

TOWN OF OYSTER BAY
TOWN BOARD
ACTION CALENDAR
January 19, 2016
10:38 a.m.

JOHN VENDITTO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

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

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

JAMES ALTADONNA JR., TOWN CLERK
JAMES J. STEFANICH, RECEIVER OF TAXES
LEONARD GENOVA, TOWN ATTORNEY
DIANE SMITH, OFFICE OF THE TOWN CLERK
CAROL STRAFFORD, DIRECTOR, LEGISLATIVE AFFAIRS,
OFFICE OF THE TOWN ATTORNEY
JUNE MASCIA, DEPUTY COMMISSIONER, GENERAL SERVICES
THOMAS SABELLICO, DEPUTY TOWN ATTORNEY,
OFFICE OF THE TOWN ATTORNEY
FRANK SCALERA, CHIEF DEPUTY TOWN ATTORNEY,
OFFICE OF THE TOWN ATTORNEY
DONNA B. SWANSON, DEPUTY TOWN ATTORNEY,
OFFICE OF THE TOWN ATTORNEY

(Appearances continued on following page.)

I certify this is a true
and accurate transcript.



JULIA GIANNAKOPOULOS
Official Reporter/Notary

ORIGINAL TRANSCRIPT

ALSO PRESENT:

MATTHEW M. ROZEA, ASSISTANT TOWN ATTORNEY,
OFFICE OF THE TOWN ATTORNEY
MARTA KANE, DIRECTOR OF COMMUNITY RELATIONS,
PUBLIC INFORMATION OFFICE
BRIAN DEVINE, RESEARCH ASSISTANT,
PUBLIC INFORMATION OFFICE
JOSEPHINE V. MACCHIA, ASSISTANT,
OFFICE OF THE EXECUTIVE
KATHRYN SKRYNECKI, ASSISTANT,
OFFICE OF THE EXECUTIVE
ANTHONY T. ESPOSITO, ASSISTANT,
OFFICE OF THE EXECUTIVE
RALPH RAYMOND, DEPUTY TOWN CLERK
CAROL A. FIORENZA, SECRETARY TO THE TOWN CLERK
FRANK GATTO, ASSISTANT TO THE COMMISSIONER,
GENERAL SERVICES
VICKY SPINELLI, DEPUTY COMMISSIONER,
DEPARTMENT OF HUMAN RESOURCES
RICHARD LaMARCA, DIRECTOR, DIVISION OF LABOR-
MANAGEMENT RELATIONS, DEPARTMENT OF HUMAN RESOURCES
TIMOTHY ZIKE, DEPUTY COMMISSIONER,
DEPARTMENT OF PLANNING AND DEVELOPMENT
BARRY BREE, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC SAFETY
FRANK A. NOCERINO, COMMISSIONER, PARKS DEPARTMENT
RALPH P. HEALEY, SPECIAL COUNSEL,
ECONOMIC DEVELOPMENT
NEIL O. BERGIN, COMMISSIONER, DEPARTMENT OF
ENVIRONMENTAL RESOURCES
FRANK V. SAMMARTANO, DEPUTY COMMISSIONER,
INTERGOVERNMENTAL AFFAIRS

1 SUPERVISOR VENDITTO: All right,
2 Mr. Altadonna.

3 Let's proceed with the call of our
4 Regular Action Calendar.

5 MR. ALTADONNA: May I have a motion to
6 adopt Resolution No. P3-16 and TF 1-16?

7 Personnel Resolution Nos. P 3-16 to
8 P -16 and PA -16 to PA -16; Resolutions related to
9 personnel of various departments within the Town of
10 Oyster Bay.

11 Transfer Of Funds Resolution No.
12 TF 1-16; Resolution relating to Transfer of Funds
13 within various departments accounts for the Year
14 2016.

15 On the motion?

16 COUNCILMAN MUSCARELLA: So moved.

17 COUNCILMAN MACAGNONE: Seconded.

18 MR. ALTADONNA: Motion made by
19 Councilman Muscarella.

20 Seconded by Councilman 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?

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COUNCILMAN MACAGNONE: "Aye."
MR. ALTADONNA: Councilman Coschignano?
COUNCILMAN COSCHIGNANO: "Aye."
MR. ALTADONNA: Councilman Pinto?
COUNCILMAN PINTO: "Aye."
MR. ALTADONNA: Councilwoman Alesia?
COUNCILWOMAN ALESIA: "Aye."
MR. ALTADONNA: Councilwoman Johnson?
COUNCILWOMAN JOHNSON: "Aye."
MR. ALTADONNA: Motion to adopt
Resolution Nos. P 3-16 and TF 1-16 passes with
seven "Ayes."
You have speakers, Supervisor, on 38
and 39.
SUPERVISOR VENDITTO: Okay.
MR. ALTADONNA: May I have a motion to
adopt Resolution Nos. 34-2016 through 40-2016?
Resolution No. 34-2016; Resolution
authorizing the retention of professional services
of a Yoga Instructor at various Town facilities
from January 4, 2016 through December 31, 2016.
(M.D. 1/5/16 #4).
Resolution No. 35-2016; Resolution
authorizing the award of Contract No. SE010R-15
(rebid), Surplus Vehicles. Bids received 12/21/15

1 (M.D. 1/5/16 #6).

2 Resolution No. 36-2016; Resolution
3 authorizing payment for Workers Compensation
4 Insurance for the period January 1, 2016 through
5 January 1, 2017. (M.D. 1/5/16 #7).

6 Resolution No. 37-2016; Resolution
7 authorizing the continuation of annual software
8 maintenance for the existing primary tax management
9 system and online tax payment system for 2016.

10 (M.D. 1/5/16 #8).

11 Resolution No. 38-2016; Resolution
12 authorizing the property cleanup assessment of
13 8 Ingram Drive, Hicksville, NY, be referred to the
14 County of Nassau for placement on the Nassau County
15 Tax Assessment Rolls. (M.D. 1/5/16 #9).

16 Resolution No. 39-2016; Resolution
17 authorizing the property cleanup assessment of
18 74 Meyers Avenue, Hicksville, NY, be referred to
19 the County of Nassau for placement on the Nassau
20 County Tax Assessment Rolls. (M.D. 1/5/16 #10).

21 Resolution No. 40-2016; Resolution
22 pertaining to the decision in the matter of the
23 application of Underhill Senior Housing, LLC, Engel
24 Burman at Underhill, LLC, contract vendees, John C.
25 Doremus and William J. Doremus as Co-administrators

1 of the Estate of William H. Doremus, fee owner and
2 Ellen Doremus, fee owner for a Change of Zone and
3 Special Use Permit to permit an Assisted Living
4 Community at Jericho Turnpike, Jericho, NY. Hearing
5 held: November 24, 2015. (M.D. 11/24/15 #5).

6 On the motion?

7 COUNCILMAN MUSCARELLA: So moved.

8 COUNCILMAN MACAGNONE: Seconded.

9 SUPERVISOR VENDITTO: I have a draft of
10 the calendar. So, let me make sure.

11 On Resolution 38 and 39, Robert Ripp?

12 Robert?

13 MR. ROBERT RIPP: Hello, Mr. Supervisor
14 and the Town Board.

15 Robert Ripp, Massapequa, New York.

16 I've come up last a couple of times.
17 I've taken interest in the cleanups, and I have a
18 couple of concerns I would like to share with you.
19 I think they are pretty valid.

20 I would like to speak about the
21 Town's -- two trains of thought on these cleanups.

22 One is I don't want to say the Town's,
23 what I want to say is possible fiscal
24 irresponsibility on how we are doing this. Since
25 2007, the Town has done 250 -- actually, you voted

1 on 250 resolutions to recoup the cost of doing
2 these cleanups. In 2007, we did one for the whole
3 year. 2008, we did six. 2009, we did 22. 2010,
4 we did 47. 2011, we did 37. 2012, we did 57.
5 2013, dropped off, we only did five. 2015, we did
6 53.

7 COUNCILMAN MACAGNONE: How about 2014,
8 Mr. Ripp? You skipped 2014.

9 MR. ROBERT RIPP: 17, sorry.

10 Thank you, Mr. Macagnone.

11 17 in 2014. 2015, 55, and I think we
12 are up to 7 this year.

13 How are the properties that we've
14 cleaned up? One we've cleaned up six times, one
15 we've cleaned up five times, three we've cleaned up
16 four times, four we've cleaned up three times, and
17 actually the two we are doing today and another
18 ten, we are cleaning up twice.

19 It seems that -- and don't get me wrong
20 because I'm all for cleaning up properties -- I
21 just think it could be done in a little bit better
22 way.

23 I attempted to use the Town's website
24 to access the tax information on these properties.
25 It's very inconvenient because you are only allowed

1 to look up two properties, and I called -- and I
2 understand that there are computers for public use
3 here, at Town Hall, that a resident can come up and
4 view, because it's public information. View all
5 the properties you want, but it's not available
6 online.

7 But, in any case, from the information
8 that I could see, it appears that the average
9 cleanup is around \$1,000, so we are talking about a
10 quarter of million dollars, and the properties that
11 I was able to research still are in arrears. I
12 mean, it just doesn't make sense to keep cleaning
13 up, cleaning up, cleaning up and then never get the
14 money back. And my opinion, because these
15 properties are getting repeatedly cleaned up, I
16 think possibly they are not being monitored
17 correctly, and nobody is really keeping track
18 whether we have money coming back in or what's been
19 done with it. I think they are just being cleaned
20 up, signed off, sent off to the County assessors,
21 and they are just letting them lay out there.
22 There are -- we discussed it before, there are
23 better ways, in my opinion, to do this.

24 I mean, it's another -- I'm getting
25 into my second thing, but the Town codes classified

1 it as -- they aren't classified misdemeanors, they
2 are crimes, they are not violations. If the
3 complaint is made on the property, the code
4 enforcement inspector goes out. Somebody lives on
5 the property -- actually, let me explain where I'm
6 heading to.

7 This, more or less, has to do with what
8 I think is a lack of legal authority. The codes
9 are misdemeanors. If a code enforcement agent
10 responds to a property and people live there, they
11 are issued a summons -- excuse me, they are issued
12 a Notice of Violation. They get ten days to come
13 into compliance. If they don't come into
14 compliance, they get issued a summons, and then
15 they go to court, and there's a Court Order. If
16 the Town is made aware, let's say, for instance, if
17 someone is doing illegal construction, illegal
18 dorm, the code enforcement shows up. They can't
19 just make people stop. They have to go to court.
20 They have to get a Court Order.

21 What I don't understand is, according
22 to the resolutions, the chapter of the code that
23 you are using here is Chapter 135, Housing
24 Standards, somehow the Town is now able to, based
25 on observation of garbage and refuse, height of

1 vegetation, various subdivisions tell you the lawns
2 over eight inches, whatever, but my point is
3 145-54 Compliance, and 145-53, Notice of Violation,
4 somehow the Town has given itself the authority
5 here to issue a Notice of Violation, which I've
6 observed both of them, they are completely
7 different documents. They give the respondent five
8 days --

9 First of all, the Notice of Violation,
10 it can be issued, taped to the door. It's a vacant
11 property, so they are put onto the door and they
12 get sent out to the last-known address. There
13 should be Affidavit of Service, but in all
14 probability, the last-known address is the vacant
15 property, okay? So, five days later the Town goes
16 in and cleans up. No Court Order, no legal
17 authority to do it. I think this is a big issue
18 here.

19 If, God forbid, if these 250 people got
20 together and decided to do some sort of
21 class-action suit against the Town, there might be
22 some ramifications in this. I don't understand the
23 difference, if the property is occupied and the
24 property is vacant, why there are two different
25 code enforcement procedures going on.

1 Getting back to a better way to do it
2 financially, there are a number of banks now that
3 have -- there are a number of banks that
4 voluntarily put themselves on a list through
5 Department of Financial Services through New York
6 State.

7 They are responsible -- they are made
8 responsible. The fact of the matter is, the
9 Governor, the Attorney General, they are trying to
10 make it easier for municipalities. I mean, quite
11 frankly, if we contacted the bank and said, hey,
12 listen, we are going to go in there and clean it
13 up, you are going to get a violation, you are going
14 to go to court, they would be cleaning the property
15 up. We wouldn't have to do it.

16 There's some properties here, I don't
17 understand this, but -- and I get this information
18 from reviewing the past resolutions. The Town has
19 cleaned up eight commercial properties. I have no
20 idea why we would be cleaning up commercial
21 property. I mean, that makes no sense whatsoever.

22 So I would just like to ask that you
23 take a better look at this, you know. I just
24 think, you know, it's not -- in my opinion, it's
25 not just here; it's everywhere. It's houses

1 everywhere. The State, the Governor, and the
2 Attorney General is trying to help everybody out,
3 but I think we have to change what we are doing.
4 And actually even properties, the way they are
5 handled, I mean, there is one reason why the
6 Town -- in my opinion, why the Town would be able
7 to go right in and do this, and that's if this was
8 considered an emergency. But if this wasn't an
9 emergency, there's a whole separate section, Code
10 96, which deals with dangerous buildings which,
11 again, lays out a whole system, a whole procedure
12 that's supposed to be followed.

13 I don't understand how we are cleaning
14 up the properties, but yet we are not securing
15 them, we are not putting the red X, we are not
16 following our own Code, and all we are doing is we
17 are maintaining these properties. And let's be
18 honest, if there's a vacant property in the
19 neighborhood and it just looks like a regular
20 house, it's just a place for vandalism, for drug
21 abuse. That's not what we are supposed to be
22 doing. For what it's costing us to clean the
23 property five or six times, it could have been
24 demolished already.

25 So I just want to give you the

1 information, and, hopefully, maybe you'll take a
2 look at it and we could -- or maybe you will
3 consider changing the system on how we are doing
4 this. And again, it just strikes me from legal
5 aspect. I don't really get how you can even do it
6 without a Court Order or legal ramification.

7 That's what I have to say about the
8 cleanups.

9 Thank you.

10 SUPERVISOR VENDITTO: Thank you, Bob.

11 We will certainly be guided by what you
12 said.

13 MR. ROBERT RIPP: Thank you.

14 SUPERVISOR VENDITTO: Mr. Altadonna?

15 MR. ALTADONNA: Motion made by
16 Councilman Muscarella, seconded by Councilman
17 Macagnone.

18 On the vote, Supervisor Venditto?

19 SUPERVISOR VENDITTO: "Aye."

20 MR. ALTADONNA: Councilman Muscarella?

21 COUNCILMAN MUSCARELLA: "Aye."

22 MR. ALTADONNA: Councilman Macagnone?

23 COUNCILMAN MACAGNONE: "Aye."

24 MR. ALTADONNA: Councilman Coschignano?

25 COUNCILMAN COSCHIGNANO: I abstain on

1 Resolution 40 and "Aye" on all the rest.

2 MR. ALTADONNA: Councilman Pinto?

3 COUNCILMAN PINTO: "Aye."

4 MR. ALTADONNA: Councilwoman Alesia?

5 COUNCILWOMAN ALESIA: "Aye."

6 MR. ALTADONNA: Councilwoman Johnson?

7 COUNCILWOMAN JOHNSON: "Aye."

8 MR. ALTADONNA: Motion to adopt
9 Resolution Nos. 34-2016 through 39-2016 passes with
10 seven "Ayes."

11 Motion to adopt Resolution 40-2016
12 passes with six "Ayes" and one "Abstention."

13 That completes it, Supervisor.

14 SUPERVISOR VENDITTO: Mr. Muscarella,
15 I'll take a motion.

16 COUNCILMAN MUSCARELLA: Supervisor, I
17 make a motion to adjourns the meeting.

18 COUNCILMAN MACAGNONE: Seconded.

19 SUPERVISOR VENDITTO: All in favor?

20 ALL: "Aye."

21 SUPERVISOR VENDITTO: Opposed. So
22 moved.

23 We'll take a little break. We'll be
24 back for our public comment period.

25 (Time noted: 10:49 a.m.)