

TOWN BOARD  
TOWN OF OYSTER BAY  
ACTION CALENDAR  
JANUARY 5, 2016  
10:13 a.m.

JOHN VENDITTO  
SUPERVISOR

JAMES ALTADONNA JR.  
TOWN CLERK

P R E S E N T:

JOHN VENDITTO, SUPERVISOR  
JOSEPH D. MUSCARELLA, COUNCILMAN  
ANTHONY D. MACAGNONE, COUNCILMAN  
CHRIS COSCHIGNANO, COUNCILMAN  
JOSEPH G. PINTO, COUNCILMAN  
REBECCA M. ALESIA, COUNCILWOMAN  
MICHELE JOHNSON, COUNCILWOMAN

A L S O P R E S E N T:

JAMES ALTADONNA JR. TOWN CLERK  
JAMES J. STEFANICH, RECEIVER OF TAXES  
KAREN UNDERWOOD, DEPUTY TOWN ATTORNEY,  
OFFICE OF THE TOWN ATTORNEY  
THOMAS SABELLICO, DEPUTY TOWN ATTORNEY  
FRANK M. SCALERA, CHIEF DEPUTY TOWN ATTORNEY,  
OFFICE OF THE TOWN ATTORNEY  
DIANE SMITH, OFFICE OF THE TOWN CLERK  
CAROL FIORENZA, SECRETARY TO THE TOWN CLERK  
RALPH J. RAYMOND, DEPUTY TOWN CLERK  
RAYMOND T. SPAGNUOLO, DEPUTY TOWN CLERK  
DEBRA REGENBOGEN, ASSISTANT TO THE SUPERVISOR,  
OFFICE OF THE SUPERVISOR  
CAROL STRAFFORD, DIRECTOR, LEGISLATIVE AFFAIRS  
(Appearances continued on following page.)

I certify this is a true  
and accurate transcript.



\_\_\_\_\_  
HOLLY DALOIA  
Official Reporter/Notary

**ORIGINAL TRANSCRIPT**

ALSO PRESENT:

MARTA KANE, DIRECTOR OF COMMUNITY RELATIONS,  
PUBLIC INFORMATION OFFICE  
BRIAN DEVINE, RESEARCH ASSISTANT, PUBLIC  
INFORMATION OFFICE  
BARRY BREE, DEPUTY COMMISSIONER, PUBLIC SAFETY  
VICKI SPINELLI, DEPUTY COMMISSIONER, DEPARTMENT OF  
HUMAN RESOURCES  
RICHARD LEMARCA, DIRECTOR/DIVISION OF LABOR  
MANAGEMENT, HUMAN RESOURCES  
FRANK A. NOCERINO, COMMISSIONER OF THE DEPARTMENT  
OF PARKS  
TIMOTHY ZIKE, DEPUTY COMMISSIONER OF THE DEPARTMENT  
OF PLANNING AND DEVELOPMENT  
FRANK GATTO, ASSISTANT TO THE COMMISSIONER OF  
GENERAL SERVICES  
ROBERT McEVOY, COMPTROLLER  
RALPH P. HEALEY, SPECIAL COUNSEL, ECONOMIC  
DEVELOPMENT

1 SUPERVISOR VENDITTO: Ladies and  
2 gentlemen, if everyone would find their seats, we  
3 will begin.

4 I will begin by wishing everyone a  
5 Happy New Year. Our Town Clerk, Mr. Altadonna, if  
6 you would kindly call the Board.

7 MR. ALTADONNA: Supervisor Venditto?

8 SUPERVISOR VENDITTO: I am here.

9 MR. ALTADONNA: Councilman Muscarella?

10 COUNCILMAN MUSCARELLA: Here.

11 MR. ALTADONNA: Councilman Macagnone?

12 COUNCILMAN MACAGNONE: Here.

13 MR. ALTADONNA: Councilman Coschignano?

14 COUNCILMAN COSCHIGNANO: Here.

15 MR. ALTADONNA: Councilman Pinto?

16 COUNCILMAN PINTO: Here.

17 MR. ALTADONNA: Councilwoman Alesia?

18 COUNCILWOMAN ALESIA: Here.

19 MR. ALTADONNA: Councilwoman Johnson?

20 COUNCILWOMAN JOHNSON: Here.

21 MR. ALTADONNA: Thank you.

22 SUPERVISOR VENDITTO: Ladies and  
23 gentlemen, if everyone would please rise and join  
24 in the Pledge of Allegiance to our flag. We will  
25 start with our Receiver Jim Stefanich.

1 (Whereupon, the Pledge of Allegiance  
2 was recited.)

3 SUPERVISOR VENDITTO: Thank you, James.

4 Mr. Altadonna, if you would -- I  
5 believe we have no public hearing.

6 MR. ALTADONNA: No.

7 SUPERVISOR VENDITTO: Would you begin  
8 with the call of the Regular Action Calendar?

9 MR. ALTADONNA: May I have a Motion to  
10 adopt Resolution P2-16?

11 Personnel Resolution Nos. P 2-16 to  
12 P -16 and PA -16 to PA -16; Resolutions related to  
13 personnel of various departments within the Town of  
14 Oyster Bay.

15 On the motion?

16 COUNCILMAN MUSCARELLA: So moved.

17 COUNCILMAN MACAGNONE: Seconded.

18 MR. ALTADONNA: Motion made by  
19 Councilman Muscarella, seconded by Councilman  
20 Macagnone.

21 On the vote, Supervisor Venditto?

22 SUPERVISOR VENDITTO: Aye.

23 MR. ALTADONNA: Councilman Muscarella?

24 COUNCILMAN MUSCARELLA: Aye.

25 MR. ALTADONNA: Councilman Macagnone?

1 COUNCILMAN MACAGNONE: Aye.  
2 MR. ALTADONNA: Councilman Coschignano?  
3 COUNCILMAN COSCHIGNANO: Aye.  
4 MR. ALTADONNA: Councilman Pinto?  
5 COUNCILMAN PINTO: Aye.  
6 MR. ALTADONNA: Councilwoman Alesia?  
7 COUNCILWOMAN ALESIA: Aye.  
8 MR. ALTADONNA: Councilwoman Johnson?  
9 COUNCILWOMAN JOHNSON: Aye.  
10 MR. ALTADONNA: Motion to adopt  
11 Resolution No. P2-16 passes with seven ayes.  
12 May I have a motion to adopt Resolution  
13 Nos. 1-2016 through 33-2016?  
14 Resolution No. 1-2016; Resolution  
15 granting request from the Waterfront Center, to  
16 permit winter storage of three boats at the  
17 Theodore Roosevelt Memorial Park Marina from  
18 December 1, 2015 through March 31, 2016. (M.D.  
19 12/8/15 #4).  
20 Resolution No. 2-2016; Resolution  
21 authorizing the collection of fees for the  
22 Department of Parks Softball League for the 2016  
23 Summer Season. (M.D. 12/8/15 #5).  
24 Resolution No. 3-2016; Resolution  
25 authorizing an extension of Contract No. PWC072-12,

1 On-Call Professional Services related to  
2 Information Technology Support for the period  
3 January 1, 2016 through December 31, 2016. (M.D.  
4 12/8/15 #11).

5 Resolution No. 4-2016; Resolution  
6 authorizing the property cleanup assessment of  
7 145 Greenwood Drive, Massapequa, NY, be referred to  
8 the County of Nassau for placement on the Nassau  
9 County Tax Assessment Rolls. (M.D. 12/8/15 #12).

10 Resolution No. 5-2016; Resolution  
11 authorizing the property cleanup assessment of  
12 18 Sherman Avenue Plainview, NY, be referred to the  
13 County of Nassau for placement on the Nassau County  
14 Tax Assessment Rolls. (M.D. 12/8/15 #13).

15 Resolution No. 6-2016; Resolution  
16 authorizing the property cleanup assessment of  
17 123 Miller Road, Hicksville, NY, be referred to the  
18 County of Nassau for placement on the Nassau County  
19 Tax Assessment Rolls. (M.D. 12/8/15 #14).

20 Resolution No. 7-2016; Resolution  
21 authorizing the property cleanup assessment of  
22 91 Westbury Avenue, Plainview, NY, be referred to  
23 the County of Nassau for placement on the Nassau  
24 County Tax Assessment Rolls. (M.D. 12/8/15 #15).

25 Resolution No. 8-2016; Resolution

1 authorizing a one-year renewal of a contract for  
2 Town Photographers at the same fee schedule,  
3 effective January 1, 2016 through December 31,  
4 2016. (M.D. 12/8/15 #30).

5 Resolution No. 9-2016; Resolution  
6 authorizing the reimbursement of a credit owed to a  
7 participating resident relative to the Hazard  
8 Mitigation Grant Program; 236 East Shore Drive,  
9 Massapequa, NY. (M.D. 12/15/15 #13).

10 Resolution No. 10-2016; Resolution  
11 authorizing the property cleanup assessment of  
12 179 North Atlanta Avenue, Massapequa, NY, be  
13 referred to the County of Nassau for placement on  
14 the Nassau County Tax Assessment Rolls. (M.D.  
15 12/15/15 #14).

16 Resolution No. 11-2016; Resolution  
17 authorizing the amendment of parking restrictions  
18 in Town of Oyster Bay Municipal Parking Lot S-2,  
19 Syosset, NY. (M.D. 12/15/15 #18).

20 Resolution No. 12-2016; Resolution  
21 authorizing taping editing services of the  
22 Community & Youth Services Department's special  
23 events for the period from January 1, 2016 through  
24 December 31, 2016. (M.D. 12/22/15 #4).

25 Resolution No. 13-2016; Resolution

1       pertaining to legal costs in connection with the  
2       matter of Bryan C. Murphy v. The Town of Oyster  
3       Bay, et al. (M.D. 12/22/15 #30).

4                 Resolution No. 14-2016; Resolution  
5       authorizing the renewal of the licensing agreement  
6       with Broadcast Music Incorporated, to cover all  
7       Town-sponsored performances and events. (M.D.  
8       12/22/15 #5).

9                 Resolution No. 15-2016; Resolution  
10       authorizing an agreement for On-Call Services for  
11       Housing and Other Programs for the period  
12       January 1, 2016 through December 31, 2016. (M.D.  
13       12/22/15 #6).

14                Resolution No. 16-2016; Resolution  
15       authorizing an agreement for On-Call Registered  
16       Nursing services for the period covering January 1,  
17       2016 through December 31, 2016. (M.D. 12/22/15 #7).

18                Resolution No. 17-2016; Resolution  
19       authorizing the renewal of a license agreement  
20       with the Society of European Stage Authors &  
21       Composers, Inc. for 2016 to cover all  
22       Town-sponsored performances and events. (M.D.  
23       12/22/15 #8).

24                Resolution No. 18-2016; Resolution  
25       authorizing the employment of the services of a



1 performer and caterer for various dates and  
2 locations for GAP program participants. (M.D.  
3 12/22/15 #9).

4 Resolution No. 19-2016; Resolution  
5 authorizing the Department of Community & Youth  
6 Services to host an Art Gallery and Reception to  
7 welcome the 2016 Rotational Artists, scheduled to  
8 be held January 12, 2016 at the Syosset-Woodbury  
9 Community Center. (M.D. 12/22/15 #10).

10 Resolution No. 20-2016; Resolution  
11 authorizing the Department of Community & Youth  
12 Services to conduct the Town of Oyster Bay Arts  
13 Council's Annual Talent Competition scheduled to be  
14 held on March 5, 2016 at the Nassau BOCES,  
15 Long Island High School for the Arts in Syosset.  
16 (M.D. 12/22/15 #11).

17 Resolution No. 21-2016; Resolution  
18 granting request from Jonathan Wexler to donate a  
19 tree and accompanying plaque in memory of Lillian  
20 Wexler to be placed at Marjorie R. Post Community  
21 Park. (M.D. 12/22/15 #12).

22 Resolution No. 22-2016; Resolution  
23 authorizing the Supervisor or authorized designee  
24 to execute any paperwork in connection with the  
25 pursuit of State and Municipal Facilities Capital

1 Program in connection with Massapequa Bulkhead  
2 Replacement Project. (M.D. 12/22/15 #19).

3 Resolution No. 23-2016; Resolution  
4 authorizing the Supervisor or authorized designee  
5 to execute any paperwork in connection with the  
6 pursuit of State and Municipal Facilities Capital  
7 Program in connection with Marjorie R. Post  
8 Community Park Community Center Renovation Project.  
9 (M.D. 12/22/15 #20).

10 Resolution No. 24-2016; Resolution  
11 authorizing for the Comptroller to reimburse costs  
12 owed to a participating resident relative to the  
13 Hazard Mitigation Grant Program at 7 South Bay  
14 Avenue, Massapequa. (M.D. 12/22/15 # 21).

15 Resolution No. 25-2016; Resolution  
16 authorizing the Supervisor to execute an amendment  
17 to the Community Development Block Grant Disaster  
18 Recover Sub-recipient Agreement in connection with  
19 New York Rising Community Reconstruction Program:  
20 Permanent Generators for Critical Facilities.  
21 (M.D. 12/22/15 #22).

22 Resolution No. 26-2016; Resolution  
23 authorizing the renewal of annual software  
24 maintenance effective January 1, 2016. (M.D.  
25 12/22/15 #23).

1 Resolution No. 27-2016; Resolution  
2 pertaining to On-call Contract PWC 70-16 to provide  
3 the necessary enhancements, customizations and  
4 training for the Microsoft AX Dynamics system.  
5 (M.D. 12/22/15 #24).

6 Resolution No. 28-2016; Resolution  
7 authorizing the issuance of bonds resolution  
8 relative to the acquisition and installation of  
9 various equipment for network and data security.  
10 (M.D. 12/22/15 #25).

11 Resolution No. 29-2016; Resolution  
12 pertaining to the Town Environmental Quality Review  
13 Division's "Review of Action and Recommended  
14 Determination of Significance" on the application  
15 of Underhill Senior Housing, LLC; Engel Burman at  
16 Underhill, LLC; John C. Doremus and William J.  
17 Doremus, as Co-administrators of the Estate of  
18 William H. Doremus, and Ellen Doremus for a Change  
19 of Zone and Special Use Permit, Jericho, NY.  
20 Negative Declaration. (M.D. 12/22/15 #28).

21 Resolution No. 30-2016; Resolution  
22 pertaining to litigation in connection with  
23 S.P.R.C. Realty Corp., et al. v. Town of Oyster Bay  
24 et al., and Other Garbage Tax Related Cases. (M.D.  
25 12/22/15 #31).

1 Resolution No. 31-2016; Resolution  
2 authorizing a one-year extension of Contract No.  
3 SE004-12, Transfer, Haul and Recycling Tires,  
4 commencing January 1, 2016 through December 31,  
5 2016, at the same prices, conditions and terms as  
6 provided in the present contract. (M.D. 12/22/15  
7 #15).

8 Resolution No. 32-2016; Resolution  
9 authorizing the acceptance of Donation of funds to  
10 the Town of Oyster Bay for the Memorial at  
11 Plainedge Park in Massapequa. (M.D. 12/22/15 #29).

12 Resolution No. 33-2016; Resolution  
13 directing the Town Clerk to advertise a Notice of  
14 Hearing on the application of Bolla Operating L.I.  
15 Corp. and Bolla EM Realty, LLC, Hicksville, NY.  
16 Hearing Date: February 2, 2016. (M.D. 12/22/15  
17 #27).

18 On the motion?

19 COUNCILMAN MUSCARELLA: So moved.

20 COUNCILMAN MACAGNONE: Seconded.

21 MR. ALTADONNA: There are speakers,  
22 Supervisor, on 3, 13, 25, 27, 28 and 30.

23 SUPERVISOR VENDITTO: Paul, where are  
24 you? Paul, I have you for 3, 25, 27, 28; am I  
25 right?

1 MR. MOLINARI: Yes, 3, 25, 27 at this  
2 time.

3 SUPERVISOR VENDITTO: I have 28 also.

4 MR. MOLINARI: Yes, I'm sorry. Three  
5 are related, 3, 27, 28. 13 is on a different  
6 issue.

7 SUPERVISOR VENDITTO: Okay. You're on,  
8 Paul.

9 I don't mean to be difficult, but for  
10 350 years that podium has been dead center. You're  
11 out in left field. There we go.

12 MR. MOLINARI: Wherever you want it.

13 SUPERVISOR VENDITTO: I feel better.  
14 What do you have?

15 MR. MOLINARI: Good morning, Supervisor  
16 and Board Members. Happy New Year to everybody.

17 ALL: Happy New Year.

18 MR. MOLINARI: We have three  
19 resolutions before the Board right now concerning  
20 Information Technology Support.

21 Resolution 3 which is one increasing  
22 professional service contract from 3 million to  
23 6 million dollars, 3 million dollar increase.

24 The second one is the award of a  
25 software contract for \$600,000 allowing three-year

1 renewal. The third resolution is on the issuance  
2 of 350,000 bond for the upgrade of network and  
3 security features here.

4 After reviewing this and looking at the  
5 approved budget, I had several questions.

6 First of all, the Comptroller's office  
7 budget has only 1.5 million dollars for  
8 professional services for Information Technology.  
9 This resolution before you is for 3 million  
10 dollars.

11 One question is, why, when we have an  
12 approved budget that only has 1.5 million, that  
13 there is a Resolution for a 3 million dollar  
14 increase?

15 My second question is, that you had the  
16 bond also in the Comptroller's approved budget,  
17 there is contracting for Information Technology  
18 Maintenance of \$855,000, you have two resolutions.  
19 One for \$600,000 be awarded and one for a bond of  
20 \$350,000. The sum goes up, it's exceeded the total  
21 amount of the approved budget.

22 I would think -- one question, why are  
23 we exceeding the budget?

24 The second question, why are we issuing  
25 a bond for \$350,000 when we already have in your

1 budget \$855,000? So my concern is that you  
2 recently approved the budget and here we are  
3 already busting the budget in the first meeting of  
4 the physical year. My recommendation would be that  
5 the bond come out of the \$855,000.

6 Resolution 3 be modified that you only  
7 approve professional service contract in the 1.5  
8 million associated with what is in the approved  
9 budget. I would also recommend that if that can't  
10 be done today, that the Board table these three  
11 motions until it's done.

12 SUPERVISOR VENDITTO: I've already  
13 spoken to the Comptroller about this at great  
14 length. I think you should hear what I heard.

15 Bob, would you tell him what we  
16 discussed?

17 MR. McEVOY: The budget for the  
18 computer support in the operating budget is just  
19 that, for operating expenses.

20 Resolution 3 includes both projects,  
21 work which can be charged to the Capital Projects  
22 Fund and the amount can be charged to operating for  
23 day-to-day consultant work in the Comptroller's  
24 office.

25 What was the question on the second

1 one, 26 or 27?

2 MR. MOLINARI: 27.

3 The software award contract \$600,000  
4 combined with the \$350,000 bond.

5 MR. McEVOY: Well, they are not really  
6 combined.

7 MR. MOLINARI: When I looked at it --

8 MR. McEVOY: Software is purchased out  
9 of the Capital Projects Fund.

10 MR. MOLINARI: All right.

11 MR. McEVOY: On 28 -- on State  
12 contract, they were you can pay them or you can do  
13 a lease purchase through them.

14 For 28, we got a favorable rate through  
15 the State contract and in order to do a lease  
16 purchase, you can't just go out and sign an  
17 agreement. You have to pass a bond resolution as  
18 if you sold a regular bond.

19 So in order to authorize that lease  
20 purchase of the equipment, the network and data  
21 security for our system, we have -- we look to  
22 enter into an agreement with the company, and by  
23 doing so, we have to pass a resolution as if it's a  
24 bond resolution.

25 MR. MOLINARI: Thank you.



1 Let me go back to Resolution 3 then.

2 You're saying you have in the budget  
3 between the Capital and your -- Capital approved  
4 budget and your operating budget for 3 million  
5 dollars.

6 MR. McEVOY: In excess of that, yes.

7 Again, it's not to exceed amount 1.5 in  
8 the operating and at least in 2 million in Capital.  
9 So it's covered. All right.

10 MR. MOLINARI: Thank you.

11 SUPERVISOR VENDITTO: Thank you, Paul.

12 Happy New Year.

13 On 13 and 30, Bob Freier?

14 MR. FREIER: Good morning.

15 Happy New Year to everyone.

16 SUPERVISOR VENDITTO: Happy New Year.

17 MR. FREIER: For number 30, can you,  
18 first of all, just explain what this lawsuit is all  
19 about regarding a designation of Long Island Sound?

20 SUPERVISOR VENDITTO: I wish I could.

21 I'm not trying to be funny.

22 Who is in a good position to give a  
23 concise version? Bob -- whoever is more  
24 comfortable with that. Starting with the  
25 background. I think everybody here.

1 MR. HAL MEYER: 13?

2 SUPERVISOR VENDITTO: 30 --

3 MR. FREIER: Yes, 13.

4 SUPERVISOR VENDITTO: I thought you  
5 meant the garbage case.

6 MR. FREIER: No. Next.

7 SUPERVISOR VENDITTO: The boundary  
8 dispute. Quickly, I'll tell you the Town of Oyster  
9 Bay ticketed I think a Huntington -- someone from  
10 Huntington and the defense was set up that we  
11 ticketed him in waters that are not within the  
12 Town's jurisdiction. So there's apparently a  
13 boundary dispute as to where the Town's waters  
14 begin and where the Town's waters end and so on and  
15 so forth.

16 I think we're awaiting decision now  
17 from a court to set the boundary line. I think  
18 basically that's what's happening.

19 Am I oversimplifying it?

20 MR. HAL MAYER: Not to me. We can go  
21 into a lot of detail. But as the Supervisor said,  
22 where does Cold Spring Harbor stop and the  
23 Long Island Sound start and vice versa depending on  
24 whether you come from a local standpoint?

25 We've been in business since 1653 and

1       there are charters and patents that seem to our  
2       eyes to say that the waters in question were given  
3       to the Town of Oyster Bay back in colonial times, I  
4       believe. Some people, including some people who  
5       are in the employ of New York State, have a  
6       different interpretation. It goes back to how  
7       boundaries were used obviously several hundred  
8       years ago. The technology that surveyors use today  
9       didn't exist. So you have the waterfront  
10      equivalent of the big oak tree on Mr. O'Leary's  
11      farm, and one hundred years later, the oak tree is  
12      not there. Where is the boundary? That's not  
13      literally -- I mean, that's a big debate among  
14      experts of where open waters are and that's why we  
15      had to get a local law firm and experts in the  
16      particular field to testify and make a case to try  
17      to support our historic claim to jurisdiction of  
18      what we think the local waters are.

19                   COUNCILMAN COSCHIGNANO: Apparently,  
20      it's very confusing because we run very close to  
21      Cold Spring Harbor and you would think it's not our  
22      water and apparently it is.

23                   SUPERVISOR VENDITTO: I think the money  
24      we're spending on today's calendar has to do with  
25      procuring expert testimony as opposed to legal

1 fees.

2 MR. HAL MAYER: Yes, correct, and it's  
3 listed this way because -- I know the Board's aware  
4 of this. It's treated -- what attorneys call  
5 disbursement for the case when they hire experts  
6 and that's done, so it's covered under the blanket  
7 of their authority and confidentiality as the  
8 experts and the attorneys work together to build a  
9 case.

10 SUPERVISOR VENDITTO: Does that help,  
11 Rob?

12 MR. FREIER: Yes, it does.

13 So this Brian is the person that was  
14 ticketed originally?

15 SUPERVISOR VENDITTO: He was ticketed,  
16 yes.

17 MR. FREIER: So we're employing outside  
18 counsel on this.

19 How big was this ticket to begin with?

20 SUPERVISOR VENDITTO: I don't think the  
21 ticket was the issue. The issue is where the  
22 boundary is set. And you do get involved with  
23 elements of Maritime Law and certain expertise that  
24 we need outside counsel for.

25 MR. HAL MAYER: There are a number of

1 issues.

2 One of the issues is -- certainly, this  
3 particular ticket is not the driving issue. This  
4 gentleman's name attaches to the case because  
5 that's the event that triggered this dispute. But  
6 there is a great concern and this Board has  
7 addressed it several times about the potential  
8 depletion of shellfish and related resources in our  
9 local waters. And the Board has tried to regulate  
10 this and there is a balance between opening it up  
11 so people can make a living and have recreation,  
12 but also that we don't overharvest. The fear is  
13 that if -- what we think are the local waters'  
14 boundaries are diminished and the State opens it up  
15 to people that don't have local permits from us,  
16 it's very hard then for the Town to continue to  
17 regulate the degree to which the resources are  
18 harvested.

19 MR. FREIER: That's a totally separate  
20 issue because I mean we see on social media almost  
21 every day Flowers boats dredging in the harbor  
22 where they shouldn't be so.

23 MR. HAL MEYER: Well, that snide  
24 comment aside, the legality that we are the  
25 jurisdictional dispute that we are trying to

1 maintain -- when I say we, the Town, is trying to  
2 maintain what it views as its historic role and  
3 right to excerpt jurisdiction over what the Town  
4 perceives as local waters. The reason why I called  
5 that a snide comment is because that's attacking  
6 how the Town exercises that jurisdiction. I'm not  
7 addressing that.

8 I'm addressing what this particular  
9 lawsuit is, not the wisdom of any particular  
10 decision that the Board has made, only their  
11 efforts to try to regulate the resource.

12 SUPERVISOR VENDITTO: I think we got  
13 it.

14 MR. FREIER: Do we know how much to  
15 date we spent on that, Counsel?

16 SUPERVISOR VENDITTO: I don't know if  
17 we have the figures here.

18 Can anyone help with that? Can we get  
19 them?

20 MR. HAL MEYER: The amount expended to  
21 date on this Murphy lawsuit, no.

22 (Whereupon, Tom Sabellico spoke  
23 unclearly off the mic.)

24 MR. FREIER: Thank you -- oh, I still  
25 have 30.

1 SUPERVISOR VENDITTO: Yes.

2 MR. FREIER: Can you explain the  
3 litigation with a company named SPRC Realty Corp.?  
4 What is that for and does this involve additional  
5 outside legal counsel and if so how much?

6 SUPERVISOR VENDITTO: We're back on 30?

7 MR. FREIER: Now 30.

8 SUPERVISOR VENDITTO: This was the  
9 original question I have. I'd really like you to  
10 go back as far as you can. It will help me too and  
11 discuss this.

12 MR. HAL MEYER: This, I believe, is  
13 known corporately as the garbage tax case.

14 SUPERVISOR VENDITTO: The Comptroller  
15 can join in at any point, if he so wishes. I want  
16 to give Rob and the audience a --

17 MR. FREIER: SPRC Realty Corp.

18 MR. McEVOY: There are two different  
19 kinds of garbage cases out there. One is where  
20 LIPA and the other utilities were taxed for the  
21 telephone poles -- the utility poles and then they  
22 were taken off of the tax rolls and then they were  
23 put back on and they were taken off and it was  
24 determined finally, this last assessment, that none  
25 of the poles are being assessed garbage or disposal

1 district tax.

2 SUPERVISOR VENDITTO: Under the theory  
3 that poles don't generate --

4 MR. McEVOY: Don't generate any  
5 garbage. They're not attuned to any quality of  
6 life issues. So they're just there and they  
7 shouldn't pay taxes for garbage or solid waste, but  
8 they pay the other taxes.

9 MR. HAL MEYER: Notwithstanding, they  
10 pay school tax and don't generate any school  
11 children, but, apparently, it applies to garbage  
12 and not children.

13 SUPERVISOR VENDITTO: You don't know  
14 where it's going after this, right?

15 MR. McEVOY: Right.

16 The other type of garbage tax, I  
17 believe, is when a development is put in, and they  
18 agree not to have Town pickup, and then all of a  
19 sudden, they say either -- the developer says go  
20 ahead, don't worry about it. We'll pick up our own  
21 garbage and then they turn it over to a homeowner's  
22 association and the homeowner's association says,  
23 "Wait a minute. If we're paying garbage tax and  
24 you come in and pick up our garbage or you take us  
25 out of the garbage district and don't charge us the



1 tax."

2 So I'm not 100 percent sure which this  
3 case is right now or what this resolution actually  
4 pertains to, but those are the two types of garbage  
5 taxes.

6 MR. FREIER: Who is SPRC Realty?  
7 That's who the litigation is with.

8 MR. HAL MEYER: They represent the  
9 utility company. I'm not sure what the initials  
10 speak of.

11 SUPERVISOR VENDITTO: It's the utility  
12 company.

13 MR. FREIER: The realty corp. is the  
14 utility company.

15 MR. HAL MEYER: Maybe the real estate  
16 owning arm of the utility company. A lot of  
17 companies have more than one name or entity for  
18 different purposes.

19 SUPERVISOR VENDITTO: All of the --

20 MR. HAL MEYER: Real estate companies,  
21 but Bob did an excellent job explaining several of  
22 the issues. This, I believe, is legal fees for the  
23 -- we'll call tax on the poles case and the boards  
24 have ruled that the utilities are entitled to a  
25 refund, but they have also ruled that the County

1 has to reimburse the Town for most, if not all of  
2 the refund.

3 SUPERVISOR VENDITTO: After we pay it.

4 MR. HAL MEYER: After we pay. This is  
5 involved with paying the legal fees to get us to  
6 that point.

7 MR. FREIER: So this had been going on  
8 for a while.

9 MR. HAL MEYER: Years.

10 MR. FREIER: Do we have a number on how  
11 much we spent on outside counsel for that?

12 SUPERVISOR VENDITTO: We have to look  
13 it up. We can get it for you.

14 MR. FREIER: Just a question that  
15 relates to that. So if there is a -- I live in a  
16 condo community. We don't get garbage pickup from  
17 the Town. We pay a private company, so it's not on  
18 our tax roles. I know a long time ago for some  
19 reason it was.

20 SUPERVISOR VENDITTO: It was.

21 MR. FREIER: That's normally the case  
22 with anyone, right?

23 SUPERVISOR VENDITTO: I believe that's  
24 the second situation the Comptroller described.

25 COUNCILMAN COSCHIGNANO: You shouldn't

1 pay taxes and private, no.

2 MR. FREIER: Thank you.

3 SUPERVISOR VENDITTO: It's nice after  
4 all the years that it has been done a certain way  
5 to suddenly have the rug pulled out from you and  
6 now we have to --

7 MR. FREIER: Pony up.

8 SUPERVISOR VENDITTO: Yes.

9 It's a countywide problem, by the way,  
10 that all the towns are experiencing. What we don't  
11 understand is why we're paying first and then have  
12 to seek reimbursement. That makes no sense to me  
13 at all. I understand holding the case --

14 MR. McEVOY: I wasn't happy about that  
15 either.

16 SUPERVISOR VENDITTO: I just don't  
17 understand -- all right. Obviously, we're not  
18 going to prevail on that. We're going to have to  
19 pay it and get reimbursed from the County.

20 Robert Ripp on 4 and 5. Happy New  
21 Year, Rob.

22 MR. RIPP: Happy New Year. I'm Robert  
23 Ripp from Massapequa, New York. We spoke at the  
24 last couple of meetings.

25 My question is not really so much in

1 relation to the individual -- once again, the  
2 individual resolution, but the property cleanup in  
3 general.

4 I just want to verify, when we do  
5 cleanups, what exactly are we doing? We're just  
6 cleaning the exterior? We're not going into the  
7 properties; are we?

8 SUPERVISOR VENDITTO: Talking about  
9 invading the building structure, no. Cleaning up  
10 the exterior of the home.

11 MR. RIPP: Can you tell me -- I notice  
12 the charges are different for each property. How  
13 do you calculate like landscaper -- I think maybe  
14 they do it by square footage. I don't really know.  
15 How do you calculate -- like I notice like you  
16 charge one property \$650, but another 1,500.

17 How do they come up with that number?

18 SUPERVISOR VENDITTO: I think common  
19 sense is appraisal. It depends on the effort put  
20 forward. I would say space. Some properties are  
21 dirtier than others.

22 MR. RIPP: That makes sense. We had  
23 spoken about a particular property located at  
24 75 Thurman, I think, Avenue in Hicksville where I  
25 had spoken to a realtor and he mentioned a bank had

1 ordered a cleanup.

2 Did you find out who requested the  
3 cleanup on that property?

4 SUPERVISOR VENDITTO: I don't recall.

5 MR. RIPP: I had asked you a couple of  
6 meetings back and you said you were going to find  
7 out.

8 SUPERVISOR VENDITTO: I'm sorry.

9 Can we just get the question clear so  
10 it doesn't happen again? What is the question?

11 MR. RIPP: I would like to know in  
12 regards to a specific property, 75 Thurman Avenue  
13 when the Town passed a resolution a couple of  
14 meetings ago to clean it up, I would like know who  
15 ordered the cleanup of that property.

16 Actually --

17 SUPERVISOR VENDITTO: Who ordered or  
18 who requested it?

19 MR. RIPP: Who requested it.

20 Thank you for pointing that out.

21 SUPERVISOR VENDITTO: If we can, we  
22 will.

23 How is that?

24 MR. RIPP: In regards to the  
25 properties, I would like to know -- each -- correct

1 me if I'm wrong, but each property should have like  
2 a code of compliance file on it, if -- I believe,  
3 I'm hoping, where the request for information that  
4 came in -- or request for investigation, the code  
5 officer's compliance report when he goes to the  
6 property, the Notice of Violation that's served, I  
7 mean there should be a file for each property.

8 SUPERVISOR VENDITTO: I think something  
9 generally in that nature, yes.

10 MR. RIPP: Can you tell me, when we  
11 clean those up, I noticed -- because I visit some  
12 of the properties.

13 Do some get classified a dangerous  
14 building and some don't?

15 SUPERVISOR VENDITTO: You know what?

16 COUNCILMAN MACAGNONE: I believe so.

17 SUPERVISOR VENDITTO: It may be, but  
18 we're guessing --

19 MR. SABELLICO: The cleanup does not  
20 necessarily have anything to do with the danger of  
21 the building. It could just be the growth,  
22 shrubbery or grass -- there is Property Maintenance  
23 135, 182 details as to what requires cleanup and  
24 Notice of Violation. This building is really in a  
25 whole separate chapter of code.

1 SUPERVISOR VENDITTO: Let's go slow  
2 here.

3 In my experience, I've seen quite a  
4 few. Typically, what happens is it looks like an  
5 abandoned property. There is overgrowth and  
6 shrubbery. It looks like the lawn hasn't been cut  
7 in ten years, that kind of thing. That's what  
8 typically draws a resident's attention or the  
9 Town's attention to a property. Once they enter  
10 upon the property, the sky's the limit. I don't  
11 know what they might find. I'm not aware that too  
12 many of them are found to be structurally unsound,  
13 ultimately, but, yes, it could happen that they  
14 are.

15 MR. RIPP: Can you tell me -- I asked  
16 this a couple of meetings back, these abandoned  
17 properties, is the Town following the State  
18 guidelines and reporting them to the State registry  
19 for zombie homes?

20 SUPERVISOR VENDITTO: I don't know.

21 Tim Zike, I don't want to put you on  
22 the spot, but can you help us? What's the process?

23 MR. ZIKE: Typically, what happens is a  
24 resident will make a complaint to Code Enforcement  
25 Bureau --

1 SUPERVISOR VENDITTO: But that's not  
2 always what happens, typically.

3 MR. ZIKE: Correct, yes. A case file  
4 is opened. An inspector does go out and makes an  
5 assessment of the property. They will put the  
6 property owner on notice for a number days -- if  
7 they don't clean up the property or don't coincide  
8 with the notice, the Town orders a cleanup, and as  
9 the Supervisor was saying, the majority are  
10 cosmetic. Many are clip the lawn, clip the hedges,  
11 any trash on the lawn. Things like that. Okay?

12 MR. RIPP: Thank you.

13 One last question on the statement you  
14 just made.

15 How else is the Town being made aware  
16 of these properties besides a resident complaining?

17 SUPERVISOR VENDITTO: I don't know if I  
18 can identify all of them for you, but I can tell  
19 you that I've called in many over the years. I can  
20 just be driving around and you just see it.

21 MR. RIPP: I actually called the Code  
22 Enforcement division, and I explained similarly I  
23 wanted the same thing and they told me I had to  
24 fill out a request for investigation to send it in.

25 SUPERVISOR VENDITTO: I think typically



1 it starts with that. That's appropriate.

2 MR. RIPP: So if it starts with a  
3 request for investigation, then -- I mean, you just  
4 mentioned that's not the only way the Town is  
5 alerted to those properties.

6 How else are we being alerted to them?  
7 Let me just ask you to straight out, this real  
8 estate guy told me the bank ordered it.

9 Is it true the banks are ordering  
10 cleanups.

11 SUPERVISOR VENDITTO: I don't know what  
12 the real estate guy told you, and I'm not aware  
13 that banks are ordering cleanups. I have nothing  
14 against the real estate industry, but I'd be  
15 cautious taking anything they say at face value.

16 The only thing I can tell you, Rob --  
17 I'm not trying to be difficult, one very obvious  
18 way -- I think Tim Zike was right in characterizing  
19 as typical is a resident calling.

20 I mean, who knows better than a  
21 resident of what's going on, on the street?

22 Also, as it happens -- I'm just  
23 remembering a Summer or two ago, I was driving  
24 along Forest Avenue in Massapequa and there once  
25 was a house there and all I could see was overgrown

1 grass, shrubbery and trees. I couldn't even tell  
2 if the house was there any more. I don't know if I  
3 contacted Highway or DOT and told them to get over  
4 there and give it a haircut. It was unsightly. I  
5 was actually surprised I didn't hear from a  
6 resident.

7 So one way it comes in is through  
8 residents contact which is probably the most  
9 prevalent. I can tell you, in my case, that I've  
10 done it on personal observations. I don't know,  
11 Tim.

12 Is there any other way --

13 MR. ZIKE: I'd say ten times out of ten  
14 everything come in, in a request form.

15 MR. RIPP: Thank you very much. Thank  
16 you.

17 SUPERVISOR VENDITTO: Thank you.

18 We'll continue, Mr. Altadonna, with the  
19 call.

20 MR. ALTADONNA: Motion made by  
21 Councilman Muscarella.

22 Seconded by Councilman Macagnone.

23 On the vote, Supervisor Venditto?

24 SUPERVISOR VENDITTO: Aye.

25 MR. ALTADONNA: Councilman Muscarella?

1 COUNCILMAN MUSCARELLA: Aye.  
2 MR. ALTADONNA: Councilman Macagnone?  
3 COUNCILMAN MACAGNONE: Aye.  
4 MR. ALTADONNA: Councilman Coschignano?  
5 COUNCILMAN COSCHIGNANO: I'll abstain  
6 on 29 and 30. Aye on all the rest.  
7 MR. ALTADONNA: Councilman Pinto?  
8 COUNCILMAN PINTO: Aye.  
9 MR. ALTADONNA: Councilwoman Alesia?  
10 COUNCILWOMAN ALESIA: Aye.  
11 MR. ALTADONNA: Councilwoman Johnson?  
12 COUNCILWOMAN JOHNSON: Aye.  
13 MR. ALTADONNA: Motion to adopt  
14 Resolution Nos. 1-2016 through 28-2016 passes with  
15 seven ayes.  
16 Motion to adopt Resolution Nos. 29-2016  
17 and 30-2016 passes six ayes and one abstention.  
18 Motion to adopt Resolution Nos. 31-2016  
19 through 33-2016 passes with seven ayes.  
20 Calendar is complete.  
21 SUPERVISOR VENDITTO: This completes  
22 the Regular Action Calendar.  
23 Mr. Muscarella, I'll take a motion.  
24 COUNCILMAN MUSCARELLA: Supervisor, I  
25 make a motion that the meeting be closed.

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COUNCILMAN MACAGNONE: Seconded.  
SUPERVISOR VENDITTO: All in favor.  
ALL: Aye.  
SUPERVISOR VENDITTO: Opposed. So  
moved.

We stand adjourned and ready to proceed  
with our public comment period. We'll do so in  
five minutes. We'll take a brief recess.

(Time noted: 10:42 a.m.)