

PROPOSED ORDINANCE NO. 52 - 2022

MAKING CERTAIN DETERMINATIONS PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT AND AUTHORIZING THE COUNTY EXECUTIVE ON BEHALF OF THE COUNTY OF NASSAU TO EXECUTE AN AMENDMENT TO FRANCHISE AGREEMENT BETWEEN THE COUNTY OF NASSAU AND SIGNAL OUTDOOR ADVERTISING, LLC, AS FRANCHISEE, IN CONNECTION WITH THAT CERTAIN FRANCHISE AGREEMENT DATED JANUARY 15, 2010 GRANTING THE FRANCHISEE THE EXCLUSIVE FRANCHISE TO INSTALL AND MAINTAIN BUS SHELTERS AND BUS BENCHES AT PUBLIC BUS STOPS ON COUNTY RIGHTS OF WAY AND THOSE OF OTHER MUNICIPAL ENTITIES WITH WHICH THE COUNTY HAS AN AGREEMENT AND TO PROVIDE ALL ADVERTISING THEREON.

WHEREAS, as authorized by Ordinance No. 227 – 2009 of the Nassau County Legislature (the “Ordinance”), the County of Nassau (the “County”) entered into that certain Franchise Agreement (the “Agreement”) with Signal Outdoor Advertising, LLC (the “Franchisee”) for the exclusive right to develop and maintain bus shelters and benches (“Waiting Facilities”) on public bus stops on County rights of way and those public bus stops on rights of way under the jurisdiction of other municipal entities with which the County has an agreement allowing the County to install Waiting Facilities and advertising, a copy of which Agreement is on file with the Clerk of the Nassau County Legislature; and

WHEREAS, the County is desirous of providing adequate Waiting Facilities for the convenience and comfort of passengers awaiting the arrival of bus transportation and to provide for all advertising upon said Waiting Facilities; and

WHEREAS, the Agreement expired by its terms on March 31, 2020 and the Franchisee has continued to provide the services outlined in the Agreement, and

WHEREAS, the Agreement provides that the County has the option to renew the Agreement for up to two (2) five (5) year periods, and

WHEREAS, pursuant to an Amendment To Franchise Agreement (the “Amendment”) the County and the Franchisee desire to renew the term of the Agreement for a period of five (5) years commencing April 1, 2020 and expiring on March 31, 2025 (the “Extended Term”) and to amend certain other terms and conditions of the Agreement; and

WHEREAS, there is a need throughout the County of Nassau for Waiting Facilities for the users of public transportation, particularly users of bus transportation, and the Franchisee has executed the Amendment; and

WHEREAS, the Nassau County Planning Commission, acting in an advisory capacity to the Nassau County Legislature (the “Legislature”), passed a Resolution on November 19, 2009, a copy of said Resolution being attached hereto as Appendix A and incorporated herein, recommending that the Legislature classify the action as an UNLISTED action, that a “Negative Declaration” be issued and conclude that no further environmental review or action is required.

THEREFORE, BE IT ORDANED BY THE LEGISLATURE OF THE COUNTY OF NASSAU AS FOLLOWS:

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1. That the County Executive be and he is hereby authorized to execute on behalf of the County of Nassau, the Amendment to Franchise Agreement, subject to all the terms and conditions as contained in said amendment.

2. That the County Executive is hereby authorized to execute any and all ancillary documents and to take such other action as is necessary to carry out the purposes of the Amendment.

3. That it is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the proposed action has been determined not to have a significant adverse effect on the environment and that no further review is required.

4. That this Ordinance shall take effect immediately.