

TOWN OF OYSTER BAY
TOWN BOARD
REGULAR MEETING
SEPTEMBER 6, 2016
10:28 a.m.

HEARING - P-7-16

To consider the application of Sunrise Promenade Associates and Massapequa Restaurant Joint Venture for a Modification of Special Use Permit and Modification of Declaration of Covenants and Restrictions for premises located at 5204 Sunrise Highway, Massapequa, NY. Hearing continued from July 26, 2016. (M.D. 5/24/16 #14).

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

ALSO PRESENT:

JAMES ALTADONNA JR., TOWN CLERK
JAMES J. STEFANICH, RECEIVER OF TAXES
LEONARD GENOVA, TOWN ATTORNEY
FRANK SCALERA, CHIEF DEPUTY TOWN ATTORNEY
THOMAS SABELLICO, DEPUTY TOWN ATTORNEY
(Appearances continued on following page.)

I certify this is a true
and accurate transcript.



YVONNE ANGELES
Official Reporter/Notary

ORIGINAL TRANSCRIPT

ALSO PRESENT:

MATTHEW M. ROZEA, ASSISTANT TOWN ATTORNEY
LINDA M. HERMAN, OFFICE OF THE TOWN CLERK
RALPH J. RAYMOND, DEPUTY TOWN CLERK
RAYMOND T. SPAGNUOLO, DEPUTY TOWN CLERK
STEVEN MARX, EXECUTIVE ASSISTANT,
OFFICE OF THE SUPERVISOR
ANDREW S. ROTHSTEIN, DIRECTOR OF OPERATIONS,
OFFICE OF THE SUPERVISOR
RONALD SCAGLIA, ASSISTANT TO THE SUPERVISOR,
OFFICE OF THE SUPERVISOR
CAROL STRAFFORD, DIRECTOR OF LEGISLATIVE AFFAIRS
MARTA KANE, DIRECTOR OF COMMUNITY RELATIONS,
PUBLIC INFORMATION
BRIAN DEVINE, RESEARCH ASSISTANT,
PUBLIC INFORMATION
ROBERT DARIENZO, DIRECTOR OF FINANCE
FRANK SAMMARTANO, COMMISSIONER,
DEPARTMENT OF INTERGOVERNMENTAL AFFAIRS
FRANK A. NOCERINO, COMMISSIONER,
DEPARTMENT OF PARKS
LESLIE MACCARONE, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC WORKS
MATT RUSSO, ENGINEERING,
DEPARTMENT OF PUBLIC WORKS
NEIL O. BERGIN, COMMISSIONER,
DEPARTMENT OF ENVIRONMENTAL RESOURCES
DANIEL PEARL, DEPUTY COMMISSIONER,
DEPARTMENT OF ENVIRONMENTAL RESOURCES
BARRY BREE, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC SAFETY
TIM ZIKE, DEPUTY COMMISSIONER,
DEPARTMENT OF PLANNING AND DEVELOPMENT
VICKI SPINELLI, DEPUTY COMMISSIONER,
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RICHARD LAMARCA, DIRECTOR,
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DEPARTMENT OF COMMUNITY AND YOUTH SERVICES
JOHN BISHOP, ADMINISTRATION,
DEPARTMENT OF HIGHWAYS
COLIN BELL, ASSISTANT DIRECTOR,
DEPARTMENT OF INTERGOVERNMENTAL AFFAIRS

1 SUPERVISOR VENDITTO: Ladies and
2 gentlemen, if everyone would find seats, we will
3 begin and we will begin by asking our Town Clerk,
4 Mr. Altadonna, to kindly poll the Board.

5 MR. ALTADONNA: Supervisor Venditto?

6 SUPERVISOR VENDITTO: I am here.

7 MR. ALTADONNA: Councilman Muscarella?

8 COUNCILMAN MUSCARELLA: Here.

9 MR. ALTADONNA: Councilman Macagnone?

10 COUNCILMAN MACAGNONE: Here.

11 MR. ALTADONNA: Councilman Coschignano?

12 COUNCILMAN COSCHIGNANO: Here.

13 MR. ALTADONNA: Councilman Pinto?

14 COUNCILMAN PINTO: Here.

15 MR. ALTADONNA: Councilwoman Alesia?

16 COUNCILWOMAN ALESIA: Here.

17 MR. ALTADONNA: Councilwoman Johnson?

18 COUNCILWOMAN JOHNSON: Here.

19 SUPERVISOR VENDITTO: Ladies and
20 gentlemen, if everyone would please rise and join
21 in the Pledge of Allegiance led by Councilwoman
22 Michele Johnson.

23 (Pledge of Allegiance recited.)

24 SUPERVISOR VENDITTO: Thank you.

25 Mr. Altadonna, if you would call the

1 first hearing.

2 MR. ALTADONNA: P-7-16; to consider the
3 application of Sunrise Promenade Associates and
4 Massapequa Restaurant Joint Venture for a
5 Modification of Special Use Permit and Modification
6 of Declaration of Covenants and Restrictions for
7 premises located at 5204 Sunrise Highway,
8 Massapequa, NY. Hearing continued from July 26,
9 2016.

10 SUPERVISOR VENDITTO: Good morning.

11 MS. SIMONCIC: Good morning,
12 Supervisor. Good morning, members of the Board.

13 My name is Judy Simoncic. I'm an
14 attorney with the firm Forchelli, Curto with
15 offices at 333 Earle Ovington Boulevard in
16 Uniondale. I'm appearing this morning on behalf of
17 the applicants Sunrise Promenade Associates and
18 Massapequa Restaurant Joint Venture.

19 The premises that is the subject of
20 this application is known as Section 53, Block D,
21 Lots 24 and 25. It's zoned neighborhood business.
22 It contains a total lot area of 13.55 acres. It's
23 known as 5204 Sunrise Highway. It's presently
24 improved with a one-story retail shopping, gross
25 building area of approximately 179,000 square feet

1 which is known as the Sunrise Promenade Shopping
2 Center in Massapequa.

3 I would like to submit a packet of
4 photographs that I would like to submit to the
5 Board, if I may (handing).

6 SUPERVISOR VENDITTO: Judy, I'm having
7 a mental block. We were on for this in July --

8 MS. SIMONCIC: We adjourned because the
9 applicant was not ready to proceed at that time.
10 We had some scheduling conflicts.

11 I just handed up to the Board a packet
12 of photos. I believe most of the Board members are
13 familiar with the property. If you would like, you
14 can turn to the first photograph. It's an aerial
15 photograph of the shopping center. You will see
16 there's an L-shaped building which is in white.
17 That is large bulk of the shopping center and then
18 towards Sunrise Highway, a free-standing building
19 which is the Friday's restaurant. Which is the
20 subject of this application.

21 The pride of this building contains
22 approximately 7,800 square feet and it currently
23 has 224 seats. It was granted a special use permit
24 in 1994 and has been operating and serving the
25 community since then. The special use permit that

1 was granted in 1994 was subject to a declaration of
2 restrictive covenants which actually restricted the
3 number of occupants in the restaurant to 225
4 persons.

5 Presently, as depicted on the site plan
6 that was submitted with the application, what we
7 are seeking to do is to increase the seats from 225
8 to 297 which is an increase of 72 seats. We are
9 not proposing any modifications to the footprint of
10 the building or to any part of the shopping center.
11 All the modifications are going to be within the
12 building and we are just seeking to add additional
13 seats. We are not proposing any construction
14 within the building at this time either.

15 The order to accomplish this, we are
16 seeking to amend the existing special use permit
17 that was granted in 1994 and to amend the covenants
18 which specifically limited the occupancy to 225.
19 We did secure a parking variance from the Zoning
20 Board of Appeals in 2011 to increase the parking
21 deficiency within the shopping center. We are now
22 permitted to provide 841 stalls with 949 required
23 and I would like to submit a copy of the Zoning
24 Board's decision to the Board as well.

25 SUPERVISOR VENDITTO: That was in 2011?

1 MS. SIMONCIC: 2011.

2 This application has been kicking
3 around for a while in the Town. No fault of the
4 Town. It was just in the process for a while.
5 That was granted in 2011, Decision 11-177. We did
6 have the variances extended. It's currently valid.
7 It was extended in February of 2015, and it's still
8 valid. It expires in February 2017.

9 I would like to submit copies of those
10 decisions to the Board (handing).

11 This application has undergone review
12 with environmental planners of the Town. It's
13 undergone the Town's Planning Department's review.

14 Again, there are no proposed changes to
15 the shopping center. It's a fully developed
16 shopping center. It has required landscaped
17 island, lighting, et cetera.

18 At this time, I'd like to call Aaron
19 Machtay of RMS Engineer, our traffic engineer to go
20 over parking. I would like to also submit a copy
21 of Mr. Machtay's curriculum vitae. He is a traffic
22 engineer with RMS Engineering. He did testify
23 before the Zoning Board and they did accept him as
24 a traffic expert and would ask the Board to do the
25 same.

1 SUPERVISOR VENDITTO: All right.

2 Based upon what you just told us and
3 taking a look at his CV, the Board duly recognizes
4 his competency to testify as an expert on these
5 matters. We may or may not agree with him, but we
6 recognize his competency to testify.

7 MR. MACHTAY: Aaron Machtay
8 representing RMS Engineering with offices at
9 355 New York Avenue, Huntington, New York.

10 RMS was -- we were brought on board
11 back in 2010/2011 when this was first being
12 conceived for the original variance to do a parking
13 study. That parking study submitted to the ZBA and
14 found to be okay at that time. What we did at that
15 time is we observed the amount of parking available
16 and the amount of parking that was generated by the
17 facility as a whole, talking about the shopping
18 center in total. We did that in 2010 and
19 additional observations in 2011. We found that the
20 shopping center, as a whole, didn't exceed
21 54 percent total occupancy. That was the study
22 done in 2011. 54 percent being the 800-something
23 stalls being provided, more than ample to
24 accommodate the shopping center.

25 At that time, I believe, it was about

1 6,600 square feet of floor space that was vacant.
2 We did -- we were studying whether or not these
3 additional seats in Friday's restaurant -- we did
4 take that into account, there would still more
5 ample parking available.

6 This was done in 2010/2011. So just in
7 the interest of making sure those findings were
8 relevant, we have done additional observations. We
9 did observations this past summer in July and
10 August, and I would like to submit these up to the
11 Board for your reference (handing).

12 SUPERVISOR VENDITTO: Question: Do you
13 have in front of you the photo --

14 MR. MACHTAY: Yes.

15 SUPERVISOR VENDITTO: Right now,
16 currently, as it exists now, where is the Friday's
17 parking typically taking place?

18 MR. MACHTAY: As you will see from the
19 data, we set up -- towards the evening hours when
20 Friday's would generate its peak parking activity,
21 most of the parking around the restaurant. It's
22 labeled on the site --

23 SUPERVISOR VENDITTO: That would be B,
24 right?

25 MR. MACHTAY: Yes, that's the parking

1 that is most convenient for the restaurant.

2 SUPERVISOR VENDITTO: It's amazing how
3 that works. I will call it the overflow beyond B.
4 What would be the next area where the parking
5 mostly occurs; is it in A or does it move over to
6 D?

7 MR. MACHTAY: D, primarily, the
8 northern-most section. It does not make sense for
9 people to park further than that.

10 COUNCILMAN MACAGNONE: Is there any
11 plan to somehow limit the speed of traffic between
12 B, D, E and C because I've been in there many times
13 when people use that as a roadway and they are
14 going 40 miles per hour.

15 There's no plan to put a stop sign or a
16 crosswalk or anything?

17 SUPERVISOR VENDITTO: Meaning getting
18 from B over to C, D and E?

19 COUNCILMAN MACAGNONE: Yes.

20 MS. SIMONCIC: Mr. Machtay, his office
21 did do a parking study and they were out in the
22 field. I can ask them if they observed any persons
23 driving fast in the area.

24 MR. MACHTAY: We certainly did not
25 notice anything that we would identify as a hazard.

1 That's something to look out for when doing a
2 parking study. There's no plans at this time to do
3 any modification.

4 SUPERVISOR VENDITTO: I do believe what
5 Councilman is talking about, for lack of a better
6 word, the dividing roadway between A and B and E, D
7 and C -- that's the road you're talking about?

8 COUNCILMAN MACAGNONE: Yes.

9 SUPERVISOR VENDITTO: The east/west
10 road, you're saying people are flying through
11 there?

12 COUNCILMAN MACAGNONE: Flying through
13 there, people tend to fly through there and you're
14 going to increase to 20, 25 seats and you're going
15 to have a lot of people walking from D to the
16 restaurant.

17 MS. SIMONCIC: We can go back to the
18 owners and talk about that and consider that.

19 COUNCILMAN MACAGNONE: Thank you.

20 SUPERVISOR VENDITTO: Assuming it's a
21 go, you can revisit it.

22 MR. MACHTAY: To sum up, the
23 observations that we did in 2016, in order to
24 confirm that the study we conducted in 2011 was
25 still pertinent, we found that the level of

1 occupancy in terms of parking in the shopping was a
2 little lower back in 2011. This time, there's a
3 Sports Authority that's now vacant which was a much
4 larger footprint. If you see the final page in the
5 packet, we accounted for that as well.

6 In summary, I think it's more than
7 ample parking available in the shopping center to
8 accommodate this action and to accommodate the
9 seating.

10 SUPERVISOR VENDITTO: That's good news
11 for Friday's, not so great for the shopping center.

12 Just a recommendation for the future,
13 if you can label these A primary, B second, I think
14 it would be easy to follow.

15 MR. MACHTAY: Understood.

16 SUPERVISOR VENDITTO: I'm having fun.
17 You do it the way you were taught in engineering
18 school.

19 Anything further for the witness?

20 (No verbal response.)

21 Thank you.

22 MS. SIMONCIC: Again, in terms of why
23 they want to increase the number of seats, they
24 don't take reservations at Friday's. A lot of
25 times they will accommodate a large party, people

1 are waiting, so this will allow them to accommodate
2 large parties and also serve the other customers
3 and more efficient operation at the site.

4 As Mr. Machtay indicated, there's more
5 than enough parking available. Even if customers
6 should start to use more of the parking, they're
7 still going to be far away from the residences
8 which is the nearest residence from the property is
9 about 355 feet which I submitted a copy of an
10 aerial demonstrating that distance.

11 SUPERVISOR VENDITTO: I guess, the
12 tenant, Friday's was the best witness in their
13 favor. They have been a good tenant. I'm not
14 aware of any difficulties.

15 Tim Zike, where are you? We've never
16 had any problems down there?

17 MR. ZIKE: No, sir.

18 MS. SIMONCIC: They want to continue to
19 be there and be a good neighbor.

20 SUPERVISOR VENDITTO: Do you have
21 anything further?

22 MS. SIMONCIC: No, sir.

23 SUPERVISOR VENDITTO: Any Board members
24 have questions for the applicant?

25 (No verbal response.)

1 SUPERVISOR VENDITTO: Anybody you want
2 to introduce into the record?

3 MS. SIMONCIC: We have the general
4 manager here with us today. She has been with
5 Friday's for eighteen years and she's been at this
6 facility for a number of years.

7 SUPERVISOR VENDITTO: You run a nice
8 ship.

9 GENERAL MANAGER: Thank you.

10 SUPERVISOR VENDITTO: I don't have any
11 forms from anybody in the audience who cares to
12 address the Board relative to this matter, but that
13 would not preclude you if there's something you
14 want to tell us.

15 Paul Molinari?

16 MR. MOLINARI: Just a simple question.
17 What is the fire marshal seating
18 capacity for this facility?

19 MS. SIMONCIC: I believe it will be
20 what we are seeking, 297.

21 SUPERVISOR VENDITTO: That's the max
22 that the fire marshal will allow?

23 MS. SIMONCIC: We have not gone for
24 that approval, but we certainly will.

25 SUPERVISOR VENDITTO: That's your

1 understanding of what the number is?

2 MS. SIMONCIC: That's my understanding.

3 We will need a public assembly license
4 from the Town for that.

5 MR. MOLINARI: Thanks.

6 SUPERVISOR VENDITTO: Thank you.

7 Anyone else who cares to address the
8 Board relative to Hearing No. 1?

9 (No verbal response.)

10 SUPERVISOR VENDITTO: I see no takers.

11 Mr. Altadonna, do we have any
12 correspondence?

13 MR. ALTADONNA: Yes, the attorney for
14 the applicant has filed his Affidavit of Service
15 and disclosure.

16 The communications are as follows: We
17 have memos from the Department of Planning and
18 Development. As per present review procedures,
19 they're required off-street parking for 297 seats.
20 The restaurant is 109 spaces. The overall parking
21 class requires 149 parking stalls, including the
22 proposed seating expansion.

23 The site plan submitted depicts a total
24 of 825 parking spaces including 23 handicap parking
25 stalls and 16 land bank parking stalls for a total

1 of 841 stalls.

2 The Nassau County Land and Tax Map
3 indicates the property is Section 53, Block D, Lots
4 24 and 25.

5 According to the Town of Oyster Bay
6 Zoning Maps, the property is located within the A
7 and B neighborhood business zone. There no code
8 compliance cases or variances on the subject
9 premises; however, there are Town Board Resolutions
10 on file.

11 There are no further correspondence.

12 SUPERVISOR VENDITTO: Judy, anything
13 from you?

14 MS. SIMONCIC: Nothing further.

15 SUPERVISOR VENDITTO: Let me ask you a
16 question before you go.

17 You may not ever know, the Checkers,
18 every time I drive by there, what happened?

19 MS. SIMONCIC: They didn't have the
20 business.

21 SUPERVISOR VENDITTO: It was a quite an
22 ordeal. The residents were happy and unhappy. We
23 worked it all out and they were gone a year later.

24 MS. SIMONCIC: Lack of business. They
25 didn't have the business to stay open.

1 SUPERVISOR VENDITTO: Sunrise Highway
2 obviously is commercially labeled on the South
3 Side, not as much on the North Side where the
4 railroad is. I just think if you have a business
5 on the South Side, you tend to only get the
6 eastbound traffic and westbound traffic -- I don't
7 know.

8 MS. SIMONCIC: I was surprised myself.

9 SUPERVISOR VENDITTO: All right.

10 Thank you.

11 Mr. Muscarella, I'll take a motion.

12 COUNCILMAN MUSCARELLA: I'll make a
13 motion that this public hearing be closed and the
14 decision be reserved.

15 COUNCILMAN MACAGNONE: Seconded.

16 SUPERVISOR VENDITTO: All in favor?

17 ALL: "Aye."

18 SUPERVISOR VENDITTO: Opposed?

19 (No response.)

20 SUPERVISOR VENDITTO: So moved.

21 (Time noted: 10:47 a.m.)

22
23
24
25

TOWN OF OYSTER BAY
TOWN BOARD
REGULAR MEETING
SEPTEMBER 6, 2016
10:48 a.m.

HEARING - LOCAL LAW

To consider a Local Law entitled " A Local Law to Amend the Code of the Town of Oyster Bay, New York, Chapter 246, Zoning, Section 246-11.6.1.3 (M.D. 7/19/16 #8).

JOHN VENDITTO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

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DEPARTMENT OF INTERGOVERNMENTAL AFFAIRS

1 SUPERVISOR VENDITTO: Mr. Altadonna, if
2 you would call the second hearing.

3 MR. ALTADONNA: Hearing - Local Law; to
4 consider a Local Law entitled "A Local Law to Amend
5 the Code of the Town of Oyster Bay, New York,
6 Chapter 246, Zoning, Section 246-11.6.1.3.

7 SUPERVISOR VENDITTO: Counsel, what are
8 you doing here?

9 MR. ROZEA: Good morning, Supervisor.

10 SUPERVISOR VENDITTO: You're the
11 quarterback on this one?

12 MR. ROZEA: For today.

13 SUPERVISOR VENDITTO: All right, throw.
14 You pass.

15 MR. ROZEA: Okay, Supervisor.

16 The proposed local law to amend Chapter
17 264 of the Town Code adopted by this Board, we
18 treat temporary signage in four different ways.

19 First, temporary signs cannot be
20 displayed duration of time exceeding 135
21 consecutive days. In the case of political
22 campaign signs, they can be displayed no sooner
23 than 120 days prior to the election. Thereafter,
24 the election must be removed within 15 days --

25 SUPERVISOR VENDITTO: 120 days prior?

1 MR. ROZEA: Yes.

2 SUPERVISOR VENDITTO: That's a lot.
3 What was the first provision?

4 MR. ROZEA: 135 days of consecutive
5 display.

6 In other words, the sign can be
7 displayed for 135 days, but in the case of a
8 political sign, it can be displayed no sooner than
9 120 days prior --

10 SUPERVISOR VENDITTO: Political signs
11 can be no more than 120 days?

12 MR. ROZEA: Prior to the election, but
13 then there are 15 days on the other side.

14 SUPERVISOR VENDITTO: 120 days,
15 typically, they don't go up until around now.
16 You're going back to June, July -- July, August,
17 September and October.

18 All right?

19 MR. ROZEA: I believe there may be some
20 latitude, but this was drafted in contemplation of
21 settlement litigation.

22 SUPERVISOR VENDITTO: This is part of
23 stipulation of settlement?

24 MR. ROZEA: That's correct.

25 COUNCILMAN COSCHIGNANO: Was there a

1 provision already in the code regarding political
2 signs?

3 MR. ROZEA: No.

4 I believe what this local law intends
5 to do is to treat all signs, whether they be
6 political, commercial or otherwise equal.

7 That's the intention.

8 SUPERVISOR VENDITTO: The 135 again?

9 MR. ROZEA: So any temporary sign, 135
10 days, political sign is able to be displayed 120
11 days prior to the election and then for 15 days
12 post election.

13 SUPERVISOR VENDITTO: What is an
14 example of a temporary sign?

15 MR. ROZEA: A temporary sign per
16 definition is noncommercial content.

17 SUPERVISOR VENDITTO: Give me an
18 example: A lost cat or --

19 MR. ROZEA: I guess yard sales.

20 MR. SABELLICO: It could be Repeal
21 Obama.

22 SUPERVISOR VENDITTO: Repeal Sabellico.

23 COUNCILWOMAN ALESIA: That would be
24 nonpolitical because there isn't an active election
25 for President Obama at the moment.

1 SUPERVISOR VENDITTO: I didn't --
2 looking back -- I didn't know you can put up -- can
3 anybody help me here?

4 MR. ZIKE: You can have a temporary
5 sign such as a for sale sign on the front yard of
6 your property.

7 SUPERVISOR VENDITTO: A broker puts a
8 sign up, a construction -- that's 135, that's an
9 odd number.

10 MR. ROZEA: I'm not sure how we
11 determined that.

12 There's a fourth restriction that any
13 temporary sign cannot exceed 64 square feet in
14 surface area. That's the limitation on the size.

15 COUNCILMAN PINTO: That was in the code
16 already?

17 SUPERVISOR VENDITTO: This is from
18 litigation.

19 MR. ROZEA: Litigation.

20 COUNCILMAN COSCHIGNANO: There was in
21 the code with regard to which portion. I'm
22 confused.

23 MR. ROZEA: There have been
24 restrictions on the placement, ordinary time, place
25 and matter restrictions, but the purpose of this

1 amendment would be to treat political signs and
2 nonpolitical signs equally.

3 COUNCILMAN COSCHIGNANO: I understand
4 the purpose of this. I'm just trying to equate it
5 with what may have existed already.

6 MR. ROZEA: I can go back and pull what
7 is in the code now.

8 COUNCILMAN COSCHIGNANO: I'm trying to
9 make a comparison as to what we have and what's
10 it's changing to.

11 SUPERVISOR VENDITTO: Donna, can you
12 help us?

13 MS. SWANSON: Yes, I'm just pulling it
14 up now.

15 SUPERVISOR VENDITTO: I always thought
16 a lot of things we are talking about, those were
17 kind -- not necessarily regulated, but things that
18 we tolerate in the community and nobody really
19 get -- rules of the road kind of thing.

20 Like, you don't park in front of your
21 neighbor's house even though you can, but you
22 typically don't.

23 All right. Let's see. So
24 nonpolitical, noncommercial signs is 135
25 consecutively.

1 MR. ROZEA: I should mention the way
2 this local law is written, the temporary sign
3 includes, as a part of a portion of the temporary
4 sign, the political sign, so the 135 days is
5 equally apropos to political and nonpolitical
6 signs. It's just the way that the 135 days is
7 calculated.

8 SUPERVISOR VENDITTO: But political
9 signs, as I understand, could never be more than
10 120 days.

11 MR. ROZEA: Except that you get 15 days
12 after the election to take it down.

13 SUPERVISOR VENDITTO: But it never goes
14 beyond 135?

15 MR. ROZEA: Correct.

16 SUPERVISOR VENDITTO: Is there anything
17 you can tell us?

18 MS. SWANSON: No.

19 MR. ROZEA: I can supply it in writing.

20 SUPERVISOR VENDITTO: We don't have to
21 do it right this moment. I thought it might be
22 readily available.

23 Do you have anything further?

24 MR. ROZEA: I do not.

25 SUPERVISOR VENDITTO: I have no other

1 forms from --

2 MS. SWANSON: They are exempt signs.
3 Temporary signs, John, would be building
4 construction, architectural signs, an event for
5 nonprofit event, that would be noncommercial signs.
6 An exempt sign would be a zoning sign.

7 SUPERVISOR VENDITTO: Do you mean our
8 signs?

9 MS. SWANSON: If you were going to
10 have -- and I believe political signs fall under
11 that.

12 SUPERVISOR VENDITTO: They all came
13 under the same -- now I understand.

14 MR. FREIER: Who is counting the days?
15 There's no permit required?

16 SUPERVISOR VENDITTO: We are going to
17 ask you to do it.

18 MR. FREIER: How does that law change,
19 which I understand is a result of a lawsuit, but
20 who counts and how do you begin to try to enforce
21 something like that?

22 SUPERVISOR VENDITTO: The enforcement
23 question is separate from the enactment. I guess
24 we have to sort all that out.

25 MR. ROZEA: Of course.

1 SUPERVISOR VENDITTO: We'll have a sign
2 checker one and sign checker two.

3 Is there anyone else who -- Robert,
4 come on up.

5 MR. RIPP: Robert Ripp from Massapequa,
6 New York.

7 I have a question in relation to the
8 hearing itself.

9 I would like to know, was there a
10 requirement or is it usual that the Town passes a
11 resolution authorizing the clerk to advertise a
12 hearing, and I would like to know if this was done
13 for this hearing, and if so, how this hearing was
14 advertised because aside from the calendar that was
15 produced on Friday, I didn't see anything when I
16 was looking at the draft resolution. I didn't see
17 any backup information. I was not able -- I don't
18 know thing about it. I would just like to know if
19 we're even supposed to have the hearing.

20 MR. ALTADONNA: It was advertised in
21 Newsday.

22 MR. RIPP: You don't need a resolution
23 to advertise it?

24 MR. ALTADONNA: I do get authorization
25 to advertise it.

1 MR. RIPP: Do you have the resolution
2 number to authorize for this hearing?

3 MR. ALTADONNA: We will get it to.

4 SUPERVISOR VENDITTO: It was advertised
5 in Newsday?

6 MR. ALTADONNA: Yes.

7 SUPERVISOR VENDITTO: Anybody want to
8 address the Board relative to this matter?

9 (No verbal response.)

10 SUPERVISOR VENDITTO: Mr. Rozea?

11 MR. ROZEA: Obviously, anything is
12 subject to discretion of the Board.

13 SUPERVISOR VENDITTO: If we have any
14 problems with it, we will come back to you.

15 MR. ROZEA: Thank you.

16 SUPERVISOR VENDITTO: Mr. Altadonna,
17 any correspondence?

18 MR. ALTADONNA: We have affidavits of
19 postings and publications. There are no other
20 correspondence.

21 SUPERVISOR VENDITTO: Mr. Muscarella,
22 I'll take a motion.

23 COUNCILMAN MUSCARELLA: Supervisor,
24 I'll make a motion that this public hearing be
25 closed and the decision be reserved.

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COUNCILMAN MACAGNONE: Seconded.
SUPERVISOR VENDITTO: All in favor?
ALL: "Aye."
SUPERVISOR VENDITTO: Opposed?
(No response.)
SUPERVISOR VENDITTO: So moved.
We will proceed with the call of the
Regular Action Calendar.
(Time noted: 10:58 a.m.)

TOWN OF OYSTER BAY
TOWN BOARD
ACTION CALENDAR
SEPTEMBER 6, 2016
10:59 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

ALSO PRESENT:

JAMES ALTADONNA JR., TOWN CLERK
JAMES J. STEFANICH, RECEIVER OF TAXES
LEONARD GENOVA, TOWN ATTORNEY
FRANK SCALERA, CHIEF DEPUTY TOWN ATTORNEY
THOMAS SABELLICO, DEPUTY TOWN ATTORNEY
MATTHEW M. ROZEA, ASSISTANT TOWN ATTORNEY
LINDA M. HERMAN, OFFICE OF THE TOWN CLERK
RALPH J. RAYMOND, DEPUTY TOWN CLERK
RAYMOND T. SPAGNUOLO, DEPUTY TOWN CLERK
STEVEN MARX, EXECUTIVE ASSISTANT,
OFFICE OF THE SUPERVISOR
ANDREW S. ROTHSTEIN, DIRECTOR OF OPERATIONS,
OFFICE OF THE SUPERVISOR

(Appearances continued on following page.)

I certify this is a true
and accurate transcript.



YVONNE ANGELES
Official Reporter/Notary

ORIGINAL TRANSCRIPT

ALSO PRESENT:

RONALD SCAGLIA, ASSISTANT TO THE SUPERVISOR,
OFFICE OF THE SUPERVISOR
CAROL STRAFFORD, DIRECTOR OF LEGISLATIVE AFFAIRS
MARTA KANE, DIRECTOR OF COMMUNITY RELATIONS,
PUBLIC INFORMATION
BRIAN DEVINE, RESEARCH ASSISTANT,
PUBLIC INFORMATION
ROBERT DARIENZO, DIRECTOR OF FINANCE
FRANK SAMMARTANO, COMMISSIONER,
DEPARTMENT OF INTERGOVERNMENTAL AFFAIRS
FRANK A. NOCERINO, COMMISSIONER,
DEPARTMENT OF PARKS
LESLIE MACCARONE, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC WORKS
MATT RUSSO, ENGINEERING,
DEPARTMENT OF PUBLIC WORKS
NEIL O. BERGIN, COMMISSIONER,
DEPARTMENT OF ENVIRONMENTAL RESOURCES
DANIEL PEARL, DEPUTY COMMISSIONER,
DEPARTMENT OF ENVIRONMENTAL RESOURCES
BARRY BREE, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC SAFETY
TIM ZIKE, DEPUTY COMMISSIONER,
DEPARTMENT OF PLANNING AND DEVELOPMENT
VICKI SPINELLI, DEPUTY COMMISSIONER,
DEPARTMENT OF HUMAN RESOURCES
RICHARD LAMARCA, DIRECTOR,
DEPARTMENT OF HUMAN RESOURCES
PATRICIA A. BECKERLE, DEPUTY COMMISSIONER,
DEPARTMENT OF COMMUNITY AND YOUTH SERVICES
JOHN BISHOP, ADMINISTRATION,
DEPARTMENT OF HIGHWAYS
COLIN BELL, ASSISTANT DIRECTOR,
DEPARTMENT OF INTERGOVERNMENTAL AFFAIRS

1 MR. ALTADONNA: May I have a motion to
2 adopt Resolution No. TF 15-16?

3 Transfer Of Funds Resolution No.
4 TF 15-16; Resolution relating to Transfer of Funds
5 within various departments accounts for the Year
6 2016.

7 On the motion?

8 COUNCILMAN MUSCARELLA: So moved.

9 COUNCILMAN MACAGNONE: Seconded.

10 MR. ALTADONNA: Motion made by
11 Councilman Muscarella, seconded by Councilman
12 Macagnone.

13 On the vote, Supervisor Venditto?

14 SUPERVISOR VENDITTO: Before we do,
15 hold on. I didn't see these forms.

16 MR. ALTADONNA: There is a speaker.

17 SUPERVISOR VENDITTO: You will have to
18 tell me when the speakers --

19 MR. ALTADONNA: Okay.

20 SUPERVISOR VENDITTO: I don't think we
21 have anything before us.

22 MR. ALTADONNA: Bob, you are on this
23 one.

24 SUPERVISOR VENDITTO: Do we have
25 anything before us?

1 COUNCILWOMAN ALESIA: He called
2 TF 15-16, but I think -- I don't want to tell
3 anyone how to do it, but if you want speakers
4 speaking on multiple resolutions, shouldn't we have
5 the whole calendar in front of us?

6 MR. ALTADONNA: It's TF 15-16.

7 SUPERVISOR VENDITTO: Until we get a
8 better handle on this, why don't you call the whole
9 calendar, put it before the Board and bring each
10 speaker up?

11 MR. ALTADONNA: There was a table in
12 the middle.

13 SUPERVISOR VENDITTO: Let's take the
14 table first.

15 MR. ALTADONNA: May I have a motion to
16 table Resolution No. 443-2016?

17 Resolution No. 443-2016; Resolution
18 authorizing the appointment of Iris Williams to the
19 Board of Commissioners of the Town of Oyster Bay
20 Housing Authority for a term expiring August 31,
21 2018, to complete the term vacated by Joseph
22 Jablonsky. (M.D. 8/9/16 #12).

23 COUNCILMAN MUSCARELLA: I'll make a
24 motion table Resolution No. 443-2016.

25 SUPERVISOR VENDITTO: All in favor?

1 ALL: "Aye."

2 SUPERVISOR VENDITTO: Opposed?

3 (No response.)

4 SUPERVISOR VENDITTO: So moved.

5 Now, Mr. Altadonna, if you would just
6 get the whole calendar before the Board.

7 MR. ALTADONNA: May I have a motion to
8 enact Action Calendar TF 15 through 502?

9 SUPERVISOR VENDITTO: Through and
10 including --

11 MR. ALTADONNA: 502.

12 On the motion?

13 Resolution No. 439-2016; Resolution
14 authorizing the Department of Community and Youth
15 Services to hold its annual "9/11 Memorial
16 Ceremony" at the memorial site located at TOBAY
17 Beach (bay side) on September 7, 2016 and to employ
18 the services of a vocalist to perform at the event.
19 Account No. CYS A 7020 47660 000 0000. (M.D.
20 8/2/16 #4).

21 Resolution No. 440-2016; Resolution
22 authorizing the issuance of a pro-rated refund of
23 the difference in the length of boat fee to L.
24 Zeppieri, for a boat slip at Harry Tappen Marina.
25 Account No. PKS A 0001 02025 526 0000. (M.D.

1 8/9/16 #4).

2 Resolution No. 441-2016; Resolution
3 granting request from Janice A. Dannebaum to donate
4 a plaque for an existing bench at Theodore
5 Roosevelt Memorial Park and Beach in memory of
6 William and Anne Dannebaum. (M.D. 8/9/16 #5).

7 Resolution No. 442-2016; Resolution
8 authorizing the reappointment of Peter Morra to the
9 Board of Commissioners of the Town of Oyster Bay
10 Housing Authority for a term expiring August 31,
11 2021. (M.D. 8/9/16 #11).

12 Resolution No. 444-2016; Resolution
13 authorizing the election of Joseph Parrella and
14 Patricia Witrock, as Tenant Commissioners for the
15 Town of Oyster Bay Housing Authority effective
16 July 1, 2016 with a term expiring June 30, 2018.
17 (M.D. 8/9/16 #13).

18 Resolution No. 445-2016; Resolution
19 pertaining to legal costs in connection with the
20 Town's Self-Insurance Program. Account Nos. TWN
21 AMS 1910 43010 602 0000 000 and TWN AMS 1910 43020
22 602 0000 000. (M.D. 8/9/16 #19).

23 Resolution No. 446-2016; Resolution
24 granting request from the Holy Trinity Greek
25 Orthodox Church, for Town assistance in conducting

1 their annual Grecian Festival on September 9, 10 &
2 11, 2016 and to use various Town equipment and for
3 the posting of temporary "No Parking" signs for
4 various area streets. (M.D. 8/9/16 #20).

5 Resolution No. 447-2016; Resolution
6 pertaining to an access agreement between the Town
7 of Oyster Bay and Syosset Park Development, LLC.
8 (M.D. 8/9/16 #21).

9 Resolution No. 448-2016; Resolution
10 authorizing the property cleanup assessment of
11 40 Brightwater Place, Massapequa, NY, be referred
12 to the County of Nassau for placement on the Nassau
13 County Tax assessment rolls. (M.D. 8/9/16 #14).

14 Resolution No. 449-2016; Resolution
15 authorizing the property board up assessment of
16 19 Terrace View Road, Farmingdale, NY, be referred
17 to the County of Nassau for placement on the Nassau
18 County Tax assessment rolls. (M.D. 8/9/16 #15).

19 Resolution No. 450-2016; Resolution
20 authorizing the property cleanup assessment of
21 14 Matthew Street, Farmingdale, NY, be referred to
22 the County of Nassau for placement on the Nassau
23 County Tax assessment rolls. (M.D. 8/9/16 #16).

24 Resolution No. 451-2016; Resolution
25 authorizing the property board up and re-board up

1 assessment of 132 Gardner Avenue, Hicksville, NY,
2 be referred to the County of Nassau for placement
3 on the Nassau County Tax assessment rolls. (M.D.
4 8/9/16 #17).

5 Resolution No. 452-2016; Resolution
6 pertaining to schedule changes for the tipping fee
7 for regular municipal solid wastes delivered to the
8 OBSWDC to correspond with the second five-year term
9 of the Town's solid waste transfer, haul and
10 disposal contract. (M.D. 8/16/16 #15).

11 Resolution No. 453-2016; Resolution
12 authorizing the issuance of a refund of the fee for
13 a building permit to Total Permits LLC, due to the
14 withdrawal of the permit by the property owner.
15 Account No. PAD B 3620 02555 000 0000. (M.D.
16 8/16/16 #5).

17 Resolution No. 454-2016; Resolution
18 authorizing the property board up assessment of
19 477 Clocks Boulevard, Massapequa, NY, be referred
20 to the County of Nassau for placement on the Nassau
21 County Tax assessment rolls. (M.D. 8/16/16 #10).

22 Resolution No. 455-2016; Resolution
23 authorizing the property board up assessment of
24 104 Plainview Road, Woodbury, NY, be referred to
25 the County of Nassau for placement on the Nassau

1 County Tax assessment rolls. (M.D. 8/16/16 #11).

2 Resolution No. 456-2016; Resolution
3 authorizing the property board up assessment of
4 104 Fairwater Avenue, Massapequa, NY, be referred
5 to the County of Nassau for placement on the Nassau
6 County Tax assessment rolls. (M.D. 8/16/16 #12).

7 Resolution No. 457-2016; Resolution
8 authorizing the property board up assessment of
9 540 Old Country Road, Plainview, NY, be referred to
10 the County of Nassau for placement on the Nassau
11 County Tax assessment rolls. (M.D. 8/16/16 #13).

12 Resolution No. 458-2016; Resolution
13 authorizing the property board up assessment of
14 119 Boston Avenue, Massapequa, NY, be referred to
15 the County of Nassau for placement on the Nassau
16 County Tax assessment rolls. (M.D. 8/16/16 #14).

17 Resolution No. 459-2016; Resolution
18 authorizing the sixth one year extension of time
19 for the application of Woodbury Realty Holdings
20 Corp., Woodbury Villas, 884 Jericho Turnpike,
21 Woodbury, NY. (M.D. 8/16/16 #6).

22 Resolution No. 460-2016; Resolution
23 authorizing the issuance of a refund of a Seasonal
24 Beach Parking Permit fee to B. Rebold. Account No.
25 PKS A 0001 02025 523 0000. M.D. 8/23/16 #4).

1 Resolution No. 461-2016; Resolution
2 authorizing the issuance of a refund of the
3 registration fee in the TOB Summer Recreation
4 program at Theodore Roosevelt Memorial Park to
5 S. Player. Account No. PKS A 0001 02001 510 0000.
6 (M.D. 8/23/16 #5).

7 Resolution No. 462-2016; Resolution
8 authorizing the issuance of a refund of a Kayak
9 Rack rental fee at Harry Tappen Beach and Marina to
10 B. Ponzo. Account No. PKS A 0001 02025 526 0000.
11 M.D. 8/23/16 #6).

12 Resolution No. 463-2016; Resolution
13 authorizing the issuance of a refund of the
14 registration fee in the Women's golf league at the
15 Honorable Joseph Colby Town of Oyster Bay Golf
16 Course to S. Wells. Account No. PKS A 0001 02025
17 523 0000. M.D. 8/23/16 #7).

18 Resolution No. 464-2016; Resolution
19 authorizing the Supervisor or his designee, to
20 execute all forms necessary in the pursuit of the
21 New York State Department of Environmental
22 Conservation's Electronic Waste Assistance Program.
23 (M.D. 8/23/16/ #21).

24 Resolution No. 465-2016; Resolution
25 pertaining to special counsel services to the Town

1 Attorney relative to employee representation.

2 Account No. OTA A 1420 44110 000 0000. (M.D.
3 8/23/16/ #22).

4 Resolution No. 466-2016; Resolution
5 authorizing the rejection of bids and the rebid of
6 Contract No. DP15-128, Syosset Fire Department
7 Memorial Park. (M.D. 8/23/16/ #28).

8 Resolution No. 467-2016; Resolution
9 pertaining to Contract No. PWC-29-16, On-Call
10 Engineering services relative to Oversight of the
11 Groundwater Treatment Facility. Account No. DER
12 SR05 8160 44800 000 0000. (M.D. 8/23/16/ #29).

13 Resolution No. 468-2016; Resolution
14 granting request from the Syosset Fire District to
15 use two roll off containers for their Annual Fire
16 Prevention Day "Open House" from October 7 through
17 October 10, 2016. (M.D. 8/23/16 #31).

18 Resolution No. 469-2016; Resolution
19 authorizing the issuance of a refund for Season
20 Golf Course Membership plus Tee Time fee at the
21 Honorable Joseph Colby Town of Oyster Bay Golf
22 Course to J. Cauciella. Account No. PKS A 0001
23 02025 523 0000. (M.D. 8/23/16 #8).

24 Resolution No. 470-2016; Resolution
25 authorizing the issuance of a refund of the

1 registration fee for the TOB summer recreation
2 program at Marjorie R. Post Community Park to
3 M. & E. Vogel; Account No. PKS A 0001 02001 510
4 0000. (M.D. 8/23/16 #9).

5 Resolution No. 471-2016; Resolution
6 authorizing the issuance of a refund for a Seasonal
7 Boat Basin Permit fee at the Joseph J. Saladino
8 Memorial Marina at Tobay to N. Conway; Account No.
9 PKS A 0001 02025 526 0000. (M.D. 8/23/16 #10).

10 Resolution No. 472-2016; Resolution
11 authorizing the issuance of a refund for a family
12 pool registration fee at the Syosset-Woodbury
13 Community Park Pool to K. Kilpatrick. Account No.
14 PKS SP11 0001 02025 528 0000. (M.D. 8/23/16 #11).

15 Resolution No. 473-2016; Resolution
16 authorizing the issuance of a refund for a Seasonal
17 beach permit fee to C. Chimon. Account No. PKS A
18 0001 02025 523 0000. (M.D. 8/23/16 #12).

19 Resolution No. 474-2016; Resolution
20 authorizing the issuance of a refund to S. Gandhi
21 for being overcharged on a Beach Daily Parking
22 Entrance Fee at the Harry Tappen Beach and Marina.
23 Account No. PKS A 0001 02025 523 0000. (M.D.
24 8/23/16 #13).

25 Resolution No. 475-2016; Resolution

1 authorizing the Youth Arts and Crafts Program for
2 Toddlers Ages 2-4 from October 3, 2016 thru
3 December 28, 2016 at the Town of Oyster Bay Ice
4 Skating Center at Bethpage. (M.D. 8/23/16 #14).

5 Resolution No. 476-2016; Resolution
6 authorizing the commencement of legal proceedings
7 against Grella & Son Contracting Corp. (M.D.
8 8/23/16 #23).

9 Resolution No. 477-2016; Resolution
10 pertaining to Contract No. HTR12-993, Requirements
11 Contract for Tree Removal at various locations
12 throughout the Town of Oyster Bay. (M.D. 8/23/16
13 #33).

14 Resolution No. 478-2016; Resolution
15 pertaining to Contract No. HTT11-051, Requirements
16 Contract for Tree Trimming at various locations
17 throughout the Town of Oyster Bay. (M.D. 8/23/16
18 #34).

19 Resolution No. 479- 2016; Resolution
20 granting request from the Afghan Hindu Association,
21 Inc., for Town assistance in conducting their
22 Annual Fair on September 25, 2016 in Hicksville, to
23 use and posting of temporary "No Parking" signs in
24 Municipal Parking Field H-11 as well as the use of
25 Town equipment for the event. (M.D. 8/23/16 #35).

1 Resolution No. 480-2016; Resolution
2 granting request from the Kiwanis International,
3 Kiwanis Club of Massapequa, for Town assistance in
4 conducting their annual Kiwanis Bocce Tournament at
5 John J. Burns Park on September 17, 2016 and to use
6 various Town equipment for the event. (M.D.
7 8/23/16 #36).

8 Resolution No. 481-2016; Resolution
9 granting request from the Bethpage Chamber of
10 Commerce, Inc., for Town assistance in conducting
11 their Summer Festival held on August 11-13, 2016,
12 to utilize Municipal Parking Fields B-1, B-3 and
13 B-4 in Bethpage and to use various Town equipment
14 for the event. (M.D. 8/23/16 #37).

15 Resolution No. 482-2016; Resolution
16 granting request from the Rotary Club of Locust
17 Valley, for Town assistance in conducting their
18 Annual Oktoberfest on October 1, 2016 at Thomas
19 Park in Locust Valley and to use various Town
20 equipment for the event. (M.D. 8/23/16 #38).

21 Resolution No. 483-2016; Resolution
22 granting request from Syosset-Woodbury Chamber of
23 Commerce for Town assistance in conducting their
24 Annual Street Fair on September 18, 2016 and to use
25 various Town equipment for the event. (M.D.

1 8/23/16 #39).

2 Resolution No. 484-2016; Resolution
3 granting request from the Bayville Fire Company #1,
4 for Town assistance in hosting a Charity Drill on
5 September 10, 2016, to utilize the west area of
6 Centre Island Beach and to use various Town
7 equipment for the event. (M.D. 8/23/16 #44).

8 Resolution No. 485-2016; Resolution
9 authorizing the Department of Environmental
10 Resources to cosponsor the Annual Fall Oyster Bay
11 Harbor and Beach Cleanup in conjunction with the
12 North Oyster Bay Baymen's Association, the Friends
13 of the Bay and the public on September 24, 2016.
14 (M.D. 8/23/16 #47).

15 Resolution No. 486-2016; Resolution
16 pertaining to special counsel for condemnation
17 matters relative to the application of the Town of
18 Oyster Bay to acquire title to certain real
19 property located at the Liberty Industrial
20 Finishing Site, Farmingdale. Account No. OTA A
21 1420 44110 000 0000. (M.D. 8/23/16 #48).

22 Resolution No. 487-2016; Resolution
23 granting request from the, Grace-full Harvest Fair
24 Committee, for Town assistance, on behalf of Grace
25 Episcopal Church and Day School, in conducting

1 their annual Grace-full Harvest Fair on September
2 24, 2016 and for the use of various Town equipment.
3 (M.D. 8/23/16 #40).

4 Resolution No. 488-2016; Resolution
5 granting request from the Plainview-Old Bethpage
6 Chamber of Commerce, for Town assistance in
7 conducting their Fifth Annual Craft and Gift Fair
8 on October 1, 2016 and for the use of various Town
9 equipment. (M.D. 8/23/16 #41).

10 Resolution No. 489-2016; Resolution
11 granting request from the North Syosset Civic
12 Association, for Town assistance in conducting
13 their 2016 Block Party on September 17, 2016 and
14 for the use of various Town equipment. (M.D.
15 8/23/16 #42).

16 Resolution No. 490-2016; Resolution
17 authorizing the Supervisor, or his designee, to
18 sign deed restrictions for the Old Bethpage
19 Landfill as required by the New York State
20 Environmental Conservation, and authorize the
21 filing of said restrictions with the County of
22 Nassau. (M.D. 8/23/16 #30).

23 Resolution No. 491-2016; Resolution
24 granting request from Columbus Lodge #2143, Order
25 Sons of Italy in America, 21st Annual Columbus

1 Lodge Italian Feast and Festival, North Massapequa,
2 on September 25, 2016, for Town assistance, the use
3 various Town equipment and to have Town Ordinance
4 Chapter 82-3 waived for the event. (M.D. 8/23/16
5 #43 & 8/30/15 #18).

6 Resolution No. 492-2016; Resolution
7 pertaining to award of Contract No. H16-138,
8 Roadway and Drainage Improvements at The Knolls &
9 Maples. Account No. HWY H 5197 20000 000 1503.
10 (M.D. 8/23/16 #24 & 8/30/16 #17).

11 Resolution No. 493-2016; Resolution
12 pertaining to the decision on the dock application
13 of William E. Allison, 310 Bay Drive, Massapequa,
14 to erect, maintain, improve, alter or repair a
15 dock, float, bulkhead or other moorings. (M.D.
16 8/9/16 #10).

17 Resolution No. 494-2016; Resolution
18 pertaining to Contract No. PWC10-16 On-Call
19 Engineering Services for Construction Management
20 for Construction of the Syosset Fire Department
21 Memorial Park. Account No. PKS H 7197 20000 000
22 1209 001. (M.D. 8/23/16 #26 & 8/30/16 #14).

23 Resolution No. 495-2016; Resolution
24 pertaining to an extension of time for Contract No.
25 H15-125, Highway Improvements to the Division

1 Avenue area. (M.D. 8/23/16 #27 & 8/30/16 #16).

2 Resolution No. 496-2016; Resolution
3 pertaining to award of Contract No. DP16-141. John
4 J. Burns Park Soccer Field Turf Replacement.

5 Account No. PKS H 7197 20000 000 1402 001. (M.D.
6 8/23/16 #32 & 8/30/16 #15).

7 Resolution No. 497-2016; Resolution
8 pertaining to a correction for the Voluntary
9 Defined Contribution Plan for R. Spagnuolo. (M.D.
10 8/23/16 #15 & 8/30/16 #20).

11 Resolution No. 498-2016; Resolution
12 authorizing the Comptroller to refund premium
13 contributions in the Flexible Spending Plan to
14 certain employees. (M.D. 8/23/16 #16 & 8/30/16
15 #19).

16 Resolution No. 499-2016; Resolution
17 relating to the recommendation of the Department
18 of Environmental Resources concerning the SEQRA
19 determination on the application of Joan III, Joe
20 III, and BSL NY Development LLC for a Special Use
21 Permit and Site Plan Approval for Assisted Living
22 Facility (Benchmark at Woodbury). (M.D. 8/23/16
23 #50 & 8/30/16 #12).

24 Resolution No. 500-2016; Resolution
25 authorizing the publication of a legal notice

1 pertaining to the 2016-2017 School Tax. Account
2 No. ROT A 1330 44100 000 0000. (M.D. 8/23/16 #17).

3 Resolution No. 501-2016; Resolution
4 directing the Town Clerk to publish a notice of
5 hearing to consider a proposed local law entitled
6 "A Local Law to Amend Chapter 209 Taxation, to add
7 Article X Override of Real Property Tax Levy to the
8 Code of the Town of Oyster Bay, New York to
9 Override the Tax Levy Limit Established in General
10 Municipal Law Section 3-C." Hearing Date: September
11 27, 2016. (M.D. 8/23/16 #49).

12 Resolution No. 502-2016; Resolution
13 pertaining to the decision on the Local Law
14 entitled " A Local Law to Amend the Code of the
15 Town of Oyster Bay, New York, Chapter 246, Zoning,
16 Section 246-11.6.1.3 Hearing held: September 6,
17 2016. (M.D. 7/19/16 #8).

18 Resolution No. 503-2016; Resolution
19 authorizing the appointment of John Venditto, Town
20 Supervisor, as a marriage officer to perform a
21 wedding ceremony on September 17, 2016. (M.D.
22 8/30/16 #22).

23 COUNCILMAN MUSCARELLA: So moved.

24 COUNCILMAN MACAGNONE: Seconded.

25 SUPERVISOR VENDITTO: Now, we will

1 just -- I will call the speakers in order.

2 Robert Freier.

3 MR. FREIER: Good morning.

4 First, on the transfer of funds, I know
5 there's always a lot of transfer of funds.

6 Is that just anticipated when you
7 create the budget or you suddenly discover that we
8 don't need this, so we will move this to that?

9 Like, I see 6k from academic enrichment
10 to supportive services. For example, what is
11 academic enrichment within the Town that -- so we
12 don't need to spend that money on and to move it to
13 support services which books and supplies. There's
14 also 6k for academics, so that's 12k in academic
15 for 18k, academic enrichment that was moved to a
16 combination of books and supplies, transportation
17 supporting services, which is listed as testing
18 and -- I'm just curious why that and I also see 25k
19 from salaries to Social Security.

20 Isn't that -- aren't those known costs
21 when you make the budget in the beginning of the
22 year? Why would there be surprises that -- for
23 example, the Social Security money needs to be
24 transferred from something else?

25 SUPERVISOR VENDITTO: I think that you

1 all know that a budget is a guesstimate. Some
2 costs are fixed; some are not.

3 Who is here?

4 MR. SCALERA: Frank Scalera.

5 Supervisor, these are federal funds
6 provided through the work force (inaudible) and
7 with these funds the Town runs a program where we
8 sponsor folks for job training or help folks with
9 their job search efforts. So every year -- our
10 fiscal years runs from June to July every year and
11 we receive information about where our allocation
12 will be and we project what expect to spend the
13 funds on, but we can't predict is how many people
14 will apply and be sponsored for training. So we
15 established these funds at the beginning of every
16 year using projections on global spending and then
17 make these transfers as actual figures from our
18 projections.

19 SUPERVISOR VENDITTO: I think that's
20 it.

21 MR. FREIER: So the people that are
22 selected for this, are they paid a salary? Is that
23 why Social Security is part of this?

24 SUPERVISOR VENDITTO: I'm not sure
25 Social Security means what you it is.

1 Colin, is this --

2 MR. BELL: Some of these federal funds
3 go to the salary of the Town staff that run these
4 programs. We have employment counselors and the
5 like that work in our Resource Room that assist
6 people with their job search.

7 SUPERVISOR VENDITTO: This program has
8 been ongoing -- I think it changes acronyms. It's
9 all federal funds involved here.

10 MR. FREIER: Thank you.

11 I'm curious why you tabled 443.

12 SUPERVISOR VENDITTO: Mr. Macagnone?

13 COUNCILMAN MACAGNONE: I wanted more
14 information on it.

15 MR. FREIER: 442, reappointing -- 442
16 through 444, with the exception of 443, these are
17 people being reappointed to the Oyster Bay Housing
18 Authority.

19 Is that the same people that were
20 involved in the current, you know, lawsuit, federal
21 lawsuit that created these rules? How are you
22 choosing who --

23 COUNCILMAN PINTO: 444 are people who
24 live in the Authority who are voted in by their own
25 people there.

1 SUPERVISOR VENDITTO: They are selected
2 by the tenants.

3 MR. FREIER: Thank you for clarifying
4 that. I appreciate that.

5 445, this is a Resolution for outside
6 legal counseling for an additional \$95,000. I know
7 you say budgets are guesstimates, but I think that
8 would be -- why such a huge cost?

9 SUPERVISOR VENDITTO: I guess if we
10 could control the future and whether or not
11 lawsuits ensue or don't ensue, I think you would be
12 right, but we can't do that.

13 MR. FREIER: This is not about a
14 lawsuit.

15 SUPERVISOR VENDITTO: Hold on, Bob.

16 MR. GENOVA: Frank Scalera --

17 SUPERVISOR VENDITTO: Frank, I think
18 this is the increase to the Cascone firm?

19 MR. SCALERA: That's pretty straight
20 forward. Cascone & Kluepfel, one of the firm that
21 handle outside negligence, trips and falls, car
22 accidents and the like. That number represents
23 cumulative bills. I will give you the exact
24 number. I have to check upstairs in my office.
25 But it's not just one. It's work done -- I think

1 we owe them for several months. If you want me to
2 go upstairs now, I can get you how far back it
3 goes. Otherwise, I can get it to you afterwards an
4 e-mail it to you.

5 SUPERVISOR VENDITTO: The bottom line
6 answer to the question is, if at any given point in
7 time we can use our crystal ball and see how many
8 people are going to slip and fall, then we would
9 need increases.

10 MR. FREIER: That would be for the
11 self-insurance program?

12 MR. SCALERA: Yes.

13 MR. FREIER: 459, can you explain
14 Woodbury Realty Holdings Corp. I read the backup
15 and it seems like every year they get a one-year
16 extension and it's built into their contract. I'm
17 not sure what that is.

18 SUPERVISOR VENDITTO: Which one is it?

19 MR. FREIER: 459.

20 SUPERVISOR VENDITTO: I'm sorry, what
21 about it?

22 MR. FREIER: Can you explain what it is
23 because I noticed it's as continual one-year
24 extension that's in the contract?

25 COUNCILMAN PINTO: I think this has to

1 do with Lenny or Bob. They are waiting on Nassau
2 County because I asked the same question. I think
3 this is where the applicant is waiting for
4 information from Nassau County before we could
5 actually go ahead --

6 MR. ZIKE: The Board approved an
7 application about five, six years ago. They are
8 currently in the process of getting subdivision
9 approval from Nassau County. Once that is
10 obtained, they can come back to the Town for their
11 building permits.

12 SUPERVISOR VENDITTO: Having said that,
13 we would, typically in situations like that -- I
14 don't want to say with great liberality, but we
15 tend to be very reasonable. Sometimes there are
16 other problems that we weren't able to obtain
17 financing, there were delays in construction,
18 things of that nature.

19 On the one hand you want to the keep a
20 reign on a situation. On the other hand, you don't
21 want lose a potentially good tenant in the Town
22 after they've had a Zoning approval or permits
23 issued, at the least. So we tend to be somewhat
24 liberal in granting these extensions. But that's
25 the reason for --

1 MR. FREIER: Is that common for
2 something to take years like that to get permits
3 from Nassau County?

4 SUPERVISOR VENDITTO: I think it
5 probably is. My guess would be yes.

6 COUNCILMAN MACAGNONE: In the
7 construction world, yes, it is common.

8 MR. FREIER: 465, 57k for special
9 counsel services to the Town attorney relative to
10 employee representation. I'm not asking the
11 details of what the employee representation is, but
12 who chooses that law firm and how is that done.

13 MR. GENOVA: The Town attorney's
14 office.

15 SUPERVISOR VENDITTO: Town attorney's
16 office.

17 MR. FREIER: The Town attorney's office
18 chooses who represents your employee?

19 SUPERVISOR VENDITTO: Yes.

20 MR. FREIER: 466, I know there is a --
21 I understand this has been going on for quite
22 sometime regarding the building -- the Syosset Fire
23 Department Memorial Park across the street.

24 SUPERVISOR VENDITTO: Across the street
25 from the firehouse?

1 MR. FREIER: Yes. I'm wondering, I saw
2 in the further -- in some of the backup, that's
3 costing --

4 SUPERVISOR VENDITTO: I know what you
5 are going to ask because I asked the same question,
6 but I don't remember the answer. There was a
7 problem because I think the bids came in higher
8 than what was allocated for the project. But down
9 the line, we do have a \$60,000 allocation, I think,
10 for architectural services. I don't know that
11 that's inconsistent, but it did strike me as odd
12 too.

13 Leslie -- Deputy, it looks like you
14 have the answer.

15 MS. MACCARONE: Resolution 466, this is
16 to reject the original bids that came in too high
17 and to allow us to go out and bid again.

18 Our estimate is around \$250,000 and we
19 scaled down the plans, we eliminated some of the
20 items in the project and we're going to go out to
21 rebid.

22 Further down, I'm not sure exactly
23 which Resolution it is, that is to allow
24 Nassau/Suffolk to do the construction management
25 for the project. It's going to be a 13-week

1 project and to also prepare the bid documents for
2 the scale-down version.

3 SUPERVISOR VENDITTO: They are not
4 inconsistent?

5 MS. MACCARONE: No.

6 MR. FREIER: The 250k estimate, that's
7 Town money?

8 SUPERVISOR VENDITTO: Yes, Town money,
9 but it's also our estimate as well.

10 MS. MACCARONE: That's correct. They
11 purchased the property, we are designing and
12 building the memorial.

13 SUPERVISOR VENDITTO: Just out of
14 curiosity -- sorry, Bob. I don't remember if the
15 numbers are in there, in the backup, how far off
16 are the bids?

17 MS. MACCARONE: For the original
18 project?

19 SUPERVISOR VENDITTO: Yes.

20 MS. MACCARONE: He came in around 491,
21 so we scaled down the project tremendously.

22 MR. FREIER: Is that the something that
23 the Board would consider -- certainly no
24 disrespect -- obviously, we honor anyone associated
25 with 9/11 to the utmost, it's very important, but

1 250k when the Town is pretty much broke, is that
2 something that can be put off for another time?

3 SUPERVISOR VENDITTO: I don't know that
4 we need to do that. We certainly will take that
5 under advisement. I think in view of the subject
6 matter, we will find a way to get it done.

7 Bob, I'm sorry to say, your time is up.
8 Thank you for your input.

9 Paul Molinari?

10 MR. MOLINARI: Good morning.

11 SUPERVISOR VENDITTO: Good morning. We
12 start with you at 465.

13 MR. MOLINARI: I want address in
14 general -- at the last Board meeting, you,
15 Mr. Supervisor, laid out budget cuts for next year,
16 the Town's financial condition, so why not start
17 today?

18 Several of these resolutions before
19 you, are they really needed to be approved. We
20 just heard about 465 where we are expending 57k for
21 outside counsel.

22 Why isn't the Town attorney's office
23 addressing it?

24 SUPERVISOR VENDITTO: I think -- I
25 believe the backup indicated the reasons why.

1 MR. MOLINARI: 466, you have a rebid
2 \$250,000 in conjunction with 494 at \$69,000 for
3 construction management. That's \$300,000. We also
4 have on 477, why not have Town employees perform
5 the work instead of awarding a contract for almost
6 \$400,000 for tree cutting? I know the Town has
7 people capable of doing it. I've seen them doing
8 it on Duffy Avenue a couple of weeks ago.

9 SUPERVISOR VENDITTO: I think, Paul --
10 I already answered -- as I told Bob Freier, we will
11 take a look at the Syosset project.

12 Again, in view of the nature of the
13 memorial, probably to go ahead. The reasons for
14 the outside counsel was made very clear in the
15 backup, about the level of competence or the level
16 in confidence in a particular area to handle the
17 matter. I don't want fool around with
18 representation.

19 On the issue you are on now, I don't
20 want to put anybody on the spot, but on the
21 requirements contract for tree removal, it's always
22 been my understanding that it's a pretty
23 overwhelming contract. I don't that we have the
24 wherewithal to do it ourselves. But if anyone from
25 the Department of Public Works or Highway can -- I

1 hate putting people on the spot.

2 John, are you all right with this?

3 MR. BISHOP: With regard to the tree
4 removal, those were already in requests, that we
5 had to address at that time. Moving forward with
6 the new contracts, we will be addressing it
7 differently.

8 SUPERVISOR VENDITTO: But the amount of
9 work done on these contracts is pretty significant.

10 MR. BISHOP: I'd have to say about --
11 maybe 1,200 requests a year. It's a large volume.

12 SUPERVISOR VENDITTO: Thank you.

13 Go ahead, Paul, continue.

14 MR. MOLINARI: My other point is that
15 we are continuing to do business as usual.

16 SUPERVISOR VENDITTO: I have to stop
17 you there. I don't want to debate you, but I do
18 want to tell you, you're only seeing what we're
19 doing, you're not seeing what we're not doing.
20 Just keep that in mind.

21 Go ahead. I don't want to take up all
22 your time.

23 MR. MOLINARI: The only question I
24 really have, those Resolutions for awards and
25 dollars and my concern is, like I said, we are

1 continuing to award contracts and we don't have the
2 money.

3 The only other question was on 496
4 which is an award of a contract which I understand
5 it's being done.

6 My only question is, this the low
7 bidder, there were only three bidders on the
8 that -- is this is the low bidder on the job.

9 COUNCILMAN MACAGNONE: I believe it is.
10 You make a good point about that. We have a lot of
11 turf fields that we do refurbish. I wouldn't mind
12 asking our Park Commissioner to see about getting
13 somebody to sponsor some of this stuff. I don't
14 think kids would mind playing on a Dick's Sporting
15 Goods field at John Burns Park or skate at the
16 Coca-Cola Ice Center at Bethpage. It might be time
17 to start to raise some funds that way to get some
18 sponsorships.

19 SUPERVISOR VENDITTO: The only problem
20 is and I will tell you, in the past, we have done
21 this and it has not gone over too big with the
22 leagues and a lot of residents have objections to
23 it. I'm just telling you what has happened in the
24 past, not necessarily telling you that's not going
25 to happen again in the future. It's an excellent

1 idea. Maybe things have changed, but a lot people
2 decried the commercialization of the fields and the
3 advertising and turning it into a -- I don't know
4 something that is -- they didn't find it
5 appropriate.

6 COUNCILMAN PINTO: 496, I believe this
7 came significantly under our estimate as far as the
8 cost is concerned.

9 SUPERVISOR VENDITTO: Paul, just
10 remember that you are only seeing what we are going
11 forward with. You are not seeing what we are not
12 going forward with.

13 MR. MOLINARI: Thank you.

14 SUPERVISOR VENDITTO: Robert Ripp.

15 MR. RIPP: Robert Ripp, again, from
16 Massapequa.

17 Before we begin, I just want to make
18 sure the rules are, I get three minutes for each
19 Resolution I'm addressing? That's my time, right,
20 three minutes?

21 SUPERVISOR VENDITTO: Hold on.
22 Somebody read the rule. Let's get it right.

23 I believe you have ten minutes, Robert.
24 You also have to read the statutes, but --

25 MS. FIORENZA: Resolutions.

1 During the period identified as
2 opportunities for the public to address the Board
3 on agenda items only; speakers shall identify all
4 resolutions they wish to speak of. Speakers shall
5 have three minutes to address the Board on a given
6 resolution. A total of six minutes if the speaker
7 is addressing two Resolutions and a total of ten
8 minutes if the speaker is addressing three or more
9 Resolutions.

10 SUPERVISOR VENDITTO: This isn't
11 charged against your time, but the rule is three
12 minutes for one. You get two for six minutes and
13 all you can eat for ten minutes. You got ten
14 minutes. Go.

15 MR. RIPP: This is with regard to the
16 Transfer of Funds.

17 This is a memorandum docket dated
18 August 22nd, \$225,000 in salaries regular to
19 \$25,000 into Social Security.

20 From what I understand -- when somebody
21 works you pay Social Security taxes and your
22 employer has to match it.

23 So, first of all, I'd like to know, are
24 you transferring this money from an account
25 designated to pay salaries to pay the Town's

1 portion of Social Security they have to match,
2 number one, and then I would like to know, have all
3 the quarterly payroll tax returns been filed timely
4 and I'd also like to know, are all the payroll tax
5 liability current and are all the pension
6 contributions current? You can file your tax
7 payroll without being current. Those are my
8 questions on that.

9 To get into Resolution 465, I would
10 like to know, this is a Resolution -- when you read
11 the Resolution, you're making a decision and it
12 seems the decision was made by information you
13 discussed in a past Executive Session. So, I'd
14 like to know, even though you didn't -- when you
15 came out of the session, I don't believe you
16 announced any action was taken, I'd like to know if
17 this would be considered as if you're taking action
18 based on that Executive Session; and if so, will
19 the transcripts of that Executive Session then be
20 made available to the public?

21 I'd like to point out to you that
22 Resolution 476, I couldn't find any backup
23 information, just the Resolution itself.

24 477 and 478, again, you're allocating
25 \$1 million to Laser -- I know people spoke about

1 the tree requirements. So I'd like to bring to
2 your attention, at least in my neighborhood
3 recently, the power companies are receiving a
4 grant. The Town came in and took all the lighting
5 fixtures down. The power companies came in and
6 trimmed all the trees. They put some additional
7 wire to support the power lines so we don't have
8 any problems and we moved on.

9 Do we really need to go for
10 three-quarters of \$1 million for possible tree
11 trimming after that?

12 Resolution 486, I'd like to know how
13 much in total we spent to date on this Liberty
14 Industrial Finishing Site so far?

15 Resolution 495, this is an interesting
16 one. It seems like the Resolution -- it seems as
17 if Rich Betz and -- this Resolution is Commissioner
18 Betz and Sidney Bowne, Frank Antetomaso's company,
19 apparently they are asking for an extension of time
20 based on problems that this construction company --
21 I can't read the Resolution -- they're asking for
22 an extension of time based on problems that the
23 individuals involved here are having.

24 What I'd like to bring to your
25 attention is, the same company, Sidney Bowne in the

1 Stillwater Avenue road reconstruction, you actually
2 approved payment for that company because they lost
3 time due to inclement weather. So I'm curious how
4 it (inaudible) goes both ways.

5 It seems like on one hand, we are
6 paying people because they couldn't work based on
7 weather or whatever the issues were, and on the
8 other hand, we're granting them extension when they
9 can't do the job on time.

10 496, this is the turf fields. I'd
11 really like to know, what the shelf life of these
12 turf fields are. The Town has spent millions and
13 millions of dollars installing these turf fields.
14 We found all sorts of contaminated material at all
15 the sites and we replaced everything and now it
16 seems this is the second one in the last couple
17 months that's coming up to be redone.

18 I mean, it's a great possible solution
19 Mr. Macagnone made to get some funding in here, but
20 what is the shelf life? Are we going to be looking
21 for millions of dollars every five, ten years on
22 these fields? Maybe we should go back to grass.

23 Resolution 497, I would like to know
24 who this gentleman, Mr. Spagnuolo is and what he
25 does for the Town, what his position is.

1 SUPERVISOR VENDITTO: I think that's
2 our Deputy Town Clerk.

3 MR. ALTADONNA: Deputy Town Clerk.
4 You've actually got many letters from
5 him. You should know who he is.

6 MR. RIPP: Thanks for correcting me.
7 I would like to know in Resolution 501
8 and 502, these are resolutions directing the Town
9 code to publish a Notice of Hearing to consider a
10 local law. I'd like to know, I asked earlier is
11 that the normal format.

12 SUPERVISOR VENDITTO: In particular --
13 you're like a road runner up there.

14 In particular, what you wanted to know
15 is on the hearing that was held, Hearing No. 2, you
16 wanted to know if there was a notice -- publication
17 notice on it.

18 MR. RIPP: Right. I really would like
19 to know the information on the federal tax.

20 SUPERVISOR VENDITTO: I heard parts of
21 that. I got ambushed when I went in there.

22 MR. RIPP: Do you want me to repeat it?

23 SUPERVISOR VENDITTO: Yes.

24 MR. RIPP: What I'd like to know is,
25 this Transfer of Funds, it looks like it's coming

1 out of salaries regular which, unfortunately, we
2 were talking about layoffs and everything and it's
3 going into Social Security.

4 What I understand is, when you work,
5 you pay into Social Security, I know I did, and
6 then your employer matches it. So I would like to
7 know if you're actually taking the money out of the
8 account that's designated to pay people's salaries
9 and paying their Social Security contributions or
10 are you matching -- the Town's matching requirement
11 and I'd also like to know, have all the quarterly
12 payroll tax returns been filed timely and I'd like
13 to know, are all the payroll tax liabilities
14 current because you can file your tax returns
15 without being current and I'd like to know, are all
16 the pension contributions current.

17 SUPERVISOR VENDITTO: I don't know.

18 Colin, is any of that pertinent to the
19 transfer? I'm still not clear on that.

20 MR. BELL: I really have to defer to
21 somebody from payroll or possibly Rob.

22 MR. DARIENZO: Supervisor, all the
23 question about (inaudible) that's more for the
24 Comptroller's Office. We can say we are up to date
25 with payroll, we are up to date with the pensions,

1 retirement system. We are up to date on all our
2 bills.

3 MR. RIPP: You're up to date with
4 Social Security payments.

5 MR. DARIENZO: Yes.

6 SUPERVISOR VENDITTO: By the way, Rob,
7 apparently, the ad for the hearing this morning on
8 the local law, Hearing No. 2 appeared in the
9 newspaper, general circulation here in Nassau
10 County, Newsday on Thursday, August 18th.

11 MR. RIPP: That's great.

12 I'm more interested in authorizing --

13 MR. ALTADONNA: I gave you the --

14 SUPERVISOR VENDITTO: I think I have a
15 copy of that, too. Why don't you give Mr. Ripp a
16 copy of this? Thank you.

17 MR. RIPP: Thank you.

18 SUPERVISOR VENDITTO: Back to you,
19 Mr. Altadonna.

20 MR. ALTADONNA: Motion was made by
21 Councilman Muscarella, seconded by Councilman
22 Macagnone.

23 We have no other speakers.

24 SUPERVISOR VENDITTO: I have no other
25 forms from persons who indicated that they care to

1 address the Board relative to the regular action
2 calendar.

3 Any takers out there who do want to
4 address the Board?

5 (No verbal response.)

6 SUPERVISOR VENDITTO: I see none.

7 Mr. Altadonna?

8 MR. ALTADONNA: On the vote, Supervisor
9 Venditto?

10 SUPERVISOR VENDITTO: I vote "Aye."

11 MR. ALTADONNA: Councilman Muscarella?

12 COUNCILMAN MUSCARELLA: "Aye."

13 MR. ALTADONNA: Councilman Macagnone?

14 COUNCILMAN MACAGNONE: "Aye."

15 MR. ALTADONNA: Councilman Coschignano?

16 COUNCILMAN COSCHIGNANO: "Aye" on all
17 except 466, 468 and 494 as they relate to Syosset.

18 Fire Department, I abstain on.

19 "Aye" on the rest.

20 MR. ALTADONNA: Councilman Pinto?

21 COUNCILMAN PINTO: "Aye."

22 MR. ALTADONNA: Councilwoman Alesia?

23 COUNCILWOMAN ALESIA: "Aye."

24 MR. ALTADONNA: Councilwoman Johnson?

25 COUNCILWOMAN JOHNSON: "Aye."

1 MR. ALTADONNA: Motion to adopt
2 Resolution TF 15-16 through 465 passes with seven
3 "Ayes."

4 SUPERVISOR VENDITTO: I'm doing too
5 many things this morning. I apologize.

6 Resolution 502, doesn't that call for
7 the vote on the second hearing? I read it last
8 night and I just forgot this morning.

9 By the way, on 491, if you look at 491,
10 I think you identified the boundaries on the
11 upcoming street fair in North Massapequa, it has
12 Nassau Street, it's Nassau Avenue. I used to live
13 on that block. I get upset when it's not correct.
14 It was Nassau Avenue, not Nassau Street.

15 More importantly, on 502, in light of
16 the dialogue that transpired here today, what I
17 meant to do was table the decision, at least for
18 another meeting, so we can look into this business
19 about 120 days and 130 days and I think there was
20 still an outstanding question about how does this
21 alter the current and prevailing law. Unless that
22 is going to do damage to the lawsuit, I can't
23 imagine, we will put it on for the next hearing.

24 MR. ALTADONNA: Would you like us to
25 make a motion it to table --

1 SUPERVISOR VENDITTO: What I'm trying
2 to say we need a motion to table 502 to permit us
3 time.

4 MR. ALTADONNA: Why don't we go up to
5 501 and we will treat 502 separately?

6 SUPERVISOR VENDITTO: Sounds good.

7 MR. ALTADONNA: TF 15-16 through 501.

8 On the vote?

9 TF 15-16 through 465 passes with seven
10 "Ayes."

11 466 passes with six "Ayes" and one
12 abstention.

13 467 passes with seven "Ayes."

14 468 passes with six "Ayes" and one
15 abstention.

16 469 through 493 passes with seven
17 "Ayes."

18 494 passes with six "Ayes" and one
19 abstention.

20 495 through 501 passes with seven
21 "Ayes."

22 I have a motion to table 502.

23 SUPERVISOR VENDITTO: It appears in the
24 form of a Resolution going for a decision, so I
25 assume you would have to table it. If there's a

1 simpler way of doing it.

2 COUNCILMAN COSCHIGNANO: It's a table.

3 COUNCILMAN MACAGNONE: To a certain
4 date.

5 SUPERVISOR VENDITTO: To the next
6 hearing.

7 COUNCILMAN MUSCARELLA: I'll make a
8 motion to table 502 to September 27, 2016.

9 COUNCILMAN MACAGNONE: Seconded.

10 COUNCILMAN MUSCARELLA: So moved.

11 MR. ALTADONNA: Motion made by
12 Councilman Muscarella, seconded by Councilman
13 Macagnone.

14 On the vote, Supervisor Venditto?

15 SUPERVISOR VENDITTO: I vote "Aye."

16 MR. ALTADONNA: Councilman Muscarella?

17 COUNCILMAN MUSCARELLA: "Aye."

18 MR. ALTADONNA: Councilman Macagnone?

19 COUNCILMAN MACAGNONE: "Aye."

20 MR. ALTADONNA: Councilman Coschignano?

21 COUNCILMAN COSCHIGNANO: "Aye."

22 MR. ALTADONNA: Councilman Pinto?

23 COUNCILMAN PINTO: "Aye."

24 MR. ALTADONNA: Councilwoman Alesia?

25 COUNCILWOMAN ALESIA: "Aye."

1 MR. ALTADONNA: Councilwoman Johnson?

2 COUNCILWOMAN JOHNSON: "Aye."

3 MR. ALTADONNA: Mr. Supervisor, before
4 we add the suspends, there seems to be some
5 confusion in the audience as to why we do this and
6 we did get an opinion from the State.

7 It seems to be coming up more often
8 that when we suspend the rules and add, there seems
9 to be confusion with the public as to the legality
10 of it, so what I would like to read --

11 SUPERVISOR VENDITTO: Yes. Okay. I
12 understand what you are saying.

13 Just so everybody understands on this
14 particular motion, I was buying coffee one morning
15 in a delicatessen and a young lady behind the
16 counter knew me over the years and asked me if I
17 would marry her and her -- what do you call that?

18 COUNCILWOMAN ALESIA: Betrothed. I
19 thought you were going to say she asked you to
20 marry her.

21 SUPERVISOR VENDITTO: On
22 September 17th, she asked me at a point in the time
23 which was past the last hearing, but the wedding is
24 going to take place on September 17th which is
25 prior to our next meeting. So the only meeting

1 which this can be done so I can be authorized to be
2 throw her wedding was this meeting.

3 So, obviously, I made a request and it
4 appeared on the Town calendar today. It was a
5 timing issues. There was no other way authorizing
6 me to do this unless we got it on today's meeting.

7 Beyond that, as far as generally, what
8 happens with matters that are walked on or -- I
9 think that's what you want to address.

10 MR. ALTADONNA: Exactly.

11 SUPERVISOR VENDITTO: Go ahead.

12 MR. ALTADONNA: This was from a
13 resident who wrote to our community on open
14 government, Mr. Ripp, and a response is as follows:
15 Your concerns appear to relate to primarily the
16 availability of records of review by the Board of
17 the public prior to meetings. Section 103(e) of
18 the OML states:

19 "Agency records available to the public
20 pursuant to Article 6 of this chapter [Freedom of
21 Information Law] as well as any proposed
22 resolution, law, rule, regulation, policy or any
23 amendment thereto, that is scheduled to be the
24 subject of discussion by a public body during an
25 open meeting shall be made available, upon request

1 therefor, to the extent practicable as determined
2 by the agency or the department, prior to or at the
3 meeting during which the records will be discussed.
4 Copies of such records may be made available for a
5 reasonable fee, determined in the same manner as
6 provided therefor in Article 6 of this chapter.

7 "If the agency in which a public body
8 functions maintains a regularly and routinely
9 updated website and utilizes a high speed internet
10 connection, such records shall be posted on the
11 website to the extent practicable as determined by
12 the agency or the department, prior to the meeting.
13 An agency may, but shall not be required to, expend
14 additional moneys to implement the provisions of
15 this subdivision."

16 The goal of a 103 is simple: Those
17 interested in the work of the public bodies should
18 have the ability, within reasonable limitations, to
19 see the records scheduled to be discussed during
20 open meetings prior to or at the meetings.

21 Based on your description of the
22 timeline (meeting scheduled for Tuesday, draft
23 resolution "published" on preceding Friday, and
24 draft resolution with supporting documentation
25 "published" on preceding Monday evening) and my

1 understanding that by "published" you mean posted
2 to the Town's website, it appears that the Town
3 complied with this statutory requirement when those
4 steps were taken. You reference other situations
5 in which resolutions are introduced at meetings
6 wherein the text of those resolutions were not made
7 available prior to the meeting.

8 I point out that 103(e) states that
9 the proposed Resolutions "shall be made available,
10 upon request; therefore, to the extent practicable
11 as determined by the agency or department, prior to
12 or at the meeting (emphasis mine).

13 If the resolutions were drafted prior
14 to the meeting and the Town Board knew that it
15 planned to vote on those resolutions, in my
16 opinion, the Resolutions should have been made
17 available pursuant to 103(e).

18 However, there may be situations in
19 which the language of the draft resolution is not
20 available prior to the meeting. If it was not
21 practicable to make the proposed resolution
22 available prior to or at the meeting, the OML does
23 not prohibit a public body from voting on such
24 resolutions.

25 You referred to the absence of "backup

1 material" posted on the Town's website prior to
2 meetings.

3 In this regard, please note that 103(e)
4 refers to records that are "scheduled to be the
5 subject of discussion -- during an open meeting --
6 While a resolution may be scheduled to be the
7 subject of discussions, backup material likely is
8 not "scheduled" to be discussed.

9 If that is so, there is no obligation
10 to post that material in advance of a meeting to
11 comply with the OML.

12 Enclosed for reference is a copy of
13 Questions and Answers relating to 103(e) of the OML
14 that is posted on the Committee's website.

15 You indicated in your letter that the
16 Town Clerk has made motions to "table" or "pass"
17 proposed resolutions.

18 I point out that 60 of Town Law states:
19 "Town Board constituted. 1. In every Town, the
20 Supervisor and Town Councilmen shall constitute the
21 Town Board and shall be vested with all the powers
22 of such a Town and shall possess and exercise all
23 the powers and be subject to all the duties now or
24 hereafter imposed by law upon Town Boards and Town
25 Boards of Health within such towns."

1 Section 30 of Town Law addresses the
2 powers and duties of the Town Clerk. The Law
3 states that the Town Clerk "shall attend all
4 meetings of the Town Board, at as Clerk thereof,
5 and keep a complete and accurate record of the
6 proceedings of each meeting, and of all
7 propositions adopted pursuant to this chapter."

8 In my opinion, only Town Board members
9 should be making motions to be voted on by the
10 Board. The Town Clerk's responsibility is to "keep
11 a complete and accurate record of the proceedings."

12 The Clerk is not a Board member.
13 However, in my view, there is nothing in the OML
14 that would prohibit a Town Board from tabling a
15 motion and reproposing it at the same meeting.

16 You also express concern that residents
17 are not given an opportunity to "question and
18 address the Town Board" relating to particular
19 resolutions.

20 In this regard, we note that although
21 the OML provides the public with the right "to
22 observe the performance of public officials and
23 attend and listen to the deliberations and
24 decisions that go into the making of public policy"
25 (see OML 100), the Law is silent with respect to

1 public participation.

2 Consequently, by means of example, if a
3 public body, such as a Town Board, does not want to
4 answer questions or permit the public to speak or
5 otherwise participate at its meetings, we do not
6 believe that would be obliged to do so.

7 On the other hand, a public body may
8 choose to answer questions and permit public
9 participation, and many do so. When a public body
10 does permit the public to speak, we believe that it
11 should do so based upon reasonable rules that treat
12 members of the public equally.

13 SUPERVISOR VENDITTO: To some extent,
14 it seems to confirm the practice that we follow.

15 More importantly though, with respect
16 to public input on Resolutions, while we might not
17 be obligated to do so -- I think that's fair -- I
18 don't know we would be changing anything as a
19 result of that. So we are actually going beyond
20 what the Open Meeting Law requires.

21 MR. ALTADONNA: That is correct.

22 SUPERVISOR VENDITTO: I just want to be
23 clear on the situation today. I guess that's -- I
24 believe I got the request after the docket closed
25 and because it was after, there was no other way

1 except by a walk-on.

2 Otherwise, these young people who might
3 someday -- who will someday marry and have
4 children, they wouldn't have any of that if we
5 didn't allow it come to the Town. That's the
6 reason we have the walk-on today.

7 MR. ALTADONNA: May I have a motion to
8 suspend the rules and add Resolution No. 503-2016?

9 Resolution No. 503-2016; Resolution
10 authorizing the appointment of John Venditto, Town
11 Supervisor, as a marriage officer to perform a
12 wedding ceremony on September 17, 2016. (M.D.
13 8/30/16 #22).

14 On the motion?

15 COUNCILMAN MUSCARELLA: So moved.

16 COUNCILMAN MACAGNONE: Seconded.

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

20 On the vote, Supervisor Venditto?

21 SUPERVISOR VENDITTO: For the future of
22 these two young people, I vote "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 suspend the
11 rules and add Resolution 503-2016 passes with seven
12 "Ayes."
13 May I have a motion to adopt Resolution
14 No. 503-2016?
15 Resolution No. 503-2016; Resolution
16 authorizing the appointment of John Venditto, Town
17 Supervisor, as a marriage officer to perform a
18 wedding ceremony on September 17, 2016. (M.D.
19 8/30/16 #22).
20 On the motion?
21 COUNCILMAN MUSCARELLA: So moved.
22 COUNCILMAN MACAGNONE: Seconded.
23 MR. ALTADONNA: Would you like to speak
24 on it?
25 MR. RIPP: I signed up to speak on it.

1 SUPERVISOR VENDITTO: Come on up.

2 MR. RIPP: We are obviously at odds at
3 what you're doing, suspending the rules and walking
4 on the resolutions. I don't think this is the
5 proper format to argue it or anything, but at this
6 point, I'm turning in an ethics complaint
7 pertaining Supervisor Venditto and I'm handing it
8 to the Town Clerk.

9 Specifically, in regard to 503, I have
10 a question on how this was drafted. I noticed on
11 the action calendar it's listed as a Walk-On
12 Resolution. I have some questions. I spoke to the
13 Clerk before the meeting. If you look at the
14 Action Calendar, it refers to memorandum docket of
15 August 30th. The Clerk advised me that that was
16 the day of the Action Calendar meeting when they
17 met and they discussed what they were going to put
18 on for the next meeting.

19 When you read the Resolution itself, it
20 states that whereas John Venditto, Town Supervisor
21 by memorandum, dated September 1, 2016, requested
22 the Town Board appoint himself.

23 So I came up -- I called the Clerk this
24 morning because when you posted this, you posted
25 the drafted resolution, but you didn't post any of

1 the supporting documents as you're required to by
2 the public offices law.

3 So I called the Clerk this morning and
4 I asked him to get that material ready for me prior
5 to the meeting because the Committee of Open
6 Government along with the information they sent to
7 the Clerk, they also included this, Mr. Altadonna,
8 you can read this, disclosure of records scheduled
9 to be discussed during public meetings and there's
10 question of format content and there's a question,
11 the amendment states that agency (inaudible) to be
12 discussed during open meetings to be practicable
13 determined by the agency. What does this mean?

14 According to an ordinary dictionary
15 definition practicable means feasible. To the
16 extent practicable pertains to the ability to take
17 reasonable steps, reasonable efforts to achieve the
18 goals of the legislation, if the records scheduled
19 to be discussed during meeting is not clear to the
20 Clerk or other employees until a half hour prior to
21 meeting, it would not likely be practicable to post
22 the record on the website in advance to the
23 meeting.

24 As far as --

25 SUPERVISOR VENDITTO: Rob, you have to

1 slow down.

2 THE REPORTER: You're going too fast
3 for me to get everything on the record.

4 MR. RIPP: The bottom line is --

5 SUPERVISOR VENDITTO: The fact that I
6 smile doesn't mean --

7 MR. RIPP: You --

8 SUPERVISOR VENDITTO: Hold on. It's
9 not chargeable to your time.

10 The fact that a smile means I'm a nice
11 fellow, that's all it means. It doesn't mean I'm
12 laughing or -- don't read anything into it.

13 Jim, let him finish his statement.

14 Slow down, Rob.

15 MR. RIPP: Thank you.

16 SUPERVISOR VENDITTO: Stop talking for
17 a minute.

18 Do it in a manner that the court
19 reporter can it all it down.

20 MR. RIPP: As far as -- I will read
21 that again.

22 The Committee of Open Government along
23 with their response to my -- one of my recent
24 requests forwarded what Mr. Altadonna just read to
25 everyone, but this also quoted this additional

1 document, questions and answers regarding records
2 discussed in open meetings. Disclosure of records
3 to be discussed during open meetings.

4 What it says is it's in question and
5 format answer and it says the amendment states that
6 agencies should make records scheduled to be
7 discussed --

8 SUPERVISOR VENDITTO: Rob, you need to
9 slow down.

10 MR. RIPP: The amendment states that
11 the agencies should make records scheduled to be
12 discussed during open meetings to the extent
13 practicable as determined by the agency.

14 What does that mean?

15 The answer is, this is what -- the
16 answer according to the Community of Open
17 Government, according to ordinary dictionary
18 definition, practicable means feasible to the
19 extent practicable -- to the extent practicable
20 pertains to the ability to take reasonable steps to
21 reasonable efforts to achieve the goals of the
22 legislation.

23 If the record scheduled to be discussed
24 during open meeting is not delivered to the Clerk
25 or other employee until a half hour prior to the

1 meeting, it would not likely be practicable to post
2 the record on the website in advance to the
3 meeting.

4 So I get the opinion that the Community
5 of Open Government is saying anything that you know
6 of up to half an hour before the meeting should be
7 posted.

8 In direct response to 503, I noticed on
9 the action calendar posted on Friday that you
10 included as a suspended -- suspend the rules and
11 walk-on. I don't really understand if had it prior
12 to the meeting, why you have to suspend the rules.

13 But on the Action Calendar, it makes
14 reference to the memorandum docket of August 30th
15 of 2016. The Clerk explained to me that that's not
16 the date of the document, that's the date they had
17 the meeting. The Resolution makes reference to a
18 memorandum prepared by you, Mr. Supervisor, that's
19 dated September 1st.

20 When I asked for a copy of that
21 memorandum this morning because I noticed that the
22 Town Clerk omitted the followup and the supporting
23 documents when this draft resolution was posted, so
24 I called this morning and I requested this
25 information made available to me prior to the

1 meeting and when I spoke to Mr. Altadonna this
2 morning, first, he explained to me that the
3 memorandum docket meeting was held on August 30th.

4 When I asked him according to the
5 Resolution, the Town Supervisor by memorandum dated
6 September 1st requested that he appoint himself, I
7 would like a copy of that memorandum, first, I was
8 told that you did it by oral request. Then when I
9 thought about it and I came back up and spoke to
10 the Clerk, then I was told that you did do it by
11 written request and I got a copy of the request.

12 So number one, it makes me feel that
13 you are being misleading and you're lying to me.
14 And number two, and what I really don't understand
15 is, if the memorandum --

16 SUPERVISOR VENDITTO: Who is lying to
17 you?

18 MR. RIPP: I don't know. Somebody was
19 saying that you made this request by oral motion,
20 that's what the Clerk told me.

21 More importantly, what I really don't
22 understand is, if the memorandum docket was held on
23 August 30th and your letter is dated September 1st,
24 how can the memorandum docket meeting have your
25 letter.

1 SUPERVISOR VENDITTO: You have to stop
2 because you are way over your time limit. I'm
3 trying to give you a short simple answer. I
4 believe -- these are our internal rules -- I
5 believe that if the docket meeting is only one week
6 away from the calendar, it would not matter. If
7 the docket meeting is two week out -- Len, I was
8 looking to you.

9 MR. GENOVA: It's actual pretty simple.
10 The docket meets every Wednesday. For an item not
11 to be marked as a suspend and walk-on, it has to be
12 received by the docket at least two weeks prior.
13 If it happens at any point subsequent to two weeks,
14 it would be marked suspend.

15 MR. RIPP: That's not my question.

16 My question is, if the Docket Board met
17 on August 30th, how can they discuss a letter that
18 you wrote on September 1st?

19 You posted on the Action Calendar,
20 memorandum docket August 30th. How can they do
21 anything on August 30th with a letter you wrote the
22 next day?

23 MR. GENOVA: All that's done is,
24 administratively, it's referred to as added starter
25 for that. When a request like that come in and

1 it's time sensitive.

2 SUPERVISOR VENDITTO: It started with a
3 verbal request from me. That's how it started
4 because I panicked and I'm saying to myself I
5 promised this couple I would marry them. I hope I
6 can get the authority in time. As it turns out, I
7 can by virtue of what we are doing here today. I
8 verbally -- who did I tell? Steven Marx, did I
9 tell you originally?

10 MR. MARKS: Yes, you did.

11 SUPERVISOR VENDITTO: And asked you to
12 take care of it?

13 MR. MARKS: Yes.

14 SUPERVISOR VENDITTO: And it culminated
15 with a written request which I guess you prepared.

16 MR. MARKS: That the office prepared.

17 SUPERVISOR VENDITTO: And here we are.
18 It was not within two weeks of the calendar. It's
19 not that complicate.

20 MR. RIPP: I'm confused because if the
21 Board met on the 30th and you signed the letter on
22 the 1st, how are they -- are you allowed to make
23 oral requests to have Resolutions signed?

24 SUPERVISOR VENDITTO: I just told you
25 how it happened. I made Steven Marx aware of it

1 and then he put it in writing.

2 MR. RIPP: How did you put on the
3 draft -- the Town Calendar -- when the memorandum
4 docket of August 30th. How can you do that? You
5 added something on the calendar -- the supporting
6 documents -- the resolution says --

7 SUPERVISOR VENDITTO: Rob, that's why
8 it's a suspend item. That's why it's a suspend
9 item for the reasons you just said.

10 MR. RIPP: That's makes no sense at
11 all.

12 You're telling me that they're
13 suspending this based on the letter they got the
14 day after the meeting; is that your answer?

15 SUPERVISOR VENDITTO: That's not what
16 we are saying.

17 I told you that I verbally told
18 Mr. Marx to make sure he attended to this item so I
19 would be fully authorized to perform this wedding
20 on September 17th. I verbally said that to
21 Mr. Marx. He then engaged the process. It
22 culminated with a writing on September 1st and
23 that's it. Because it was not within more than two
24 weeks away from the calendar, it becomes a suspend
25 items.

1 MR. RIPP: That part is irregardless.
2 If you made a oral request to Mr. Marx, what did he
3 do, go to the memorandum meeting and say Supervisor
4 has an oral request and he's going to date it
5 tomorrow, he's going to write the letter tomorrow?

6 SUPERVISOR VENDITTO: It does not
7 matter.

8 MR. RIPP: It matters to me.

9 SUPERVISOR VENDITTO: We answered it as
10 best as we can. We can't do any better than that.
11 We've told you exactly --

12 MR. RIPP: One last question.

13 SUPERVISOR VENDITTO: Robert, we told
14 you exactly what happened. That is exactly the
15 sequence of events. We really have to go now.

16 MR. RIPP: Are you going to charge me?
17 I have one question.

18 SUPERVISOR VENDITTO: I'll tell you
19 when I marry them, they'll stay married.

20 All right, Mr. Muscarella.

21 I'll take a motion.

22 MR. ALTADONNA: We have to vote on it.

23 On the vote, Supervisor Venditto?

24 SUPERVISOR VENDITTO: I vote "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: "Aye."

6 MR. ALTADONNA: Councilman Pinto?

7 COUNCILMAN PINTO: "Aye."

8 MR. ALTADONNA: Councilwoman Alesia?

9 COUNCILWOMAN ALESIA: "Aye."

10 MR. ALTADONNA: Councilwoman Johnson?

11 COUNCILWOMAN JOHNSON: "Aye."

12 MR. ALTADONNA: Motion to adopt.

13 Resolution No. 503-2016 passes with
14 seven "Ayes."

15 SUPERVISOR VENDITTO: Before we close
16 the meeting and go into Executive Session at the
17 request of Councilman Coschignano, Deputy
18 Commissioner Zike, you are invited front and
19 center.

20 The Councilman wanted you to brief us
21 on --

22 COUNCILMAN COSCHIGNANO: Supervisor, I
23 know one or two residents had questions about the
24 Stillwater property and also about the Beach Club.
25 I know Councilman Muscarella was going to make

1 motion to head to executive session and frequently
2 that does take significant time. So rather than
3 have the residents wait and not have this
4 information prior, Deputy Commissioner Tim Zike is
5 here and I was wondered if you could please speak
6 to both situations.

7 SUPERVISOR VENDITTO: This is in
8 response to prior questions.

9 COUNCILMAN COSCHIGNANO: Yes, and I
10 know the Deputy has done significant work between
11 the last two meeting on both of these subjects. I
12 have not gotten my own briefing and I think it's an
13 appropriate time for us to all get updated.

14 MR. ZIKE: Just to bring you up to
15 speed as to what's happening with regard to
16 135 Stillwater Avenue in Massapequa. I reached out
17 to the property owner. They've met with me
18 personally up in my office and I informed there was
19 a code compliance case and formal complaints
20 submitted against their property alleging that they
21 had no COs, some construction and some structures
22 that were built without building permits.

23 I made them aware that they did have
24 these allegations outstanding. They were very
25 cooperative. They are willing to work towards

1 compliance. We went through the litany of
2 everything they needed to file for. They need to
3 renew their old building permit for the original
4 house construction back in 2001. They took in an
5 additional building permit application for some
6 additional structures and items that were on the
7 property that did not have any permits. They will
8 be required to get their final building
9 inspections, their final plumbing inspections and
10 an electrical certificate of approval for all the
11 electrical work that was done on the property as
12 well.

13 I gave them a 30-day period to get all
14 this information submitted to me because one of the
15 first items I need is an updated property survey
16 and that does take some time to get from a land
17 surveyor. So once they obtain the land survey,
18 they're going to contact me and we are going to
19 continue with finishing their permitting process.

20 That's basically the report on
21 135 Stillwater Avenue.

22 If there are any questions --

23 COUNCILMAN COSCHIGNANO: I don't have
24 questions.

25 SUPERVISOR VENDITTO: That will be

1 reserved for public comment period.

2 MR. RIPP: The issue --

3 SUPERVISOR VENDITTO: Robert, the last
4 time I looked, I still chair the meeting.

5 Did you finish your statement, Tim?

6 MR. ZIKE: Yes, sir.

7 COUNCILMAN COSCHIGNANO: At some point,
8 we have to continue to answer questions as they
9 evolve, so I don't know if now is an appropriate
10 time.

11 SUPERVISOR VENDITTO: I'll leave it up
12 to you. It's your call. Okay.

13 MR. RIPP: Robert Ripp from Massapequa
14 again.

15 It's fantastic that you're addressing
16 the Code Enforcement issues here, but that is not
17 the heart of this issue.

18 The heart of this issue is that somehow
19 the consultants, Frank Antetomaso and Sidney Bowne,
20 was able to work through system the Town has and
21 authorize -- and you already voted on this
22 resolution, so technically, the homeowner could
23 probably be suing you right now to get the money.
24 But he authorized the -- in my opinion, it's
25 misappropriation of government funds. You

1 authorized a payment of \$32,000 to the homeowner
2 based on construction work that when you review the
3 records, Frank Antetomaso did all the work for this
4 gentleman. He did the plans. He did the
5 inspections. He did everything. There is nobody
6 else involved. That is the issue, not Code
7 Enforcement stuff.

8 COUNCILMAN COSCHIGNANO: The Code
9 Enforcement came to light during the process of the
10 payment, to my knowledge -- I'll look to
11 Mr. Darienzo, it's still on hold. There have been
12 no payments been made.

13 MR. RIPP: I appreciate everything you
14 do in this because you are interested in open
15 transparent government.

16 Thank you, sir.

17 COUNCILMAN COSCHIGNANO: Mr. McKenna,
18 did you have question on this or the other project?

19 MR. MCKENNA: No. You're going to talk
20 about Dolphin now.

21 MR. ZIKE: Yes. We are set with
22 135 Stillwater.

23 With regard to the Dolphin Beach Club,
24 myself, Steven Marx and the Supervisor staff, we
25 met with the Massapequa Shore Civic Association who

1 owns the property down there. We did meet with
2 them.

3 Again, made them aware that there was a
4 Code Compliance case and a formal complaint made
5 against the property. We went through in detail in
6 terms of what they would need to file for. They
7 were made aware of the fact that there are
8 allegations with regard to certain items on the
9 property that do require building permits. They
10 appear to be very cooperative. They seem to be
11 willing to work toward compliance.

12 Again, they needed some time to put
13 together a property survey which will take some
14 time.

15 Once they obtain their property survey,
16 they agreed to get in touch with the Department of
17 Planning and Development and go through with their
18 permits.

19 COUNCILMAN COSCHIGNANO: They have 30
20 days to do that?

21 MR. ZIKE: Yes.

22 COUNCILMAN COSCHIGNANO: We are still
23 on the same belief that it's 160 owners?

24 MR. ZIKE: That's correct according to
25 the County Assessor's records.

1 COUNCILMAN COSCHIGNANO: Each homeowner
2 owns one, one sixty ninth of the property, that
3 hasn't changed?

4 MR. ZIKE: As recorded by the deeds of
5 Nassau County.

6 COUNCILMAN COSCHIGNANO: They will be
7 in touch when they have their survey prepared?

8 MR. ZIKE: That's correct.

9 COUNCILMAN COSCHIGNANO: I don't have
10 any questions, but I will probably be fielding
11 questions.

12 SUPERVISOR VENDITTO: It's up to you.

13 MR. McKENNA: Just for the public's
14 information, this property happens to be adjacent
15 to Frank Antetomaso's house. What a coincidence.

16 One of the questions that you were
17 looking into was who did the construction work on
18 the seawall and on the property? Do we know that
19 yet?

20 COUNCILMAN COSCHIGNANO: I think we do.

21 MR. ZIKE: The seawall construction
22 that was part of the 2 Dolphin Drive was done by
23 the adjacent property owner at 1 Dolphin Drive and
24 that was part of his permit application that filed
25 back in 2008.

1 MR. McKENNA: By chance, was it
2 High-Rise Engineer.

3 MR. ZIKE: I have check the records I
4 don't recall that offhand.

5 MR. McKENNA: Just point of reference,
6 if it is High-Rise Engineering, my other question
7 was, is the Town still doing work with him which is
8 a different matter. But High-Rise Engineering, I
9 don't know if you are aware, is under indictment
10 right now as of August 1st for misappropriation of
11 FEMA funds for this type of work. So just take
12 that for whatever it's worth. I have the
13 information here.

14 COUNCILMAN COSCHIGNANO: Is it
15 High-Rise, do we even know?

16 MR. ZIKE: I have to doublecheck who
17 the contractor was.

18 COUNCILMAN COSCHIGNANO: I think
19 Mr. Zike asked the question on the funding, I
20 believe it was discussed.

21 MR. ZIKE: With regard to the
22 allegation of any type of FEMA funds or any type of
23 monies from the Town of Oyster Bay being spent at
24 the property, there were no monies spent from the
25 Town of Oyster Bay or no money allocated to FEMA to

1 my understand. We checked with all our various
2 Town departments.

3 In terms of the improvements, they were
4 funded solely by the Civic Association that
5 operates the land and for any type of tables,
6 chairs, furniture, that was paid for throughout by
7 the Civic Association.

8 MR. McKENNA: At the last meeting,
9 someone said that you were going to check because a
10 lot of the benches and the umbrellas and there's a
11 huge TV there, someone was going to check to see if
12 it was Town of Oyster Bay property that was used
13 there; has that been done? You said you were going
14 to do that.

15 MR. ZIKE: Again, the Civic Association
16 made it clear and they have all paperwork to
17 document it that they purchased all that equipment
18 on their own.

19 SUPERVISOR VENDITTO: Somebody handed
20 me a document.

21 Is this yours?

22 MR. McKENNA: Yes, you have it.

23 The other issue, I think, which was
24 open at the last meeting, is the fact that the
25 property, Nassau County is listed as Town of Oyster

1 Bay property and it's listed as vacant property.
2 It's my understanding, as we stand here right now
3 that there are no taxes being paid to Nassau County
4 at all on that property because of the confusion
5 where allegedly the property was deeded to the 169
6 residents. That might be the case, but it appears
7 that there's no taxes being paid on the property.

8 Can you shed any light on that today?

9 MR. ZIKE: Again, based on the research
10 I looked at, I believe there might have been a typo
11 or some type of error. I believe there was
12 paperwork that the Town of Oyster Bay did own the
13 property I believe on the Town's website or
14 something along those lines. I think that might
15 have been an error.

16 Again, if you do pull the physical
17 deeds that are maintained by the County Clerk's
18 Office, it does show back in the 1950s, 1955 that
19 the property was deeded over to 169 people and the
20 more recent sale of the properties of the 169 homes
21 do show a rider saying that along with the sale of
22 the principal property, there's a share one of 169
23 share of the parcel that we are talking about,
24 2 Dolphin Drive.

25 In terms of the taxes, I really can't

1 address it. That's really the County Assessor.
2 But again, based on the research that I did,
3 looking at the original property card, there's a
4 notation on there that states that the price is
5 reflected in the following section, block and lot
6 numbers and it lists the 100 sections, blocks and
7 lots. I would imagine they pay the taxes based on
8 that notation, that's on the County Assessor card.

9 SUPERVISOR VENDITTO: If a title search
10 was done, they would find the deeds with the
11 reference the one, 169 in the deed, correct?

12 MR. ZIKE: Correct.

13 Like I said, the most recent deed that
14 was sold shows the principal property as well a
15 rider attached to it saying one, 169th of a share
16 of property known as.

17 SUPERVISOR VENDITTO: Okay.

18 MR. McKENNA: My final question is,
19 135 Stillwater and 2 Dolphin -- again, I appreciate
20 everything you've done. It seems to me that a lot
21 of people here don't realize the size of and scope,
22 especially 2 Dolphin, the amount of work that was
23 done there, seawalls and -- it's a huge amount of
24 money that was -- I doubt very much that the
25 association paid for that. But are they being

1 handled by the Town of Oyster Bay Planning and
2 Development? Are they being handled the same way
3 that another resident would be handled?

4 I have friend of mine who recently was
5 selling his house and the amount of aggravation
6 caused to him for hedges around his property on a
7 corner, the amount of time that the Town of Oyster
8 Bay put to cause him havoc -- is 2 Dolphin and
9 135 Stillwater, are they being handled the same way
10 that another resident would be handled? Why -- it
11 appears to me that they're be handled with kit
12 gloves and I would like to know why.

13 MR. ZIKE: If I may, we are treating
14 him just like we would any other resident. We've
15 received code compliance complaints on both
16 properties. Both properties were brought up as
17 measure during Town Board hearings. So in terms of
18 doing any physical outreach, I was asked by
19 Councilman Coschignano to do on it -- on the
20 behalf -- ultimately, the goal was the department
21 is compliance and whether it's myself or code
22 enforcement officer doing it, the ultimate goal is
23 going to be achieved.

24 MR. McKENNA: I just want to make a
25 point letting you know that this vacant property

1 also has running water.

2 SUPERVISOR VENDITTO: Which vacant
3 property?

4 MR. McKENNA: 2 Dolphin, adjacent to
5 Frank Antetomaso's house, there's running water.
6 I'm curious to know who is paying for that running
7 water.

8 But, again, the amount of violations
9 there that they're allowed to continue operation is
10 beyond me. It's absurd that something -- something
11 is rotten in Oyster Bay.

12 MR. ZIKE: Mr. Supervisor, that
13 question came up during the meeting. They do have
14 a water bill that is given to them.

15 SUPERVISOR VENDITTO: Who is them?

16 MR. ZIKE: The Massapequa Shores Civic
17 Association that owns and operates the beach, they
18 do receive a water bill from the local water
19 districts and there are two fixtures of running
20 water.

21 SUPERVISOR VENDITTO: They're paying
22 these bills?

23 MR. ZIKE: They said that they pay
24 their bills.

25 MR. RIPP: Hello again. My name is

1 Robert Ripp from Massapequa.

2 I just want to explain that I had an
3 opportunity to review the building files associated
4 with these properties, 135 Stillwater, 1 Dolphin
5 Place and 2 Dolphin Place. And what I find really
6 amazing is that the owner of 1 Dolphin Place, Frank
7 Antetomaso who is principal and Sidney Bowne who is
8 the Town's premier consulting engineering firms, he
9 filed his application, his permits to build his
10 seawall and he filed to build a seawall on the
11 adjoining property lot, 2 Dolphin Place lot and he
12 did so with a letter of permission from the
13 Massapequa Shores Civic Association.

14 What I don't understand is, there is no
15 building file for 2 Dolphin Place. I don't
16 understand how the Town's premier consultant could
17 have filed building permit applications or didn't
18 file building permit applications. It doesn't
19 matter -- he filed the necessary applications for
20 his property, but there should have been
21 applications and permits filed for the fixtures
22 that are built on the 2 Dolphin Place property.

23 So now in 2008, Mr. Antetomaso did all
24 his work and everything -- I made a complaint with
25 regard to that. In 2008 Mr. Antetomaso knew that

1 there was no building file -- in my opinion, should
2 have known that there was no building filed for the
3 adjoining property.

4 I really find it a coincidence that the
5 Town of Oyster Bay has been holding that property
6 as if they owned it all this time.

7 I would like to ask Mr. Zike, have any
8 notices of violation been issued to any of these
9 property owners? That is the first step. If the
10 code compliance (inaudible) investigator makes an
11 observation, the first step is to file a notice of
12 violation. This is what happened to me. You get
13 ten days to come in compliance. If you don't come
14 in compliance or at least work something out, then
15 you get the summons. So when Mr. McKenna was
16 speaking about kit gloves, this is what he is
17 talking about.

18 Have there been any notices of
19 violations been issued in this case?

20 Thank you.

21 MR. ZIKE: The answer is no.

22 Again, it was a verbal notice that I
23 gave once I met with the residents themselves.
24 Typically, a notice of violation is putting someone
25 on notice, making them aware that there is a

1 violation.

2 Obviously, I did it in person and they
3 acknowledged it. It would be the same course of
4 action --

5 SUPERVISOR VENDITTO: Which property
6 are you talking about?

7 MR. ZIKE: Both, 135 Stillwater Avenue
8 and 2 Dolphin Drive.

9 COUNCILMAN COSCHIGNANO: So they both
10 have 30 days to begin compliance otherwise then
11 next step would be?

12 MR. ZIKE: Going to court at that
13 point.

14 MR. RIPP: Why do they get a special
15 deal? Every other resident gets ten days. Why are
16 these people getting a special deals. Mr. Zike,
17 he's the Deputy Commissioner. He should know the
18 rules. He went and gave them a verbal or oral
19 deal? That's bologna. Notice of violations should
20 have been signed off. They should have ten days to
21 respond in writing that they are attempting to come
22 in compliance. That would be fair. But everybody
23 else gets 10 days. That's it. You are treating
24 these people with kit gloves.

25 COUNCILMAN COSCHIGNANO: The Notice of

1 Violation seems to be the same thing whether it's
2 verbal or in writing.

3 MR. RIPP: No, it's an official
4 document.

5 COUNCILMAN COSCHIGNANO: I understand
6 what you are saying, but I think they have been
7 placed on notice and if they don't comply, they're
8 going to court.

9 MR. ZIKE: I also kept notes in each
10 file for each meeting that I had just to
11 memorialize them. So we do have it documented that
12 these discussions --

13 COUNCILMAN COSCHIGNANO: I think they
14 also both need to go out and get a survey.

15 MR. ZIKE: That's correct.

16 COUNCILMAN COSCHIGNANO: Maybe you gave
17 them time to get a survey, I guess.

18 MR. RIPP: That would be fine, but to
19 do it officially is the issuance of violation.

20 COUNCILMAN COSCHIGNANO: I understand
21 what you're saying. They also both have been
22 brought to Town Hall to deal with their situation,
23 so it's pretty official. We will keep on top of
24 it.

25 MR. RIPP: I appreciate it.

1 Thank you very much.

2 SUPERVISOR VENDITTO: In light of what
3 I heard, I heard a lot of in my opinion, I think,
4 maybe, I am going to ask the Councilman to
5 continue --

6 COUNCILMAN COSCHIGNANO: We will keep
7 working on it.

8 SUPERVISOR VENDITTO: Keep working on
9 it and you will update the Board accordingly.
10 There's a lot of conjecture and speculation here.
11 I'm not quite sure what all the issues are, but I
12 would assume that you have them in your head and
13 you will continue to work with Mr. Zike.

14 Again, I'm not sure what the questions
15 are, but I'll leave that up to you since you a
16 handle on it. Very good.

17 Mr. Muscarella, I'll take a motion.

18 COUNCILMAN MUSCARELLA: Supervisor,
19 I'll make a motion that this Town Board go into
20 Executive Session for the purpose of discussing
21 matters leading to --

22 SUPERVISOR VENDITTO: Mayor Watson, we
23 have former Mayor Watson. I'm sorry.

24 MR. WATSON: I forgot what I wanted to
25 say. I have quality of life think. I think you

1 are going to love because I know you like quality
2 of life issues.

3 Prior to PSE&G taking over the electric
4 service, we had a various array of electric
5 companies, LIPA, LILCO and over the course -- a car
6 would hit a pole, the pole would break the electric
7 company would come out, put a new pole and cut the
8 service down to what they call a third-party
9 providers.

10 The third-party providers are not good
11 at providing third-party service when it comes to
12 changing the broken poles. They even have a term
13 for it, they called it double wood.

14 Why I'm here right now is, I'm
15 observing in Lattingtown and also in Glen Cove,
16 they are -- PSE&G is doing a very good job, they're
17 hardening the system. They are putting in these
18 big poles. They're changing the service, but
19 they're cutting down the old poles down and I have
20 a feeling that they don't want the third-party
21 providers on the new poles. I don't that because I
22 don't have an office anymore to meet with these
23 people and make the calls. So I'm asking if your
24 office can do it through Town Attorney office, find
25 out what's going on with these people. I'm going

1 to reach out to the Mayor in Glen Cove to find out
2 exactly what the future holds because when they do
3 the franchise agreement, they want a level playing
4 field. We want, too. If they're going to have two
5 poles, they should pay for two poles.

6 SUPERVISOR VENDITTO: I'm not being a
7 wiseguy, Steven Marx from my staff, he will carry
8 the ball on this one.

9 MR. WATSON: I will give you my
10 information. If there --

11 SUPERVISOR VENDITTO: You can be at the
12 meeting.

13 MR. WATSON: I just want to leave you
14 with that.

15 Have a nice day.

16 SUPERVISOR VENDITTO: Mr. Muscarella.

17 COUNCILMAN MUSCARELLA: Supervisor,
18 I'll make a motion that this Town Board go into
19 executive session for the purpose of discussing
20 matters leading to the appointment, employment or
21 promotion of particular persons and to discuss
22 proposed pending or current litigation.

23 COUNCILMAN MACAGNONE: Seconded.

24 SUPERVISOR VENDITTO: All in favor?

25 ALL: "Aye."

1 SUPERVISOR VENDITTO: Opposed?

2 (No response.)

3 SUPERVISOR VENDITTO: So moved.

4 We stand in executive session.

5 (Whereupon, Executive Session commenced
6 from 12:19 p.m. to 2:21 p.m.)

7 SUPERVISOR VENDITTO: If everyone would
8 find seats, we will continue.

9 COUNCILWOMAN ALESIA: Supervisor, I'd
10 like to make a motion that the executive session be
11 closed.

12 The following action was taken: The
13 Board met and we are directing Councilman Pinto to
14 please meet with a candidate that we are very
15 interested in for the Deputy Comptroller position.
16 We have asked Human Resources to prepare a
17 Resolution for the next Town Board meeting to hire
18 an attorney to replace the six lawyers that have
19 left the Town Attorney's office and to further
20 supplement the closing of the firm that was outside
21 counsel for our negligence cases.

22 SUPERVISOR VENDITTO: I believe we also
23 wanted to indicate for the record that we are
24 directing that steps be taken to ensure that the
25 new attorney begins to work immediately thereafter

1 on September 29th.

2 COUNCILWOMAN ALESIA: Start date of
3 September 29th, correct.

4 With that, I make a motion to close the
5 Executive Session.

6 SUPERVISOR VENDITTO: All in favor?

7 ALL: "Aye."

8 SUPERVISOR VENDITTO: Opposed?

9 (No response.)

10 SUPERVISOR VENDITTO: So moved.

11 I need a motion to close the regular
12 meeting.

13 COUNCILMAN MUSCARELLA: Supervisor,
14 I'll make a motion to adjourn the meeting.

15 COUNCILMAN COSCHIGNANO: Seconded.

16 SUPERVISOR VENDITTO: All in favor?

17 ALL: "Aye."

18 SUPERVISOR VENDITTO: Opposed?

19 (No response.)

20 SUPERVISOR VENDITTO: So moved.

21 We stand adjourned and ready to proceed
22 with our public comment period.

23 (Time noted: 2:27 p.m.)

24

25