

PROPOSED RESOLUTION NO. 156 - 2023

A RESOLUTION AUTHORIZING THE COUNTY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIMS OF PLAINTIFFS, AS SET FORTH IN THE ACTIONS ENTITLED *TOWN OF HEMPSTEAD V. COUNTY OF NASSAU* AND *TOWN OF NORTH HEMPSTEAD V. COUNTY OF NASSAU*, INDEX NO. 602286/2015 PURSUANT TO THE COUNTY LAW, THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY AND THE NASSAU COUNTY ADMINISTRATIVE CODE

WHEREAS, the Town of Hempstead and the Town of North Hempstead commenced actions entitled *Town of Hempstead v. County of Nassau* and *Town of North Hempstead v. County of Nassau*, Index No. 602286/2015 against the County of Nassau (the “County”), alleging certain violations of their rights, and the parties have agreed to settle said actions for \$3,900,000 in full settlement of all possible claims the Town of Hempstead may have against the County arising from the circumstances upon which their action is based and \$2,400,000 in full settlement of all possible claims the Town of North Hempstead may have against the County arising from the circumstances upon which their action is based; and

WHEREAS, the County Attorney has caused an investigation and analysis to be made of the said action and as a result thereof recommends that it be settled in the amount set forth above; now therefore, be it

RESOLVED, that the County Attorney be and is hereby authorized and directed to settle the said actions in the amounts as indicated above, provided that, if any payment arising from said actions is to be made from the proceeds of a borrowing, that a bond ordinance to finance such settlement is adopted by this Legislature and any borrowing pursuant to such bond ordinance is approved by the Nassau County Interim Finance Authority, if such approval is required; and be it further

RESOLVED, that the County Treasurer be and is hereby authorized to pay a maximum of \$3,900,000 as directed by the County Attorney and thereupon delivered to the attorneys for the Town of Hempstead and to pay a maximum of \$2,400,000 as directed by the County Attorney and thereupon delivered to the attorneys for the Town of North Hempstead upon receipt of a Settlement Agreement and Limited Release from the respective parties; and be it further

RESOLVED, 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 this settlement is a “Type II” Action within the meaning of Section 617.5(c)(26) of 6 N.Y.C.R.R. and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

