS FROM SAID PREMISE LOCATED ON THE NORTH SIDE OF IVY STREET, 115 FEET WEST OF MORTON AVENUE. SEC 35, BLOCK 355, AND LOT (S) 30-31, A/K/A 182 IVY STREET, WEST HEMPSTEAD, 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 demolish and remove the unsafe structure located at 182 Ivy Street, West Hempstead, Town of Hempstead, New York; and

WHEREAS, said inspection disclosed that contrary to the Town of Hempstead regulations this structure was unsafe; and

WHEREAS, the Commissioner of the Department of Buildings deemed the unsafe structure to be a source of imminent danger to the life and/or safety of the residents in the area; 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 securing of dangerous structures or Buildings and the Town of Hempstead shall be reimbursed for the cost of the work or the services provided; and

WHEREAS, the services of B & A Commercial Inc., at 70 New Street, Oceanside, New York, 11572, and the costs incurred by the emergency services authorized by the Commissioner of the Department of Buildings, were approved by the Town Board under Resolution Number 858-2020; and

WHEREAS, the Commissioner of the Department of Buildings directed B & A Commercial Inc., to demolish and remove an unsafe two story wood frame one family dwelling with detached garage, located at 182 Ivy Street, West Hempstead; and

WHEREAS, the Commissioner of the Department of Buildings initiated the procedure for the reimbursement of \$57,000.00, the cost associated with the emergency services provided at 182 Ivy Street, West Hempstead, 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 \$57,250.00 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 #

8

Case #

6542

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution

And moved its adoption:

RESOLUTION RATIFYING AND CONFIRMING PERMISSION GRANTED TO THE CHAMBER OF COMMERCE OF THE BELLMORES, BELLMORE, NEW YORK TO USE TOWN OF HEMPSTEAD PARKING FIELD B-2, BELMORE, NEW YORK FOR THE PURPOSE OF HOLDING A CRAFT FAIR ON APRIL 23, 2022 (RAINDATE APRIL 30, 2022).

WHEREAS, the Chamber of Commerce of the Bellmores, c/o Debra Izzo, 2700 Pettit Avenue, Bellmore, New York 11710 had requested to use Town of Hempstead Parking Field B-2, Bellmore, New York for the purpose of holding a Craft Fair on April 23, 2022 (Raindate April 30, 2022); and

WHEREAS, this Town Board deemed it to be in the public interest to have granted said permission.

NOW, THEREFORE, BE IT

RESOLVED, that permission granted to the Chamber of Commerce of the Bellmores, c/o Debra Izzo, 2700 Pettit Avenue, Bellmore, New York 11710 to use Town of Hempstead Parking Field B-2, Bellmore, New York for the purpose of holding the Craft Fair on April 23, 2022 (Raindate April 30, 2022) is hereby ratified and confirmed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 9

Case # 20915

CASE NO.

RESOLUTION NO.

Adopted:

offered the following resolution

and moved its adoption:

RESOLUTION GRANTING PERMISSION TO THE NORTH BELLMORE FIRE DEPARTMENT, BELLMORE, NEW YORK TO USE TOWN OF HEMPSTEAD PARKING FIELDS B-3 AND B-4, BELLMORE, NEW YORK FOR THE PURPOSE OF HOLDING THE NEW YORK STATE PARADE ON AUGUST 21, 2022.

WHEREAS, the North Bellmore Fire Department, c/o Arthur White, III, 1<sup>st</sup> Assistant Chief, 821 Newbridge Road, Bellmore, New York 11710 has requested to use Town of Hempstead Parking Fields B-3 and B-4, Bellmore, New York for the purpose of holding the New York State Parade on August 21, 2022; and

WHEREAS, this Town Board deems it to be in the public interest to grant said permission, and BE IT

RESOLVED, that permission is hereby granted to the North Bellmore Fire Department, c/o Arthur White, III, 1<sup>st</sup> Assistant Chief, 821 Newbridge Road, Bellmore, New York 11710 to use Town of Hempstead Parking Fields B-3 and B-4, Bellmore, New York for the purpose of holding the New York State Parade on August 21, 2022; and

BE IT FURTHER

RESOLVED, and that in conducting said activity the North Bellmore Fire Department shall comply with all the provisions of the Code of the Town of Hempstead.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 9

Case # 20915

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution

And moved its adoption:

RESOLUTION RATIFYING AND CONFIRMING PERMISSION GRANTED TO THE CHAMBER OF COMMERCE OF THE BELLMORES TO USE TOWN OF HEMPSTEAD PARKING FIELDS B-1 AND B-2, BELLMORE, NEW YORK FOR THE PURPOSE OF HOLDING THE FRIDAY NIGHT CAR SHOW ON MAY 6, MAY 13, MAY 20, MAY 27, JUNE 3, JUNE 10, JUNE 17, JUNE 24, JULY 1, JULY 8, JULY 15, JULY 22, JULY 29, AUGUST 5, AUGUST 12, AUGUST 19, AUGUST 26, SEPTEMBER 2, SEPTEMBER 9, SEPTEMBER 16, SEPTEMBER 23, SEPTEMBER 30, AND OCTOBER 7, 2022.

WHEREAS, the Chamber of Commerce of the Bellmores, c/o Joseph LoPresti, Car Show Chairperson, 2700 Pettit Avenue, Bellmore, New York 11710 had requested to use Town of Hempstead Parking Fields B-1 and B-2, Bellmore, New York for the purpose of holding the Friday Night Car Show on May 6, May 13, May 20, May 27, June 3, June 10, June 17, June 24, July 1, July 8, July 15, July 22, July 29, August 5, August 12, August 19, August 26, September 2, September 9, September 16, September 23, September 30, and October 7, 2022; and

WHEREAS, this Town Board deemed it to be in the public interest to have granted said permission.

NOW, THEREFORE, BE IT

RESOLVED, that permission granted to the Chamber of Commerce of the Bellmores, c/o Joseph LoPresti, Car Show Chairperson, 2700 Pettit Avenue, Bellmore, New York 11710 to use Town of Hempstead Parking Fields B-1 and B-2, Bellmore, New York for the purpose of holding the Friday Night Car Show May 6, May 13, May 20, May 27, June 3, June 10, June 17, June 24, July 1, July 8, July 15, July 22, July 29, August 5, August 12, August 19, August 26, September 2, September 9, September 16, September 23, September 30, and October 7, 2022 is hereby ratified and confirmed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 9  
20915

RESOLUTION NO.

CASE NO.

Adopted:

Offered the following resolution

And moved its adoption:

RESOLUTION GRANTING PERMISSION TO NASSAU COUNTY LEGISLATOR CARRIE SOLAGES, NEW YORK STATE ASSEMBLYWOMAN MICHAELLE C. SOLAGES, AND THE GIFT OF GIVING FOUNDATION, ELMONT NEW YORK TO USE TOWN OF HEMPSTEAD PARKING FIELD E-6, ELMONT, NEW YORK FOR THE PURPOSE OF HOLDING A JUNETEENTH CULTURAL CELEBRATION/FESTIVAL ON JUNE 19, 2022.

WHEREAS, Nassau County Legislator Carrie Solages, New York State Assemblywoman Michaelle C. Solages, and The Gift Of Giving Foundation, Elmont, New York Attention: Elizabeth Forbes, has requested to use Town of Hempstead Parking Field E-6, Elmont, New York for the purpose of holding a Juneteenth Cultural Celebration/Festival on June 19, 2022 (the "Celebration"); and

WHEREAS, this Town Board deems it to be in the public interest to grant said permission.

NOW, THEREFORE, BE IT

RESOLVED, that permission is hereby granted to Nassau County Legislator Carrie Solages, New York State Assemblywoman Michaelle C. Solages, and The Gift Of Giving Foundation, Elmont, New York Attention: Elizabeth Forbes, to use Town of Hempstead Parking Field E-6, Elmont, New York for the purpose of holding the Celebration on June 19, 2022; and be it further

RESOLVED, that in conducting said activity, all the provisions of the Code of the Town of Hempstead shall be complied with.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 9

Case # 20915



CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution

And moved its adoption:

RESOLUTION RATIFYING AND CONFIRMING PERMISSION GRANTED TO THE MERRICK CHAMBER OF COMMERCE TO USE TOWN OF HEMPSTEAD PARKING FIELD M-5, MERRICK, NEW YORK FOR THE PURPOSE OF HOLDING THE MERRICK MARKETPLACE ON MAY 8, MAY 15, MAY 22, JUNE 5, JUNE 12, JUNE 26, JULY 3, JULY 10, JULY 17, JULY 24, JULY 31, AUGUST 7, AUGUST 14, AUGUST 21, AUGUST 28, SEPTEMBER 4, SEPTEMBER 11, SEPTEMBER 18, SEPTEMBER 25, OCTOBER 2, OCTOBER 9, OCTOBER 16, OCTOBER 23, OCTOBER 30, NOVEMBER 6, NOVEMBER 13, NOVEMBER 20, NOVEMBER 27, DECEMBER 4, DECEMBER 11, AND DECEMBER 18, 2022.

WHEREAS, the Merrick Chamber of Commerce, P.O. Box 53, Merrick, New York 11566 c/o Julie Marchesella, Past President had requested to use Town of Hempstead Parking Field M-5, Merrick, New York for the purpose of holding The Merrick Marketplace on May 8, May 15, May 22, June 5, June 12, June 26, July 3, July 10, July 17, July 24, July 31, August 7, August 14, August 21, August 28, September 4, September 11, September 18, September 25, October 2, October 9, October 16, October 23, October 30, November 6, November 13, November 20, November 27, December 4, December 11, and December 18, 2022 the (“Marketplace”); and

WHEREAS, this Town Board deemed it to be in the public interest to have granted said permission.

NOW, THEREFORE, BE IT

RESOLVED, that permission granted to the Merrick Chamber of Commerce, P.O. Box 53, Merrick, New York 11566 c/o Julie Marchesella, Past President to use Town of Hempstead Parking Field M-5, Merrick, New York for the purpose of holding the Marketplace on May 8, May 15, May 22, June 5, June 12, June 26, July 3, July 10, July 17, July 24, July 31, August 7, August 14, August 21, August 28, September 4, September 11, September 18, September 25, October 2, October 9, October 16, October 23, October 30, November 6, November 13, November 20, November 27, December 4, December 11, and December 18, 2022 is hereby ratified and confirmed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 9

Case # 20915

CASE NO.

RESOLUTION NO.

Adopted:

offered the following resolution

and moved its adoption:

RESOLUTION GRANTING PERMISSION TO THE SEAFORD PUBLIC LIBRARY TO USE TOWN OF HEMPSTEAD PARKING FIELD S-1, SEAFORD, NEW YORK FOR THE PURPOSE OF HOLDING A MUSIC PROGRAM ON JUNE 18, JULY 23, AUGUST 20 AND SEPTEMBER 10, 2022.

WHEREAS, the Seaford Public Library, c/o Eric M. Wasserman, Music Program Coordinator, 2234 Jackson Avenue, Seaford, New York 11783 has requested to use Town of Hempstead Parking Field S-1, Seaford, New York for the purpose of holding a Music Program on June 18, July 23, August 20 and September 10, 2022; and

WHEREAS, this Town Board deems it to be in the public interest to grant said permission.

RESOLVED, that permission is hereby granted to the Seaford Public Library, c/o Eric M. Wasserman, Music Program Coordinator, 2234 Jackson Avenue, Seaford, New York 11783 to use Town of Hempstead Parking Field S-1, Seaford, New York for the purpose of holding a Music Program and be it further

RESOLVED, that in conducting said activity, the Seaford Public Library shall comply with all the provisions of the Code of the Town of Hempstead.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 9

Case # 20915

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution

And moved its adoption:

RESOLUTION RATIFYING AND CONFIRMING PERMISSION GRANTED TO THE KIWANIS CLUB OF WANTAGH TO USE TOWN OF HEMPSTEAD PARKING FIELDS WA-1 AND WA-3, WANTAGH, NEW YORK FOR THE PURPOSE OF HOLDING THE WANTAGH FESTIVAL ON MAY 1, 2022 (RAINDATE MAY 15, 2022).

WHEREAS, the Kiwanis Club of Wantagh, c/o Margaret Silberger, Secretary, P.O. Box 1, Wantagh, New York 11793 had requested to use Town of Hempstead Parking Fields WA-1 and WA-3, Wantagh, New York for the purpose of holding the Wantagh Festival on May 1, 2022 (Raindate May 15, 2022) (the "Festival"); and

WHEREAS, this Town Board deemed it to be in the public interest to have granted said permission.

NOW, THEREFORE BE IT

RESOLVED, that permission granted to the Kiwanis Club of Wantagh, c/o Margaret Silberger, Secretary, P.O. Box 1, Wantagh, New York 11793 to use Town of Hempstead Parking Fields WA-1 and WA-3, Wantagh, New York for the purpose of holding the Festival on May 1, 2022 (Raindate May 15, 2022) is hereby ratified and confirmed.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item #

9

Case #

20915

CASE NO.:

RESOLUTION NO.

ADOPTED:

offered the following resolution and moved  
its adoption:

RESOLUTION GRANTING THE APPLICATION OF BALDWIN  
AMERICAN LEGION POST #246 FOR A PARADE PERMIT FOR A  
PARADE TO BE HELD IN BALDWIN, NEW YORK, ON MAY 30,  
2022.

WHEREAS, Robert Hare of Baldwin, New York, Commander of Baldwin  
American Legion Post #246, 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  
Baldwin, New York, on May 30, 2022 from 9:30 AM to 11:05 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 application of Robert Hare, Commander of Baldwin  
American Legion Post #246, 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 # 10

Case # 25843

CASE NO.

RESOLUTION NO.

ADOPTED:

offered the following resolution and moved  
its adoption:

RESOLUTION GRANTING THE APPLICATION OF VFW 2718 FOR  
A PARADE PERMIT FOR A PARADE TO BE HELD IN FRANKLIN  
SQUARE, NEW YORK, ON MAY 30, 2022.

WHEREAS, John McManamy of Franklin Square, New York, Parade  
Chairman for VFW 2718, 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 Franklin  
Square, New York, on May 30, 2022 from 10:00 AM to 12:00 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 application of John McManamy, Parade Chairman  
for VFW 2718, 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 # 10

Case # 25843

CASE NO.

RESOLUTION NO.

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 29, 2022.

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 29, 2022 from 12:00 PM to 1:00 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 application of Frank Santora, Commander of 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 # 10

Case # 25843

CASE NO

RESOLUTION NO.

ADOPTED:

offered the following resolution and moved  
its adoption:

RESOLUTION GRANTING THE APPLICATION OF THE  
UNIONDALE FIRE DEPARTMENT FOR A PARADE PERMIT FOR A  
PARADE TO BE HELD IN UNIONDALE, NEW YORK, ON MAY 30,  
2022.

WHEREAS, Stephen Doherty of Uniondale, New York, Parade Chairman  
for The Uniondale Fire Department, 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 Uniondale, New York, on May 30, 2022 from 10:00 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 application of Stephen Doherty, Parade Chairman  
for The Uniondale Fire Department, 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 #

10

Case #

25843

CASE NO.

RESOLUTION NO.

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 23, 2022.

WHEREAS, Jeff Deluca of Westbury, New York, Safety Officer for  
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 23, 2022 from 9:00 AM to 11:30 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 GRANTING of the aforesaid application of Jeff  
Deluca, Safety Officer for 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 #

10

25843



Case No.

Resolution No.

Adopted:

Council(wo)man

moved the following resolution's adoption:

**RESOLUTION AUTHORIZING THE TOWN  
ATTORNEY TO RETAIN TYSON &  
MENDES, LLP, AS OUTSIDE COUNSEL IN  
ARACENA V. TOWN OF HEMPSTEAD, ET  
AL.**

**WHEREAS**, pursuant to TBR No. 374-2019, the Town Attorney's Office retained Abrams Fensterman, LLP, 3 Dakota Drive, Suite 300, Lake Success, New York 11042, to defend the Town in Aracena v. Town of Hempstead, et al. (hereinafter "Services"); and,

**WHEREAS**, the attorneys at Abrams Fensterman, LLP, who provided the Services now work at Tyson & Mendes, LLP, 420 Lexington Avenue, Suite 2800, New York, New York, 10017; and,

**WHEREAS**, the Town Attorney's Office recommends this Board authorize the Town Attorney to retain Tyson & Mendes, LLP, so the same attorneys can continue to provide the Services;

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Town is authorized to retain Tyson & Mendes, LLP, for the Services, and the Town's rates for the Services shall be \$125.00 per hour for non-attorney services; \$250.00 per hour for attorney, non-trial services, \$1,000.00 per diem for trials; and be it further,

**RESOLVED**, the Town Attorney is authorized to execute any documents necessary to effectuate such retention, and the Comptroller shall pay any such fees related to the Services from the appropriate fees and expenses account.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item #

11

Case #

27490

CASE NO.

RESOLUTION NO.

ADOPTED:

offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING DECLARING EQUIPMENT USED FOR  
INFORMATION & TECHNOLOGY PURPOSES NO LONGER OF USE  
AND AUTHORIZING DISPOSITION THEREOF

WHEREAS, the Town has determined that certain equipment used for information & technology purposes can be declared no longer economically feasible for use by the Town; and

WHEREAS, said equipment no longer has value to the Town and can be disposed of in a manner most economically advantageous to the Town:

;and

WHEREAS, this Town Board deems it in the public interest that such equipment should be disposed of as indicated; and

NOW, THEREFORE, BE IT

RESOLVED, that the above described equipment be and is hereby determined to be no longer of use to the Town of Hempstead; and

BE IT Further

RESOLVED, that the Department of Purchasing be and is hereby authorized to dispose of said equipment in the most advantageous way and that the Town Comptroller be and is hereby authorized to deposit proceeds, if any, derived by such disposition in the appropriate Town funds.

The foregoing was adopted upon roll call as follows:

AYES: ( )

NOES: ( )

Item #

12

Case #

14301

CASE NO.

RESOLUTION NO.

Adopted:

offered the following resolution and moved its adoption:

**RESOLUTION AUTHORIZING THE RENEWAL OF AN  
AGREEMENT WITH COMPUTER INTEGRATED SERVICES LLC  
TO MAINTAIN NOVELL SOFTWARE UNDER NEW YORK STATE  
CONTRACT PM67351.**

**WHEREAS**, the Town of Hempstead (the "Town") had an agreement with Computer Integrated Services LLC ("CIS"), 561 7th Avenue, 13th Floor, New York, New York 11018, for the maintenance of Novell Software under New York State Contract PM67351 (the "Maintenance Agreement"); and

**WHEREAS**, the Maintenance Agreement will expire on April 1, 2022; and

**WHEREAS**, the Town requires the continued maintenance of the Novell Software (the "Services"); and

**WHEREAS**, the State of New York awarded a contract for the Services to CIS; 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 CIS 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 under New York State Contract PM67351 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 Computer Integrated Services LLC (CIS) 561 7<sup>th</sup> Avenue 13<sup>th</sup> Floor New York, NY 11018 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 \$82,419.39 (eighty two thousand four hundred and nineteen dollars and thirty nine cents)

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item #

13

Case #

14301

CASE NO.

RESOLUTION NO.

ADOPTED:

offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE PROPOSAL OF AIREACTOR, INC. FOR THE SERVICE AND MAINTENANCE OF AN ODOR CONTROL SYSTEM FOR THE DEPARTMENT OF SANITATION

WHEREAS, the Department of Sanitation operates and maintains an odor control system at the Oceanside Transfer Facility; and

WHEREAS, said system requires maintenance, chemical replacement, upgrades, changes and modifications from time to time; and

WHEREAS, said odor control system was developed and installed by Aireactor, Inc., 6110 Laurel Hill Boulevard, Woodside, New York 11377; and

WHEREAS, Aireactor, Inc. is uniquely qualified to perform such maintenance and upgrades as necessary and has submitted a proposal delineating the same; and

WHEREAS, the Commissioner of Sanitation has recommended that this proposal be accepted; and

WHEREAS, upon recommendation of the Commissioner of Sanitation, the Town Board deems it to be in the public interest to accept this proposal.

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner of Sanitation is authorized to accept the service proposal offered by Aireactor, Inc., 6110 Laurel Hill Boulevard, Woodside, New York 11377 for the period June 1, 2022 to May 31, 2024; and

BE IT FURTHER

RESOLVED, that the Comptroller is authorized and directed to pay the amount of Twelve Thousand Five Hundred and Eighty-Seven Dollars and Forty Cents (\$12,587.40) for the service year June 1, 2022 to May 31, 2023 and the amount of Twelve Thousand Five Hundred and Eighty-Seven Dollars and Forty Cents (\$12,587.40) for the service year June 1, 2023 to May 31, 2024 out of Refuse Disposal District Fees & Service Account #301-0006-03010-4151.

The foregoing was adopted upon roll call as follows:

AYES: ( )

NOES: ( )

\* \* \* \* \*

Item # 14

Case # 15654

ADOPTED:

offered the following resolution and moved its adoption:

RESOLUTION AWARDING PURCHASE CONTRACT #27-2022 FOR THE YEARLY REQUIREMENTS FOR: VETERINARY SERVICES FOR NIGERIAN GOAT HERD AND GUINEA HENS

WHEREAS, the Director of Purchasing, on behalf of the Commissioner of Sanitation, advertised for the Yearly Requirements For: Veterinary Services for Nigerian Goat Herd and Guinea Hens; and

WHEREAS, bids were received and opened on April 7, 2022 and the following was the sole bid received:

(A) Carl Juul-Nielsen DVM  
P.O. Box 90  
Jericho, N.Y. 11753

Veterinary Services covering the Levy Park & Preserve Nigerian Dwarf Goat Herd and the Guinea Hens. This Contract to cover annual shots and any emergency care required. All care to be administered by Veterinarian on site at: Levy Park & Preserve 1600 Merrick Road, Merrick, New York 11566

Group I

- A. Tetanus Shot \$15 each
- B. Rabies Shot \$25 each
- C. Regular Visit (flat rate) Monday thru Friday regular business hours. \$60 each
- D. Emergency Visit (flat rate) Monday thru Friday 7am until dusk. \$150 each
- E. Emergency Visit (flat rate) Saturday and Sunday 7am until dusk. \$150 each

Group II

- A. Treatment for bloat \$50
- B. Male Goat neutering \$100
- C. Trim feet \$60
- D. Dehorning \$150
- E. Suturing of minor lacerations \$150
- F. Antibiotic treatment (5 days) \$100
- G. Diagnostic ultrasound \$150
- H. Euthanasia \$150
- I. Nasal culture for respiratory issues \$125
- J. Bloodwork (CBC & Chem) \$120
- K. Lameness exam \$50
- L. Ophthalmic exam \$50

Item # 15

Case # 29734

M. Antibiotic eye ointment	\$20
N. X-Ray	\$50
O. Tranquilization	\$35
P. Physical Exam	\$75
Q. Banamine	\$20
R. CDT Vaccine	\$15
S. Deworm	\$15
T. Albon treatment	\$10
U. Radiographs	\$50
V. Local Anesthesia	\$35
W. Topical antibiotic	\$20
X. Banamine paste (oral)	\$40
Y. Fecal exam for parasites	\$20
Z. Azium IV	\$20
AA. Biopsy	\$75
BB. Catheter	\$75
CC. Cisplatin Treatment	\$75
DD. CD & T Vaccine	\$15
EE. Clean & Debride	\$50
FF. Cremation Fees	\$400
GG. Cyrosurgery (Perineum Cancer)	\$250
HH. Dexalite IV 500 cc	\$30
II. Dexalite IV 1000 cc	\$40
JJ. Emergency Farm Call	\$150
KK. Euthanasia & Lab Analysis	\$400
LL. General Anesthesia	\$100
MM. Partial Farm Call	\$15
NN. S & H Cream	\$35
OO. Skin Scraping	\$35
PP. Tetracycline	\$25
QQ. Thiamine	\$25
RR. Thiamine Dispensed (2)	\$50
SS. Triple Antibiotic Eye Ointment w/Dex.	\$30
TT. 5-Fu Cream	\$50

WHEREAS, it has been determined that the bid received by Carl Juul-Nielsen DVM, P.O. Box 90, Jericho, New York, 11753 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 for a period of three years; and

WHEREAS, the Commissioner of Sanitation recommends said contract be awarded; and

WHEREAS, upon recommendation of the Commissioner the Town Board deems it to be in the public interest to award this contract to Carl Juul-Nielsen, DVM; and

NOW, THEREFORE, BE IT

RESOLVED, that the Commissioner be and is hereby authorized to award Purchase Contract #27-2022 for the Yearly Requirements For: Veterinary Services for Nigerian Goat Herd and Guinea Hens to Carl Juul-Nielsen DVM, P.O. Box 90, Jericho, New York, 11753; and

BE IT FURTHER

RESOLVED, that all monies expended in connection with this contract shall be a charge against and paid out of the Refuse Disposal District Fees and Services Account #301-0006-03010-4151.

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 AUTHORIZING PAYMENT TO AUDIO VIDEO GROUP INC. WITH  
RESPECT TO THE TOWN'S RENTAL OF FOUR (4) MOBILE LED TRAILER VIDEO  
WALLS**

WHEREAS, the Town of Hempstead requested its Department of Parks and Recreation ("Department") to arrange for the rental of one (1) 17 X10 and one (1) 23x13 Mobile LED Trailer in conjunction with the Town's Salute to Veterans Event and two (2) 17x10 LED Mobile Trailer for the Labor Day Event (collectively, the "Events"); and

WHEREAS, the Department's research identified only three (3) regional companies that rent the type of technically sophisticated large screen LED Mobile Trailers sought by the Department for use at the Events; and

WHEREAS, the Department's research further revealed that two (2) of these companies have a significantly higher fee schedule than those referenced herein by the company identified immediately below; and

WHEREAS, in conjunction with the upcoming Events, Audio Video Group Inc. with offices in Valley Stream, N.Y., has submitted Invoice# 9103 and Invoice# 9104 for the rental of its (1) 23x13 Mobile LED Trailer and two (2) 17x10 LED mobile trailer for a total rental fee of \$23,500.00; and

WHEREAS, the Commissioner of the Department of Parks and Recreation recommends to this Town Board that it authorizes payment of Invoice# 9103 and Invoice# 9104 submitted by Audio Video Group Inc. in conjunction with the Events; and

WHEREAS, this Town Board finds that it would be in the Town's best interest to authorize payment for the aforementioned invoices from Audio Video Group Inc.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes payment respectfully for Invoice# 9103 and Invoice# 9104 submitted by Audio Video Group Inc. for the Town's rental of one (1) 17 X10 and one (1) 23x13 Mobile LED Trailer in conjunction with the Town's Salute to Veterans Event and two (2) 17x10 LED Mobile Trailer for the Labor Day Event for the total rental fee of \$23,500.00; and

BE IT FURTHER

RESOLVED, that the Town Comptroller be and is hereby authorized to make associated payments to Audio Video Group Inc., 103 E. Hawthorne Avenue, Valley Stream, N.Y. 11580 from Parks and Recreation Code 400-0007-71100-4130 Rental of Equipment

The foregoing resolution was adopted upon roll call as follows:

AYES: ( )

NOES: ( )

Item # 16

Case # 6874



Case No.

Resolution No.

offered the following resolution and moved for its adoption as follows:

**RESOLUTION RESCINDING RESOLUTION NO. 311-2008  
IN CONJUNCTION WITH ESTABLISHING NEW PARKING FEES FOR NON-CABANA  
HOLDERS AT TOWN PARK MALIBU**

**WHEREAS**, this Town Board adopted Resolution No. 311-2008 on March 4, 2008; and

**WHEREAS**, in its establishment of certain vehicle parking fees said Resolution No. 311-2008 did not state with sufficient specificity that such parking fees applied to non-cabana holders at Town Park Malibu; and

**WHEREAS**, the Commissioner of the Department of Parks and Recreation respectfully recommends that certain parking fees be established for non-cabana holders at Town Park Malibu and this Town Board deems that said recommended vehicle parking fees are reasonable and in the public interest;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Town Board Resolution No. 311-2008 be and the same is hereby rescinded in its entirety; and

**BE IT FURTHER**

**RESOLVED**, that the following parking fees for non-cabana holders at Town Park Malibu be and the same are hereby established:

VEHICLE ENTRANCE FEES:

Daily Town of Hempstead Resident:	\$10.00
Daily Non-Town of Hempstead Resident:	\$50.00

The foregoing resolution was adopted upon roll call as follows:

AYES: ( )

NOES: ( )

Item # 17

Case # 28598

cccCASE NO:

RESOLUTION NO:

Adopted:

**RESOLUTION AUTHORIZING REIMBURSEMENT OF FEES TO DEPUTY COMMISSIONER, NASRIN AHMAD FOR APPOINTMENT AS NOTARY PUBLIC**

**WHEREAS**, it is appropriate that the Commissioner of the Department of Parks and Recreation ("Department") have available at all times the services of a person who is a certified notary public in light of the frequent number of legal documents and contracts related to the Department that require notarization; and

**WHEREAS**, the Commissioner of the Department recommends to this Town Board that Nasrin Ahmad, Deputy Commissioner for the Department, become commissioned and certified as a notary public in order to enhance the efficiency of the Department; and

**WHEREAS**, it is deemed appropriate and in the interest of Department efficiency to have Deputy Commissioner Nasrin Ahmad of the Department become commissioned and certified as a notary public.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Nasrin Ahmad, Deputy Commissioner for the Department is authorized to apply for appointment and certification as a notary public and that she be reimbursed for the actual and necessary fees in connection therewith, not to exceed an amount of \$60.00, such reimbursement to be made from and charged to Fees and Services Account No. 400-007-7110-4151.

The foregoing resolution was adopted upon roll call as follows:

AYES: ( )

NOES: ( )

Item # 18  
Case # 26726

CASE NO.

RESOLUTION NO.

Adopted:

Offered the following resolution

And moved its adoption:

RESOLUTION AUTHORIZING THE AWARD OF A BID TO G.C. ENVIRONMENTAL, INC. FOR UST/AST SYSTEM COMPONENT TESTING VARIOUS TOWN FACILITIES, TOWN OF HEMPSTEAD, NASSAU COUNTY, NEW YORK PW #54-21.

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 #54-21 (the "Project"); and

WHEREAS, the following bids were received and opened in the Commissioner's office on March 10, 2022:

G.C. Environmental, Inc.  
22 Oak Street  
Bay Shore, New York 11706      \$135,905.00/three years

AARCO Environmental Services  
50 Gear Avenue  
Lindenhurst, New York 11757      \$136,450.00/three years

Aventura Construction Corp.  
1101 Waverly Avenue  
Holtsville, New York 11742      \$136,710.00/three years

and;

WHEREAS, after review of the bids, the Commissioner has recommended that the contract for the project be awarded to G.C. Environmental, Inc., 22 Oak Street, Bay Shore, New York 11706 (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 \$135,905.00 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 # 19

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 \$135,905.00 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 \$135,905.00 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 AMENDING RESOLUTION NO 490-2018 AUTHORIZING THE EMPLOYMENT OF NELSON & POPE ENGINEERS AND LAND SURVEYOR, PLLC FOR CONSULTING SERVICES PERTINENT TO BELLMORE MERRICK/SEAFORD/WANTAGH AND OCEANSIDE DRAINAGE IMPROVEMENTS: CHECK VALVES, TOWN OF HEMPSTEAD, NASSAU COUNTY, NEW YORK

WHEREAS, pursuant to Resolution 490-2018, duly adopted by the Town Board on April 10, 2018 the Town entered into an agreement (the "Original Agreement") with Nelson & Pope Engineers and Land Surveyor, PLLC for Consulting Services Pertinent to Bellmore/Merrick/Seaford/Wantagh and Oceanside Drainage Improvements: Check Valves with funding delivered through the New York Rising Community Reconstruction Program (NYRCR) within the New York State Governor's Office of Storm Recovery (GOSR) in the amount of \$265,160.00 (the "Contract Amount"); 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 funding for the cost of additional construction inspection and office support services (the "Additional Services"); and

WHEREAS, the Additional Services necessitate an increase in the Contract Amount under the Original Agreement by \$221,500.00 for a total not to exceed the cost of \$486,660.00 (the "Amendment"); and

WHEREAS, the additional funds required for the increase in funding are available through the GOSR NYRCR program; and

WHEREAS, the Commissioner has recommended that the Town Board authorize 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 cost not to exceed \$486,660.00 with payments to be made from GOSR Contingency Fund listed for 2019 Capital Highway Improvement Program 9571-503-9571-5010.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 20  
Case # 16530

Adopted:

offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING ACCEPTANCE OF BID NO. 5-2022 (PKADM03424), CONSISTING OF A PURCHASE ORDER FOR THE RENTAL OF TENTS FOR THE 2022 CAMP ANCHOR SUMMER SEASON

WHEREAS, the Department of Purchasing, on behalf of the Department of Parks and Recreation, advertised for bids for rental of tents for the 2022 Camp ANCHOR summer season; and

WHEREAS, the following three (3) bids were received in response to the advertisement for bids and were referred to the Department of Parks and Recreation for examination and report:

NY Tent, LLC  
1401 Lakeland Avenue  
Bohemia, N.Y. 11716

A. HOME ECONOMICS PROJECT

- 2 each- 20' x 30' Navi-Trac Lite Tent White  
\$4,145.75 each \$8,291.50 total
- 1 each- 10' x 40' Gable End Navi Lite White 15-10-15  
\$2,369.00 each \$2,369.00 total
- 1 each- 30' x 40' Navi-Trac Lite Tent White  
\$7,200.00 each \$7,200.00 total

B. POOL TENTS

- 1 each- Tentnology 10 x 10 High Peak Frame -- 8' Legs  
\$1,500.00 each \$1,500.00 total
- 1 each- Tentnology 10 x 20 High Peak Frame (Single Peak) -- 8' Legs  
\$2,369.00 each \$2,369.00 total

C. ARTS AND CRAFTS

- 4 each- 20' x 20' Navi-Trac Lite Tent White  
\$2,842.00 each \$11,368.00 total

D. JR. TENT SANDBOX

- 1 each- 15' X 25' Gable End Navi-Trac Lite White (1) 15' (1) 10'  
\$2,605.00 each \$2,605.00 total

E. BASEBALL FIELD

- 2 each- Tentnology 10' x 10' High Peak Frame- 8' Legs  
\$1,500.00 each \$3,000.00 total

F. HORSE CAMP

- 1 each- 30' x 30' Navi-Trac Lite Tent White  
\$5,685.00 each \$5,685.00 total

G. JR. CAMP- BLUE AND WHITE

- 1 each- Custom Turn 25 x 410 Blue & White Striped Pole Tent  
\$80,360.00 each \$80,360.00 total

H. SR. CAMP- YELLOW AND WHITE

- 1 each - Custom Turn 25 x 540 Yellow & White Striped Pole Tent  
\$105,840.00 each \$105,840.00 total

I. CAMP CONNECTION

- 1 each- 25' X 25' Navi-Trac Lite Tent White  
\$5,330.25 each \$5,330.25 total
- 5 each- 8' x 20' Lido Striped Sidewall (8' Eve)  
\$0.00 \$0.00 (Included with rental)

Item # 21  
Case # 16531

Tents For Rent LLC  
110 Wood Corner Road  
Lilith, P.A.17543

A. HOME ECONOMICS PROJECT

2 each-	20' x 30' Navi-Trac Lite Tent White		
	\$1,968.75 each	\$3,937.50 total	
1 each-	10' x 40' Gable End Navi Lite White 15-10-15		
	\$2,345.00 each	\$2,345.00 total	
1 each-	30' x 40' Navi-Trac Lite Tent White		
	\$3,125.00 each	\$3,125.00 total	

B. POOL TENTS

1 each-	Tentnology 10 x 10 High Peak Frame – 8' Legs		
	\$775.00 each	\$775.00 total	
1 each-	Tentnology 10 x 20 High Peak Frame (Single Peak) – 8' Legs		
	\$1,292.50 each	\$1,292.50 total	

C. ARTS AND CRAFTS

4 each-	20' x 20' Navi-Trac Lite Tent White		
	\$1,532.50 each	\$6,130.00 total	

D. JR. TENT SANDBOX

1 each-	15' X 25' Gable End Navi-Trac Lite White (1) 15' (1) 10'		
	Sub: 20 x 20		
	\$1,532.50 each	\$1,532.50 total	

E. BASEBALL FIELD

2 each-	Tentnology 10' x 10' High Peak Frame- 8' Legs		
	\$775.00 each	\$1,550.00 total	

F. HORSE CAMP

1 each-	30' x 30' Navi-Trac Lite Tent White		
	\$2,370.00 each	\$2,370.00 total	

G. JR. CAMP- BLUE AND WHITE

1 each-	Custom Turn 25 x 410 Blue & White Striped Pole Tent		
	Sub: 80 x 130 White		
	\$33,631.25 each	\$33,631.25 total	

H. SR. CAMP- YELLOW AND WHITE

1 each-	Custom Turn 25 x 540 Yellow & White Striped Pole Tent		
	Sub: 80 x 160 white		
	\$41,381.25 each	\$41,381.25 total	

I. CAMP CONNECTION

1 each-	25' X 25' Navi-Trac Lite Tent White		
	Sub: 20 x 30		
	\$1,968.75 each	\$1,968.75 total	
5 each-	8' x 20' Lido Striped Sidewall (8' Eve)		
	\$56.25 each	\$281.25 total	

J. Travel Fee: \$04,985.00

Picture Perfect Investment Properties, LLC.  
1415 Highway 85 N Suite 310-213  
Fayetteville, GA 30214

A. HOME ECONOMICS PROJECT

2 each-	20' x 30' Navi-Trac Lite Tent White		
	\$11,266.39 each	\$22,532.78 total	
1 each-	10' x 40' Gable End Navi Lite White 15-10-15		
	\$15,602.78 each	\$15,602.78 total	
1 each-	30' x 40' Navi-Trac Lite Tent White		
	\$18,602.78 each	\$18,602.78 total	

B. POOL TENTS

1 each-	Tentnology 10 x 10 High Peak Frame – 8' Legs		
	\$11,352.78 each	\$11,352.78 total	
1 each-	Tentnology 10 x 20 High Peak Frame (Single Peak) – 8' Legs		
	\$11,602.78 each	\$11,602.78 total	

C. ARTS AND CRAFTS

4 each-	20' x 20' Navi-Trac Lite Tent White		
	\$8,853.19 each	\$35,412.76 total	

D. JR. TENT SANDBOX

1 each-	15' X 25' Gable End Navi-Trac Lite White (1) 15' (1) 10'		
	\$13,852.78 each	\$13,852.78 total	

E. BASEBALL FIELD

2 each-	Tentnology 10' x 10' High Peak Frame- 8' Legs		
	\$8,526.39 each	\$17,052.78 total	

F. HORSE CAMP

1 each-	30' x 30' Navi-Trac Lite Tent White		
	\$15,602.78 each	\$15,602.78 total	

G. JR. CAMP- BLUE AND WHITE

1 each-	Custom Turn 25 x 410 Blue & White Striped Pole Tent		
	\$156,602.78 each	\$156,602.78 total	

H. SR. CAMP- YELLOW AND WHITE

1 each -	Custom Turn 25 x 540 Yellow & White Striped Pole Tent		
	\$54,602.78 each	\$54,602.78 total	

I. CAMP CONNECTION

1 each-	25' X 25' Navi-Trac Lite Tent White		
	\$15,602.78 each	\$15,602.78 total	
5 each-8' x 20'	Lido Striped Sidewall (8' Eve)		
	\$7,080.56 each	\$35,402.80 total	

and;

WHEREAS, following submission of the above referenced bids, the lowest bidders, Tents for Rent, LLC., confirmed in writing, that its tents failed to meet the Town's bidding criteria in that: (i) its tents would not be able to cover the specified foot prints of the Camp ANCHOR grounds; and (ii) it could not provide two specified stripe covered tents (which are necessary for the purpose of landmark identification by the Camp ANCHOR participants); and

WHEREAS, following careful analysis of each of the three (3) bids, the Commissioner of the Department of Parks and Recreation hereby respectfully recommends: (i) acceptance of the bid submitted by NY Tent, LLC, 1401 Lakeland Avenue, Bohemia, N.Y. 11716, as being the lowest, responsible bidder, most closely meeting the Town's bidding criteria and appearing to be duly qualified; and (ii) authorization be granted to the Town Comptroller to make rental payment to NY Tent LLC in connection with the associated purchase order.

WHEREAS, this Town Board finds it in the best interest of the Town to accept the aforementioned bid of NY Tent, LLC.

NOW, THEREFORE, BE IT

RESOLVED, that the bid submitted by NY Tent, LLC, be and hereby is accepted and approved; and

BE IT FURTHER



RESOLVED, that the Town Comptroller be and is hereby authorized to make associated rental payments to NY Tent, LLC, 1401 Lakeland Avenue, Bohemia, N.Y. 11716, from Parks and Recreation Code 400-0007-71100-4130.

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 THE ACCEPTANCE OF A REIMBURSEMENT CHECK FROM THE ANCHOR PROGRAM FUND, INC. RELATIVE TO ON-LINE ANCHOR REGISTRATION PAYMENTS**

**WHEREAS**, the Anchor Program Fund, Inc. ("the Organization") is a charitable, nonprofit organization that was established to accept and use donations to maintain and further support programs, fund special activities and events, as well as the necessary supplies and equipment for individuals with special needs and physical disabilities participating under the Town of Hempstead's ANCHOR Program (Answering the Needs of Citizens with Handicaps through Organized Recreation); and

**WHEREAS**, the Organization entered into a certain "Payment Processing Terms" Agreement with DocNetwork, Inc., ("CampDoc") dated January 25, 2021 (the "PPT Agreement") a provider of computerized online registration and payment systems to facilitate the efficient registration of ANCHOR participants; and

**WHEREAS**, Resolution #1072-2021, was adopted by this Town Board on September 9, 2021, permitting ANCHOR Program registrations and related payments to take place on the CampDoc website with the specific understanding that all associated Registration Credit Card Fees will be promptly reimbursed to the Town by the Organization; and

**WHEREAS**, due to certain technical limitations of the CampDoc system that are beyond the control of the Town and the Organization, the Parties entered into an agreement as of November 16, 2021 to memorialize the arrangements between the Town and the Organization with respect to the payment of ANCHOR program registration fees processed via the CampDoc System (the "Program Registration Fees") to the Town including, without limitation, the prompt submission of Program Registration Fees to the Town (the "Agreement"); and

**WHEREAS**, pursuant to Resolution #1502-2021 duly adopted by this Town Board on December 7, 2021, the aforementioned Agreement was ratified and affirmed; and

**WHEREAS**, pursuant to the Agreement, the Organization recently delivered to the Department of Parks & Recreation, its Program Registration Fee Reimbursement Check #1001 in the amount of \$79,885.00 dated April 13, 2022 (a copy of which is annexed hereto) (the "Registration Fee Reimbursement Check"); and

**WHEREAS**, the Commissioner of the Department of Parks & Recreation hereby respectfully recommends that said Registration Fee Reimbursement Check be accepted by the Town; and

**WHEREAS**, this Town Board finds that it is in the best interest of the Town to accept said Registration Fee Reimbursement Check.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Town of Hempstead hereby agrees to accept the aforementioned Registration Fee Reimbursement Check from the Anchor Program Fund; and

**BE IT FURTHER**

**RESOLVED**, that the Town Comptroller be and hereby is authorized to deposit said Registration Fee Reimbursement Check into Revenue Account #010-007-7110-2025.

The foregoing resolution was adopted upon roll call as follows:

AYES: ( )

NOES: ( )

Item # 22

# 16531

CASE NO.

RESOLUTION NO.

Adopted:

offered the following resolution and moved its adoption:

**RESOLUTION APPROVING A CONTRACT  
WITH CHABAD OF WEST HEMPSTEAD, INC.,  
AND AUTHORIZING A GRANT FOR YOUTH SERVICES.**

**WHEREAS**, the Town of Hempstead (hereinafter the "Town") has entered into a comprehensive agreement with NYS Office of Children and Family Services (OCFS), for a grant to support the Town grants made to organizations which have been qualified by the Division for Youth, and whose application has been authorized by the Town Board under Resolution No. 1512-2021, adopted December 7, 2021; and

**WHEREAS, CHABAD OF WEST HEMPSTEAD, INC.**, having its principal office at 411 Hempstead Turnpike, Suite L1, West Hempstead, New York, is one such organization qualified under the provisions of the Division for Youth, Youth Development/Delinquency Prevention Program, and said organization now makes application to the Town of Hempstead for a grant for youth services to be provided for a term commencing January 1, 2020 and terminating December 31, 2020; and

**WHEREAS**, this Town Board deems it to be in the public interest to approve said application made to the Town of Hempstead;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Commissioner of The Department of Planning and Economics Department is hereby authorized to execute a contract between the Town of Hempstead and CHABAD OF WEST HEMPSTEAD, INC., for the provision of youth services, upon such terms, conditions and stipulations as the Commissioner may deem fit and proper, for the term commencing January 1, 2020 and terminating December 31, 2020; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby directs payment to the CHABAD OF WEST HEMPSTEAD, INC., in the sum of EIGHT THOUSAND FOUR HUNDRED EIGHTY ONE and 00/100 (\$8,481.00) DOLLARS to be made on the presentation of a claim for actual expenditures incurred, accompanied by substantive data that will support such expenditures. Such payment to be charged against the Town of Hempstead Account No. 030-006-8020-4740/Youth Guidance; and

**BE IT FURTHER RESOLVED** that the Town Board authorizes and directs the Comptroller to pay costs in accordance with this contract not to exceed EIGHT THOUSAND FOUR HUNDRED EIGHTY ONE and 00/100 (\$8,481.00) DOLLARS from the appropriate Town of Hempstead Account.

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 A CONTRACT WITH BIG BROTHERS BIG SISTERS OF LONG ISLAND, INC., AUTHORIZING A GRANT FOR YOUTH SERVICES.**

**WHEREAS**, the Town of Hempstead (hereinafter the "Town") has entered into a comprehensive agreement with Nassau County through the NYS Office of Children and Family Services (OCFS), for a grant to support the Town grants made to organizations which have been qualified by the Division for Youth, and whose application has been authorized by the Town Board under Resolution No. 1512-2021, adopted December 7, 2021; and

**WHEREAS**, the BIG BROTHERS BIG SISTERS OF LONG ISLAND, INC. having its principal office at 70 Acorn Lane, Levittown, NY 11756, is one such organization qualified under the provisions of the Division for Youth, Youth Development/Delinquency Prevention Program, and said organization now makes application to the Town of Hempstead for a grant for youth services to be provided for a term commencing January 1, 2020 and terminating December 31, 2020; and

**WHEREAS**, this Town Board deems it to be in the public interest to approve said application made to the Town of Hempstead;

**NOW, THEREFORE, BE IT**

**RESOLVED** that the Commissioner of DPED is hereby authorized to execute a contract between the Town of Hempstead and BIG BROTHERS BIG SISTERS OF LONG ISLAND, INC., for the provision of youth services, upon such terms, conditions and stipulations as the Supervisor may deem fit and proper, for the term commencing January 1, 2020 and terminating December 31, 2020; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby directs payment to the BIG BROTHERS BIG SISTERS OF LONG ISLAND, INC., the sum of TEN THOUSAND SIX HUNDRED THREE and 00/100 (\$10,603.00) DOLLARS to be made on the presentation of a claim for actual expenditures incurred, accompanied by substantive data that will support such expenditures. Such payment to be charged against the Town of Hempstead Account No. 030-006-8020-4740/Youth Guidance; and

**BE IT FURTHER RESOLVED**, that the Town Board authorizes and directs the Comptroller to pay costs in accordance with this contract not to exceed TEN THOUSAND SIX HUNDRED THREE and 00/100 (\$10,603.00) DOLLARS from the appropriate Town of Hempstead Account.

The foregoing resolution was adopted upon roll call as follows:

AYES: ( )  
NOES: ( )

CASE No.

RESOLUTION NO.

Adopted:

Councilmember offered the following resolution and moved its adoption:

RESOLUTION AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS RELATIVE TO GRANT CONTRACTS FOR AWARDS FROM NEW YORK STATE DEPARTMENT OF STATE, OFFICE OF PLANNING AND DEVELOPMENT REGARDING ALL MATTERS RELATING TO THE ASSISTANCE OFFERED IN THE LONG ISLAND SOUTH SHORE ESTUARY RESERVE LOCAL ASSISTANCE GRANTS AWARDED UNDER RFA #16-LWRP-17.

WHEREAS, grant funding from the New York State Department of State ("NYSDOS") Long Island South Shore Estuary Reserve ("SSER") Local Assistance Grant ("LAG") was awarded under NYS DOS RFA #16-LWRP-17 and accepted by the Town of Hempstead through Resolution No. 941-2018; and

WHEREAS, it is the opinion of the Commissioner of Conservation & Waterways that such grant funding is in the best interest of the Town and its residents because the grant funding will facilitate better knowledge and understanding of the Hempstead Bay estuary within the SSER; and

WHEREAS, in order to receive grant funding, documents including, without limitation, a grant application, grant agreement, grant agreement modifications, grant agreement extensions, procurement and budget plans, and procurement and budget forms must be executed by various Town employees; and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby finds that the completion of NYSDOS SSER LAG funding is a worthwhile endeavor that is in the best interest of the Town and its residents

and, BE IT FURTHER

RESOLVED, that the Commissioner of Conservation & Waterways, the Town Attorney Town Supervisor, Town Clerk, and the Town Comptroller are hereby authorized to execute any document necessary to receive New York State Department of State Long Island South Shore Estuary Reserve Local Assistance Grant funding.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NAYS:

Item # 25

Case # 27855

CASE NO.

RESOLUTION NO.

ADOPTED:

offered the following resolution and moved its adoption:

RESOLUTION AMENDING RESOLUTION #1318-2021 WHICH AWARDED PURCHASE CONTRACT #77A-2021 FOR THE YEARLY REQUIREMENTS FOR: ACCEPT DELIVERY OF RECYCLABLES AT VENDOR'S FACILITY AND/OR PICK UP OF RECYCLABLES FROM THE DEPARTMENT OF SANITATION'S TRANSFER FACILITIES

WHEREAS, on October 5, 2021 pursuant to Resolution #1318-2021 this Town Board did award Purchase Contract #77A-2021 for the Yearly Requirements for: Accept Delivery of Recyclables At Vendor's Facility and/or Pick Up of Recyclables From the Department of Sanitation's Facilities; and

WHEREAS, Option 4, Accept Delivery of Single Stream (with glass and without glass) at Proposer's Facility was not awarded, however, it became necessary for the Department to be able to deliver Single Stream directly to the Vendor and therefore, the Department negotiated with the sole bidder for Single Stream, Winters Bros. Hauling of Long Island, LLC, to accept Single Stream directly from the Department's route trucks at the same cost as Option 8 which is \$134.00 per ton with glass and \$124.00 per ton without glass; and

WHEREAS, Resolution #1318-2021 needs to be corrected in the recitation of the bid results of Giove Recycling Industries LLC at Option #7 in the paragraph marked with \*\*. It should read as follows:

Option 7. (Pay) \$30.00 per ton\*\*  
\*\*However, should the monthly yellow PPI (pulp & paper) drop below \$30 per ton the Town will continue to receive \$30 per ton. If the floor price goes above \$30 per ton the Town will receive 46% of the increased amount; not

Option 7. (Pay) \$30.00 per ton\*\*  
\*\*However, should the monthly yellow PPI (pulp & paper) drop below \$30 per ton the Town will continue to receive \$30 per ton. If the floor price goes above \$30 per ton the Town will receive \$6% of the increased amount.

NOW, THEREFORE, BE IT

RESOLVED, that Option 4 be awarded to Winters Bros. Hauling of Long Island, LLC; and

BE IT FURTHER

RESOLVED, that the aforesaid correction be made to Option 7 of the bid of Giove Recycling Industries LLC; and

BE IT FURTHER

Item # 26

Case # 23041

RESOLVED, that actions of the parties since November 1, 2021 are hereby ratified and confirmed.

The foregoing was adopted upon roll call as follows:

AYES: ( )

NOES: ( )

\* \* \* \* \*

CASE NO.

RESOLUTION NO.

Adopted:

Councilmember

moved the following resolution's adoption:

**RESOLUTION PURSUANT TO NEW YORK STATE  
PRIVATE HOUSING FINANCE LAW §125 APPROVING  
AN APPLICATION TO THE COUNTY OF NASSAU FOR A  
TWENTY-FIVE (25) YEAR EXTENSION OF A TAX  
EXEMPTION FOR PROPERTY WITHIN THE "GOLDEN  
AGE" RESIDENCE DISTRICT (GA) KNOWN AS  
HARBOUR COVE AND OWNED BY THE HARBOUR  
COVE REDEVELOPMENT COMPANY OWNERS CORP.**

WHEREAS, the Harbour Cove Redevelopment Company Owners Corp. has been duly organized as a mutual redevelopment company pursuant to Article 5 of the Private Housing Finance Law (PHFL) for the purposes of acquiring and operating a senior citizen moderate income cooperative housing project generally located on the west side of Verity Street and the end of Webster Street, south of Atlantic Avenue, and abutting Atlantic Avenue to the north and Astor Place to the south, all being in Baldwin, New York, known as Harbour Cove, which site is currently designated on the Nassau County Land and Tax Map as Section 54, Block N, Lots 4336-4337; and

WHEREAS, on May 17, 1994 by Resolution No. 557-1994 this Town Board, after a public hearing, rezoned the Project Property to "Golden Age GA District" and pursuant to Resolution No. 600-1994 a Declaration of Restrictive Covenants was duly filed in the office of the Clerk of Nassau County at Deed Liber 10429 page 761 on May 26, 1994 which Declaration of Restrictive Covenants was supplemented by the Declaration of Restrictive Covenants dated December 1, 1995, which this Town Board accepted pursuant to Resolution No. 1318-1995, adopted December 12, 1995, and was duly filed in the Office of the Nassau County Clerk at Deed Liber 10614, page 242 on January 4, 1996; and

WHEREAS, pursuant to Resolution No. 1086-1996 adopted November 19, 1996, the Town Board approved the Project Plans and the Project Property's entitlement to the tax exemption as provided in PHFL § 125 for twenty-five (25) years, which Project Property is currently designated on the Nassau County Land and Tax Map as Section 54, Block N, Lots 4336-4337; and

Item # 27 Page 1 of 2

Case # 7893



WHEREAS, PHFL § 125.1(a) provides that said tax exemption may be extended for an additional twenty-five (25) years as set forth in PHFL § 125; and

WHEREAS, the Board of Harbour Cove will apply to the County of Nassau for said twenty-five (25) year extension; and

WHEREAS, the Town Board has determined that Harbour Cove is operating in accordance with Article 5 of the Public Housing Law and recommends that the application be granted and that the tax exemption be properly extended for the additional twenty-five (25) years as provided in PHFL § 125; and

WHEREAS, it is in the public interest that the extension of Harbour Cove's tax exemption be granted and that the Town of Hempstead declare its support for such application,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board authorizes and approves the application of the Harbour Cove Redevelopment Company Owners Corp. to Nassau County for the extension of the twenty-five (25) year tax exemption for Harbour Cove for an additional twenty-five (25) years under PHFL § 125; and it is further

RESOLVED, that the Town Comptroller is authorized to execute any papers and documentation required to formally extend the said tax exemption for said additional twenty-five (25) years; and it is further

RESOLVED, that the Supervisor be and is hereby authorized to approve the application for the extension of the twenty-five (25) year tax exemption and to notify the Assessor of the County of Nassau and such other officials of the County of Nassau as may be required of the Town's support to extend the twenty-five (25) year tax exemption in accordance with PHFL § 125 and to take such other action as is appropriate to formally extend the twenty-five (25) year exemption pursuant to PHFL § 125 for the Project Property.

The foregoing Resolution was seconded by \_\_\_\_\_ and adopted by the Town Board.

AYES:

NOES:

TAX EXEMPTION AGREEMENT

THIS AGREEMENT made the        day of  
1996, by and between the COUNTY of NASSAU, a municipal corporation of  
the State of New York (hereinafter called "County"), having its principal  
office at the County Executive Building, 1 West Street, Mineola, New York  
11501, and HARBOUR COVE RE-DEVELOPMENT COMPANY OWNERS  
CORP., a mutual redevelopment company organized pursuant to Article 5 of  
the Private Housing Finance Law of the State of New York, as amended  
(hereinafter called "COMPANY"), having its principal office at 5510 Merrick  
Road, Massapequa, New York 11758.

WITNESSETH:

WHEREAS, the Town of Hempstead (hereinafter called "TOWN") is  
desirous of causing the provision of additional low or moderate income  
housing for the elderly in the Town; and

WHEREAS, the COMPANY will acquire title to certain property  
generally located on the west side of Verity Avenue and the end of Webster  
Street, south of Atlantic Avenue and the end of Webster Street, south of  
Atlantic Avenue and abutting Atlantic Avenue on the northern border of the  
property and east of Grand Avenue and being bordered on the west side by the  
Barclay Condominium at Baldwin Harbour, in Baldwin in the Town (said  
property being hereinafter called "PROPERTY"), and being more fully  
described in Exhibit "A" attached hereto and made a part hereof) and will be or  
is engaged in a residential project thereon known as Harbour Cove Golden Age  
Senior Housing Cooperative Project (hereinafter called "HOUSING  
PROJECT"); and

WHEREAS, in order for the HOUSING PROJECT to be feasible, the  
COMPANY has applied to the Nassau County Legislature (hereinafter called  
"LEGISLATURE") for an exemption from all County, Town, Special District,  
and School District taxes and any and all other local and municipal taxes other  
than assessments for local improvements on one hundred percent (100 %) of  
the value of the PROPERTY (including improvements thereon) included in the

HOUSING PROJECT which represents an increase over the assessed valuation of the PROPERTY, both land and improvements, acquired for the Housing Project at the time of its acquisition by the COMPANY, pursuant to Section 125 of Article 5 of the Private Housing Finance Law of the State of New York, as amended, upon the terms and conditions provide herein and

WHEREAS, the COUNTY acts on behalf of itself, the TOWN, Special Districts and the School District in assessing real property for the purposes of taxation within the meaning of and in accordance with Section 125.1© of Article 5 of the Private Housing Law of the State of New York, as amended;

WHEREAS, the project consists of 60 units; 44 two bedroom units and 16 two bedroom units convertible from a den. All units are priced at \$99,500.00. The form of ownership is a cooperative and each of the individuals purchasing own 10 shares of the co-operative to wit: Harbour Cove Re-Development Company Owners Corp. Each share holder is given a proprietary lease to his unit and pays common charges for his unit in the amount of \$212.34. The "COMPANY" then pays all expenses on the property including estimated taxes which amount to ~~\$100.50~~ per unit. If the <sup>per month</sup> individual unit owners do not pay the common charges then the "COMPANY" is responsible for same.

NOW, THEREFORE, IT IS MUTUALLY AGREED BY AND BETWEEN THE PARTIES HERETO, AS FOLLOWS:

1. The COUNTY hereby grants to the COMPANY or any successor or transferee redevelopment company an exemption from all County, Town, Special District, and School District taxes and assessments for local and municipal taxes, other than assessments for local improvements, of one hundred (100%) percent of the value of the property (including the improvements thereon) included in the Housing Project which represents an increase over the assessed valuation of the PROPERTY, both land and improvements, acquired for the HOUSING PROJECT at the time of its acquisition by the COMPANY, such tax exemption to operate for a period of twenty-five (25) years, commencing from the date on which the benefits of such exemption first became available and effective (i.e. the next taxable status date of January 2, 1997), which shall be effective for the 1997-1998 School Tax Year and the 1998 General Tax Year.

2. So long as the exemption provided for hereunder shall continue in force and effect, the COMPANY shall pay to the Comptroller of the TOWN, for the benefit of the COUNTY, the TOWN, Special Districts and the School Districts, taxes for the PROPERTY, the amount of which shall be determined and fixed solely on the basis of the County assessed valuation of the PROPERTY, both land and improvements, at the time of its acquisition by the COMPANY.

3. It is understood and agreed that the present assessed valuation of the PROPERTY, both land and improvements, is as follows: Section 54, Block N, Lot 4338 - \$80,370.00. Therefore, an increase in the assessed valuation of the PROPERTY, both land and improvements, over ~~\$80,370.00~~ shall be 1997 - 7680 exempt from County, Town, Special District, and School District taxes and any and all other local and municipal taxes for a period of twenty five (25) years commencing January 2, 1997, and the COMPANY shall pay taxes as provided in Section 2 hereof solely on the basis of the \$80,370.00 assessment during such twenty five (25) year period; provided, that the COMPANY acquires title to the PROPERTY on or before December 31, 1996, and its Project Plan has been completely approved pursuant to Article 5 of the Private Housing Finance Law of the State of New York, as amended, on or before December 31, 1996. It is understood and agreed that tax payments in subsequent years shall use the final fixed assessed values for the entire project and shall be computed by applying whatever General and School tax rates may then be in effect to the already fixed and final assessed values.

4. In the event the individual unit owners fail to pay their common charges then in that event the "COMPANY" by signing below agrees to guarantee payments in the event the shareholders fail to pay common charges on their individual units.

FURTHERMORE, so long as the assessed valuation of the PROPERTY remains at the aggregate amount of \$80,370.00, the COMPANY and/or its successors and assigns, shall not protest, challenge or file a tax certiorari petition with respect to said assessed valuation. Neither the COMPANY on behalf of nor those to whom the apartments are sold shall file for Senior Citizen Exemptions or Veteran Exemptions for the duration of this Private Housing Finance Exemption.

IN WITNESS WHEREOF, the parties have executed this Agreement as  
of \_\_\_\_\_, 1996.

COUNTY OF NASSAU

By: \_\_\_\_\_  
County Executive

State of New York, County of \_\_\_\_\_ ss.:

On the \_\_\_\_\_ day of \_\_\_\_\_, 1996, before me personally came

to me known to be the individual described in and who executed the foregoing  
instrument, and acknowledged that executed the same.

Notary Public

HARBOUR COVE RE-DEVELOPMENT  
COMPANY OWNERS CORP.

By: Bernard Lauender V.P.

State of New York, County of Nassau ss.:

On the 29th day of October, 1996 before me personally  
came

Bernard Lauender

to me known, who, being by me duly sworn, did depose and say that he resides at  
No. 5510 Merrick Rd Massapequa, VA  
that he is the Vice President of the corporation described  
in and which executed the foregoing instrument; that he knows the seal of said  
corporation; that the seal affixed to said instrument is such corporate seal; that it was  
so affixed by order of the board of directors of said corporation, and that he signed  
his name thereto by like order

~~Notary Public~~

JAMES BRADFORD KINEALY  
NOTARY PUBLIC, State of New York  
No. 44229  
Qualified in Nassau County,  
New York April 30, 1992

APPROVED:  
DEPARTMENT OF ASSESSMENT

COMPTROLLER

By: \_\_\_\_\_

By: \_\_\_\_\_

Form Approved:

Form Prepared by:

Deputy County Attorney

Kenoaly & LaGroga, Esqs.  
553 Broadway  
Massapequa, New York 11758  
516 795 6000

Case No.

RESOLUTION NO.

Adopted:

offered the following resolution and moved its adoption as follows:

RESOLUTION AUTHORIZING ACCEPTANCE OF CONTRACT# 33-2022 FOR THE YEARLY REQUIREMENTS OF POOL MAINTENANCE THROUGHOUT 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 of pool maintenance; and

WHEREAS, the following two (2) bids were received in response to the advertisement for bids and were 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) Detailed Specs	All Equal, 25% from price list (Bel-Aqua Catalog 2022)
B) Labor Rates	
-Service Call – Regular Hourly Rate (M-F/7-5pm)	\$115.95/man hour
-Billing will be done in ½ hour increments after the initial hour	\$ 57.98/ ½ man hour
-Emergency Service Call (outside normal hours M-F/7-5pm)	\$173.93/ man hour

Cash Discount of 2% will be allowed for prompt payment within 20 business days

Aquatic Dynamics, Inc.  
5507-10 Nesconset Highway #280  
Mt. Sinai, N.Y. 11766

A) Detailed Specs	All Equal
B) Labor Rates	
-Service Call – Regular Hourly Rate (M-F/7-5pm)	\$410.00/man hour
-Billing will be done in ½ hour increments after the initial hour	\$215.00/ ½ man hour
-Emergency Service Call (outside normal hours M-F/7-5pm)	\$625.00/ man hour

Cash Discount of 1% will be allowed for prompt payment within 20 business days

and

WHEREAS, the Commissioner of the Department of Parks and Recreation respectfully recommends acceptance of the bid submitted by Filter Room Solutions, P.O. Box 228, Mineola, N.Y., 11501 as being the overall lowest bidder and being duly qualified; and

WHEREAS, this Town Board finds it in the best interest of the Town to accept aforementioned bid of Filter Room Solutions, Inc.

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

Item # 28  
Case # 29734

BE IT FURTHER

RESOLVED, that the Town Comptroller be and is hereby authorized to make associated payments to Filter Room Solutions, P.O. Box 228, Mineola, N.Y., 11501, from Parks and Recreation Code 400-0007-71100-4720 – Pool Maintenance.

AYES:

NOES





CASE NO.

RESOLUTION NO.

Adopted:

offered the following resolution and moved its adoption.

RESOLUTION AUTHORIZING ATTENDANCE OF TOWN EMPLOYEES AT THE SAFE KIDS WORLDWIDE STANDARDIZED CHILD PASSENGER SAFETY TECHNICIAN (CPST) CERTIFICATION AND RE-CERTIFICATION COURSES.

WHEREAS, Safe Kids Worldwide conducts Standardized Child Passenger Safety Technician (CPST) Certification and Re-certification Courses for child seat instruction and community seat checkup; and

WHEREAS, this Town Board deems it in the best interest of the Town of Hempstead and the government thereof to have employees certified and re-certified as Child Passenger Safety Technicians;

NOW, THEREFORE, BE IT

RESOLVED, that the attendance of employees of the Department of Public Safety and the Department of Parks and Recreation at the Safe Kids Worldwide Standardized Child Passenger Safety Technician (CPST) Certification and Re-certification Courses during the 2022 calendar year is hereby authorized; and BE IT FURTHER

RESOLVED, that their actual and necessary expenses for certification and re-certification of the Town technicians deemed appropriate by the Commissioner of the Department of Public Safety, in a total amount not to exceed \$600.00 per annum be paid to Safe Kids Worldwide, 1255 23<sup>rd</sup> Street N.W., Suite 400, Washington, DC, 20037, pursuant to the provisions of Section 77-b of the General Municipal Law of the State of New York, such expenses to be charged against and paid out of the appropriate Town department accounts.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 30  
13570  
Case # 11305



WHEREAS, the Town Board believes it is in the best interest of the public to repurpose the excess funding; and

NOW THEREFORE BE IT:

RESOLVED, that the excess funding that Recipient Entities will not and have not utilized will be repurposed and made available, as appropriate in due course, to cover unbudgeted necessary expenses incurred directly related to the COVID-19 pandemic by the Town and/or other eligible Recipient Entities to be determined, be it further:

RESOLVED, that the Comptroller shall make such funds available upon presentation to him of all documentation he may deem necessary to confirm the lawful and proper use of the funds, with invoices which sufficiently demonstrate that the funds were used for proper unbudgeted direct expenses incurred as a result of the COVID-19 public health emergency, be it further:

RESOLVED, that such documentation shall include an executed grant of funds agreement signed by a person in authority, acceptable to the Town Attorney, stating that they agree that in the event the Federal Government determines that the expenditure of the funds, or any part thereof, was in any manner improper and determines to demand the return of the funds, or any part thereof, the Recipient Entity shall be legally responsible for reimbursing the Town of the amount equal to the amount of funds obligated to be returned, and the Recipient Entity shall hold the Town harmless, be it further:

RESOLVED, that any legal impediment to the foregoing is hereby superseded and overridden, pursuant to the emergency declaration issued by the Supervisor on March 16, 2020,

and/or any other applicable law or declaration, which remains in effect, be it further:

RESOLVED, that all such funds shall be paid out of 010-0001-14200-4158.

The foregoing resolution was adopted upon roll call as follow:

AYES:

NOES:



CASE NO.

RESOLUTION NO.

Adopted:

Councilmember  
resolution's adoption:

moved the following

RESOLUTION REQUESTING LEGISLATION  
FOR "AN ACT TO AMEND THE VEHICLE AND  
TRAFFIC LAW, IN RELATION TO AUTHORIZING THE  
TOWN OF HEMPSTEAD, IN THE COUNTY OF NASSAU,  
TO ESTABLISH A SPEED LIMIT OF LESS THAN  
THIRTY MILES AN HOUR FOR CERTAIN HIGHWAYS  
WITHIN THE COMMUNITY OF EAST ATLANTIC  
BEACH"

WHEREAS, it is in the public interest that legislation  
hereinafter described be enacted;

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board, as the local  
legislative body of the Town of Hempstead, a local  
government, hereby requests the enactment by the  
Legislature of the State of New York of a bill introduced  
in the 2021-2022 Regular Sessions of the Legislature  
entitled, "AN ACT to amend the vehicle and traffic law, in  
relation to authorizing the town of Hempstead, in the  
county of Nassau, to establish a speed limit of less than  
thirty miles an hour for certain highways within the  
community of East Atlantic Beach", designated as Senate No.  
S6839 and Assembly No. A10063; and BE IT FURTHER

RESOLVED, that such request be filed in each House of  
the Legislature pursuant to the statutes and rules provided  
therefore.

The foregoing resolution was adopted upon roll call as  
follows:

AYES:

NOES:

Item #

33

Case #

10338

CASE NO.

RESOLUTION NO.

Adopted:

Councilmember

moved the following resolution's adoption:

RESOLUTION APPOINTING MEMBERS TO THE TOWN OF HEMPSTEAD  
TOWING ADVISORY COMMITTEE.

**WHEREAS**, Hempstead Town Code Chapter 183 established a Tow Advisory  
Committee and provides for *ex officio* members and appointees by the Town Board;

**NOW, THEREFORE, BE IT**

**RESOLVED**, in addition to the *ex officio* members, the following shall constitute  
the Tow Advisory Committee:

<u>Name</u>	<u>Affiliation</u>
Anthony P. D'Esposito, Councilmember	Town Board
Elizabeth Powers, Licensing Supervisor ( <i>Town Clerk's Designated Representative</i> )	Office of the Town Clerk
Richard Regina, Deputy Town Attorney ( <i>Town Attorney's Designated Representative</i> )	Office of the Town Attorney
Ronald Marciano	Burnside Collision
Joe Gemma	Gemma's Towing

AYES:

NOES:

Item # 34

Case # 30171

Resolution – Amending Resolution No. 82 – 2022 Re: Various offices positions & occupations in the Town Government of the Town of Hempstead

Item # 35

Case # 7



CASE NO. 30685

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. 35-2022, 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 24, 2022 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. 35-2022, 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 # 36

Case # 30685

**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 24<sup>th</sup> day of May, 2022, 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:

OCEANSIDE  
Section 202-13

NASSAU PARKWAY (TH 136/22) South Side -  
NO PARKING 7 AM TO 1 AM ON MONDAY -  
SUNDAY EXCEPT WITH PERMIT - starting at  
a point 40 feet west of the west  
curbline of Washington Avenue then west  
for a distance of 56 feet.

NASSAU PARKWAY (TH 136/22) South Side -  
15 MINUTE PARKING 6 AM TO 9 AM -  
starting at a point 28 feet east of the  
east curbline of Southard Avenue then  
east for a distance of 110 feet.

WOODMERE  
Section 202-17

STUART DRIVE (TH 157/22) West Side - NO  
PARKING 9 PM - 9 AM BETWEEN SIGNS -  
starting at a point 43 feet north of  
the north curbline of Peninsula  
Boulevard north for a distance of  
70 feet.

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

OCEANSIDE  
Section 202-13

NASSAU PARKWAY (TH 299/14) South Side -  
15 MINUTE PARKING 9 AM - 3 PM EXCEPT  
SUNDAYS & HOLIDAYS - starting at a  
point 20 feet east of the east curbline  
of Southard Avenue, east to the west  
curbline of Washington Avenue.  
(Adopted 9/2/14)

NASSAU PARKWAY (TH 600/14) South Side -  
15 MINUTE PARKING MONDAY - FRIDAY -  
from the west curbline of Washington  
Ave., west for a distance of  
70 feet. (Adopted 1/13/15)

NASSAU PARKWAY (TH 600/14) South Side -  
15 MINUTE PARKING 6 AM - 9 AM -  
starting at a point 70 feet west of the  
west curbline of Washington Ave., west  
for a distance of 134 feet. (Adopted  
1/13/15)

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

Dated: May 10, 2022  
Hempstead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HEMPSTEAD

DONALD X. CLAVIN, JR.  
Supervisor

KATE MURRAY  
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 twenty two is hereby amended by including therein "REGULATIONS AND RESTRICTIONS" to limit parking at the following locations:

OCEANSIDE  
Section 202-13

NASSAU PARKWAY (TH 136/22) South Side – NO PARKING 7 AM TO 1 AM ON MONDAY – SUNDAY EXCEPT WITH PERMIT – starting at a point 40 feet west of the west curbline of Washington Avenue then west for a distance of 56 feet.

NASSAU PARKWAY (TH 136/22) South Side – 15 MINUTE PARKING 6 AM TO 9 AM – starting at a point 28 feet east of the east curbline of Southard Avenue then east for a distance of 110 feet.

WOODMERE  
Section 202-17

STUART DRIVE (TH 157/22) West Side – NO PARKING 9 PM – 9 AM BETWEEN SIGNS – starting at a point 43 feet north of the north curbline of Peninsula Boulevard north for a distance of 70 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 twenty two is hereby amended by repealing therein "REGULATIONS AND RESTRICTIONS" to limit parking at the following locations:

OCEANSIDE  
Section 202-13

NASSAU PARKWAY (TH 299/14) South Side – 15 MINUTE PARKING 9 AM – 3 PM EXCEPT SUNDAYS & HOLIDAYS – starting at a point 20 feet east of the east curbline of Southard Avenue, east to the west curbline of Washington Avenue. (Adopted 9/2/14)

NASSAU PARKWAY (TH 600/14) South Side – 15 MINUTE PARKING MONDAY – FRIDAY – from the west curbline of Washington Ave., west for a distance of 70 feet. (Adopted 1/13/15)

NASSAU PARKWAY (TH 600/14) South Side – 15 MINUTE PARKING 6 AM – 9 AM – starting at a point 70 feet west of the west curbline of Washington Ave., west for a distance of 134 feet. (Adopted 1/13/15)

Section 3. This local law shall take effect immediately upon filing with the secretary of state.

CASE NO. 30686

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. 36-2022, 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 24, 2022, 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. 36-2022, 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 # 37

Case # 30686

**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 24<sup>th</sup> day of May, 2022, 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:

ELMONT

KEEGAN STREET (TH 530/21) East Side - NO STOPPING HERE TO CORNER - starting at the north curbline of Dutch Broadway north for a distance of 30 feet.

FRANKLIN SQUARE

ADONIA STREET (TH 163/22) North Side - NO STOPPING HERE TO CORNER - from the west curbline of Dogwood Avenue west for a distance of 35 feet.

ADONIA STREET (TH 163/22) South Side - NO STOPPING HERE TO CORNER - from the west curbline of Dogwood Avenue west for a distance of 25 feet.

DOGWOOD AVENUE (TH 163/22) West Side - NO STOPPING HERE TO CORNER - from the north curbline of Adonia Street north for a distance of 40 feet.

INWOOD

BAYSWATER BOULEVARD (TH 155/22) North Side - NO STOPPING HERE TO CORNER - starting at the east curbline of Peppe Drive east for a distance of 30 feet.

BAYSWATER BOULEVARD (TH 155/22) North Side - NO STOPPING HERE TO CORNER - starting at the west curbline of Peppe Drive west for a distance of 30 feet.

PEPPE DRIVE (TH 155/22) West Side - NO STOPPING HERE TO CORNER - starting at the north curbline of Bayswater Boulevard north for a distance of 40 feet.

PEPPE DRIVE (TH 155/22) East Side - NO STOPPING HERE TO CORNER - starting at the north curbline of Bayswater Boulevard north for a distance of 30 feet.

(NR) ISLAND PARK AUDUBON BOULEVARD (TH 170/22) South Side - NO STOPPING ANYTIME - starting at a point 30 feet east of the east curbline of Austin Boulevard then east for a distance of 55 feet.

OCEANSIDE LOFTUS AVENUE (TH 108/22) East Side - NO PARKING ANYTIME - starting at a point 242 feet south of the south curbline of Nassau Parkway south for a distance of 100 feet.

NASSAU PARKWAY (TH 136/22) South Side - NO STOPPING HERE TO CORNER - starting from the west curbline of Washington Avenue then west for a distance of 40 feet.

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

FRANKLIN SQUARE ADONIA STREET - NO STOPPING HERE TO CORNER NORTH AND SOUTH SIDES - starting at the west curb line of Dogwood Avenue, west for a distance of 25 feet. (Adopted 1/30/62)

DOGWOOD AVENUE - NO STOPPING HERE TO CORNER - WEST SIDE - from the north curb line of Adonia Street, north for a distance of 25 feet. (Adopted 1/30/62)

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

Dated: May 10, 2022  
Hempstead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HEMPSTEAD

DONALD X. CLAVIN, JR.  
Supervisor

KATE MURRAY  
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 twenty two is hereby amended by including therein "PARKING OR STANDING PROHIBITIONS" at the following locations:

ELMONT KEEGAN STREET (TH 530/21) East Side – NO STOPPING HERE TO CORNER – starting at the north curblineline of Dutch Broadway north for a distance of 30 feet.

FRANKLIN SQUARE ADONIA STREET (TH 163/22) North Side – NO STOPPING HERE TO CORNER – from the west curblineline of Dogwood Avenue west for a distance of 35 feet.

ADONIA STREET (TH 163/22) South Side – NO STOPPING HERE TO CORNER – from the west curblineline of Dogwood Avenue west for a distance of 25 feet.

DOGWOOD AVENUE (TH 163/22) West Side – NO STOPPING HERE TO CORNER – from the north curblineline of Adonia Street north for a distance of 40 feet.

INWOOD BAYSWATER BOULEVARD (TH 155/22) North Side – NO STOPPING HERE TO CORNER – starting at the east curblineline of Peppe Drive east for a distance of 30 feet.

BAYSWATER BOULEVARD (TH 155/22) North Side – NO STOPPING HERE TO CORNER – starting at the west curblineline of Peppe Drive west for a distance of 30 feet.

PEPPE DRIVE (TH 155/22) West Side – NO STOPPING HERE TO CORNER – starting at the north curblineline of Bayswater Boulevard north for a distance of 40 feet.

PEPPE DRIVE (TH 155/22) East Side – NO STOPPING HERE TO CORNER – starting at the north curblineline of Bayswater Boulevard north for a distance of 30 feet.

(NR) ISLAND PARK AUDUBON BOULEVARD (TH 170/22) South Side – NO STOPPING ANYTIME – starting at a point 30 feet east of the east curblineline of Austin Boulevard then east for a distance of 55 feet.

OCEANSIDE LOFTUS AVENUE (TH 108/22) East Side – NO PARKING ANYTIME – starting at a point 242 feet south of the south curblineline of Nassau Parkway south for a distance of 100 feet.

NASSAU PARKWAY (TH 136/22) South Side – NO STOPPING HERE TO CORNER – starting from the west curblineline of Washington Avenue then west for a distance of 40 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 twenty two is hereby amended by including therein "PARKING OR STANDING PROHIBITIONS" at the following locations:



FRANKLIN SQUARE

ADONIA STREET – NO STOPPING HERE TO CORNER  
NORTH AND SOUTH SIDES – starting at the west curb line  
of Dogwood Avenue, west for a distance of 25 feet.  
(Adopted 1/30/62)

DOGWOOD AVENUE – NO STOPPING HERE TO  
CORNER – WEST SIDE – from the north curb line of  
Adonia Street, north for a distance of 25 feet.  
(Adopted 1/30/62)

Section 3. This local law shall take effect immediately upon filing with the secretary of state.

CASE NO. 30687

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. 37-2022, 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 24, 2022, 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. 37-2022, 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 # 38

Case # 30687

**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 24<sup>th</sup> day of May, 2022, 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:

ELMONT	BENSON AVENUE (TH 148/22) STOP - all traffic traveling eastbound on Ludlum Place shall come to a full stop.
FRANKLIN SQUARE	DOGWOOD AVENUE (TH 163/22) STOP - all traffic traveling eastbound on Adonia Street shall come to a full stop.
LAKEVIEW	TANGLEWOOD ROAD (TH 159/22) STOP - all traffic traveling westbound on Edgewood Road 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: May 10, 2022  
Hempstead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HEMPSTEAD

DONALD X. CLAVIN, JR.  
Supervisor

KATE MURRAY  
Town Clerk

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 twenty two of two thousand twenty two is hereby amended by including therein "ARTERIAL STOPS" at the following locations:

- |                 |  |
|-----------------|--|
| ELMONT          | BENSON AVENUE (TH 148/22) STOP – all traffic traveling eastbound on Ludlum Place shall come to a full stop.    |
| FRANKLIN SQUARE | DOGWOOD AVENUE (TH 163/22) STOP – all traffic traveling eastbound on Adonia Street shall come to a full stop.  |
| LAKEVIEW        | TANGLEWOOD ROAD (TH 159/22) STOP – all traffic traveling westbound on Edgewood Road shall come to a full stop. |

Section 2. This local law shall take effect immediately upon filing with the secretary of state.

CASE NO. 30688

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 "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. 38-2022, Print No. 1 to amend the said Section 197-13 of the Code of the Town of Hempstead to include "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 24, 2022 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. 38-2022, Print No. 1, to amend Section 197-13 of the Code of the Town of Hempstead to include "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 # 39

Case # 30688

**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 24<sup>th</sup> day of May, 2022, 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 "TRAFFIC REGULATIONS IN THE VICINITY OF SCHOOLS" at the following locations:

ELMONT                      KEEGAN STREET (TH 530/21) East Side - NO  
PARKING 8 AM TO 5 PM SCHOOL DAYS -  
starting at a point 30 feet north of the  
north curbline of Dutch Broadway north for  
a distance of 330 feet.

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

Dated: May 10, 2022  
Hempstead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HEMPSTEAD

DONALD X. CLAVIN, JR.  
Supervisor

KATE MURRAY  
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 "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 three of two thousand twenty two is hereby amended by including therein "TRAFFIC REGULATIONS IN THE VICINITY OF SCHOOLS" at the following locations:

ELMONT

KEEGAN STREET (TH 530/21) East Side – NO PARKING  
8 AM TO 5 PM SCHOOL DAYS – starting at a point 30 feet  
north of the north curblineline of Dutch Broadway north for a  
distance of 330 feet.

Section 2. This local law shall take effect immediately upon filing with the secretary of state.

Adopted:

Council offered the following resolution and moved its adoption:

RESOLUTION CALLING A PUBLIC HEARING ON A LOCAL LAW TO AMEND SECTION ONE HUNDRED NINETY TWO DASH ONE OF THE CODE OF THE TOWN OF HEMPSTEAD, BY THE ADDITION OF THREE LOCATIONS INTO SUBDIVISION "K" THEREOF, IN RELATION TO GROSS WEIGHT RESTRICTIONS UPON COMMERCIAL VEHICLES USING CERTAIN TOWN HIGHWAYS IN INWOOD.

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, as amended; and

WHEREAS, it appears to be in the public interest to consider the enactment of a local law to amend Section 192-1 of the Code of the Town of Hempstead by the addition of three locations into subdivision "K", in relation to gross weight restrictions upon commercial vehicles using certain town highways in Inwood; and

WHEREAS, has introduced a local law known as Intro. No. 39-2022, Print No. 1, as aforesaid;

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 24<sup>th</sup> day of May, 2022, at 10:30 o'clock in the forenoon of that day at which time all interested persons shall be heard on the enactment of a local law known as Intro. No. 39-2022, Print No. 1, to amend Section 192-1 of the Code of the Town of Hempstead by the addition of three locations into subdivision "K" in relation to gross weight restrictions upon commercial vehicles using certain town highways in Inwood; 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 them for that purpose in the Town Hall once, pursuant to Section 4-1 of Chapter 4 of the Code of the Town of Hempstead entitled, "Local Laws: Adoption" prior to the date of said hearing.

The foregoing resolution was seconded by and adopted upon roll call as follows:

AYES:

NOES:

Item # 40

Case # 19829



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 the Municipal Home Rule Law of the State of New York, as amended, a public hearing will be held in the Town Hall Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, on the 24<sup>th</sup> day of May, 2022, at 10:30 o'clock in the forenoon of that day to consider the enactment of a local law to amend Section 192-1 of the Code of the Town of Hempstead by the insertion of two locations into subdivision "Z" thereof, in relation to gross weight restrictions upon commercial vehicles using certain town highways, as follows:

"K" - INWOOD

JEFFERSON STREET - between Doughty Blvd.  
and Madison Avenue.  
(TH-133/22)

MADISON STREET - between Wanser Avenue  
and Jefferson Street.  
(TH-133/22)

JAMES STREET - between Mott Avenue  
and Jefferson Street  
(TH-133/22)

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 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: May 10, 2022  
Hempstead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HEMPSTEAD

DONALD X. CLAVIN, JR.  
Supervisor

KATE MURRAY  
Town Clerk

Town of Hempstead

A local law to amend section one hundred ninety two dash one of the code of the town of Hempstead by the addition of three locations into subdivision "K" in relation to gross weight restrictions upon commercial vehicles using certain town highways in Inwood.

Introduced by:

Be it enacted by the town board of the town of Hempstead as follows:

Section 1. Section one hundred ninety-two dash one of the code of the town of Hempstead as constituted by local law number one of nineteen hundred sixty-nine, shall be amended by the addition of three locations into subdivision "K" thereof, in relation to gross weight restrictions upon commercial vehicles using certain town highways, as follows:

"K" - INWOOD

JEFFERSON STREET - between Doughty Blvd.  
and Madison Avenue.  
(TH-133/22)

MADISON STREET - between Wanser Avenue  
and Jefferson Street.  
(TH-133/22)

JAMES STREET - between Mott Avenue  
and Jefferson Street  
(TH-133/22)

§2. This local law shall take effect immediately upon filing with the secretary of state.

Adopted:

offered the following resolution and moved its adoption:

RESOLUTION CALLING A PUBLIC HEARING ON A LOCAL LAW TO AMEND CHAPTER ONE HUNDRED NINETY OF THE CODE OF THE TOWN OF HEMPSTEAD, BY THE INSERTION OF A LOCATION INTO SECTION 190-4 SUBDIVISION "A", IN RELATION TO A 20 MPH SCHOOL SPEED LIMIT, 7 AM to 6 PM, SCHOOL DAYS.

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, as amended; and

WHEREAS, it appears to be in the public interest to consider the enactment of a local law to amend Chapter 190 of the Code of the Town of Hempstead by the insertion of a location into Section 190-4, subdivision "A", in relation to a 20 mile per hour school speed limit, 7 AM to 6 PM, school days in Elmont; and

WHEREAS, has introduced a local law known as Intro. No. 40-2022, Print No. 1, as aforesaid;

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 the 24<sup>th</sup> day of May, 2022, at 10:30 o'clock in the forenoon of that day at which time all interested persons shall be heard on the enactment of a local law known as Intro. No. 40-2022, Print No. 1, to amend Chapter 190 of the Code of the Town of Hempstead by the insertion of a location into Section 190-4, subdivision "A" in relation to a twenty mile per hour school speed limit, 7 AM to 6 PM, school days in Elmont; 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 them for that purpose in the Town Hall once, pursuant to Section 4-1 of Chapter 4 of the Code of the Town of Hempstead entitled, "Local Laws: Adoption" prior to the date of said hearing.

The foregoing resolution was seconded by and adopted upon roll call as follows:

AYES:

NOES:

Item # 41

Case # 19565

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 the Municipal Home Rule 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, Hempstead, New York, on the 24<sup>th</sup> day of May, 2022, at 10:30 o'clock in the forenoon of that day to consider the enactment of a local law to amend Chapter 190 of the Code of the Town of Hempstead by the insertion of a location into Section 190-4, subdivision "A", in relation to a 20 mph school speed limit, 7 AM to 6 PM, school days, as follows:

"A" - 20 mph school speed limit  
7 AM to 6 PM school days

ELMONT, Keegan Street - between Dutch  
Broadway and Monaco Avenue.  
(TH-540/21)

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 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: May 10, 2022  
Hempstead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HEMPSTEAD

DONALD X. CLAVIN, JR.  
Supervisor

KATE MURRAY  
Town Clerk

Town of Hempstead

A local law to amend chapter one hundred ninety of the code of the town of Hempstead by the insertion of a location into section one hundred ninety dash four, subdivision "A", in relation to a 20 mph school speed limit, 7 AM to 6 PM school days.

Introduced by:

Be it enacted by the town board of the town of Hempstead as follows:

Section 1. Section one hundred ninety dash four of the code of the town of Hempstead as constituted by local law number one of nineteen hundred, sixty-nine, hereby is amended by the addition of a location into subdivision "A" thereof, to read as follows:

"A" - 20 mph school speed limit  
7 AM to 6 PM school days

ELMONT, Keegan Street - between Dutch  
Broadway and Monaco Avenue.  
(TH-540/21)

§2. This local law shall take effect immediately upon filing with the secretary of state.

CASE NO. 14509

RESOLUTION NO.

Adopted:

Councilmember moved the following  
resolution's adoption:

RESOLUTION CALLING A PUBLIC HEARING ON A LOCAL  
LAW TO ENACT A NEW SECTION 86-50 OF CHAPTER 86 OF  
THE CODE OF THE TOWN OF HEMPSTEAD ENTITLED  
"CONSTRUCTION SITE SAFETY TRAINING" RELATING TO  
CONSTRUCTION SITE SAFETY AT MAJOR AND MINOR  
CONSTRUCTION SITES.

WHEREAS, the Town Board of the Town of Hempstead is  
empowered to enact, amend, and repeal 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  
enacting a new section 86-50 of chapter 86 of the code of  
the Town of Hempstead entitled "Construction Site Safety  
Training" relating to construction site safety at major and  
minor construction sites; and

WHEREAS, Council(woman) has introduced  
the proposed local law known as Intro. No. 41 -2022  
Print No. \_\_\_\_, as aforesaid:

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 24th day of  
May, 2022 at 10:30 at which time all interested  
persons shall be heard on the enactment of a local law  
known as Intro. No. 41 -2022, Print No. \_\_\_\_, for the  
enactment of a new section 86-50 of chapter 86 of the Code  
of the Town of Hempstead entitled "Construction Site Safety  
Training" relating to construction site safety at major and  
minor construction sites; 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 #

42

Case #

14509

Page 1 of 1

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 24th day of May , 2022 , at 10:30 in the forenoon of that day, to consider the enactment of a new section 86-50 of chapter 86 of the Code of the Town of Hempstead entitled "Construction Site Safety Training" relating to construction site safety at major and minor construction sites.

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 10, , 2022

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

KATE MURRAY  
Town Clerk

DONALD X. CLAVIN, JR.  
Supervisor

Town of Hempstead

A LOCAL LAW ENACTING SECTION 86-50 OF CHAPTER 86 OF THE CODE OF THE TOWN OF HEMPSTEAD ENTITLED "CONSTRUCTION SITE SAFETY TRAINING".

Introduced by:

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

Section 1.

Section 86-50 of Chapter 86 of the Town Code entitled "Building Construction Administration" is hereby enacted to read as follows:

Chapter 86

Building Construction Administration

\*\*\*

§ 86-50 Construction Site Safety Training.

A. Purpose.

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

B. Definitions.

Permit Holder: the person to whom a building permit has been issued or for a building permit has been applied.

Person: an individual, corporation, limited liability company, partnership, limited partnership, business trust, estate, trust, association, or any other legal or commercial entity of any kind or description.

Contractor: any person contracted or subcontracted to perform work covered by this section for or on behalf of any other person.

Minor Construction Project: a construction site, with an area greater than 35,000 square feet, which involves the construction, demolition or alteration of a structure or building.

Major Construction Project: a construction site, with an area greater than 50,000 square feet, which involves the construction, demolition or alteration of a structure or building.

OSHA: the United States Department of Labor Occupational Safety and Health Administration.

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

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

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



OSHA 100-hour class: a class or program that:

- i. Includes 100 or more hours of training in technical subjects relating to a construction trade, including an apprenticeship program registered with the New York State Department of Labor; and
- ii. Is approved by OSHA, the United States Department of Labor, the New York State Department of Education or the New York State Department of Labor.

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

#### C. Safety Training Required.

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

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

2. at a Major Construction Site, shall be responsible for ensuring that a foreman or designated employee or individual otherwise engaged at such site by the permit holder or any person performing work for or on behalf of such permit holder is designated as a Site Safety Designee. The Site Safety Designee shall be tasked with ensuring that each construction or demolition worker employed or otherwise engaged at such site by the permit holder or any person performing work for or on behalf of such permit holder at the site is in compliance with section 80-50(C)(a)(1) and shall report violations of this Chapter to the Building Department.

b. The Applicant, Permit Holder or any person performing such work on behalf of the permit holder shall certify to the Building Department, in a form and manner established by the Building Department, that the requirements of section 80-50(C)(a)(1) and/or section 80-50(C)(a)(2) have been met. No permit for construction or demolition work for which training is required pursuant to this section shall be issued or renewed until the applicant has certified that all workers who will be working under such permit will have the requisite training throughout the duration of such permit.

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

d. The Permit Holder shall maintain at such site a daily log that identifies each such worker and that includes, for each such worker, proof of compliance with 80-50(C)(a)(1) and 80-50(C)(a)(2), as applicable. Such logs shall be made available to the Building Department upon request and shall be submitted to the Building Department as a prerequisite to the issuance of a Certificate of Occupancy, Certificate of Completion and/or Certificate of Approval.

#### D. Penalties.

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

b. For a second offense, committed by a permit holder within a period of five years, such violation shall be punishable by a fine of not less than \$3,000 nor more than \$20,000 or by imprisonment for a period not to exceed 15 days, or both.

c. Permits issued to permit holders found to be in violation of this section may be revoked by the Building Department upon discovery of such violation.

d. The Building Department shall be authorized to issue stop orders for violations of this section. Upon the issuance of a stop order, the owner of the affected property, the permit holder and any other person or contractor performing, taking part in or assisting in the work shall suspend all building activities in violation of this section until the stop order has been rescinded.

\* \* \*

Section 2.

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

Adopted:

offered the following resolution and moved its adoption:

RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF ESTABLISHING AND 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.

WHEREAS, pursuant to Section 202-48 of the Code of the Town of Hempstead, the Town Board may, from time to time, hold public hearings to establish and set aside public places, streets or portions of streets within the Town as parking spaces for the sole and exclusive use of holders of valid special parking permits issued by the County of Nassau to physically handicapped persons;

NOW, THEREFORE BE IT

RESOLVED, that a public hearing be held in the Town Meeting Pavilion, Hempstead Town Hall, Washington Street, Hempstead, New York, on the 24<sup>th</sup> day of May, 2022, at 10:30 o'clock in the forenoon of that day, at which time all persons interested shall be heard on the establishment and setting aside of 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:

FLORAL PARK

LESOIR AVENUE - west side, starting at a point 107 feet north of the north curblines of Drew Avenue, north for a distance of 20 feet.  
(TH-131/22)

GARDEN CITY SOUTH

GREENWAY EAST - north side, starting at a point 60 feet east of the east curblines of Nassau Boulevard, east for a distance of 20 feet.  
(TH-125/22)

ROOSEVELT

WHITEHOUSE AVENUE - south side, starting at a point 162 feet west of the west curblines of Charles Street, west for a distance of 20 feet.  
(TH-152/22)

Item # 43

Case # 21527

**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 24<sup>th</sup> day of May, 2022, 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:

**FLORAL PARK**

LESOIR AVENUE - west side, starting at a point 107 feet north of the north curblineline of Drew Avenue, north for a distance of 20 feet.  
(TH-131/22)

**GARDEN CITY SOUTH**

GREENWAY EAST - north side, starting at a point 60 feet east of the east curblineline of Nassau Boulevard, east for a distance of 20 feet.  
(TH-125/22)

**ROOSEVELT**

WHITEHOUSE AVENUE - south side, starting at a point 162 feet west of the west curblineline of Charles Street, west for a distance of 20 feet.  
(TH-152/22)

EAST PENNYWOOD AVENUE - south side, starting at a point 320 feet east of the east curblineline of Nassau Road, east for a distance of 20 feet.  
(174/22)

**UNIONDALE**

LOCUST AVENUE - east side, starting at a point 155 feet north of the north curblineline of Henry Street, north for a distance of 20 feet.  
(TH-158/22)

EAST PENNYWOOD AVENUE - south side,  
starting at a point 320 feet east of  
the east curblineline of Nassau Road, east  
for a distance of 20 feet.  
(174/22)

UNIONDALE

LOCUST AVENUE - east side, starting  
at a point 155 feet north of the north  
curblineline of Henry Street, north for a  
distance of 20 feet.  
(TH-158/22)

WEST HEMPSTEAD

SPRUCE STREET - west side, starting  
at a point 182 feet south of the south  
curblineline of Hempstead Avenue, south  
for a distance of 20 feet.  
(TH-149/22)

; and, BE IT FURTHER

RESOLVED, that the Town Clerk shall give notice of  
such hearing by the publication thereof once in a  
newspaper having a general circulation in the Town  
of Hempstead, once at least ten days prior to the above-  
specified date of said hearing.

The foregoing resolution was seconded by  
and adopted upon roll call as follows:

AYES:

NOES:

WEST HEMPSTEAD

SPRUCE STREET - west side, starting  
at a point 182 feet south of the south  
curbline of Hempstead Avenue, south  
for a distance of 20 feet.  
(TH-149/22)

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

Dated: May 10, 2022  
Hempstead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HEMPSTEAD

DONALD X. CLAVIN, JR.  
Supervisor

KATE MURRAY  
Town Clerk

RESOLUTION CALLING A PUBLIC HEARING ON THE  
APPLICATION OF BOLLA EM, REALTY, LLC.  
FOR A VARIANCE FROM PROVISIONS OF "GSS"ORDINANCE AT  
MERRICK, NEW YORK

ADOPTED:

offered the following resolution and moved its adoption:

RESOLVED, that a public hearing be held on May 24 , 2022 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 BOLLA EM, REALTY, LLC. for a  
variance from provisions of "GSS" Ordinance to maintain an existing  
service station and operate a convenience store as well as area,  
sign and parking variance located in Merrick, 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 official newspaper.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 44

Case # 12649

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 24, 2022 at 10:30 o'clock in the forenoon of that day for the purpose of considering the application of BOLLA EM, REALTY, LLC. for variance from provisions of "GSS" Ordinance to maintain existing service station and operate a convenience store as wells as area, sign and parking variance, located on the following described premises in Merrick, New York:

A parcel of land located on the n/e/c of Merrick Road and Central Boulevard w/frontage on Merrick Road of 180.00' and Central Boulevard of 100.00' and a depth of 100.00' situated in Merrick, New York, County of Nassau, State of 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, NEW YORK.

DONALD X. CLAVIN JR.  
SUPERVISOR

KATE MURRAY  
TOWN CLERK

Dated: May 10, 2022  
Hempstead, N.Y.



Case No. 12649

Resolution No.

Adopted:

Council(wo)man

moved the following resolution's adoption:

**RESOLUTION CALLING A PUBLIC HEARING ON THE APPLICATION OF BOLLA EM REALTY, LLC FOR MODIFICATION OF DECLARATION OF COVENANTS AND RESTRICTIONS RELATING TO PROPERTY SITUATED AT THE NORTHEAST CORNER OF MERRICK ROAD AND CENTRAL BOULEVARD IN MERRICK, NEW YORK.**

**RESOLVED**, that a public hearing be held May 24, 2022 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 Bolla EM Realty, LLC for modification of declaration of covenants and restrictions dated January 8, 1986 and recorded at Liber 9705 page 569 in the Office of the County Clerk, relating to property located at the northeast corner of Merrick Road and Central Boulevard in Merrick, New York, in so far as to modify and enlarge the existing convenience store, include new signage, remove three (3) bay auto service station, and other site improvements more fully depicted on the Site Plan prepared by High Point Engineering; and be it further,

**RESOLVED**, the Town Clerk be and hereby is directed to publish notice thereof once at least ten (10) days prior to the date of hearing in Long Island Business News.

The foregoing resolution was adopted upon roll call as follows:

AYES:

NOES:

Item # 45

Case # 12649

NOTICE OF PUBLIC HEARING

**PLEASE TAKE NOTICE** 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 May 24, 2022 at 10:30 o'clock in the fore noon of that day, to consider a modification of declaration of covenants and restrictions dated January 8, 1986 and recorded at Liber 9705 page 569 in the Office of the County Clerk, relating to property located at the northeast corner of Merrick Road and Central Boulevard in Merrick, New York.

The application 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 10 , 2022

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

KATE MURRAY  
Town Clerk

DONALD X. CLAVIN, JR.  
Supervisor

CASE NO.

RESOLUTION NO.

Adopted:

Councilmember moved the following resolution's adoption:

RESOLUTION CALLING A PUBLIC HEARING ON THE RENEWAL OF A CONTRACT WITH THE FIRE COMPANIES OF THE MERRICK FIRE DEPARTMENT FOR FURNISHING FIRE PROTECTION WITHIN THE TERRITORY OF THE MERRICK FIRE PROTECTION DISTRICT.

WHEREAS, the contract for furnishing fire protection within the Merrick Fire Protection District has expired; and

WHEREAS, the Town of Hempstead has established the Merrick Fire Protection District to contract for fire protection within said District; and

WHEREAS, Empire Hose Company No. 3, Inc., Friendship Engine & Hose Company, Inc., and Merrick Hook & Ladder Company No. 1 have provided exemplary fire protection service for the Merrick Fire Protection District since 1937; and

WHEREAS, Empire Hose Company No. 3, Inc., Friendship Engine & Hose Company, Inc., and Merrick Hook & Ladder Company No. 1 have offered to provide fire protection to the said Fire Protection District for a further period of five (5) years commencing January 1, 2022 and expiring December 31, 2026 for the annual sum of \$1,655,646.00 for the year 2022; \$1,697,037.00 for the year 2023; \$1,756,433.00 for the year 2024; \$1,817,909.00 for the year 2025; and \$1,863,356.00 for the year 2026; and

WHEREAS, this Town Board deems it to be in the public interest to renew said fire protection contract with Empire Hose Company No. 3, Inc., Friendship Engine & Hose Company, Inc., and Merrick Hook & Ladder Company No. 1 to protect the Merrick Fire Protection District for a period of five (5) years as aforesaid;

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Article II of the Town Law of the State of New York, a public hearing will be held in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Village and Town of Hempstead, New York, on May 24, 2022, at 10:30 o'clock in the forenoon of that day, for the purpose of considering the proposal of Empire Hose Company No. 3, Inc., Friendship Engine & Hose Company, Inc., and Merrick Hook & Ladder Company No. 1 to provide fire protection within the Merrick Fire Protection District for a five-year period commencing January 1, 2022 and expiring December 31, 2026; and, BE IT FURTHER,

RESOLVED, the requirements of N.Y. Town Law §184(1-a), to the extent they apply, are waived; and be it further,

RESOLVED, that the Town Clerk be and she hereby is authorized and directed to publish a notice of said public hearing describing the proposed contract in a newspaper having a general circulation within the Town of Hempstead, at least once, not less than ten days before the date of said public hearing.

The foregoing resolution was seconded by \_\_\_\_\_ and adopted upon roll call as follows:

AYES:

NOES:

Item #

46

Case #

4939

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, that pursuant to Section 184 of the Town Law of the State of New York, a public hearing will be held by the Town Board of the Town of Hempstead, on Tuesday, the 24<sup>th</sup> day of May, 2022, at 10:30 o'clock in the forenoon of that day, in the Town Meeting Pavilion, Hempstead Town Hall, 1 Washington Street, Village and Town of Hempstead, New York, for the purpose of considering a proposed renewal contract for the Merrick Fire Protection District and Empire Hose Company No. 3, Inc., Friendship Engine And Hose Company, Inc., and Merrick Hook & Ladder Company No. 1, membership corporations organized and existing under the laws of the State of New York, with offices in Merrick, Nassau County, New York, for furnishing fire protection services within the territory of the Protection District for a period of five (5) years commencing January 1, 2022 and expiring December 31, 2026 for the annual sum of \$1,655,646.00 for the year 2022; \$1,697,037.00 for the year 2023; \$1,756,433.00 for the year 2024; \$1,817,909.00 for the year 2025; and \$1,863,356.00 for the year 2026;

The proposed contract is on file in the office of the Town Clerk, Hempstead Town Hall, 1 Washington Street, Hempstead, New York, where the same may be inspected during office hours.

ALL PERSONS interested in the subject matter will be given an opportunity to be heard in reference thereto, at the time and place above specified.

Dated: Hempstead, New York  
May 10, 2022.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF HEMPSTEAD

KATE MURRAY  
Town Clerk

DONALD X. CLAVIN, JR.  
Supervisor

THIS AGREEMENT, made the            day of            ,  
2022, between the TOWN OF HEMPSTEAD, a municipal corporation  
having its principal offices at Hempstead Town Hall, Town  
Hall Plaza, 1 Washington Street, Village and Town of  
Hempstead, Nassau County, New York, on behalf of the MERRICK  
FIRE PROTECTION DISTRICT (the "District"), and EMPIRE HOSE  
COMPANY NO. 3, INC., FRIENDSHIP ENGINE & HOSE COMPANY, INC.,  
and MERRICK HOOK & LADDER COMPANY NO. 1, (the "Fire Company(-  
ies)), " incorporated fire companies organized and existing  
under the laws of the State of New York, with offices in  
Merrick, Nassau County, New York.

**W I T N E S S E T H:**

WHEREAS, pursuant to the provisions of the Town  
Law of the State of New York, there has been duly established  
in the Town of Hempstead (hereinafter sometimes referred to  
as the "Town"), a Fire Protection District known as the  
Merrick Fire Protection District, embracing that territory in  
the Town described in the resolution establishing said  
District, adopted by the Town Board, and the resolutions, if  
any, thereafter extending such District; and

WHEREAS, after a public hearing on due notice, the  
said Town Board duly authorized an agreement with the Fire  
Companies for fire protection and fire rescue/ambulance  
service in the District, for a period of five (5) years, upon  
the terms and conditions herein set forth; and

WHEREAS, this agreement has been duly authorized  
and consented to by the Fire Companies;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the District does engage the Fire Companies to furnish fire protection and fire rescue service in the District, and the Fire Companies agree to furnish such fire protection and fire rescue service upon the following terms and conditions:

FIRST: The Fire Companies agree to furnish during the period of this agreement, commencing on the 1st day of January, 2022 and ending on the 31st day of December, 2026, emergency, rescue, first aid, ambulance and emergency medical services, protection and response and protection against loss by fire to property located within the territory of the District, and to protect the lives of the inhabitants of such District to the best of its ability, and at all times during the term of said agreement to maintain fire-fighting equipment sufficient in quality and quantity to meet the approval of appropriate insurance underwriting entities such as The New York Board of Fire Underwriters or The Insurance Service Organization, or other appropriate fire rating agency or organization, and in such manner as will ensure the maintenance of the present rating of property in the District as located within a protection area.

SECOND: In consideration of furnishing protection, aid and apparatus as aforesaid, the District will pay to each of the three (3) Fire Companies one-third of the following amounts delineated in sub-paragraphs a); b); and c):

- a) For the period beginning on the 1<sup>st</sup> day of January, 2022 and ending on the 31<sup>st</sup> day of December, 2022, the sum of \$1,655,646.00;
- b) For the period beginning on the 1<sup>st</sup> day of January, 2023 and ending on the 31<sup>st</sup> day of December, 2023, the sum of \$1,697,037.00; and
- c) For the period beginning on the 1<sup>st</sup> day of January, 2024 and ending on the 31<sup>st</sup> day of December 2024, the sum of \$1,756,433.00;
- d) For the period beginning on the 1<sup>st</sup> day of January, 2025 and ending on the 31<sup>st</sup> day of December, 2025, the sum of \$1,817,909.00;
- e) For the period beginning on the 1<sup>st</sup> day of January 2026 and ending on the 31<sup>st</sup> day of December, 2026, the sum of \$1,863,356.00;

such sums to be levied and assessed upon taxable property within the District and collected with the other Town taxes by the Town, and shall be paid to each of the three (3) Fire Companies in semi-annual payments, as nearly equal as may be, on the first day of February and the first day of August of each year of the term of this agreement.

THIRD: (a) The Fire Companies each hereby covenant that they will keep all moneys paid to each by the District pursuant to this contract for the purposes authorized by law, and will not expend any portion thereof except for the purchase and maintenance of fire-fighting equipment or apparatus or for the payment of premiums for insurance of firemen and liability insurance, or the maintenance of the building or buildings used for the storage of such fire-fighting equipment or apparatus.

(b) The Fire Companies each hereby covenant that they will each keep all moneys paid to them hereunder in a separate account as a separate fund for the purposes described in subparagraph "(a)" hereof, and that each will render to the District, in December of each and every year of

the term of this contract an account setting forth the amount and object of all expenditures made by it from said fund, which account shall be duly verified by the oaths of the Trustees or Directors of each of the three (3) Fire Companies, but all fire apparatus or equipment purchased from the moneys derived from this agreement shall be the sole property of the respective Fire Company. The Fire Companies, in such case, each also agree to install a system of bookkeeping pertaining to the receipts and disbursements of moneys received under this agreement as may be prescribed by the District, to the end that a uniform bookkeeping system shall be kept by such Fire Companies with which the District shall contract, with reference to all moneys received and disbursed, in accordance with this agreement, and each Fire Company shall permit the District to examine and audit said books at all reasonable times as the District may require.

FOURTH: The District hereby agrees to provide the benefits required to be provided by the Town pursuant to the Volunteer Firemen's Benefit Law during the term of this agreement, and each Fire Company hereby agrees to provide all liability insurance, other than for benefits payable by the District to the members of each Fire Company pursuant to the Volunteer Firemen's Benefit Law, required for the protection of its members, and to hold the Town and the District harmless from any and all claims for injury or damage to persons and property arising out of its operation under this agreement, other than claims for such benefits. Therefore the Fire Companies shall each annually provide to the Town Clerk and the Town Attorney appropriate certificates of



insurance, naming the Merrick Fire Protection District and the Town of Hempstead as additional insured.

FIFTH: The Fire Companies each agree to comply in all respects with the provisions of Section 296 of the Executive Law, Section 176-b of the Town Law and Section 1402(i) of the Not-For-Profit Corporation Law of the State of New York, all of which prohibit discrimination in membership of volunteer fire departments.

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

TOWN OF HEMPSTEAD on behalf of the  
MERRICK FIRE PROTECTION DISTRICT

By \_\_\_\_\_

DONALD X. CLAVIN, JR.

Supervisor

EMPIRE HOSE COMPANY NO. 3, INC.

By \_\_\_\_\_

Chairman of the Board

FRIENDSHIP ENGINE & HOSE CO., INC.

By \_\_\_\_\_

Chairman of the Board

MERRICK HOOK & LADDER CO., NO. 1

By \_\_\_\_\_

Chairman of the Board





RESOLUTION NO:

CASE NO:

ADOPTED:

RE: APPOINTMENT OF RICHARD ABATE AS  
STOREYARD CREW CHIEF, IN THE  
DEPARTMENT OF HIGHWAY BUDGET CODE  
5110.

On motion made by

the following resolution was adopted upon roll call:

WHEREAS, Richard Abate has resigned his position as Labor Crew Chief II, in the Department of Planning and Economic Development, NOW, BE IT

RESOLVED, that Richard Abate be and hereby is appointed Storeyard Crew Chief, Non Competitive, Grade 17, Step 12 (M), Salary Schedule D, \$101,368, in the Department of Highway, Budget Code 5110, by the Commissioner of the Department of Highway and ratified by the Town Board of the Town of Hempstead effective May 11, 2022 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:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: APPOINTMENT OF NICHOLAS DERENZE AS  
LABOR CREW CHIEF II, IN THE DEPARTMENT  
OF GENERAL SERVICES, TRAFFIC CONTROL  
DIVISION.

On motion made by  
the following resolution was adopted upon roll call:

RESOLVED, that Nicholas Derenze, now serving as Labor Crew Chief I,  
in the Department of General Services, Traffic Control Division, be and hereby is appointed Labor Crew  
Chief II, Non Competitive, Grade 15, Step 9 (J), Salary Schedule D, \$84,160, in the Department of  
General Services, Traffic Control Division, by the Commissioner of the Department of General Services  
and ratified by the Town Board of the Town of Hempstead effective May 11, 2022, 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:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: APPOINTMENT OF TIMOTHY DIVVER AS  
PERSONAL COMPUTER SUPPORT  
SPECIALIST TRAINEE, IN THE DEPARTMENT  
OF INFORMATION AND TECHNOLOGY,  
FROM THE CIVIL SERVICE LIST.

On motion made by  
the following resolution was adopted upon roll call:

WHEREAS, the Town of Hempstead Civil Service Commission has certified that Timothy Divver has passed the examination for the position of Personal Computer Support Specialist Trainee, Civil Service List No. 21812, and is eligible for appointment thereto,  
NOW, THEREFORE, BE IT

RESOLVED, that Timothy Divver, now serving as Office Services Assistant in the Department of Information and Technology, be and hereby is appointed Personal Computer Support Specialist Trainee, Competitive, Permanent, Grade 16, Step 10 (K), Salary Schedule D \$89,490, from the civil service list, by the Commissioner of the Department of Information and Technology and ratified by the Town Board of the Town of Hempstead effective May 11, 2022 and BE IT

FURTHER RESOLVED, that the probationary term of this appointment shall be subject to Rule XIV, Rules for the Civil Service of the Town of Hempstead.

AYES:

NOES:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: APPOINTMENT OF STEVEN GREENE, AS  
MAINTENANCE MECHANIC I, IN THE  
DEPARTMENT OF PARKS AND RECREATION.

On motion made by

the following resolution was adopted upon roll call:

RESOLVED, that Steven Greene, be and hereby is appointed  
Maintenance Mechanic I, Non Competitive, Grade 12, Start Step (A), Salary Schedule E, \$48,137, in  
the Department of Parks and Recreation, by the Commissioner of the Department of Parks and  
Recreation and ratified by the Town Board of the Town of Hempstead, effective May 11, 2022 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:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: APPOINTMENT OF BRENDAN GRIFFIN AS  
PERSONAL COMPUTER SUPPORT  
SPECIALIST TRAINEE, IN THE DEPARTMENT  
OF INFORMATION AND TECHNOLOGY,  
FROM THE CIVIL SERVICE LIST.

On motion made by  
the following resolution was adopted upon roll call:

WHEREAS, the Town of Hempstead Civil Service Commission has certified that Brendan Griffin has passed the examination for the position of Personal Computer Support Specialist Trainee, Civil Service List No. 21812, and is eligible for appointment thereto,  
NOW, THEREFORE, BE IT

RESOLVED, that Brendan Griffin, now serving as Messenger, in the Department of Information and Technology, be and hereby is appointed Personal Computer Support Specialist Trainee, Competitive, Permanent, Grade 16, Step 1 (B), Salary Schedule D \$59,366, from the civil service list, by the Commissioner of the Department of Information and Technology and ratified by the Town Board of the Town of Hempstead effective May 11, 2022 and BE IT

FURTHER RESOLVED, that the probationary term of this appointment shall be subject to Rule XIV, Rules for the Civil Service of the Town of Hempstead.

AYES:

NOES:



RESOLUTION NO:

CASE NO:

ADOPTED:

RE: TRANSFER OF GERARD HOCH, LABORER I,  
FROM THE DEPARTMENT OF PARKS AND  
RECREATION TO THE DEPARTMENT OF  
GENERAL SERVICES, BUILDINGS AND  
GROUNDS DIVISION.

On motion made by  
the following resolution was adopted upon roll call:

RESOLVED, that Gerard Hoch, Laborer I, be and hereby is transferred from the Department of Parks and Recreation to the Department of General Services, Buildings and Grounds Division, with no change in salary, by the Commissioner of the Department of General Services and ratified by the Town Board of the Town of Hempstead effective May 11, 2022 and BE IT

FURTHER RESOLVED, that subject appointment is probationary for twelve weeks and should candidate prove unsatisfactory during this period, said appointment may be terminated.

AYES:

NOES:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: APPOINTMENT OF WESLEY HUGHES AS  
LABOR CREW CHIEF I, IN THE DEPARTMENT  
OF GENERAL SERVICES, ADMINISTRATION.

On motion made by  
the following resolution was adopted upon roll call:

RESOLVED, that Wesley Hughes, now serving as Laborer II, in the Department of General Services, Administration, be and hereby is appointed Labor Crew Chief I, Non Competitive, Grade 13, Step 12 (M), Salary Schedule D, \$88,913, in the Department of General Services, Administration, by the Commissioner of the Department of General Services and ratified by the Town Board of the Town of Hempstead effective May 11, 2022, 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:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: SALARY ADJUSTMENT FOR JEFFREY MOORE,  
LABORER II, IN THE DEPARTMENT OF  
GENERAL SERVICES, CEMETERY DIVISION.

On motion made by  
the following resolution was adopted upon roll call:

RESOLVED, that the annual salary for Jeffrey Moore, Laborer II, in the Department of General Services, Cemetery Division, be and hereby is increased to Grade 11, Step 12 (M), Salary Schedule D, \$83,760, by the Commissioner of the Department of General Services and ratified by the Town Board of the Town of Hempstead effective May 11, 2022.

AYES:

NOES:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: APPOINTMENT OF DENNIS ROCHON AS  
CIVIL ENGINEER III, IN THE DEPARTMENT  
OF ENGINEERING, FROM THE CIVIL SERVICE  
LIST.

On motion made by  
the following resolution was adopted upon roll call:

WHEREAS, the Town of Hempstead Civil Service Commission has certified that Dennis Rochon has passed the examination for the position of Civil Engineer III, Civil Service List No. 62-386, and is eligible for appointment thereto, NOW, THEREFORE, BE IT

RESOLVED, that Dennis Rochon, now serving as Civil Engineer I, in the Department of Engineering, be and hereby is appointed Civil Engineer III, Competitive, Permanent, Grade 27, Step 7 (H), Salary Schedule D, \$117,498, from the civil service list, in the Department of Engineering, by the Commissioner of the Department of Engineering and ratified by the Town Board of the Town of Hempstead effective May 11, 2022 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:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: APPOINTMENT OF FREDERICK ROOKE AS  
GROUNDSKEEPER III, IN THE DEPARTMENT  
OF PARKS AND RECREATION.

On motion made by

the following resolution was adopted upon roll call:

RESOLVED, that Frederick Rooke, now serving as Labor Crew Chief II, in the Department of Parks and Recreation, be and hereby is appointed Groundskeeper III, Non Competitive, Grade 17, Step 12 (M), Salary Schedule D, \$101,368, in the Department of Parks and Recreation, by the Commissioner of the Department of Parks and Recreation and ratified by the Town Board of the Town of Hempstead effective May 11, 2022, 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:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: APPOINTMENT OF JARED SCHWARTZ AS  
PERSONAL COMPUTER SUPPORT  
SPECIALIST TRAINEE, IN THE DEPARTMENT  
OF INFORMATION AND TECHNOLOGY,  
FROM THE CIVIL SERVICE LIST.

On motion made by

the following resolution was adopted upon roll call:

WHEREAS, the Town of Hempstead Civil Service Commission has certified that Jared Schwartz has passed the examination for the position of Personal Computer Support Specialist Trainee, Civil Service List No. 21812, and is eligible for appointment thereto,  
NOW, THEREFORE, BE IT

RESOLVED, that Jared Schwartz, now serving as Computer Operator I, in the Department of Information and Technology, be and hereby is appointed Personal Computer Support Specialist Trainee, Competitive, Permanent, Grade 16, Step 10 (K), Salary Schedule D \$89,490, from the civil service list, by the Commissioner of the Department of Information and Technology and ratified by the Town Board of the Town of Hempstead effective May 11, 2022 and BE IT

FURTHER RESOLVED, that the probationary term of this appointment shall be subject to Rule XIV, Rules for the Civil Service of the Town of Hempstead.

AYES:

NOES:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: APPOINTMENT OF CHRISTEL VERNI AS  
RECEPTIONIST, IN THE DEPARTMENT OF  
BUILDINGS.

On motion made by  
the following resolution was adopted upon roll call:

RESOLVED, that Christel Verni, now serving as Office Aide, in the Department of Buildings, be and hereby is appointed Receptionist, Non Competitive, Grade 9, Step 3 (D), Salary Schedule D, \$52,063, in the Department of Buildings, by the Acting Commissioner of the Department of Buildings and ratified by the Town Board of the Town of Hempstead effective May 11, 2022, 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:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: APPOINTMENT OF NANCY WIDMAN, AS  
RECEPTIONIST, IN THE DEPARTMENT OF  
PARKS AND RECREATION.

On motion made by

the following resolution was adopted upon roll call:

RESOLVED, that Nancy Widman, be and hereby is appointed Receptionist, Non Competitive, Grade 9, Start Step (A), Salary Schedule E, \$44,134, in the Department of Parks and Recreation, by the Commissioner of the Department of Parks and Recreation and ratified by the Town Board of the Town of Hempstead, subject to satisfactory completion of pre-employment criteria, effective May 11, 2022 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:



RESOLUTION NO:

CASE NO:

ADOPTED:

RE: AMENDMENT OF RESOLUTION  
NO. 587/10-2022, ROBERT ELLERMAN, IN THE  
DEPARTMENT OF CONSERVATION AND  
WATERWAYS.

On motion made by  
the following resolution was adopted upon roll call:

WHEREAS, Resolution No. 857/10-2022 does not reflect the statement  
pertaining to the motion of terminating his provisional title of Marine Construction Supervisor,

NOW, THEREFORE, BE IT

RESOLVED, that the resolution should be amended to read WHEREAS,  
Robert Ellerman is terminated from his position as provisional Marine Construction Supervisor, in the  
Department of Conservation and Waterways, to enable his reinstatement of Barge Crane Operator I in  
the Department of Conservation and Waterways effective April 27, 2022.

AYES:

NOES:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: AMENDMENT OF RESOLUTION  
NO. 587/24-2022, MICHAEL MURPHY, IN THE  
DEPARTMENT OF PARKS AND RECREATION.

On motion made by

the following resolution was adopted upon roll call:

WHEREAS, Resolution No. 587/24-2022 states an incorrect effective date

NOW, THEREFORE, BE IT

RESOLVED, that the resolution should be amended to read “effective  
May 12, 2022”

AYES:

NOES:

RESOLUTION NO:

CASE NO:

ADOPTED:

RE: RESCIND RESOLUTION NO: 587/1-2022 FOR  
RICHARD ABATE, IN THE DEPARTMENT  
OF PLANNING AND ECONOMIC  
DEVELOPMENT.

On motion made by

the following resolution was adopted upon roll call:

WHEREAS, Resolution No. 587/1-2022 should not have been  
adopted, NOW, THEREFORE, BE IT

RESOLVED, that Resolution No. 587/1-2022 be rescinded.

AYES:

NOES:

5/10/2022

In addition there are (2) Two Resolutions for various types of Leaves of Absence.