

**The Town Enacted the "Emergency Free Air Law"
to Settle Litigation**

9. The Town's "Emergency Free Air Law" was enacted as a compromise to settle the litigation of the Town's Law that prohibited payment for compressed air under all circumstances. Hereinafter this law shall be referred to as the Town's "Free Air Law".
10. This fact was made evident during the exchange between Hempstead Town Councilman Blakeman and the Plaintiff's lawyer (Erica Dubno) in the "Free Air Law" litigation during the August 7, 2018 hearing on the "Emergency Free Air Law" (see video at <https://youtu.be/O2WaOrBwpJQ?t=4144>).
11. In the video, Councilman Blakeman says "I thought if we pass this law that would settle the litigation". Erica Dubno responds, "That is correct".
12. In crafting the "Emergency Free Air Law" as part of a legal settlement, the Town's concern was not on land usage, as required by State and Town Zoning laws, but instead on cutting a deal to end the "Free Air Law" litigation.