

TOWN OF OYSTER BAY
TOWN BOARD
EXECUTIVE SESSION
SEPTEMBER 27, 2016
10:15 a.m.

JOHN VENDITTO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

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

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

JAMES ALTADONNA JR., TOWN CLERK
JAMES J. STEFANICH, RECEIVER OF TAXES
LEONARD GENOVA, TOWN ATTORNEY
THOMAS SABELLICO, DEPUTY TOWN ATTORNEY
DONNA B. SWANSON, ASSISTANT TOWN ATTORNEY
MATTHEW M. ROZEA, ASSISTANT TOWN ATTORNEY
CHRISTINE M. WISS, DEPUTY COMPTROLLER
LINDA M. HERMAN, OFFICE OF THE TOWN CLERK
RALPH J. RAYMOND, DEPUTY TOWN CLERK
RAYMOND T. SPAGNUOLO, DEPUTY TOWN CLERK
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

(Appearances continued on following page.)

I certify this is a true
and accurate transcript.



YVONNE ANGELES
Official Reporter/Notary

ORIGINAL TRANSCRIPT

ALSO PRESENT:

KURT LUDWIG, RESEARCH ASSISTANT,
PUBLIC INFORMATION
ROBERT DARIENZO, DIRECTOR OF FINANCE
FRANK A. NOCERINO, COMMISSIONER,
DEPARTMENT OF PARKS
RICHARD T. BETZ, COMMISSIONER,
DEPARTMENT OF PUBLIC WORKS
LESLIE MACCARONE, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC WORKS
LEONARD SYMONS, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC WORKS
MATT RUSSO, ENGINEERING,
DEPARTMENT OF PUBLIC WORKS
NEIL O. BERGIN, COMMISSIONER,
DEPARTMENT OF ENVIRONMENTAL RESOURCES
JAIME VAN DYKE, ADMINISTRATION,
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 SUPERVISOR VENDITTO: Ladies and
2 gentlemen, if everyone will find seats, we will
3 begin and we will begin by asking Mr. Altadonna to
4 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 COUNCILMAN MACAGNONE: She is out sick.

19 SUPERVISOR VENDITTO: Is she going to
20 be joining us?

21 COUNCILMAN COSCHIGNANO: Supervisor, I
22 heard her daughter was sick and that's all I know.

23 SUPERVISOR VENDITTO: All right.

24 Ladies and gentlemen, if everyone would
25 please rise and join in the Pledge of Allegiance to

1 the flag led by our Town Clerk Jim Altadonna.

2 (Pledge of Allegiance recited.)

3 SUPERVISOR VENDITTO: Thank you.

4 We are hopping this morning with lots
5 of stuff to do and I think, Mr. Muscarella, you're
6 going to lead us off with a motion.

7 COUNCILMAN MUSCARELLA: Supervisor,
8 I'll make a motion that this Town Board go into
9 Executive Session for the purpose of discussing
10 matters leading to the appointment, employment,
11 promotion of particular person or corporation as
12 well discuss pending and current litigation.

13 COUNCILMAN MACAGNONE: Seconded.

14 SUPERVISOR VENDITTO: All in favor?

15 ALL: "Aye."

16 SUPERVISOR VENDITTO: Opposed?

17 (No response.)

18 SUPERVISOR VENDITTO: So moved.

19 We will proceed into Executive Session.

20 (Whereupon, Executive Session commenced
21 at 10:17 a.m.)

22 COUNCILMAN MUSCARELLA: Supervisor,
23 I'll make a motion to end the Executive Session.

24 No action was taken by the Board.

25 COUNCILMAN MACAGNONE: Seconded.

1 SUPERVISOR VENDITTO: All in favor?

2 ALL: "Aye."

3 SUPERVISOR VENDITTO: Opposed?

4 (No response.)

5 SUPERVISOR VENDITTO: So moved.

6 (Whereupon, Executive Session ended at
7 11:06 a.m.)

8 SUPERVISOR VENDITTO: Mr. Muscarella, I
9 believe we have a second motion.

10 COUNCILMAN MUSCARELLA: Supervisor,
11 I'll make a motion to go into work session.

12 COUNCILMAN MACAGNONE: Seconded.

13 SUPERVISOR VENDITTO: All in favor?

14 ALL: "Aye."

15 SUPERVISOR VENDITTO: Opposed?

16 (No response.)

17 SUPERVISOR VENDITTO: So moved.

18 (Time noted: 11:07 a.m.)

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TOWN OF OYSTER BAY
TOWN BOARD
WORK SESSION
SEPTEMBER 27, 2016
11:08 a.m.

JOHN VENDITTO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

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DEPARTMENT OF INTERGOVERNMENTAL AFFAIRS

1 SUPERVISOR VENDITTO: We are in a work
2 session, the purpose of which is to get some work
3 done and to get us started.

4 Counselor, Mr. Sinnreich, where are
5 you?

6 MR. SINNREICH: Right here.

7 SUPERVISOR VENDITTO: I believe you are
8 going to be the quarterback, so to speak?

9 MR. SINNREICH: Thank you very much.
10 Good morning, Supervisor.

11 Good morning, members of the Board.

12 As you know, I have the honor of being
13 your outside counsel and particularly this morning
14 with respect to the emergency request for a
15 proposal process that we have been going through to
16 select a temporary operator for the Woodlands
17 concession basically for the three-month period
18 beginning, hopefully, today through December 31st
19 of this year, to permit the Town to go through a
20 process to select a long-term permanent operator
21 for that facility.

22 I was assigned by the Town Attorney the
23 task of guiding the Town through this process as I
24 did with Tappan.

25 The purpose of the work session today,

1 as I understand it, is for me to describe to the
2 Board the process we have gone through and where we
3 are today. I believe Councilman Symons will be
4 coming up briefly to discuss the committee meeting
5 that took place yesterday and the Board, obviously,
6 has the power to discuss and deliberate on that
7 process.

8 SUPERVISOR VENDITTO: Just to maybe sum
9 it up, the purpose of this work session is to
10 determine the award, if you will, in response to a
11 request for a proposal. We have received a number
12 of proposals of parties willing to come in and
13 operate the Woodlands between now and including
14 December 31, 2016.

15 MR. SINNREICH: Actually, I think I
16 made it January 1, 2017 in the expectation there
17 would be New Year's parties that we wanted to
18 cover.

19 SUPERVISOR VENDITTO: The point is
20 temporary for a three-month period.

21 MR. SINNREICH: Yes.

22 So to describe the process, it began
23 with the termination of the existing
24 concessionaire, and on September 20th, a letter of
25 final termination was issued by your other outside

1 counsel, the firm Quinn, Emanuel, which terminated
2 the existing concession agreement effective that
3 day subject only to a due process hearing which I
4 will describe in a minute. It's a constitutional
5 requirement as you all know when a Town terminates
6 a contractor. So that termination went out on
7 September 20th. On the same day --

8 SUPERVISOR VENDITTO: Only because
9 awards matter, a difference between and a licensing
10 and a contractor?

11 MR. SINNREICH: Technically, all of our
12 concessionaires are licensees because since the
13 concessions are operated on parkland, they can't be
14 leases because to lease parkland, you need an act
15 from the State Legislator. So the practice all
16 over the State and I represent many other
17 municipalities in this matter is that concessions
18 are by license which means they have to be
19 terminable at will. That's what differentiates
20 them from a lease, but this was terminated by
21 cause. So it is a license.

22 So we terminated the license agreement
23 for cause on September 20th. The grounds for that
24 termination for cause were three earlier letters
25 noticing the continuing defaults of that

1 concessionaire. They were referred to a
2 determination letter and that license was
3 terminated on September 20th subject to the due
4 process hearing which I will describe in a minute.

5 On the same day, because unlike Tappan,
6 which is a restaurant, this is also a catering
7 facility with events that are booked far in advance
8 and we knew that there were three events that were
9 already scheduled to happen during the week.

10 On the authority of the Town attorney's
11 office, the chief legal officer under the town law
12 for the Town, I was authorized to and I did engage
13 Scotto Brothers for the sole purpose of running
14 those three events. We didn't want to leave any
15 customers and any Town residents in the lurch while
16 we did this very quick emergency RFP that's the
17 subject of deliberations this morning.

18 I entered into a letter agreement as
19 your counsel on September 20th to Scotto Brothers
20 just to cover three events, a cocktail party on
21 September 22nd, a small business presentation on
22 September 23rd and a golf outing on September 26th.
23 That agreement was countersigned by Mr. Scotto. It
24 is now terminated, so they did a fine job. They
25 made sure those events went off well, but that

1 agreement is already terminated. We are moving
2 onto today to the emergency RFP.

3 On September 21st, we issued an
4 invitation -- indetermination letter for the
5 present licensee to come in for a meeting, an
6 opportunity to be heard is the technical language
7 in the case law as required by the United States
8 due process clause of the constitution. The
9 purpose of that is simply to give the about to be
10 terminated licensee the opportunity to be heard and
11 say whatever it chooses to say with respect to the
12 grounds of the termination.

13 In fact, such a hearing was held in the
14 case of Tappan, you might remember it was waived,
15 but in this case, the licensee did request such an
16 opportunity to be heard. It was held at my office,
17 Commissioner Nocerino presided over ass the
18 Commissioner of Parks and the Town Attorney,
19 Scalera was also present and I was present. The
20 licensee appeared by its counsel as well as a
21 representative of the investor group that was the
22 licensee. They had a full opportunity to be heard
23 with respect to the issues pertaining to the
24 termination. And I will comment since I was there
25 as your counsel that nothing they said really

1 addressed the grounds of the termination itself.
2 They stated their interest in continuing in some
3 way or capacity which was not the subject matter of
4 that hearing.

5 After that hearing concluded, I
6 believe, that the Commissioner reached a
7 conclusion. I think probably that there was no
8 grounds to reconsider the termination, so the
9 letter went on confirming the termination on that
10 same day following that hearing.

11 On the same day, on September 21st, I
12 then issued a temporary request for proposal, a
13 temporary request for proposals on behalf of the
14 Town seeking a temporary operator, temporary
15 licensee to begin today, again, assuming the Board
16 act today, through January 1st. It's very similar
17 to the RFP we successfully used in the Tappan
18 situation. It went out to ten different entities.
19 These entities were select by me. They included
20 everyone who was included in the earlier Tappan
21 situation with a few additional proposers and that
22 went out on the 21st.

23 On the 22nd, at the request of the
24 proposers, there was a walkthrough of the facility,
25 so they would have an opportunity to walk through

1 it and get a sense of what it was they were being
2 asked to operate. On the 23rd, there was a
3 nonmandatory, but very well attended proposers
4 conference held at the Department of Parks.
5 Commissioner Nocerino was there as well as Deputy
6 Town Attorney Rozea and myself. There were a lot
7 of representatives. Pretty much most of the
8 proposers were present. They had a full
9 opportunity to ask questions and they did. As a
10 result of that I think we issued one or two e-mails
11 with explanatory materials. Proposals were due at
12 my office at noon yesterday and they were received,
13 six proposals yesterday at my office. They were
14 forward electronically and hard copy to a committee
15 of the Town employees and representatives. The
16 evaluation committee who met yesterday at 2:00 to
17 review and consider all of these proposals. They
18 had all the proposals before them.

19 My recommendation, based on our
20 experience with Tappan, I suggested that, although
21 there was a ranking, there was a score sheet that
22 was distributed for the committee members -- by the
23 way, the committee consisted of Commissioner
24 Nocerino, Commissioner Betz, John Bishop, Christine
25 Wiis and Leonard Symons and Mr. Rozea was also

1 present as a nonvoting member.

2 SUPERVISOR VENDITTO: For the record,
3 where is he, Former Councilman Leonard Symons?

4 MR. SINNREICH: My apologies.

5 Mr. Symons basically chaired that
6 meeting, and as I said, there was a scoring sheet
7 that was used as you know and those scores are not
8 public. They interagency deliberations, but the
9 scoring took place and my advice based on my
10 experience with this Board, rather than making a
11 single recommendation, I suggested and the
12 committee agreed that they would choose three
13 recommended proposers. Of course, the Board is
14 free to choose whoever you want. You're not bound
15 by that. But there were three recommended
16 proposers that I suggested we present the Board.

17 At this point, I suggest I turn it over
18 to Councilman Symons who can describe in a little
19 more detail that process.

20 SUPERVISOR VENDITTO: Thank you.

21 Councilman Symons?

22 I think everybody knows former Town
23 Councilman Symons who served this Town very well
24 for a very long period of time.

25 MR. SYMONS: Just for the record, it's

1 Leonard B. Symons, Former Councilman, current
2 Deputy Commissioner and Chief Forecaster of the
3 Town of Oyster Bay Weather Center.

4 SUPERVISOR VENDITTO: What's it going
5 do in the next hour?

6 MR. SYMONS: Supervisor, you mentioned
7 a moment ago that you -- you phrased the words
8 matter and they do. And the process matters.

9 I want to share to the Board and to all
10 the interested parties what the process was that I
11 participated in along with this committee.

12 I received a phone call that a meeting
13 would take place on this RFP which is a
14 quality-based selection process. We are not buying
15 here a set of tires or a set of batteries. We are
16 buying somebody who is -- has expertise in the food
17 industry and the service industry. When I received
18 that phone call, I was told the time and a place.
19 That's it. I was not told who the committee
20 members were nor did I ask. I was not told who the
21 applicants were nor did I ask. But I appeared at
22 the selected time and place which was yesterday at
23 2:00 at Town Hall South. It was the first time
24 that I met my colleagues that Mr. Sinnreich has
25 already identified.

1 At that time and only at that time to
2 all of us were the identity of the applicants
3 shared and that really started the process, if you
4 will. We were handed the several proposals by each
5 of the applicants and what we did was in each
6 instance we read, digested and discussed each of
7 those applications.

8 Now, the discussions were really
9 centered around the rating sheets. This was not --
10 we were not asked individually, what do you think
11 of this one and what do you think of that one. It
12 was substantive discussions. It was in detail. We
13 spent at least three hours going over the
14 applications and the various proposals.

15 I would describe the discussions as
16 fair, open, transparent and certainly, most
17 certainly, worthy of the public trust. Ultimately,
18 what I would like to do here is share the criteria.
19 I think that's important for everybody to know what
20 was the process, what we went through, what we
21 considered. Number one was the firm's overall
22 capabilities and that included size, staffing,
23 resources financial capability relative to the size
24 of the assignment. And in this particular case,
25 the assignment was not only catering, but it also

1 had to address golfers. So a golfer coming in
2 after 19 holes of golf or getting out early in the
3 morning and playing 9 holes of golf was not
4 particularly interested in what type of sushi was
5 being served. So it was two populations that the
6 applicants (inaudible) special knowledge relative
7 to the project and special equipment or facilities
8 relative to the project. Then, of course, we got
9 into the firm's experience. Experience of the firm
10 and assignments of similar size, scope and
11 complexity, knowledge and experience with Town
12 facilities and programs involved in the assignment
13 and knowledge of Town philosophy, practices and
14 procedures and any past performance that the
15 applicant had with the department.

16 The third area, organizational ability,
17 the magnitude, scope, complexity of the services to
18 be rendered, the firm's current workload with the
19 Town, time constraints and deliverability of the
20 service since we had to bring someone in rather
21 quickly. Of course, as Mr. Sinnreich indicated,
22 it's a fixed time period with an end time at the
23 end of the year of January 1st.

24 So the discussions took place on all of
25 these various objective criteria. When it came

1 time to vote, we were given rating sheets. The
2 vote was taken independently. It was the vote, the
3 actual numbers that we assigned to each of these
4 criteria, it was not discussed at the time. We did
5 so privately. We did so efficiently and we handed
6 those rating sheets in and that is how we came to
7 the bottom line of the three of the top choices
8 that we recommended to the Board.

9 Again, as Mr. Sinnreich indicated,
10 these are recommendations. The Board certainly is
11 not bound by them. Considering all of the
12 applicants, we did submit the top three.

13 Again, I think that the process itself,
14 I used the term worthy of public trust because it
15 was an excellent process and one, I think, I wanted
16 to share with the Board as to how we came to our
17 conclusions.

18 SUPERVISOR VENDITTO: Well done.

19 MR. SYMONS: Does anybody have any
20 questions?

21 COUNCILMAN PINTO: First, I want to
22 thank the committee and applaud you for acting so
23 quickly and giving us the information we need to
24 make this decision.

25 You mentioned that everybody is fully

1 capable -- the three recommendations that you
2 presented to us, do you feel strongly that all
3 three of them are fully capable of doing the job?

4 MR. SYMONS: I do. Each person waits
5 for the criteria, but there were new ones, but in
6 response to your question, most definitely all
7 three.

8 COUNCILMAN PINTO: I understand this is
9 from now until it the end of December.

10 SUPERVISOR VENDITTO: Keep in mind,
11 it's January 1st?

12 MR. SINNREICH: Yes.

13 MR. SYMONS: The top three which I
14 failed to share with everybody was the Carlyle
15 Group, Lessing's and Scotto Brothers.

16 COUNCILMAN PINTO: In no particular
17 order.

18 MR. SYMONS: No particular order.

19 COUNCILMAN MACAGNONE: Looking to past
20 labor practices of the restaurants or any fines
21 they had for nonpayment of wages, not paying the
22 minimum wage or anything else?

23 MR. SYMONS: We certainly discussed
24 vetting all of the applicants and again, a number
25 of criteria, that was discussed.

1 COUNCILMAN MACAGNONE: Was any
2 discovered by your committee?

3 MR. SYMONS: No, not, at least, at the
4 time we met.

5 COUNCILMAN COSCHIGNANO: We've had
6 issues with others getting up to speed and whatnot.
7 We've had issues with liquor licenses and things of
8 that nature. Did the committee look at that?

9 MR. SYMONS: Yes, that is actually a
10 critical issue.

11 COUNCILMAN COSCHIGNANO: Where does
12 that leave us?

13 MR. SYMONS: We have been assured, by
14 certainly the top three that we chose, that they
15 can do what they have to do quickly, efficiently
16 and professionally.

17 COUNCILMAN COSCHIGNANO: And be fully
18 operational and no issues with respect to liquor
19 licenses or any other licenses needed?

20 MR. SYMONS: Yes.

21 COUNCILWOMAN ALESIA: What about things
22 that are not quantifiable? I know you had to use a
23 Metrix of some type and get it down to numbers.

24 But, as the only one up here who's ever
25 been a bride, I believe there are things that sort

1 of don't fall into these categories, like something
2 that is unique or different. I would like to see
3 the facility become a really competitive place in
4 the market place. To hear the bride say, oh my
5 God, did you hear I was able to get my wedding
6 there? You know, did you have a feeling -- I don't
7 mean to put you on the spot.

8 MR. SYMONS: We did. For example, the
9 market, the improvements to the facility that may
10 be needed, all of that was discussed and addressed
11 by this committee. While we had the criteria, we
12 weren't bound solely by which criteria. That was
13 the focus.

14 In response to your question, most
15 definitely --

16 COUNCILWOMAN ALESIA: The top three
17 includes those types of --

18 MR. SYMONS: Yes.

19 COUNCILMAN PINTO: The only question I
20 have is only one of those three make reference to a
21 monthly fee and expenses such as heat, electricity
22 and operating costs?

23 MR. SYMONS: Yes.

24 COUNCILMAN PINTO: All the fees that
25 are mentioned, does the Town included or is that on

1 top of --

2 MR. SYMONS: The heat, the electric,
3 the additional factors, my recollection is that
4 only one made that proposal to the Town.

5 COUNCILMAN PINTO: It was a monthly fee
6 plus that and the other ones were all included?

7 MR. SYMONS: The heat and electric was
8 not parch out separately. One applicant talked
9 about monthly fees plus paying some additional
10 costs.

11 COUNCILMAN COSCHIGNANO: So what is the
12 understanding for everybody else; that's it's
13 included?

14 MR. SYMONS: I can't answer that.

15 MR. SINNREICH: The RFP call clearly
16 requires the operator to pay its own utilities.

17 COUNCILMAN PINTO: When we are getting
18 proposals and they are giving their month fee would
19 be, we're going to assume it's a monthly fee plus?

20 MR. SINNREICH: Correct, and that is in
21 the RFP.

22 SUPERVISOR VENDITTO: Councilman, I
23 will tell you what impresses me, when I went
24 through them all, there was a -- it's not a
25 science obviously -- different evaluators would

1 come up with a different score. But I was amazed a
2 the consistency. It truly was consistent. The
3 higher number seems consistent with -- the grades
4 are almost the same across the board. If was
5 almost like as if there was some objectivity
6 involved. Clearly, there wasn't. Obviously, a lot
7 of thought went into this.

8 I'm not saying it was easy, but the
9 fact that there was that kind of consistency
10 creates in our minds that they must have gotten it
11 right.

12 MR. SYMONS: We took a lot of time and
13 took our responsibility very seriously.

14 SUPERVISOR VENDITTO: The one thing I
15 wanted to ask you, I know we don't always have the
16 wherewithal to do background checks and things of
17 that nature, we are not investigators. I don't
18 even know if we have the wherewithal to do it
19 internally. I seem to remember there was some
20 discussion about -- Jonathan, I will look to you --
21 is any of this subject to any further searches or
22 any further -- anything in the way of background
23 checks or anything of that nature or are we
24 satisfied that everybody is good to go?

25 MR. SINNREICH: Supervisor, what I've

1 recommended -- we didn't have time to do all that
2 in a very compressed time. Once this Board selects
3 a final proposer, we will require that proposal to
4 make that kind of disclosure as a condition to the
5 contract.

6 SUPERVISOR VENDITTO: I'm not trying to
7 be difficult.

8 MR. SINNREICH: We are not going to be
9 able independently vet it. We're going to ask for
10 a disclosure which would be a warrantee and
11 representation by the contractee, the licensee
12 that's all we can do for the three months.

13 SUPERVISOR VENDITTO: I'm not being
14 unreasonable. So any choice we make today would be
15 subject to that further --

16 MR. SYMONS: We discussed that. Our
17 committee raised that question.

18 MR. SINNREICH: I think I misspoke
19 earlier because I looked back at the RFP. Let me
20 tell you what the RFP says. The Town will provide
21 the utilities which was the prior situation except
22 telephone. That has been the Town's
23 responsibility.

24 I do want to say -- I want to emphasize
25 and I think it's very important that we worked a

1 lot off the existing agreement. The Town now
2 has -- there's only going to be a three-month
3 agreement in the context of a long-term and
4 permanent agreement which I strongly recommended we
5 get going immediately to consider all of these
6 issues are fresh and we will do that bound to what
7 we have.

8 SUPERVISOR VENDITTO: I guess largely
9 because the temporary award or temporary licensee
10 is going to be somewhat -- have their hands tied to
11 some extent.

12 MR. SINNREICH: One of the things we
13 made a conscious decision where we are not
14 requiring any improvements to be made in those
15 three months. This is really to get us through the
16 next three months, make sure that all of the events
17 that are already scheduled are properly handled
18 while the Town goes through real effort to find a
19 long-term --

20 SUPERVISOR VENDITTO: Not to mention
21 bookings prospectively.

22 MR. SYMONS: Just for clarification
23 purposes, one of Mr. Sinnreich's remarks, one
24 applicant added additional payments to the Town.

25 SUPERVISOR VENDITTO: There was one

1 applicant who said I'll take on the utilities?

2 MR. SYMONS: Yes.

3 SUPERVISOR VENDITTO: The Board has
4 to -- I guess, Leonard and Jonathan, if you could
5 both stand up here with us. We are kind of at
6 decision time here. We have a resolution on
7 today's calendar that has blank in it and the blank
8 is the name of the temporary licensee at Woodlands
9 and we need to fill in that blank before we proceed
10 to the call of the regular Action Calendar. That
11 was the bottom line of this work session.

12 So I think what has to happen now is
13 the Board has to arrive -- publically arrive -- I
14 believe we have to do it publically -- being
15 mindful of any confidences were -- should not be
16 disclosed, properly disclosed especially in the
17 interest of the applicant. I guess we have to
18 arrive now publically at a consensus as to what
19 should be done here.

20 COUNCILMAN PINTO: As long we are being
21 told by the committee that the three that are being
22 recommended are fully capable to handle the next
23 three months, I'm looking at the highest dollar we
24 can get. I'm seeing here, Lessing's (inaudible)
25 the rent that will be getting from the other two

1 applicants and because of that I would be looking
2 for Lessing's to take the note.

3 SUPERVISOR VENDITTO: My gut feeling
4 was that there's a lot that goes into this.
5 There's also, I guess what I'll call quality of
6 life, and sometimes you have to have a knee-jerk
7 reaction -- that's not the right word -- chemical
8 reaction to what is right. I think we all attended
9 establishments -- I see hands going up. We won't
10 be taking any questions at the work session, but we
11 are free to take any questions after in public
12 comment.

13 I was actually surprised at how the
14 ratings turned out. There was a particular
15 applicant that I kind of had a lean towards based
16 upon personal experience there. When I stepped
17 back and looked everything over, when you look at
18 the depth of what's involved here, especially in
19 terms of long range, I also would pick one of the
20 three recommendees, if you will. My instinct tells
21 me, I think Scotto Brothers was the one who really
22 had substance and depth to it, especially if we are
23 serious about a long haul and making this a
24 competitive establishment.

25 MR. SINNREICH: If I may say, you

1 really, respectfully, can't be considering the long
2 haul because the long haul is going to have to be
3 completely competitive. We can't give any benefit
4 to whomever gets the three months.

5 SUPERVISOR VENDITTO: I understand we
6 are only doing it until January 31st. I get it. I
7 can't help as the Town supervisor, especially in
8 light of the past history, looking for someone who
9 has depth and who has ability and I would like to
10 see what they can do. I would like to see what
11 they can do over the next three months. It does
12 not mean they're going to be back on January 2nd.

13 Keep in mind, when you are selected to
14 do this, it can work one of two ways, you can
15 fulfill the expectation or you can fall flat on
16 your face. But I would be interested in seeing
17 Scotto Brothers working there for the next three
18 months and what they're capable of.

19 MR. SINNREICH: Just to follow up on
20 Councilman Pinto's calculations, I think, if I
21 recall, it was Scotto Brothers who were willing to
22 pay additional costs. I think you have to add
23 that --

24 COUNCILMAN PINTO: The Lessing's
25 monthly is 25,000 more than the Scotto's monthly,

1 so there's a lot of room there to take into
2 consideration the operation costs.

3 COUNCILMAN MUSCARELLA: 10 percent
4 (inaudible) it will probably equate to the same.
5 My gut feeling is that the transition is crucial
6 here. It has to be flawless. It's got to be move
7 in, operate, get it done, satisfy the customer
8 along with the taxpayer. I would go along with
9 Scotto because of the proximity, the quality, the
10 way they operate is a class operation. I don't
11 know the others, but that's my gut feeling.

12 COUNCILMAN MACAGNONE: I'll be quite
13 honest with you, we give the Carlyle Group a shot
14 up at Tappan and basically, they hit it out of the
15 park. They did a great job. I heard no complaints
16 from the residents. My gut feeling, the did a good
17 job. That's my feeling.

18 COUNCILWOMAN ALESIA: I'm viewing it
19 more like a consumer than -- I wish my brain worked
20 a little more like Councilman Pinto's and I could
21 process it from a financial standpoint. But I feel
22 like the places I find, the places I've seen and
23 looking at the proposals, I actually like an
24 outlier that was not one of the top three.

25 Anybody else have any feeling about any

1 who was not in the top three?

2 SUPERVISOR VENDITTO: I actually did.

3 COUNCILWOMAN ALESIA: Do you want to
4 see if they are the same?

5 SUPERVISOR VENDITTO: I don't know.

6 Should we get involved in that?

7 MR. SINNREICH: The Board can pick
8 whoever --

9 COUNCILWOMAN ALESIA: I was going to
10 say I like Lovinov (CHECK) and I've been to their
11 places in the city and I feel they are fresh and
12 different.

13 SUPERVISOR VENDITTO: I did too, but I
14 was looking for more meat on the bone so to speak,
15 looking for depth. I want to use this three-month
16 period to see if that depth is there.

17 MR. SINNREICH: You have to consider
18 somebody local. Again, considering the population
19 they need to serve, the employee pool and et
20 cetera --

21 COUNCILMAN MUSCARELLA: Obviously, they
22 were not in top three.

23 SUPERVISOR VENDITTO: Lovinov was not.

24 COUNCILMAN MUSCARELLA: You have to
25 make a decision based on that. Financial strength

1 of the corporation is big.

2 COUNCILWOMAN ALESIA: I'm trying to
3 balance in between. I would say, again, going back
4 to the esthetics of the proposals. Scotto, when I
5 got married years ago, was the gold standard. Not
6 to put any of the other proposers down, that was
7 the thing, if you could have a wedding -- I don't
8 know.

9 SUPERVISOR VENDITTO: You're bottom
10 line is?

11 COUNCILWOMAN ALESIA: I'm between.

12 SUPERVISOR VENDITTO: That's not
13 helping us.

14 COUNCILMAN COSCHIGNANO: I would go
15 with Lessing's. My brain works similar to
16 Councilman Pinto's brain, I guess. I can't believe
17 I said that.

18 SUPERVISOR VENDITTO: I guess we can't
19 close the work session not knowing --

20 COUNCILWOMAN ALESIA: I'm the
21 tiebreaker.

22 SUPERVISOR VENDITTO: I don't want to
23 put that kind of pressure on you.

24 We need --

25 MR. SINNREICH: You need four out of

1 six.

2 SUPERVISOR VENDITTO: What do we have?
3 Lessing's, Carlyle -- so you have two, two and we
4 don't have Michele either. How does impact?

5 MR. SINNREICH: You guys are going to
6 have to --

7 COUNCILMAN COSCHIGNANO: The two
8 highest are Lessing's and Scotto.

9 SUPERVISOR VENDITTO: You have two
10 Lessing's, one Carlyle and two Scotto. If Rebecca,
11 for example, goes for Lessing's, we would have two
12 across the board.

13 COUNCILMAN COSCHIGNANO: No, we would
14 have three.

15 COUNCILMAN MUSCARELLA: It's only
16 temporary.

17 COUNCILMAN PINTO: I look at it that,
18 yes, it's temporary, but it's temporary, let's
19 bring in the most revenue we can and then we go out
20 for the RFP for the future. Maybe SRB will catch
21 up. Let them understand that they came in a little
22 low and they may want to catch up.

23 MR. SINNREICH: Like everything else --
24 procurement, the studies of that reveal that
25 obviously money is to be considered, but it's not

1 the chief consideration. It's the --

2 COUNCILMAN PINTO: That's why I asked
3 if you thought everybody had the same capabilities.
4 I wouldn't have made this conclusion if you said
5 no, but you said yes.

6 MR. SINNREICH: I did put together the
7 entire list. There's no one on that list who I
8 don't think is fully qualified to do the job. They
9 are all top ranked. I agree to some extent with
10 Councilwoman Alesia, it's always the gut, who is
11 going to do the Town proud. That's something of a
12 psychological gut choice. We need four of you to
13 pick one.

14 COUNCILMAN COSCHIGNANO: All things
15 being equal then, as you stated, we go with the
16 most money, right?

17 MR. SYMONS: You guys have to decide.
18 I'm confident that whomever you pick from --

19 COUNCILWOMAN ALESIA: We need?

20 MR. SINNREICH: I think capability --
21 when I say everyone is capable --

22 SUPERVISOR VENDITTO: They are not
23 equal.

24 COUNCILMAN COSCHIGNANO: Why don't we
25 pick the two who got the most votes?

1 SUPERVISOR VENDITTO: I don't know how
2 you would do that. We need four votes. I don't
3 know.

4 MR. SINNREICH: We just made
5 recommendations. Obviously, you are the decision
6 makers.

7 COUNCILMAN COSCHIGNANO: I'm just
8 saying if two of them got more votes than the
9 others, maybe now it will boil down to two of the
10 three and maybe we can select one of the two?

11 MR. SINNREICH: That's makes sense.

12 SUPERVISOR VENDITTO: Take the two
13 highest votes. That's fine. I would look for
14 guidance.

15 MR. SINNREICH: That does make a
16 certain amount of logic.

17 SUPERVISOR VENDITTO: The Carlyle, for
18 example, has one vote and that can't be the winner
19 any longer, right?

20 MR. SINNREICH: You are down to two.

21 SUPERVISOR VENDITTO: That's up to Tony
22 if he wants to -- I would leave it up to Tony as to
23 whether or not he wants to change his vote.

24 Do you hear what they're saying?

25 COUNCILMAN MACAGNONE: I hear what

1 they're saying. It sounds like more like the
2 Bachelor than the Town Board meeting. But yes,
3 given that scenario, I have to agree with
4 Councilman Coschignano and Pinto. I'll go for the
5 more money for the three months and go with
6 Lessing's.

7 SUPERVISOR VENDITTO: You have three
8 Lessing's, two Scotto, we await Rebecca.

9 How do we get Michele?

10 COUNCILMAN MUSCARELLA: She recused
11 herself.

12 SUPERVISOR VENDITTO: I see.

13 COUNCILWOMAN ALESIA: I hold the Scotto
14 Company in the highest regard and I would like to
15 see what Lessing's can do in the three months.

16 SUPERVISOR VENDITTO: You have four
17 Lessing's.

18 MR. SINNREICH: You are going to have
19 to do that in the public --

20 SUPERVISOR VENDITTO: Okay.

21 MR. SINNREICH: Thank you very much.

22 SUPERVISOR VENDITTO: We will take a
23 brief recess and we will be back shortly.

24 (Whereupon, a recess was taken at
25 11:50 a.m. and the proceedings resumed at

1 12:22 p.m.)

2 SUPERVISOR VENDITTO: Ladies and
3 gentlemen, if everyone would find seats, we will
4 continue.

5 Mr. Altadonna?

6 MR. ALTADONNA: We are looking at a
7 walk on. You have to give us a minute to put it
8 together.

9 SUPERVISOR VENDITTO: Okay. This as a
10 result of the work session?

11 MR. ALTADONNA: Yes.

12 May I have a motion to suspend the
13 rules and add the following Walk-On Resolution No.
14 544-2016 which is the Resolution relating to the
15 termination of a certain licensee agreement with
16 SRB Convention Catering Corp.?

17 On the motion?

18 COUNCILMAN MUSCARELLA: So moved.

19 COUNCILMAN MACAGNONE: Seconded.

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

23 SUPERVISOR VENDITTO: What number did
24 you call up to?

25 MR. ALTADONNA: This was the suspend.

1 SUPERVISOR VENDITTO: Okay.

2 MR. ALTADONNA: On the vote, Supervisor

3 Venditto?

4 SUPERVISOR VENDITTO: I vote "Aye."

5 MR. ALTADONNA: Councilman Muscarella?

6 COUNCILMAN MUSCARELLA: "Aye."

7 MR. ALTADONNA: Councilman Macagnone?

8 COUNCILMAN MACAGNONE: "Aye."

9 MR. ALTADONNA: Councilman Coschignano?

10 COUNCILMAN COSCHIGNANO: "Aye."

11 MR. ALTADONNA: Councilman Pinto?

12 COUNCILMAN PINTO: This is to get it on

13 the agenda, but we're going to vote on it later on?

14 MR. ALTADONNA: This is to suspend --

15 COUNCILMAN PINTO: Right, to get it on

16 the agenda?

17 MR. ALTADONNA: Correct.

18 COUNCILMAN PINTO: "Aye."

19 MR. ALTADONNA: Councilwoman Johnson.

20 COUNCILWOMAN JOHNSON: I just want to

21 clarify that I can vote to put it on.

22 MR. GENOVA: I would abstain.

23 COUNCILWOMAN JOHNSON: I abstain.

24 MR. ALTADONNA: Motion to suspend the

25 rules of the procedure of the added walk-on

1 Resolution No. 544-2016 passes with six "Ayes" and
2 one abstention.

3 May I have a motion to adopt walk-on
4 Resolution No. 544 --

5 SUPERVISOR VENDITTO: I think everybody
6 understood we are going to adopt and --

7 MR. ALTADONNA: You are going to
8 adopt --

9 SUPERVISOR VENDITTO: I wasn't really
10 sure why we're doing it this way to begin with.

11 This is what you are revising? You
12 wanted to put it at the end.

13 We have now voted to add it to the
14 calendar. You will add it to the end.

15 MR. ALTADONNA: We also have another
16 one that we have to add on.

17 May I have a motion re-suspend the
18 rules and add the following walk-on Resolution No.
19 545-2016 which is a resolution relating to an
20 emergency RFP and to select a temporary
21 concessionaire to provide services from 9/26/2016
22 through 1/1/2017 at the TOB golf course?

23 On the motion?

24 COUNCILMAN MUSCARELLA: So moved.

25 COUNCILMAN MACAGNONE: Seconded.

1 MR. ALTADONNA: Motion made by
2 Councilman Muscarella, seconded by Councilman
3 Macagnone.

4 On the vote, Supervisor Venditto?

5 SUPERVISOR VENDITTO: I vote "Aye."

6 MR. ALTADONNA: Councilman Muscarella?

7 COUNCILMAN MUSCARELLA: "Aye."

8 MR. ALTADONNA: Councilman Macagnone?

9 COUNCILMAN MACAGNONE: "Aye."

10 MR. ALTADONNA: Councilman Coschignano?

11 COUNCILMAN COSCHIGNANO: "Aye."

12 MR. ALTADONNA: Councilman Pinto?

13 COUNCILMAN PINTO: "Aye."

14 MR. ALTADONNA: Councilwoman Alesia?

15 COUNCILWOMAN ALESIA: "Aye."

16 MR. ALTADONNA: Councilwoman Johnson?

17 COUNCILWOMAN JOHNSON: "Abstain."

18 MR. ALTADONNA: Motion to re-suspend
19 the rules and add the following walk-on Resolution
20 No. 545-2016 passes with six "Ayes" and one
21 abstention.

22 I will add them to the regular Action
23 Calendar and they will be polled at that time and
24 we do have speakers on this.

25 (Time noted: 11:40 a.m.)

TOWN OF OYSTER BAY
TOWN BOARD
REGULAR MEETING
SEPTEMBER 27, 2016
11:41 a.m.

HEARING - LOCAL LAW

To consider a local law entitled "A Local Law to Amend Chapter 209 -Taxation, to add Article X - Override of Real Property Tax Levy to the Code of the Town of Oyster Bay, New York to Override the Tax Levy Limit Established in General Municipal Law Section 3-C." (M.D. 8/23/16 #49).

JOHN VENDITTO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

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

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

JAMES ALTADONNA JR., TOWN CLERK
JAMES J. STEFANICH, RECEIVER OF TAXES
LEONARD GENOVA, TOWN ATTORNEY
THOMAS SABELLICO, DEPUTY TOWN ATTORNEY
DONNA B. SWANSON, ASSISTANT 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
CHRISTINE M. WISS, DEPUTY COMPTROLLER
LINDA M. HERMAN, OFFICE OF THE TOWN CLERK
RALPH J. RAYMOND, DEPUTY TOWN CLERK
RAYMOND T. SPAGNUOLO, DEPUTY TOWN CLERK
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
KURT LUDWIG, RESEARCH ASSISTANT,
PUBLIC INFORMATION
ROBERT DARIENZO, DIRECTOR OF FINANCE
FRANK A. NOCERINO, COMMISSIONER,
DEPARTMENT OF PARKS
RICHARD T. BETZ, COMMISSIONER,
DEPARTMENT OF PUBLIC WORKS
LESLIE MACCARONE, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC WORKS
LEONARD SYMONS, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC WORKS
MATT RUSSO, ENGINEERING,
DEPARTMENT OF PUBLIC WORKS
NEIL O. BERGIN, COMMISSIONER,
DEPARTMENT OF ENVIRONMENTAL RESOURCES
JAIME VAN DYKE, ADMINISTRATION,
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 SUPERVISOR VENDITTO: Where are we?

2 MR. ALTADONNA: We are back to the
3 local hearing.

4 To consider a local law entitled "A
5 Local Law to Amend Chapter 209 - Taxation, to add
6 Article X - Override of Real Property Tax Levy to
7 the Code of the Town of Oyster Bay, New York to
8 Override the Tax Levy Limit Established in General
9 Municipal Law Section 3-C." (M.D. 8/23/16 #49).

10 MR. SABELLICO: Good morning, Town
11 Board.

12 As the clerk just quoted, this is a
13 hearing to consider a local law to amend Chapter
14 209, taxation, to add article to override the real
15 property tax levy to the code of Town Oyster Bay,
16 override tax levy limit established in General
17 Municipal Section 3C.

18 COUNCILMAN MUSCARELLA: Supervisor,
19 I'll make a motion to adjourn the public hearing to
20 October 18, 2016 at 10:00 a.m.

21 COUNCILMAN MACAGNONE: Seconded.

22 SUPERVISOR VENDITTO: All in favor?

23 ALL: "Aye."

24 SUPERVISOR VENDITTO: Opposed?

25 (No response.)

1 SUPERVISOR VENDITTO: So moved.

2 MR. SABELLICO: Supervisor, I'd ask for
3 the Town Board's authorization in light of the
4 adjournment to publish a public notice in Newsday
5 so there's notice of the meeting on October 18th.

6 SUPERVISOR VENDITTO: You need a motion
7 for that?

8 MR. SABELLICO: Yes.

9 COUNCILMAN MUSCARELLA: I'll make a
10 motion to move to advertise in Newsday.

11 COUNCILMAN MACAGNONE: Seconded.

12 SUPERVISOR VENDITTO: All in favor?

13 ALL: "Aye."

14 SUPERVISOR VENDITTO: Opposed?

15 (No response.)

16 SUPERVISOR VENDITTO: So moved.

17 MR. SABELLICO: Thank you.

18 (Time noted: 11:43 a.m.)

19

20

21

22

23

24

25

TOWN OF OYSTER BAY
TOWN BOARD
SPECIAL PRESENTATION
SEPTEMBER 27, 2016
11:44 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

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CAROL STRAFFORD, DIRECTOR OF LEGISLATIVE AFFAIRS

(Appearances continued on following page.)

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and accurate transcript.



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COLIN BELL, ASSISTANT DIRECTOR,
DEPARTMENT OF INTERGOVERNMENTAL AFFAIRS

1 MR. ALTADONNA: Supervisor, we have the
2 Grumman people here.

3 Do you want to the handle that in the
4 end or --

5 SUPERVISOR VENDITTO: We have a number
6 of people interested in that resolution.

7 MR. ALTADONNA: That is correct.

8 SUPERVISOR VENDITTO: Let's call it.

9 MR. ALTADONNA: That was a tabled
10 resolution.

11 COUNCILMAN MACAGNONE: It wasn't
12 tabled. It was adjourned.

13 MR. ALTADONNA: Adjourned.

14 SUPERVISOR VENDITTO: Bring it before
15 us and we will hear --

16 MR. ALTADONNA: You have to give it a
17 minute, because it's not on the calendar.

18 SUPERVISOR VENDITTO: Ladies and
19 gentlemen, if everyone would find seats, we will
20 continue and we will continue, I believe, with a
21 motion from Mr. Muscarella.

22 We need a motion to untable it. Put it
23 on before us and subject to whatever the Board does
24 thereafter --

25 I know a number of people are here to

1 speak about it. We are going to take it out of
2 order. We have a large group waiting to talk all
3 morning, so we will exercise our discretion in
4 favor of taking it out order.

5 MR. ALTADONNA: May I have a motion to
6 remove from the Table Resolution 433-2016 which was
7 tabled on August 9, 2016?

8 On the motion?

9 COUNCILMAN MUSCARELLA: So moved.

10 COUNCILMAN MACAGNONE: Seconded.

11 SUPERVISOR VENDITTO: All in favor?

12 ALL: "Aye."

13 SUPERVISOR VENDITTO: Opposed?

14 (No response.)

15 SUPERVISOR VENDITTO: So moved.

16 The motion is before us. The
17 resolution --

18 MR. ALTADONNA: May I have a motion to
19 adopt the Resolution No. 433-2016?

20 SUPERVISOR VENDITTO: We are not
21 adopting it. Just call the Resolution.

22 MR. ALTADONNA: I just called it.

23 SUPERVISOR VENDITTO: We have a number
24 of speakers. We have people on both sides of the
25 issue who want to speak.

1 MR. HANNON: Good morning, members of
2 the Town Board and residents of the community.

3 My name is Edward Hannon on the
4 Environmental Safety and Health Project for
5 Northrop Grumman in Bethpage.

6 Thank you for the opportunity to
7 address our request for the permitting for the RW20
8 well located on William Street. Approval of this
9 project is vitally important to the Bethpage
10 community.

11 A little bit about myself; for the last
12 35 years, I have managed a variety of environmental
13 remediation efforts to address the legacy of the
14 plans (inaudible) aerospace space across the
15 country. I am pleased to be heading the project
16 for Northrop Grumman.

17 As you know, we have already completed
18 the installation of the RW21 and RW22 wells and we
19 are making very good progress. Now, it's time to
20 move ahead with the RW20 well. Again, this is why
21 we are here to request for approval for the permit
22 application on the RW20 well on William Street.

23 As with the RW21 well and 22 wells, our
24 goal is to do the construction safely and properly.
25 With me today are our environmental experts from

1 Arcadis that are here to help address any technical
2 questions that you may have. I ask that you please
3 hold on any questions until the end of my statement
4 because we may address some of those questions
5 during my statement.

6 Let me begin with the project summary.
7 As I mentioned, work is going well with the RW21
8 and 22 wells. The green stars at the top and the
9 bottom, this has been accomplished with a minimal
10 response to the community. We do recognize that
11 there were some minor inconveniences.

12 For example, we used up eight parking
13 spaces during the installation of the RW21 well in
14 the municipal parking lot. During the installation
15 of the RW22 well, just off Arthur Avenue, there was
16 a minor inconvenience to the local residents who
17 could not walk their dog in that particular spot of
18 the green belt system.

19 Overall, however, I'm pleased to report
20 that the feedback that we received and New York
21 State DEC has received has been very positive.

22 Now, regarding the installation of RW20
23 well on William Street, this well allows us to
24 capture the area with the greatest amount of mass
25 and it's a vital step in starting the process of

1 remediation in this area. Without it, we cannot be
2 successful.

3 At our last meeting, you, the Town
4 Board and the residents asked us to reconfigure the
5 work zone for the RW20 well. We did just that. As
6 you can see from the design, we have redesigned --
7 the well was originally called for to be out in the
8 grassy area between the sidewalk and the road and
9 outlined in that blue area is the overall work
10 zone. We've worked closely with the local partners
11 to coordinate the plan relocation of the gas main.

12 The consolidation of those does require
13 an additional four weeks from our original time
14 frame. As a result of the smaller footprint, we
15 had to reconfigure the whole process.

16 Our priority of this project remains
17 the safety of the community and moving ahead in a
18 proper and expeditious fashion as soon as
19 construction begins.

20 There are five key processes that I
21 would like to highlight, safety, security,
22 controls, work hours and communications and
23 engagement. Safety is paramount. All work
24 materials will be contained within the site and
25 excess materials will be removed each day.

1 Regarding security, work site security
2 will be managed on 24/7 basis. We will hire
3 security guards for the off hours of the evenings
4 and contractors will manage the site security
5 during the work hours. Controls will be put in
6 place to minimize the inconvenience to the
7 community. This will include flagmen during work
8 hours and noise (inaudible) including wood panels
9 as sound barriers.

10 Work hours will be conducted in the
11 course of the Town code which is understood as
12 7:00 a.m. to 5:00 p.m. Monday through Friday.

13 Community engagement, we have been
14 actively engaged with the homeowners in proximity
15 to the project both in person, via phone, e-mails
16 and letters. We've held several community
17 meetings. We have met and briefed the Bethpage
18 Fire Department. We've met and briefed the Nassau
19 County Department of Health. We have an ongoing
20 dialogue with the transportation company, the
21 transportation team for the Bethpage School
22 District and they stand by, ready and committed to
23 communicating with the families once the RW20 well
24 is approved.

25 We continue to be responsive to every

1 call, every question and every request that's made
2 of us. There's also an established a biweekly
3 process of -- meeting process where we have
4 New York State agents and County, Town of Oyster
5 Bay representative, these are intended to keep
6 everybody apprised of our efforts and to keep the
7 dialogue open and ongoing.

8 There is a current schedule which
9 reflects -- you have a copy in front of you -- we
10 revised that this morning as a result of learning
11 of the asphalt plant closing in mid November. This
12 is our current schedule. It reflects the elements
13 of the project that have already been completed,
14 those that are in process and those awaiting your
15 approval.

16 Again, thank you for the opportunity to
17 outline the changes to the RW20 project, changes
18 which you requested and we have acknowledged. With
19 your approval for the installation this specific
20 New York State DEC approved well, we will move
21 forward late Winter, early Spring as one project to
22 minimize the impact to the community. We will do
23 everything late Winter, early Spring and move
24 forward to the construction of the pipelines.

25 Thank you, again. I ask for your

1 approval for the RW20 permit.

2 Now, I'll take any questions.

3 COUNCILMAN MACAGNONE: You said your
4 works hours were 7:00 to 5:00, five days a week?

5 MR. HANNON: Yes.

6 COUNCILMAN MACAGNONE: Can we make that
7 8:00 to 5:00, especially in the Winter? It's going
8 to be dark out.

9 MR. HANNON: Yes.

10 SUPERVISOR VENDITTO: That's not a
11 problem?

12 MR. HANNON: No.

13 Any other questions?

14 SUPERVISOR VENDITTO: Don't go
15 anywhere. We have an assortment of speakers.

16 Richard Buck, do you want to bring
17 Terri Buck up with you?

18 MS. BUCK: We live in the house on
19 William Street that would be fenced in. They're
20 going to move our utilities to another pole and all
21 that kind of stuff and prune our tree.

22 I'm still questioning why this would be
23 the best spot because they had explained they would
24 not do it near driveways, electrical lines and
25 everything like that. When you look at the picture

1 and that blue outline which is the fence, you can
2 see it's difficult to get out of our driveway.

3 They do talk about communication, but
4 honestly, everything is a surprise to us. We
5 didn't know they wouldn't be starting at the end of
6 Winter. But if you look at that fencing, you would
7 question how they would be able to snowplow up to
8 the driveways, what kind of issue that would be?

9 They do tell us that the sign says to
10 do it here, but in the past, they told us
11 electrical wires, driveways, now they need to move
12 a gas main in the street to do it. It seems like a
13 lot of inconvenience.

14 We're concerned about a 60-foot
15 drilling rig so close to homes. The houses are
16 only 35 feet off the road. It feels like a lot of
17 lack of planning and the answers to the questions
18 that we get seem to change a lot.

19 They tell us about moving the utilities
20 and they tell us PSE&G will come up with a protocol
21 and plan, but I don't think they considered the
22 other things like telephone, internet. There will
23 be a disruption in electric, gas. They are not
24 concerned about any inconvenience to us or anything
25 like that.

1 They say that they expect no vibrations
2 from this drill. We do know better because we
3 already had the testing drill on the corner. This
4 drill is a lot bigger. They don't seem to be
5 concerned. They say that they'll take pre and post
6 construction videos surveys that -- one thing to
7 look at would be the foundation.

8 How would you see the foundation under
9 ground if you have a crack in the basement
10 foundation through a video?

11 Regarding the elimination of the RW20
12 and just having the RW21 and 22, their story
13 changes often.

14 Originally, they told us if they took
15 away the one well it will be three to five extra
16 years added to the project. Then they sent us a
17 letter on 9/16 which stated it would add another
18 ten years to the project. On 9/22, they sent a
19 letter saying it's not acceptable to remove it and
20 today we received paperwork that says Arcadis also
21 evaluated the effect of increasing the pump rates
22 at RW21 and 22 without the RW20 on the time to meet
23 the 90 percent mass reduction. The results
24 indicated that the remedial time frame would be
25 decreased by approximately two years. It sounds

1 like a win/win situation, if that was true. We're
2 just very confused with the information that they
3 give us. If you look at the fencing --

4 And on to security and safety, I find
5 that questionable. My husband can explain that.

6 MR. BUCK: I think it's the RW22 south
7 of us. When I go there, they have sloppy work. I
8 went there on a Saturday, 3:00, 4:00 and here it is
9 leaking all over the place. They leave the water
10 on numerous times and there's a dumpster
11 (indicating).

12 SUPERVISOR VENDITTO: Can you leave
13 those with us or --

14 COUNCILMAN MACAGNONE: Mr. Buck, is
15 there security there?

16 MS. BUCK: They stated that they would
17 always have security at the three locations. I can
18 show you the paperwork.

19 MR. BUCK: There's been numerous
20 times -- I don't want to be a policeman, but it
21 seems like -- we told John Ellsworth about it. He
22 was there on Wednesday. Now, they are covering the
23 dumpsters. The fire hydrants always looks like
24 it's left on the on positon especially the one on
25 the right of way. I would think at night you would

1 turn it off.

2 MS. BUCK: We've experienced with the
3 testing well that was on the corner. So, the
4 sloppily work --

5 MR. BUCK: I have videos of it leaking
6 too.

7 SUPERVISOR VENDITTO: Do you have it?

8 MR. BUCK: Yes, on my phone.

9 SUPERVISOR VENDITTO: John has it?

10 MR. BUCK: I think John has it.

11 MS. BUCK: It's just hard to trust --
12 now we are going to have the toxic plume under our
13 house. We have an in-ground pool about 50 feet
14 away from it. How safe is that with your kids? I
15 don't feel good about it. They're not concerned.
16 They're not concerned about property values or
17 anything like that. We were listing our house
18 before this was happening. So property value is a
19 big deal to us because we were already planning on
20 this and now we are putting it on hold for this.

21 MR. BUCK: At the end of the road is a
22 deadline. In their statement, they want to go east
23 of 135. The right of way is west of 135, so I
24 don't understand.

25 SUPERVISOR VENDITTO: Don't go away.

1 John Ellsworth? I know we got the letter in
2 recently. I think I have a copy of it somewhere.

3 Can you tell us, maybe just give us a
4 synopsis? I believe it came last week. Can you
5 give us a synopsis? Before the Bucks leave, they
6 might want to hear about that letter.

7 MR. ELLSWORTH: The Town received a
8 letter from DEC yesterday.

9 Basically, urging the Town Board to
10 approve the current proposal for the RW20 well and
11 we also received the final answers we received
12 yesterday as well from Arcadis on behalf of
13 Northrop Grumman.

14 SUPERVISOR VENDITTO: All right.

15 The Board is going to have to take a
16 look at that letter and absorb it and keep you
17 posted.

18 Is there anything else you want to say?

19 MS. BUCK: Thank you.

20 SUPERVISOR VENDITTO: John, you have
21 that video?

22 MR. ELLSWORTH: Yes.

23 SUPERVISOR VENDITTO: Hold on it.

24 John Kenna?

25 MR. KENNA: Good afternoon.

1 My name is John Kenna. I live at
2 33 William Street which is the west side of
3 Broadway.

4 They made certain concession, Arcadis
5 and Northrop Grumman, to us as far as moving the
6 site now east of Broadway to open that
7 intersection. We appreciate that, but we are
8 concerned with the piecemeal process that this
9 whole project has taken. It seems like they have
10 worked out A,B,C and D, but they haven't figured
11 out X, Y and Z as far as what's going on there.
12 They want these three wells to go -- to be
13 processed and done, but they don't have an answer
14 to where they are going to put the water after the
15 discharge, after it's treated. They don't have the
16 treatment plans submitted. Where are they going to
17 put it? How they are going to pipe the water to
18 discharge? You're talking about two million
19 gallons of water a day going into this discharge
20 basin. That was not meant for that. There's
21 already a treatment plant that's piping that water
22 into that Arthur Avenue basin now. I'm not sure
23 what that output is. Now, they are adding another
24 two million gallons.

25 The latest that they've come up with is

1 that they're going to do testing in that area and
2 maybe they are going to put another well -- another
3 basin in. How long that takes and how that
4 process -- I'm not sure about that. But why wasn't
5 all this thought off before all this was done.
6 Spending eight months or whatever making plans and
7 submit it --

8 We are just concerned that you show
9 that you are interested in our safety, the project
10 is viable, it works. They are held to this -- to
11 what they are promising to do and because there's
12 other issues, the DPW has issues with their new
13 basin. They want to do the testing of that. And
14 we had --

15 They just recently submitted a site map
16 for the trenching from the 21 well and 22 well.
17 There's no site map that we've seen as far as the
18 William Street trenching that they want to do from
19 that well to the right of way. There's utilities
20 that have to be dealt with.

21 We urge you to hold Northrop Grumman
22 responsible to have a complete comprehensive plan
23 for this project.

24 COUNCILMAN MACAGNONE: John Ellsworth,
25 have you been in contact with Nassau County DPW on

1 this?

2 MR. ELLSWORTH: I have a call into
3 them.

4 MR. KENNA: Thank you.

5 SUPERVISOR VENDITTO: Patricia Kivo?

6 MS. KIVO: Good afternoon.

7 Just to follow up on what John said,
8 they have made accommodations for us and we do
9 appreciate that.

10 We also understand, we looked at all
11 the data and we see what's -- scientific
12 information, if you will as far as the location of
13 the well.

14 My questions relate to kind of a
15 timeline of this whole thing. If the Board does
16 feel compelled to approve this -- my question is,
17 we are drilling a well --

18 SUPERVISOR VENDITTO: Do you want to --

19 MS. KIVO: To the best of my
20 understanding --

21 SUPERVISOR VENDITTO: Patricia?

22 MS. KIVO: Thank you.

23 My questions are, basically, when you
24 start the well -- when you start construction on
25 this well, what happens when you are done? You are

1 there for two months. What happens when this thing
2 is complete? Does it become operational?

3 SUPERVISOR VENDITTO: Do it through the
4 chair -- your first question was?

5 MS. KIVO: As far as I know, there is
6 no pumping station, there's no viable pumping
7 station yet and my understanding from the County is
8 that they do not wish the water from this
9 particular well to be pumped into Arthur Avenue.

10 My understanding is that GM38, I
11 believe it is, which Arthur Avenue is already
12 accommodating, and storm water should be going into
13 the Arthur Avenue basin and another basin should be
14 built to accommodate whatever is coming out of this
15 well.

16 SUPERVISOR VENDITTO: Is her
17 understanding correct?

18 MR. HANNON: No.

19 SUPERVISOR VENDITTO: Do you want to
20 tell us what's --

21 MR. HANNON: We have been communicating
22 with the County. Our plan is to go in and do a
23 maintenance program, you remove all the trees that
24 have grown through the water. You do a percolation
25 test to the soil and we plan to add a small second

1 basin for maintenance purposes so we divert from
2 RW21 to that basin. We do maintenance on that and
3 that will be done periodically. That's the
4 routine. That's how it is done. We communicated
5 with director of the program. We have to provide
6 the data, but we can't do that until we permission
7 (inaudible).

8 SUPERVISOR VENDITTO: John Ellsworth,
9 is that?

10 MR. ELLSWORTH: Pending my discussion
11 with the Nassau County --

12 MS. KIVO: I had a conversation with
13 someone at public works and that was the
14 information that I got.

15 SUPERVISOR VENDITTO: All the more
16 reason why we have --

17 MS. KIVO: We are getting conflicting
18 stories. We understand this has to be done. It's
19 a little confusing to all of us that a well is
20 going to be installed with nowhere -- I assume it's
21 not going to become operational as soon as you
22 leave the site. There's no plant and there's no
23 piping to pump it into a basin regardless of where
24 that basin is.

25 It seems like, perhaps, we are putting

1 the cart before the horse. I don't understand what
2 the urgency is at this point.

3 SUPERVISOR VENDITTO: Thank you.

4 Just so you know we will be bringing
5 the gentleman back to address all the issues.

6 William Danielson?

7 MR. DANIELSON: Good afternoon.

8 I have a prepared statement I would
9 like to read.

10 SUPERVISOR VENDITTO: Just read it
11 slowly.

12 MR. DANIELSON: Regarding the well on
13 Broadway and William Street, I'm reminded of
14 Winston Churchill World War II quote. If I could
15 paraphrase him, a modern of version of his quote
16 might go something like this; never in the history
17 of the Town of Oyster was so much done for the
18 benefit of so many at the inconvenience and expense
19 of so few.

20 Regarding the situation we have here,
21 if the Town Board okays the remedial well on
22 Broadway and William Street, placing the well at
23 this location places a burden in the form of closed
24 streets, noise, power interruptions, demolished
25 sidewalks and likely decreased property values on

1 the mediate residents of Broadway and William
2 Street.

3 This burden by the few immediate
4 residents of this location who, for the most part,
5 were the only Town of Oyster Bay residents to
6 attend the August Board meeting. Perhaps residents
7 a little further away feel that they are not
8 adversely affected by this plan and have the better
9 there than here attitude.

10 While the Broadway and William Street
11 residents are adversely affected and it's not fair,
12 there are three options to correct this plume
13 problem. One is to take over the South Farmingdale
14 Water District wells and installing extraction
15 wells that access the Cedar Creek water pollution
16 control plant for treatment and discharge. This
17 might be more expensive, but would be the right
18 thing to do. By installing wells, no resident will
19 experience the impact that the Broadway and William
20 Street residents will.

21 I would imagine that if any Board
22 member lived at Broadway or William Street, he or
23 she would give a lot of consideration for this
24 option. All we ask of the Board is to do the right
25 thing.

1 Regarding the South Farmingdale wells,
2 I have a newspaper article that states that that's
3 an option and it was put out by the HDR Corporation
4 who is a consulting firm. More information was
5 available to them.

6 In conclusion, the bottom line is many,
7 many residents of Bethpage and beyond will benefit
8 from these wells. Only the residents of William
9 and Broadway will bear the many burdens of the
10 wells. This is unfair. The Board has to do the
11 right thing and use the south Farmingdale wells.

12 Thank you.

13 SUPERVISOR VENDITTO: Thank you,
14 William.

15 Edward Hannon, you know what? While I
16 do have you up, Ed, I'm like the nightly news
17 reporter who reads the teleprompter.

18 Can I ask you a question? Is there
19 anything else we can do to, short of addressing the
20 problem in the subject area, is there anything else
21 that needs to be done? Are you being delayed in
22 any other ways or is this a essential --

23 MR. HANNON: We are working with the
24 Town attorneys for access agreements for the
25 pipelines, the construction of the treatment

1 facility, to discharge into the Arthur Avenue
2 recharge basin and the construction would be
3 additional. We thought it would be on the docket
4 today. The Town Attorney reached out to our
5 attorney and said it would not make it on today, it
6 would be followed up early next month.

7 Other than that, no, we are proceeding
8 according to the plan because we are operating
9 under the commissioner's orders to accelerate this
10 process and that's why it appears to be piecemeal.

11 SUPERVISOR VENDITTO: I hope you can
12 appreciate that we kind of have the irresistible
13 force, but we do have a -- I guess overriding --
14 you know, I have to be careful.

15 Reflexively, we have an overriding
16 priority to protect the safety, the welfare of our
17 residents. You can understand that as a Town
18 Board, how we are impressed with that.

19 On the other hand, we don't want to the
20 delay the progress. So is there a way -- because
21 we're going to need a little bit of time --

22 MR. HANNON: If I may.

23 SUPERVISOR VENDITTO: When is that
24 matter on? It's on for the next Town Board
25 hearing?

1 MR. HANNON: That's my understanding
2 from last night, your attorney communicated with
3 our attorney.

4 SUPERVISOR VENDITTO: I don't know how
5 the rest of the Board feels about it, but I would
6 be interested in adjourning this today. It will
7 give us additional time to consider what we are
8 hearing and also to review the information we got
9 from you in that September 26th letter. We will
10 have everything on for the 18th. Maybe I'm getting
11 ahead of you.

12 MR. HANNON: I heard some concerns from
13 the residents and I would like address some of the
14 concerns to set them at ease.

15 SUPERVISOR VENDITTO: We still have a
16 few more speakers.

17 Why don't we get them all in one shot?
18 Robert Ripp?

19 MR. RIPP: Robert Ripp from Massapequa,
20 New York.

21 I have a couple of questions regarding
22 this Resolution. I'm really unfamiliar with it. I
23 understand that the original Resolution 433-2016
24 was tabled some time in August. It's apparent that
25 the Town Board knew that we were going to have this

1 resolution and these people were invited. I got to
2 speak with the people on Grumman. They explained
3 to them that John Ellsworth explained to them to be
4 here today.

5 I don't understand how the residents
6 that are speaking here today, how they knew how to
7 be here and that's because today the Town Board
8 published an Action Calendar and this Resolution
9 was not on it. You published your draft
10 resolutions, nothing pertaining to this resolution
11 was published. I don't know how anyone -- I'm
12 curious to know how the residents here were
13 contacted that this was going on today because how
14 would any other resident in the Town who may be
15 interested in this know that this was happening.

16 Mr. Ellsworth specifically mentioned
17 that yesterday he received some documents from the
18 DEC.

19 Well, the Open Meetings Law in New York
20 State is very clear, if those documents were before
21 the Board, they should have been published for
22 people to read, to know exactly what's going on.
23 It's my belief that you shouldn't even be having
24 this hearing today because of these issues.

25 You're the Town Supervisor and the Town

1 Board, you can do whatever you want. I don't think
2 it's fair to the rest of the residents in the Town
3 of Oyster Bay. I realize you just said that you
4 are going to table the meeting, but I believe this
5 is an issue that should be addressed and every
6 resident has a right to know what is happening in
7 the Town of Oyster Bay.

8 SUPERVISOR VENDITTO: Thank you.

9 Helene Richardson?

10 MS. RICHARDSON: Good afternoon.

11 SUPERVISOR VENDITTO: Good afternoon.

12 MS. RICHARDSON: My neighbors have
13 addressed the concerns of the residents at the
14 William Street and Broadway intersection. But I
15 have to refute something that Mr. Hannon said.

16 At the meeting of 8/9 here, he promised
17 that residents would be made aware of what was
18 going on in the neighborhood. There has been not
19 one ounce of communication between Northrop Grumman
20 or Arcadis with any of us. And given the fact that
21 three of the four corners of that intersection is
22 here, they can confirm that we've heard nothing
23 from them with regard to plans and updates. It's
24 been up to us to do the research and to do the
25 homework.

1 What Mr. Hannon said with regard to
2 communicating with us, is a fallacy.

3 SUPERVISOR VENDITTO: Thank you.

4 Ed, you're back up. I guess you have a
5 litany of questions.

6 MR. HANNON: Let me go in reverse,
7 there's been absolutely no progress as far -- to
8 communicate with the residents since that meeting.
9 We are at a standstill waiting for the Board to
10 approve the well. Then, we will have schedules to
11 communicate with the residents, et cetera.

12 At this time, we have nothing
13 additional communicate to residents. We have been
14 at a standstill for the RW20.

15 With regard to the HDR report, the use
16 of the South Farmingdale Water District wells, they
17 are too far down that would allow the mass to get
18 beyond our control and impact, potentially, the
19 Farmingdale Water District before it leads to South
20 Farmingdale Water District.

21 Regarding the time lines, as a result
22 of being an accelerated project, we are designing
23 as we go along, we are designing this to get the
24 sampling data, the ground water sample data in so
25 we understand and know. We submitted 60 percent

1 designs to the New York State DEC for their review
2 and approval. The next phase will be 90 percent
3 designs and we will share those designs with the
4 Town representatives. At which point, then, we
5 will have approved plan to publicize. That is the
6 sequence for such a construction project.

7 Regarding where to discharge the water,
8 we have plans. We presented those plans, we also
9 presented the plans about the pipe that would be
10 routed down William Street over to the easement
11 area east. Once this permit is approved and
12 finalized, we can have an updated meeting with the
13 residents to remind them of what we discussed then
14 and what we've learned since then.

15 SUPERVISOR VENDITTO: How do you think
16 that meeting would benefit?

17 MR. HANNON: I'm hearing some questions
18 that I thought -- I felt we answered before and
19 addressed.

20 Also, I'm hearing some things that
21 people who are not familiar with such projects,
22 they see what looks like a piecemeal approach and
23 they don't realize it's a sequential approach and
24 this is normal business. So I think that would
25 help and we can take care of that before the next

1 Town Board meeting.

2 With regard to the comment that they
3 just learned that we moved it to late Winter,
4 that's because we were just informed Friday that
5 the asphalt plant will close in mid November --
6 it's scheduled to close in mid November. As a
7 result, we do want to do this work, leave a cold
8 patch over on William Street and come back in the
9 spring. So we decided to take the well project and
10 abut it to the pipeline project and get it all done
11 in '17, but we need that approval to proceed so we
12 can get the utility company to move the gas main
13 now. That's why we are here today.

14 MR. ALTADONNA: Mr. Hannon, I have one
15 question.

16 What is the cost of this overall
17 project?

18 MR. HANNON: We are still in the design
19 phases of that.

20 MR. ALTADONNA: I'm talking about the
21 entire project.

22 MR. HANNON: \$10 million.

23 MR. ALTADONNA: Early on when you first
24 come here, you had mentioned that you may be
25 amicable to purchasing some properties from the

1 residents; is that still on the table?

2 MR. HANNON: No, it's not.

3 MR. ALTADONNA: Why did that happen?

4 MR. HANNON: Because we did manage to
5 get the utility companies to move the gas lines, we
6 were able to move the volt to the street.

7 MR. ALTADONNA: Would you consider that
8 once again because of the hardships that --

9 MR. HANNON: I don't think it would be
10 necessary to level a house or modify a house to put
11 a well in the house. It's a low-activity device.
12 It's not something where there's workers there
13 everyday or every month. Once we get it up and
14 running, it just runs and they run for long periods
15 of time requiring no or low maintenance. We'll
16 have remote electronic monitoring for any data, so
17 we don't need to access this. Because we are in
18 the street now, we need to construct it to a
19 specific civil engineering design criteria, but we
20 will not need to put it on private property or
21 residential property.

22 SUPERVISOR VENDITTO: The answer is no?

23 MR. HANNON: The answer is no.

24 SUPERVISOR VENDITTO: Before you go, do
25 you want to confer with them?

1 MR. HANNON: Yes.

2 SUPERVISOR VENDITTO: Just to the
3 residents, you've heard the responses; is there
4 anything you want amplify or --

5 MR. BUCK: I would think a project of
6 this magnitude you would have 100 percent design.

7 SUPERVISOR VENDITTO: Can you --

8 MR. WOLFERT: There's a couple of
9 questions I would like to respond to. As far as
10 the design goes, it's in the process with the State
11 which prepares 60 percent design, they took a look
12 at it, review comments, then modify it on a 90
13 percent design. As far as the 100 percent design,
14 is when you actually build the facility and prepare
15 as build drawings. You have a record of what was
16 actually done. It the gives the State an
17 opportunity if they want to correct or modify
18 rather than giving them 100 percent design. It
19 gets some part of the process moving along.

20 A couple of other things I want to
21 address, somebody mentioned about water running all
22 the time, why wouldn't it be shut off. The wells
23 are being drilled by the mud (inaudible). They
24 take portable water, they mix it with Batanides to
25 make a mud slurry. It keeps the borehole open.

1 They tend to drink the mud. The mud goes into
2 formation. If you walk away from the well at night
3 and don't add the water, it can drink the mud and
4 the mud can go down the borehole and collapse. The
5 water has to stay on to keep the mud filled to the
6 top so they don't reach the borehole. That's the
7 specific reason they did that.

8 Also someone asked once the wells are
9 on -- the wells go in, then the pipes have to go
10 in. They have to be connected to the treatment
11 plant. A treatment plant has to be built. A line
12 has to go from the treatment plant hopefully to the
13 Arthur Avenue basin or supplemental basin and
14 supplemental basin has to be constructed. Once all
15 those pieces are in place, then the wells go on,
16 not before.

17 The wells are pumped now to develop
18 them to remove silt and mud. They go into a baker
19 tank and discharged. As far as a full scale
20 operation wells, that will not happen until all the
21 components are in and the water can be piped to the
22 treatment plant, treated and then discharged to a
23 basin.

24 One other item I'd like to cover, it
25 was mentioned before about whether Well 20 was

1 installed or not and changed in the cleanup time.
2 If Well 20 was -- could not be installed
3 (inaudible) that would increase the cleanup time by
4 ten years. Someone mentioned two years. We also
5 looked at -- if Well 20 did not go on and you took
6 21 and 22 and increased the pump substantially, how
7 would that effect the cleanup time. Instead of
8 increasing the cleanup time by ten years, it would
9 be eight years. There would two years difference.

10 The final thing is, people are asking
11 why this well, why here, why in front of this
12 house. We did an initial study in 2007, 2008 to
13 define the extent of ground water impact from the
14 park offsite. The State came out with the rod.
15 Northrop Grumman asked to do additional studies to
16 define the area of elevated concentration of ground
17 water south of the side, so a second study was done
18 2014 and '15 to define this area and some
19 additional modeling to figure out which wells you
20 need and where should they go to most effectively
21 clean up the ground water.

22 As a result of those two studies and
23 the modeling, we came up with three wells, 21, 20
24 and 22, where they would have to go. I'd like to
25 say if we would move the wells to people's

1 convenience but the impacted ground water is where
2 it is. We have to go to the heart of that to clean
3 it up rather than going to a remote location. I
4 think those are the additional things I wanted to
5 touch on unless you have questions for me.

6 SUPERVISOR VENDITTO: I have a great
7 question, but nobody seems to be able to help me.
8 You know, I and many other members of the Board
9 have been sitting here a long time and I've never
10 seen a situation like this especially working with
11 the State on countless projects across the length
12 and breath of the Town where we just have not been
13 able to accommodate the State's need and of course
14 balance that with the welfare of the residents.
15 I've just never seen it happen.

16 I don't know why this situation should
17 be any different. I know I hear all the technical
18 explanations. I'm not going to pretend I
19 understand everything, but quite frankly, I don't.
20 I know you have a job to do. I'm not being a
21 wiseguy.

22 On the other hand, we do have residents
23 whose lives are going to be somewhat chaotic and
24 it's always better for everyone to control their
25 own destiny by working it out. But it looks like

1 every time we get together, the problem gets a
2 little worse and it falls upon the Board to make
3 the decisions and nobody is in charge of their own
4 destiny or whatever the Board decides. And
5 depending on which way we go, we could be talking
6 about ensuing litigation and all sorts of chaos.

7 I think in my mind, unless the Board
8 feels otherwise, we are going to be adjourning this
9 matter until October 18th at which time the subject
10 of access and the subject of this resolution will
11 come again before the Board. I would urge us,
12 strenuously if I can, for everybody to work
13 together and try to control their own fate so to
14 speak and not leave it in the hands of the Board.
15 I'm not really it belongs here, but it's our job
16 and we will do it.

17 John Ellsworth, am I -- is the
18 situation hopeless?

19 MR. ELLSWORTH: I think you crystalized
20 what the issues are and it seems like we have been
21 here three times now and we are not getting closer
22 to a solution that will mitigate the impact to the
23 residents.

24 SUPERVISOR VENDITTO: Can you repeat
25 that?

1 MR. ELLSWORTH: We have been here three
2 times now and I think we are getting answers to the
3 questions, but I don't think we are getting any
4 closer to an answer that mitigates the impact to
5 the residents.

6 COUNCILMAN MACAGNONE: John, do you
7 feel that Northrop Grumman has been reaching out to
8 the residents enough?

9 MR. ELLSWORTH: Well, certainly
10 communication, you can't have too much
11 communication, but they have, in their defense,
12 they have been --

13 SUPERVISOR VENDITTO: In whose defense?

14 MR. ELLSWORTH: Northrop Grumman. They
15 have been filing information through me that I've
16 been sharing with the residents. So the residents,
17 all of the stuff that the Board has, has been
18 shared with the residents.

19 MR. WOLFERT: I would mention one more
20 thing, I know there's concern and I understand
21 that. But once the wells drilled and the work is
22 complete, any damage to the sidewalk or grass strip
23 will be restored. Just reminder, that will be a
24 small hatch in the street where you can access the
25 well. Most wells that are run 24 hours a day,

1 seven days a week, you will not hear any noise.
2 People say about the contaminated water coming out
3 to the street.

4 Well, besides the treatment plants
5 there are sewer lines in the street. No one is
6 pleased to have a sewage pump there either, but it
7 has to be done so it's accepted as a normal way of
8 life. Once you get past the concern about the
9 drilling rig in front of the house, once that's
10 gone, you're back to the normal way of life.

11 There are reports (inaudible) and
12 Broadway and that went on without a hitch. The rig
13 is gone other than dead grass along the strip to be
14 replaced. There's no indication of a rig was even
15 there. The rig was on the edge of their grass
16 there and they got through that and you can
17 certainly speak to them if you would.

18 MR. HANNON: Like with all our
19 projects, we leave the site better than we found
20 it.

21 COUNCILMAN MACAGNONE: What happens if
22 power shut off, does the water back up to the
23 street?

24 MR. HANNON: The well will shut off.

25 COUNCILMAN MACAGNONE: We saw what

1 happened with Superstorm Sandy with the treatment
2 plant?

3 MR. HANNON: Northrop Grumman, we have
4 the policy, we have it in our procedures that we
5 watch the weather and we have very valuable assets
6 on the property and we have these contingency
7 plans. We expand it -- we have remedial plans. We
8 watch the weather. We shut the systems down and
9 restore it when the weather conditions are
10 favorable.

11 COUNCILMAN MACAGNONE: Thank you.

12 COUNCILWOMAN JOHNSON: I have a
13 question about one of the pictures. I think it's
14 Well 22. It appears to be a 50 yard container
15 filled with water.

16 Why is that filled with water? Why
17 isn't it fenced off properly?

18 MR. HANNON: The fencing have been
19 re-enforced there. It's mostly improved. What's
20 in that roll off is mostly drill cutting with mud
21 and a little water at the surface. It's not all
22 water. There's also a pit next to it that's for --
23 that's used -- the other one is the shallow,
24 smaller container that's -- it's continuous
25 circulation, drill rods and the tub itself.

1 COUNCILWOMAN JOHNSON: When you say
2 you're improving the fencing, what are you doing?

3 MR. HANNON: We spoke to that
4 contractor. He was not following his procedures.
5 He is now. He put up the proper construction
6 barricades. He has a cover over that container.
7 But the water running in there is necessary, as
8 Mike explained earlier, to keep the hydraulic
9 pressure on the borehole to prevent it from
10 collapsing.

11 SUPERVISOR VENDITTO: I don't have any
12 forms from persons who indicated they care to
13 address the Board relative to this matter.

14 Is there anyone else who wants to
15 address the Board?

16 (No verbal response.)

17 MS. BUCK: When we talked about
18 purchasing the houses, we never suggested leveling
19 the houses. When we mentioned this hatch in the
20 front and trying to sell your house and the values
21 being diminished, we meant you can buy the house
22 and you can sell it when you are done with the
23 project. I never suggested to level the house.
24 That would be leaving our neighbors with empty
25 lots.

1 SUPERVISOR VENDITTO: You did
2 understand that and your answer is no?

3 MR. HANNON: No.

4 MR. RIPP: I would like to know -- I
5 understand these residents' concerns. I just want
6 to know how were notified to be here today.

7 SUPERVISOR VENDITTO: We will do it for
8 you, but let's stay on subject. We will get an
9 answer for that.

10 What I think I'm going to do is call
11 for a motion to adjourn the matter until -- put it
12 on for the 18th.

13 COUNCILMAN MUSCARELLA: Supervisor,
14 I'll make a motion to table this Resolution No.
15 433-2016 until October 18, 2016 at 10:00 a.m.

16 SUPERVISOR VENDITTO: We have a day and
17 night hearing on October 18th.

18 Do the residents have a preference?

19 AUDIENCE SPEAKER: Evening.

20 COUNCILMAN COSCHIGNANO: What is
21 supposed to happen between now and then? Why are
22 we going to have what happened today happen on
23 October 18th and bring everybody back and go
24 through the process again? What's everyone going
25 to do between now and then, I would like to get a

1 certainty.

2 SUPERVISOR VENDITTO: One thing that is
3 going to happen is we will have new information. I
4 think we indicated that we are reaching out to the
5 County and I think maybe we can hope, at least,
6 that somebody has a spur to having a new idea or
7 some way of amicably resolving the problem. It's a
8 pretty serious problem and I think the additional
9 three weeks -- everybody can cool their heels,
10 maybe we will figure something out. We will have
11 new information to digest and gather. That's what
12 we are going to do for the next three years.

13 COUNCILMAN MUSCARELLA: We need to
14 second the motion.

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 It's October 18th at 7:00 p.m.

22 (Time noted: 1:30 p.m.)

23

24

25

TOWN OF OYSTER BAY
TOWN BOARD
ACTION CALENDAR
SEPTEMBER 27, 2016
1:39 p.m.

JOHN VENDITTO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

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

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

JAMES ALTADONNA JR., TOWN CLERK
JAMES J. STEFANICH, RECEIVER OF TAXES
LEONARD GENOVA, TOWN ATTORNEY
THOMAS SABELLICO, DEPUTY TOWN ATTORNEY
DONNA B. SWANSON, ASSISTANT TOWN ATTORNEY
MATTHEW M. ROZEA, ASSISTANT TOWN ATTORNEY
CHRISTINE M. WISS, DEPUTY COMPTROLLER
LINDA M. HERMAN, OFFICE OF THE TOWN CLERK
RALPH J. RAYMOND, DEPUTY TOWN CLERK
RAYMOND T. SPAGNUOLO, DEPUTY TOWN CLERK
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

(Appearances continued on following page.)

I certify this is a true
and accurate transcript.



YVONNE ANGELES
Official Reporter/Notary

ORIGINAL TRANSCRIPT

ALSO PRESENT:

MARTA KANE, DIRECTOR OF COMMUNITY RELATIONS,
PUBLIC INFORMATION
KURT LUDWIG, RESEARCH ASSISTANT,
PUBLIC INFORMATION
ROBERT DARIENZO, DIRECTOR OF FINANCE
FRANK A. NOCERINO, COMMISSIONER,
DEPARTMENT OF PARKS
RICHARD T. BETZ, COMMISSIONER,
DEPARTMENT OF PUBLIC WORKS
LESLIE MACCARONE, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC WORKS
LEONARD SYMONS, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC WORKS
MATT RUSSO, ENGINEERING,
DEPARTMENT OF PUBLIC WORKS
NEIL O. BERGIN, COMMISSIONER,
DEPARTMENT OF ENVIRONMENTAL RESOURCES
JAIME VAN DYKE, ADMINISTRATION,
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 SUPERVISOR VENDITTO: Where are we?
2 Let's make a note on 539 before we call -- I want
3 Rob -- where's Rob? I want Rob to stand in
4 preamble and let me introduce the tentative budget.

5 MR. ALTADONNA: May I have a motion to
6 adopt Resolution No. P11-16 through TF16-16?

7 Personnel Resolution Nos. P 11-16 to
8 P -16 and PA -16 to PA -16; Resolutions related to
9 personnel of various departments within the Town of
10 Oyster Bay.

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

15 On the motion?

16 COUNCILMAN MUSCARELLA: So moved.

17 COUNCILMAN MACAGNONE: Seconded.

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

21 On the vote, Supervisor Venditto?

22 SUPERVISOR VENDITTO: 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 adopt
11 Resolution Nos. P11-16 through TF16-16 passes with
12 seven "Ayes."
13 May I have a motion to adopt Resolution
14 Nos. 504-2016 through 545-2016?
15 Resolution No. 504-2016; Resolution
16 authorizing the employment of the services of
17 various performers for various performance dates
18 and locations for entertainment for GAP Program
19 participants. Account No. CYS A 7020 47660 000
20 0000. (M.D. 8/30/16 #4).
21 Resolution No. 505-2016; Resolution
22 authorizing the issuance of a refund of a Seasonal
23 Beach Permit to K. McGuigan. Account No. PKS A
24 0001 02025 523 0000. (M.D. 8/30/16 #7).
25 Resolution No. 506-2016; Resolution

1 granting an extension of time to obtain site plan
2 approval, building permit and a certificate of
3 occupancy for premises located at 180 R. Laumans
4 Lane, Hicksville, NY. (M.D. 8/30/16 #9).

5 Resolution No. 507-2016; Resolution
6 authorizing the cost of the property board-up and
7 reboard-up of 19 Nevada Street, Hicksville, be
8 referred to the County of Nassau for placement on
9 the Nassau County Tax Assessment Rolls. (M.D.
10 8/30/16 #13).

11 Resolution No. 508-2016; Resolution
12 authorizing payment of the Town's share of dues for
13 the Oyster Bay/Cold Spring Harbor Protection
14 Committee for the period of June 1, 2016 through
15 May 31, 2017. Account No. DER A 8090 44900 000
16 0000. (M.D. 8/30/16 #21).

17 Resolution No. 509-2016; Resolution
18 authorizing the renewal of a contract with the Long
19 Island Developmental Disabilities Regional Office
20 for a Program for Family Support Services for the
21 period covering January 1, 2017 through
22 December 31, 2017. (M.D. 8/30/16 #5).

23 Resolution No. 510-2016; Resolution
24 authorizing the renewal of a contract with the Long
25 Island Developmental Disabilities Regional Office

1 for a Program for Children with Autism for the
2 period covering January 1, 2017 through December
3 31, 2017. (M.D. 8/30/16 #6).

4 Resolution No. 511-2016; Resolution
5 authorizing payment for required Workers'
6 Compensation Insurance for the youth enrolled in
7 the Division of Employment and Training's Summer
8 Youth Employment Program. Account No. IGA CD 6293
9 47900 000 CW15. M.D. 9/6/16 #6).

10 Resolution No. 512-2016; Resolution
11 authorizing the Town Attorney or his designee to
12 enter into an agreement for the retention of Pro
13 Bono Counsel. (M.D. 9/6/16 #9).

14 Resolution No. 513-2016; Resolution
15 pertaining to On-Call Housing Consultants to the
16 Office of the Town Attorney. Account No. OTA A
17 1420 44110 000 0000. (M.D. 9/6/16 #10).

18 Resolution No. 514-2016; Resolution
19 granting request from the Syosset Fire District,
20 for Town assistance in conducting their annual Fire
21 Prevention Open House at their Department
22 headquarters on Cold Spring Road on October 9,
23 2016, to utilize the northeast portion of Municipal
24 Parking Field S-1 in Syosset and to post temporary
25 "No Parking" signs from October 7-11, 2016 and to

1 use various Town equipment for the event. (M.D.
2 9/6/16 #11).

3 Resolution No. 515-2016; Resolution
4 authorizing the employment of the services of
5 various performers for various performance dates
6 and locations for 2016-2017 Distinguished Artists
7 Concert Series. Account No. CYS A 7020 47660 000
8 0000. (M.D. 9/13/16 #4).

9 Resolution No. 516-2016; Resolution
10 authorizing the Town-wide Senior Trips for October,
11 November and December 2016 and to authorize the
12 Commissioner of the Department of Community and
13 Youth Services to make any adjustments or necessary
14 refunds. (M.D. 9/13/16 #5).

15 Resolution No. 517-2016; Resolution
16 granting request from Oak Neck Athletic Council
17 Inc., for the use of Centre Island Beach to hold a
18 three-day Fall Homecoming Festival from October
19 7-9, 2016, to use various Town equipment and to
20 have Town Ordinance 168-20 waived for the event.
21 (M.D. 9/13/16 #6 & 28).

22 Resolution No. 518-2016; Resolution
23 granting request from the New York Marine Trades
24 Association to use the parking lot at Tobay Beach
25 and Joseph J. Saladino Memorial Marina at Tobay for

1 their 40th Annual In-Water Boat Show and to use the
2 boat basin and parking lot during September 27-29,
3 2016 and September 30 October 2, 2016. (M.D.
4 9/13/16 #17 & 9/20/16 #23).

5 Resolution No. 519-2016; Resolution
6 amending Resolution No. 155-2016 pertaining to
7 authorization for additional Planning Advisory
8 Board meetings for the remaining 2016 calendar
9 year. Account No. PAD B 8020 4480 000 0000. (M.D.
10 9/13/16 #22).

11 Resolution No. 520-2016; Resolution
12 granting request from the Oyster Festival Committee
13 on behalf of the Oyster Bay Rotary Club, Oyster Bay
14 Charitable Fund and its Oyster Festival Committee,
15 for Town assistance in conducting the 2016 Oyster
16 Festival on October 15 and 16, 2016, to use
17 Theodore Roosevelt Memorial Park and Beach, Beekman
18 Beach, Centre Island Beach and the Western
19 Waterfront, the use of Municipal Parking Field O-6
20 from October 11-17, as well as the posting of
21 temporary "No Parking" signs on various area
22 streets, the use of various Town equipment and to
23 have Section 168-19 of the Town Code waived for the
24 event. (M.D. 9/13/16 #29).

25 Resolution No. 521-2016; Resolution

1 pertaining to the decision on the docket
2 application of Glenn J. Adkins, to erect, maintain,
3 improve and/or repair a dock, float, bulkhead or
4 other mooring at 139 Forest Avenue, Massapequa, NY.
5 (M.D. 8/30/16 #11).

6 Resolution No. 522-2016; Resolution
7 granting request from Darlene Casagrande to donate
8 a plaque to be placed on an existing bench in
9 Marjorie R. Post Community Park in memory of
10 Frances Ann Abruzzo-Nantista. (M.D. 9/13/16 #15).

11 Resolution No. 523-2016; Resolution
12 authorizing the use of a sub-consultant for
13 Contract No. H16-142, soils investigation service
14 relative to Highway Improvements to the Smith
15 Street Area, Glen Head, NY. (M.D. 9/13/16 #24).

16 Resolution No. 524-2016; Resolution
17 authorizing additional legal costs for outside
18 counsel to the Town in connection with various
19 housing issues in the Town of Oyster Bay. (M.D.
20 9/13/16 #33).

21 Resolution No. 525-2016; Resolution
22 authorizing the issuance of a refund of a
23 non-resident Senior Individual Pool Membership at
24 Harry Tappen Beach and Marina to M. DiSalvio.
25 Account No. PKS A 0001 02025 523 0000. (M.D.

1 9/13/16 #8).

2 Resolution No. 526-2016; Resolution
3 authorizing the issuance of a refund of a resident
4 individual Pool Membership at Marjorie R. Post
5 Community Park to D. Lynch. Account No. PKS SP07
6 0001 02025 528 0000. (M.D. 9/13/16 #9).

7 Resolution No. 527-2016; Resolution
8 authorizing the issuance of a refund of the
9 registration fee for two children in the Town's
10 swimming lesson program at Syosset-Woodbury
11 Community Park to L. Macpherson. Account No. PKS A
12 0001 02001 510 0000. (M.D. 9/13/16 #10).

13 Resolution No. 528-2016; Resolution
14 authorizing the issuance of a refund of the
15 registration fee for one child in the Town's summer
16 recreation program at Marjorie R. Post Community
17 Park to Mr. And Mrs. S. Burgess. Account No. PKS A
18 0001 02001 510 0000. (M.D. 9/13/16 #11).

19 Resolution No. 529-2016; Resolution
20 authorizing the issuance of a refund for a picnic
21 permit fee at Theodore Roosevelt Memorial Park to
22 B. Groff. Account No. PKS A 0001 02025 523 0000.
23 (M.D. 9/13/16 #12).

24 Resolution No. 530-2016; Resolution
25 authorizing the issuance of a refund of a seasonal

1 beach permit fee to N. Borg. Account No. PKS A
2 0001 02025 523 0000. (M.D. 9/13/16 #13).

3 Resolution No. 531-2016; Resolution
4 authorizing the issuance of a refund of the
5 registration fee for one child in the Town's
6 swimming lesson program at Syosset-Woodbury
7 Community Park to E. Larson. Account No. PKS A
8 0001 02001 510 0000. (M.D. 9/13/16 #14).

9 Resolution No. 532-2016; Resolution
10 authorizing a stipulation agreement between
11 New York State of Environmental Conservation and
12 the Town for the Transfer of remedial action
13 responsibilities for Claremont Polychemical Site.
14 (M.D. 9/13/16 #23 & 9/20/16 #21).

15 Resolution No. 533-2016; Resolution
16 pertaining to Contract No. PWC 10-16, On-Call
17 Engineering Services relative to Construction
18 Management. Account No. HWY H 5197 20000 000 1503
19 008. (M.D. 9/13/16 #31 & 9/20/16 #19).

20 Resolution No. 534-2016; Resolution
21 pertaining to the decision for the application of
22 KRE Broadway Owner, LLC (Starbucks) for a special
23 use permit to operate a fast food restaurant with a
24 drive-thru window, and KRE Broadway Owner, LLC
25 (Round 1), for a special use permit to permit an

1 active recreation use with game room, Hicksville,
2 NY. Hearing held: June 21, 2016. (M.D. 6/21/16
3 #6 & 7).

4 Resolution No. 535-2016; Resolution
5 granting request from Jericho Fire District
6 Headquarters to use one roll-off container for
7 their annual fire prevention day from October 7-10,
8 2016. (M.D. 9/13/16 #34).

9 Resolution No. 536-2016; Resolution
10 granting request from Lisa Marbit to donate a
11 plaque and bench to be placed in Ellsworth W. Allen
12 Park in memory of Joseph Philip Hoehn. (M.D.
13 9/13/16 #16).

14 Resolution No. 537-2016; Resolution
15 granting request from the Grenville Baker Boys &
16 Girls Club to use one roll-off container for their
17 organizational clean-up from October 3-7, 2016.
18 (M.D. 9/13/16 #25).

19 Resolution No. 538-2016; Resolution
20 authorizing the Town Attorney or his designee to
21 enter into a stipulation of settlement and
22 discontinuance of litigation in connection with
23 Town of Oyster Bay v. Smuggler Jack's Inc., et ano.
24 (M.D. 9/13/16 #30).

25 Resolution No. 539-2016; Resolution

1 adopting the preliminary Budget of the Town of
2 Oyster Bay for the Year 2017 and directing the Town
3 Clerk to advertise a Notice of Hearing. Hearing
4 date: October 18, 2016 at 10:00 a.m. and 7:00 p.m.
5 (M.D. 9/13/16 #35).

6 Resolution No. 540-2016; Resolution
7 directing the Town Clerk to advertise a Notice of
8 application in connection with the dock application
9 of Michael Barney to erect, maintain, improve
10 and/or repair a dock, float, bulkhead or other
11 mooring at 190 East Shore Drive, Massapequa, NY.
12 (M.D. 9/6/16 #7).

13 Resolution No. 541-2016; Resolution
14 pertaining to the decision on the docket
15 application of Angela Rinaldo and Nicholas
16 Montefusco, to erect, maintain, improve and/or
17 repair a dock, float, bulkhead or other mooring at
18 25 Anchor Drive, Massapequa, NY. (M.D. 9/6/16 #8).

19 Resolution No. 542-2016; Resolution
20 pertaining to the decision on the application of
21 Bolla EM Realty, LLC, fee owner and Bolla Operating
22 L.I. Corp., lessee, for Site Plan Approval and a
23 Special Use Permit to operate a convenience store
24 at an existing gasoline station at 620 Old Country
25 Road, Hicksville, New York. Hearing held:

1 February 2, 2016. (M.D. 2/2/16 #4).

2 Resolution No. 543-2016; Resolution
3 pertaining to the decision on the application of
4 Hicksville Road LLC, fee owner, for a Special Use
5 Permit to add additional related retail space to an
6 existing gasoline station on premises located at
7 975 Hicksville Road, Massapequa, NY. Hearing Held
8 January 19, 2016. (M.D. 1/19/16 #5).

9 On the motion?

10 COUNCILMAN MUSCARELLA: So moved.

11 COUNCILMAN MACAGNONE: Seconded.

12 MR. ALTADONNA: Supervisor, you have
13 speakers on 512, 513, 519, 523, 524, 533, 538, 539,
14 541 and the two walk-ons 544 and 545.

15 SUPERVISOR VENDITTO: I thought I asked
16 you to stop short of 539?

17 MR. ALTADONNA: I didn't take the vote.

18 SUPERVISOR VENDITTO: What I would like
19 you to do is take it through and including 538 and
20 then we will call 539.

21 MR. ALTADONNA: You want to do it
22 again?

23 SUPERVISOR VENDITTO: Recall.

24 MR. ALTADONNA: May I have a motion to
25 adopt Resolution Nos. 504-2016 through 538-2016?

1 COUNCILMAN MUSCARELLA: So moved.

2 COUNCILMAN MACAGNONE: Seconded.

3 SUPERVISOR VENDITTO: All in favor?

4 ALL: "Aye."

5 SUPERVISOR VENDITTO: I have speakers
6 starting with -- do you have -- yes, I have it.
7 I'm sorry, we start with 512. I have Robert Ripp.
8 You can come for all of them except 539. You have
9 512, 519 and 524.

10 MR. RIPP: Robert Ripp, I'm from
11 Massapequa.

12 I have a question on Resolution 512
13 which reads that -- it looks like the Town is going
14 to receive pro bono legal services in connection
15 with the review of possible (inaudible) who is
16 responsible for creating nuisance conditions within
17 the Town's jurisdiction in the matter caption Town
18 of Oyster Bay versus Northport Grumman Systems
19 Incorporated.

20 What I want to verify is that from
21 reading the resolution, it assumes that the Town
22 is -- I assume and I want you to clarify this, it
23 looks like the Town is going to be accepting
24 pro bono representation to come to some sort of
25 agreement in this Town of Oyster Bay versus

1 Northrop Grumman.

2 What I want to make sure is, I have the
3 last status report from the Town of Oyster Bay
4 against Northrop Grumman Systems Corporation. The
5 case number is 05CV1945 and I want to find out, are
6 these attorneys representing us in this matter and
7 when I read this status report, it refers to a
8 remedy to a remedy to remediate -- that is
9 estimated to cost \$81 million. The remedy includes
10 extensive remediation of metals and polychlorinated
11 biphenyls.

12 What I would like to know, first of
13 all, how much money we've spent so far being
14 represented in this action. I would like to now if
15 these attorneys working pro bono is somehow going
16 to try to iron out a deal and if they are, I'd like
17 to know how much of the \$81 million that you feel
18 the Town may or may not responsible, if any at all,
19 in regards to this cleanup.

20 SUPERVISOR VENDITTO: Rob, I don't have
21 the numbers on what counsel fees have been so far,
22 but I'm sure they are readily available. I don't
23 have a crystal ball. I don't know what's is going
24 to happen with litigation. But with respect to
25 this firm, I'm looking over to the Town Attorney

1 office, Matt, Frank.

2 My understanding is they're looking to
3 scope out responsible parties; are they not?

4 MR. SCALERA: It's kind of twofold.
5 Yes, they are going to be focusing on other
6 responsible parties. Understand this is coming
7 from our office, the Town Attorney's office.
8 There's a little bit of delicacy on what we can
9 discuss now because this a legal strategy that if
10 we openly discuss it, we are going to tip our hand.

11 Number two, most importantly, one of
12 the reasons why it's pro bono, I met with the
13 representatives and lawyers from the firm to
14 determine whether they have any conflicts in
15 assisting us in a matter known Town of Oyster Bay
16 versus Northrop Grumman. This is almost like a
17 precursor to get them started. If there's --
18 unfortunately, if they can't do it or there's a
19 conflict, then this -- it will be more to follow.

20 SUPERVISOR VENDITTO: But the ultimate
21 goal, no pun intended, is to unearth responsible
22 parties?

23 MR. SCALERA: Correct.

24 Just to add, in the preliminary
25 discussions, if it assists this Board, if this firm

1 will be used, it wouldn't be use at any cost of the
2 Town. It will be more on a contingency basis.

3 SUPERVISOR VENDITTO: That will be
4 subject to a further resolution.

5 MR. SCALERA: Just to kind of throw it
6 out there for your information.

7 MR. RIPP: If this didn't work out, we
8 would proceed on our own with Northrop Grumman?

9 MR. SCALERA: We are already
10 proceeding.

11 SUPERVISOR VENDITTO: We would just
12 continuing with the litigation.

13 MR. RIPP: 519, this is the Planning
14 Advisory Board. I had asked you a while back if
15 Mike Spinelli was paid for his position on this
16 Board and I would like to know if he is, if it
17 might be considered a conflict of interest?

18 SUPERVISOR VENDITTO: I believe they
19 are paid on a per meeting basis is my recollection.
20 If there is any conflict of interest, I assume he
21 disqualifies himself, if that's the case. I'm not
22 aware he has any.

23 MR. RIPP: 524.

24 SUPERVISOR VENDITTO: I'm sorry, did I
25 answer that?

1 MR. RIPP: Yes, thank you very much.
2 524, can you tell me are these
3 additional legal fees with regard to the Federal
4 lawsuit?

5 SUPERVISOR VENDITTO: Which one is 524?

6 COUNCILMAN COSCHIGNANO: Covington.

7 MR. RIPP: Are these legal fees with
8 regard to the Federal Housing?

9 SUPERVISOR VENDITTO: Yes.

10 MR. RIPP: You are holding off on --

11 SUPERVISOR VENDITTO: 539. I'll call
12 you back.

13 MR. RIPP: Thank you.

14 SUPERVISOR VENDITTO: Charles Gaulkin.
15 I have you on 512 and 524 also.

16 MR. GAULKIN: Good afternoon,
17 Supervisor and members of the Board.

18 I just wanted to be very brief on a
19 couple of things.

20 First of all, it was very refreshing to
21 be able to see the counsel in action in a work
22 session earlier in connection with the temporary
23 license for Woodlands. In many of the Town
24 meetings where there is little interaction among
25 the members of the counsel, it's refreshing to find

1 this kind of interchange on one of the significant
2 topics of your work. This -- especially when there
3 are differing viewpoints. This brings fresh air
4 into the meeting and allows the public to see how a
5 decision is made and I think it's of benefit to the
6 members of the Board to have a further
7 enlightenment about different viewpoints.

8 I would like to see more of such
9 practices by the Board especially on an issue that
10 you were dealing with which is one that has caused
11 plenty of problems for the Town. And I was asking
12 for -- to speak at this point on the question of
13 the legal services and particularly on the cost
14 since we are now on the budget-making period.

15 I'm just wondering in connection with
16 the ill-fated involvement with the SRB company,
17 the -- which by the way would have been a benefit
18 to the Town if there had been a similar working
19 session when this was -- talking about arranging
20 contracting for 50-year license. This was only for
21 a three-month period and I think there's probably
22 more intention given to that than the initial one
23 which caused so much trouble for the Town.

24 I think if this had been done, all the
25 members of the counsel at that time had been able

1 to get one another's view to really pay attention
2 to what was going on, you would not have a
3 situation where the Town was accepting the
4 preposterous condition that was added to its
5 contract for the concessions amounting to
6 underwriting and accepting obligations for
7 prepayment of the concessionaire's loan.

8 These two things are on my mind,
9 question of openness and awareness on the part of
10 the counsel, counsel people, individuals who all
11 have a responsibility to know what is going on and
12 to pay attention to what is in the contract. At
13 this point, apart from that, there is a question of
14 the openness, we still don't have an overall
15 position on the part of the Town on what happened
16 on that case. I know it's still subject to
17 litigation, but there was a reluctance on the part
18 of the Town to provide information.

19 I am very grateful and I think my
20 fellow citizens of Oyster Bay agree for the fact
21 that we have an excellent newspaper, Newsday, and
22 is the only source of information on this
23 arrangement with the Town concessions. So I want
24 to salute Newsday and Ted Phillips, in particular,
25 for the work they have done and continues to be a

1 matter of concern on these two items that I asked
2 to speak on.

3 SUPERVISOR VENDITTO: Charles, you may
4 not be aware that we have time restrictions on our
5 speakers.

6 MR. GAULKIN: Right. I'm going to take
7 one minute.

8 SUPERVISOR VENDITTO: Only because I
9 assumed you didn't know.

10 Why don't you just wrap it up in one
11 minute?

12 MR. GAULKIN: I just wanted to point
13 out the importance of these arrangements that have
14 special engagements with attorneys and legal
15 special counsel. This is a very costly process.
16 I'm not saying that the Town is not careful in
17 designing lawyer -- extra lawyers are needed, but
18 it should be kept in mind, it should be made
19 available to know what is the overall budgetary
20 insignificance and totals and if it can be given
21 now, that would be fine.

22 Otherwise, I hope it would be included
23 as a global figure which is about to the
24 preliminary budget which about to be proposed.

25 Thank you.

1 SUPERVISOR VENDITTO: Thank you,
2 Charles.

3 Bob Freier?

4 MR. FREIER: Good afternoon. Bob
5 Freier from Woodbury. I know you stopped before
6 539, but I also put in for ones after that. Can I
7 just get the whole thing out. I'm not going to
8 question 539, but I also have stuff after that.

9 SUPERVISOR VENDITTO: On the walk-ons?

10 MR. FREIER: Yes.

11 SUPERVISOR VENDITTO: We will take it
12 now.

13 MR. FREIER: On the walk-ons, 545, with
14 regard to affairs that Scotto took care this past
15 weekend and the rest of the year and even beyond
16 into 2017 on any kind of booked events or affairs,
17 what is going on with the deposits that those
18 people made? I would assume you would not be
19 expecting the new concessionaire to be eating those
20 deposits where -- that the previous operators took
21 for those weddings or Bar Mitzvahs or whatever.

22 SUPERVISOR VENDITTO: I guess it's
23 among the lawyers, but I don't know really know
24 what's happening with it.

25 MR. SABELLICO: We are going to seek to

1 get those deposits back.

2 MR. FREIER: I'm assuming that's going
3 to be tied up in litigation. They haven't even
4 paid their rent.

5 For example, if you've got weddings
6 booked between now and the end of the year, I would
7 think the operator is going to want to be paid,
8 what happens with those deposits? Was that
9 addressed in the emergency RFP.

10 MR. GENOVA: John had to leave. I will
11 confirm with John.

12 MR. FREIER: Thank you.

13 Can you get back to me by e-mail, phone
14 call?

15 SUPERVISOR VENDITTO: Len, can we
16 e-mail Bob?

17 MR. GENOVA: Someone will call.

18 MR. FREIER: 513, this is a \$75,000
19 contract I assume was going \$7,000 over budget and
20 I also -- why do you need the extra \$7,000? Why
21 wasn't that planned for properly?

22 Also, I noticed that the work that's
23 already been done, so this is being voted on after
24 the fact? Why is that?

25 SUPERVISOR VENDITTO: The lawyer of

1 Housing Partnership through the Town Attorney's
2 office, the additional \$7,000.

3 MR. GENOVA: I think the work
4 (inaudible).

5 MR. FREIER: Is that common that you
6 would approve something after the fact?

7 SUPERVISOR VENDITTO: It happens. I
8 don't know that I would characterize it as common,
9 but it happens.

10 MR. FREIER: 523, another question, I
11 noticed in the backup that the work started on
12 September 6th and it's a actually very large
13 contract, again, being voted on after the fact, so
14 I would love to know --

15 SUPERVISOR VENDITTO: Which one?

16 MR. FREIER: 523, the sub-consultants.

17 SUPERVISOR VENDITTO: This
18 sub-consultant to -- the sub-consultant is at no
19 cost to the Town, right?

20 MS. MACCARONE: At cost to the Town --
21 (inaudible) is approved do the job back on
22 August 9th by the Town Board to do the design and
23 construction. We received a letter at the end of
24 August and we could not get it on the September 6th
25 Town Board meeting, so we put on the next available

1 date which is today and it's just for sub
2 consulting to do the soil boring.

3 SUPERVISOR VENDITTO: Thank you,
4 Deputy.

5 The master contract, if you will, all
6 this is within the scope of the monies allocated
7 from the master contract and it's paid through that
8 contract. No additional cost incurred.

9 MR. FREIER: Okay. On the 524, the
10 Housing lawsuit, why another 250K? Are we just
11 eating up legal fees?

12 SUPERVISOR VENDITTO: We are not eating
13 up legal fees. We are involved in a rather serious
14 piece of litigation and I don't know what price you
15 put on it. I mean, there's work to be done. The
16 Federal Government is pressing their complaints and
17 we have to defend it. I don't know how else to
18 answer that other than the fact that the Federal
19 Government is pressing their complaints us?

20 MR. FREIER: This is your appeal?

21 SUPERVISOR VENDITTO: No, no appeal.
22 What are you saying?

23 MR. FREIER: I thought there was a
24 ruling that came out in the last couple of months
25 regarding that --

1 SUPERVISOR VENDITTO: Are we talking
2 about --

3 MR. FREIER: The Housing discrimination
4 case.

5 SUPERVISOR VENDITTO: There hasn't been
6 any ruling.

7 COUNCILMAN PINTO: We're in discovery.

8 MR. FREIER: Okay, then I stand
9 corrected.

10 533, I noticed another 91K to LIRO, I'm
11 assuming that's under another requirements
12 contract. No?

13 MS. MACCARONE: This is for LIRO to
14 perform construction management services for the
15 project that was authorized and awarded at the last
16 Town Board for the project in Locust Valley.

17 MR. FREIER: My question is, were bids
18 sent out because LIRO seems always to be the
19 company that gets the business.

20 MS. MACCARONE: It's being authorized
21 through our on-call projects. They have some
22 projects, but not every project. It's based upon
23 our on-call projects. Originally, the RFP back in
24 the fall of last year for two-year contracts.

25 MR. FREIER: 538, can you explain that

1 settlement?

2 SUPERVISOR VENDITTO: I think it was
3 worked out between counsel from both sides and it
4 includes a settlement stipulation which I think
5 limits hours of operation. I think it includes
6 some noise control. I think it includes reducing
7 the amount of people who can be outdoors at certain
8 times and I think, overall, the occupancy.

9 MR. FREIER: I thought --

10 MR. ROZEA: Let's be careful what we
11 say. They were, obviously, in the litigation
12 competing claims and defenses. This has been going
13 on for the better part now of two years. If it's
14 true that counsel, myself and counsel for
15 (inaudible) worked out this arrangement which
16 really recognizes what the state of the law is.
17 Smuggler Jack's, for instance, made a claim that
18 they were a preexisting, nonconforming use and on
19 that basis that their occupancy would be limited by
20 nothing over than the New York State code which can
21 allow upwards of 300 people on the premises.

22 So what we did here, really, is craft a
23 settlement that took into account the complaints
24 that we received from the neighbors, the law with
25 respect to occupancy, so in fact they've agreed to

1 limit the occupancy below what would be permitted
2 under New York State code. Yes, Supervisor, you
3 are correct that they've agreed to install which
4 amounts to a very costly noise barrier to keep the
5 sound that emanates from the operation of the
6 restaurant on the property. They are going to
7 report covenants and restrictions which will run
8 with the land to truly memorialize what those
9 restrictions would be.

10 SUPERVISOR VENDITTO: There was
11 something about live music?

12 MR. ROZEA: Yes, ultimately, what
13 they're going to do is, they have agreed not to
14 have live music, meaning more than one person
15 outside playing music.

16 MR. FREIER: Thank you.

17 SUPERVISOR VENDITTO: On 538, Ed Ross?
18 I didn't hear you. Counselor, do you want to
19 address the Board relative to the settlement?

20 MR. ROSS: I'm available to answer
21 questions, but I think Mr. Rozea addressed it.

22 SUPERVISOR VENDITTO: Thanks for your
23 cooperation. I think you guys did a good job.

24 If you would now call the balance of
25 the action calendar? We can vote.

1 MR. ALTADONNA: I will call it.

2 May I have a motion to adopt Resolution
3 Nos. 539 through 545?

4 COUNCILMAN MUSCARELLA: So moved.

5 COUNCILMAN MACAGNONE: Seconded.

6 MR. ALTADONNA: Motion made by
7 Councilman Muscarella, seconded by Councilman
8 Macagnone.

9 SUPERVISOR VENDITTO: Rob Darienzo,
10 where are you, on 539, will you quarterback?

11 MR. DARIENZO: Good afternoon,
12 Supervisor and Town Board members.

13 I'm here to give some highlights on
14 Supervisor's tentative budget. The total spending
15 plan for 2017 comes in at just over \$284 million.
16 It's down over \$5 million from 2016's adopted
17 budget.

18 I have some highlights on the revenue
19 side, we are instituting rental of our park fields
20 to not-for-profit organization. We expect to raise
21 \$1.5 million in 2017. We are looking to institute
22 a preferred parking plan at our LIRR parking lots.
23 We project \$72,000 in revenue in 2017 for that
24 program. We are looking to charge two percent fee
25 for -- to be paid buyers for S2 senior housing

1 facilities. We estimate \$300,000 brought in by the
2 program.

3 The tentative budget includes a 2.3
4 percent tax increase, it will raise \$4.8 million in
5 recurring revenue that stays within the tax gap.
6 We are allowed 1.5 to be carried over. The 2017
7 budget includes no one shot revenues, no use of
8 surplus, so we truly have a balanced budget in
9 2017.

10 On the expense side, we currently have
11 union contract negotiations that are going and we
12 can now assume that they are --

13 COUNCILMAN MACAGNONE: Excuse me, Rob,
14 I'm on the committee, we have not had a negotiation
15 since well over summertime.

16 MR. DARIENZO: So, therefore, that goes
17 to show that there is no guarantee that we will
18 have a new contract in place on January 1st.

19 With that being said, Supervisor's
20 tentative budget plans for the worst case scenario
21 that there will be no contract.

22 With that being said, we reduced
23 full-time salaries by ten percent in each
24 department in the Town. The only way to achieve
25 those would be to institute layoffs starting on

1 January 1st, if, in fact, no union contract is
2 reached by that time.

3 Additionally, there's roughly a \$1
4 million reduction in part-time seasonal salaries
5 and there's a \$1 million reduction in the budget
6 for consulting work. Those are our highlights.

7 SUPERVISOR VENDITTO: Don't go away.
8 On 539.

9 Robert Ripp?

10 Before you go, Rob, Bob Freier, you
11 spoke on the walk-ons, right?

12 MR. FREIER: Yes, but I just wanted to
13 get on 539 also.

14 Is that okay?

15 SUPERVISOR VENDITTO: Sure.

16 MR. RIPP: Robert Ripp from Massapequa.

17 On 539, I'm reading the resolution and
18 it read as, whereas the Town Board has reviewed the
19 tentative budget and then it goes on to say that;
20 therefore, it's resolved that this Town Board
21 hereby approves the set Town budget as modified.
22 It looks like you're sharing this information from
23 the Committee on Open Government. This is an
24 opinion that was issued on the publication on the
25 tentative budget.

1 It says, I believe that the tentative
2 must be disclosing great measure in its entirety.
3 It goes on to say, as you may be aware following a
4 review and alteration of the tentative budget by
5 the Town Board that document becomes the
6 preliminary budget.

7 I appreciate what Rob was explaining,
8 but if you knew you were going to have this hearing
9 and the Town Board reviewed the tentative budget,
10 why wasn't that tentative budget made available in
11 the backup information with the draft resolutions
12 prior to the meeting this way the residents such as
13 myself could understand what Rob is speaking about?
14 I don't understand what the issue is. It seems --
15 I understand there is a recourse for apparent --
16 maybe, let's say unintentional omissions in
17 publishing documents, but these are violations of
18 the Open Meeting Law and there is recourse -- or a
19 resident can do an Article 78, but that's not the
20 point. I just think that -- it's -- it's -- we are
21 entitled to read it, so we can understand what's
22 going on.

23 I would like to get a copy of the
24 tentative budget because you people got it and you
25 reviewed it and you've had the budget hearings and

1 you've modified it to become the preliminary
2 budget. I would like to see everything all along.
3 I've contacted the clerk a number of times in the
4 last week and asked him for a copy of it. He
5 promised that as soon as he got his hands on one
6 he'd give me one.

7 Hopefully, that will come to pass, but
8 I just want to say that it's my opinion that this
9 information should have been provided before the
10 resolution was drawn.

11 SUPERVISOR VENDITTO: The only thing I
12 would say in response, but the budget has to begin
13 somewhere. It's a living, breathing thing and it
14 happens every day, but the formal process begins
15 with departmental hearings.

16 It truly takes place, typically, in
17 July, August, September range and the process calls
18 for the Town Supervisor, on this day or within this
19 time frame, to come forward with a document called
20 the tentative budget. That budget is not the
21 subject of a hearing. It's the subject of a
22 resolution which is what we're doing here today and
23 the purpose of the resolution is for the Town Board
24 not to agree with, not to say it's wonderful, not
25 to say it's evil, not to saying anything about it

1 other than to adopt it as the preliminary budget.
2 This is long time pursuant to statute. That
3 document is formally known as the tentative budget
4 soon to be known as the preliminary budget. It
5 will be circulated to whoever wants to see it.
6 There will be a three-week period of time for
7 anyone who cares to go through it and then it will
8 be the subject of a day and night hearing on
9 October 18th.

10 That's how the process works. No one
11 is foreclosed from doing anything. You will now
12 have a three-week period. The law takes into
13 contemplation all the observations you made and the
14 entire citizens has three weeks to take a look at
15 it.

16 MR. RIPP: I'm just saying with both
17 agree that the tentative budget is the subject of
18 what this resolution is about. If it's a subject
19 of the resolution and it's FOIL-able material, you
20 have an obligation to publish it prior to the
21 meeting. That's all I'm saying.

22 MR. SABELLICO: Up until this meeting
23 the tentative budget is the product of the
24 Supervisor's Office. That tentative budget was
25 only recorded with the Town clerk maybe 3:30, 4:00

1 yesterday afternoon so it would be on record. It's
2 still the tentative budget. All they're saying is
3 they received it, they reviewed the same highlights
4 you have. They haven't adopted it.

5 Once the Supervisor's tentative budget
6 is accepted as filed by the clerk, it becomes a
7 preliminary budget. All they're doing to day is
8 calling it a preliminary budget and asking to
9 notify by public notice that on October 18th, there
10 will be a full hearing on the preliminary budget.

11 Now, the Town Clerk had received the
12 tentative budget, it will be called a preliminary
13 budget and you can get copies from the Town clerk.

14 MR. RIPP: Maybe you don't
15 understand --

16 COUNCILMAN PINTO: We never received a
17 copy of it ourselves. We reviewed it this morning.

18 SUPERVISOR VENDITTO: It only came into
19 being --

20 COUNCILMAN COSCHIGNANO: It has not
21 been modified.

22 MR. RIPP: With the modification, I'm
23 only reading what the resolution says.

24 COUNCILMAN COSCHIGNANO: I just want
25 you to know that we got the overview this morning.

1 I guess it was filed with our office yesterday. We
2 don't have our copies yet. I think more copies
3 will be made available.

4 MR. RIPP: I just want to point out
5 that overall there is one budget, starts out as a
6 tentative budget and it should be disclosed in its
7 entirety. The Open Meeting Law is clear that if
8 you have the information 30 minutes prior to a
9 meeting, you should be disclosing it. So if it was
10 turned in yesterday, you had ample time to put it
11 on the computer for everybody to read today.

12 Thank you.

13 SUPERVISOR VENDITTO: Bob Freier.

14 MR. FREIER: Just on a comment you just
15 got it this morning and you just reviewed it this
16 morning, are you all -- is the Board -- are the
17 members of the Board involved and participating in
18 crafting this tentative budget?

19 SUPERVISOR VENDITTO: No.

20 COUNCILMAN PINTO: The only thing I
21 want to add to that is, as liaisons for the
22 department, we are included in the budget meeting
23 to assist Rob in getting to this point and assist
24 the Supervisor in presenting the tentative budget.
25 So, yes we were involved in that perspective.

1 MR. FREIER: So having half an hour to
2 review it before the meeting, let's say, how could
3 you -- and I realize it's only tentative, it's
4 obviously a working document that is going change
5 between now and October, how can you vote to adopt
6 something without -- this is \$284 million. I'm
7 assuming most of you would look at every single
8 line item on that budget. How can you vote to
9 adopt it realizing -- I know it's going to change,
10 but if you really haven't had a chance to review
11 such a huge document --

12 SUPERVISOR VENDITTO: Maybe I'm not
13 explaining it well, but the statutory scheme does
14 not provide for the Town Board to absorb it, make
15 any decisions or any judgments about it, only to
16 move the process along by creating a preliminary
17 budget which now will become circulated among the
18 general population. We can change every line in it
19 if we care to. But the law calls for the Town
20 Supervisor in every Town pursuant to the Town law
21 to follow this process and create a tentative
22 budget. They're not making any statements about
23 the budget itself. They're just saying this is
24 what the Supervisor proposed. Now the everybody
25 will look at it and -- they can change every line

1 in the budget.

2 MR. FREIER: Will you be posting this
3 on the website?

4 SUPERVISOR VENDITTO: We always have.

5 MR. FREIER: Last year, I know there
6 was a cry out for more detail in the budget. When
7 we went through the budget papers. There were a
8 lot of line items with codes without explanations.
9 Will you be addressing that feedback that was
10 received last year?

11 SUPERVISOR VENDITTO: We will do our
12 best. I'm not recalling with any specificity, but
13 yes, we will do our best to do that.

14 MR. FREIER: With the -- Rob mentioned
15 the reduction in salaries of 10 percent, is
16 everyone on this Board and you, Mr. Supervisor,
17 going to be taking the same salary reduction as
18 proposed?

19 SUPERVISOR VENDITTO: Absolutely. That
20 proposal is across the board. I don't know all the
21 classifications, but anybody that gets a paycheck
22 from the Town of Oyster Bay is subject to it.

23 MR. FREIER: Thank you.

24 SUPERVISOR VENDITTO: 541, Charles
25 Gucciardo?

1 MR. GUCCIARDO: Good afternoon.

2 I didn't realize you don't break for
3 lunch around here. What do you do to keep your
4 blood sugar --

5 We have an application that was in need
6 for a floating dock for Nick Montefusco. It was
7 apparent that there was some misguided opposition
8 to this and there was a petition circulated with
9 wrong information on it. It was circulated by the
10 neighbor across the street, Scott Rosenberg who has
11 a similar float that sticks out on his side.

12 What happened was, after all of this
13 was circulated, there was a withdrawal of the
14 objections that they had. Originally, there was 16
15 such objections and out of the 16, six of them were
16 rescinded which left ten. Three of the ones who
17 did object did not even live on the water. One of
18 those three lived across the street. That left
19 seven. Out of the seven, three of them have
20 floating docks that are in equal size to what
21 Mr. Montefusco is proposing to put in. You take
22 that, it leaves four. As usual, with this terrific
23 town that we live in, there was a suggestion by the
24 Town to have an informal meeting to see if we can
25 work this thing out between the people who were

1 objecting.

2 At the suggestion of the Town, I had
3 circulated a letter to all the neighbors who were
4 objecting and we were to have this meeting that
5 Mr. Montefusco and I came to and that was on
6 August 30th. Of course, as you would imagine, the
7 only two people that showed up were me and Mr.
8 Montefusco. So the objections that they have,
9 these other four that seemed to have instigated
10 this, for what ever reason they did, have not come
11 forward to do and proclaim anything that's worth
12 listening to at this point.

13 With all due respect, I move to this
14 panel and the Town to allow this, Judge. I can't
15 help that, Judge, Your Honor. With all due respect
16 that I can muster here, these floats actually
17 comport with all the qualifications, specifications
18 that are under the Town. It's a five-foot wide
19 float by 38 feet. They are -- the space at the end
20 of each dock is ten feet. I will point out to Your
21 Honor, that prior to this, there was a float that
22 has been there for years which was destroyed in
23 Sandy and finally taken out last year in its
24 totality. When Mr. Montefusco went to put it in,
25 he wanted to make sure the permits were there for

1 it and he came to find out that there was none. So
2 what he did was he filed for it appropriately. The
3 dock is the same length that was there before. The
4 neighbor across the street has the same width dock.
5 There's never been a problem and to boot, there was
6 an application made to Army Corp. Of Engineers and
7 I know that's binding. However, they always take a
8 caution in making sure that the navigable waterways
9 is safe and they have. They issued their approval
10 for this earlier this year, I believe it was
11 March 25, 2016.

12 I submit to this Board that this dock
13 is in conformance with every specification that
14 needs to be done. It's necessary because we are
15 getting older and when we get on these boats, if
16 you don't have a proper dock to get on these boats,
17 it becomes a problem.

18 SUPERVISOR VENDITTO: Just so you know,
19 the matter is on for approval for today. If you
20 can garner four votes and we're going to do it
21 right now, then you're good. The matter is going
22 to be called. Let's do the calendar.

23 MR. ALTADONNA: Motion made by
24 Councilman, seconded by Councilman Macagnone.

25 On the vote?

1 SUPERVISOR VENDITTO: You're going to
2 call the entire calendar?

3 MR. ALTADONNA: We already have the
4 calendar. We have the motions. Now, we're going
5 to call for the vote.

6 SUPERVISOR VENDITTO: On all
7 resolutions.

8 Your resolution approving it is in this
9 litany of resolutions that we are about to act on.
10 So if you get four or more votes, your resolution
11 has passed.

12 MR. ALTADONNA: On the vote, Supervisor
13 Venditto?

14 SUPERVISOR VENDITTO: I vote "Aye."

15 MR. ALTADONNA: Councilman Muscarella?

16 COUNCILMAN MUSCARELLA: "Aye."

17 MR. ALTADONNA: Councilman Macagnone?

18 COUNCILMAN MACAGNONE: "Aye."

19 MR. ALTADONNA: Councilman Coschignano?

20 COUNCILMAN COSCHIGNANO: Abstain on

21 514. "Aye" on the rest.

22 MR. ALTADONNA: Councilman Pinto?

23 COUNCILMAN PINTO: Abstain 519.

24 "Aye" on the rest.

25 MR. ALTADONNA: Councilwoman Alesia?

1 COUNCILWOMAN ALESIA: "Aye."

2 MR. ALTADONNA: Councilwoman Johnson?

3 COUNCILWOMAN JOHNSON: Abstain 544 and
4 545.

5 "Aye" on the rest?

6 SUPERVISOR VENDITTO: Congratulations,
7 Mr. Gucciardo, you won your case.

8 MR. GUCCIARDO: Thank you, Judge.
9 I'd like to think I should be used to
10 it.

11 MR. ALTADONNA: Motion to adopt
12 Resolution 504 through 513 passes with seven
13 "Ayes."

14 514 passes with six "Ayes" and one
15 abstention.

16 515 through 518 passes with seven
17 "Ayes."

18 519 passes with six "Ayes" and one
19 abstention.

20 520 through 543 passes with seven
21 "Ayes."

22 544 and 545 passes with six "Ayes" and
23 each one abstention.

24 Calendar is complete.

25 COUNCILMAN MUSCARELLA: Supervisor,

1 I'll make a motion that this Town Board goes into
2 executive session to discuss possible settlement of
3 a pending litigation.

4 COUNCILMAN MACAGNONE: Seconded.

5 SUPERVISOR VENDITTO: All in favor?

6 ALL: "Aye."

7 SUPERVISOR VENDITTO: Opposed?

8 (No response.)

9 SUPERVISOR VENDITTO: So moved.

10 (Whereupon, a recess was taken from
11 2:27 p.m. to 3:41 p.m.)

12 COUNCILMAN MUSCARELLA: Supervisor,
13 I'll move that we close the executive session.

14 The Board has taken action that we
15 approve settlement of action titled Cafe Al Dente
16 of Oyster Bay Inc versus the Town of Oyster Bay.

17 We need to suspend the rules and adopt
18 a resolution authorizing the supervisor to
19 institute a stipulation of settlement.

20 COUNCILMAN MACAGNONE: Seconded.

21 SUPERVISOR VENDITTO: All in favor?

22 ALL: "Aye."

23 SUPERVISOR VENDITTO: Opposed?

24 (No response.)

25 SUPERVISOR VENDITTO: So moved.

1 MR. ALTADONNA: May I have a motion to
2 re-suspend the rules and add the following Walk-On
3 Resolution No. 546.

4 Motion to adopt Resolution No. 546-2016
5 to authorize a settlement of Cafe Al Dente of
6 Oyster Bay, Inc. versus Town of Oyster Bay.

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: I vote "Aye."

15 MR. ALTADONNA: Councilman Muscarella?

16 COUNCILMAN MUSCARELLA: "Aye."

17 MR. ALTADONNA: Councilman Macagnone?

18 COUNCILMAN MACAGNONE: "Aye."

19 MR. ALTADONNA: Councilman Pinto?

20 COUNCILMAN PINTO: "Aye."

21 MR. ALTADONNA: Councilwoman Alesia?

22 COUNCILWOMAN ALESIA: "Aye."

23 MR. ALTADONNA: Councilwoman Johnson?

24 COUNCILWOMAN JOHNSON: "Aye."

25 MR. ALTADONNA: Motion to suspend the

1 rules and add the following walk-on passes with six
2 "Ayes."

3 SUPERVISOR VENDITTO: This is
4 Resolution 546-2016. A resolution pertaining to
5 settling litigation in the matter of Cafe Al Dente
6 versus Town of Oyster Bay. Whereas -- the body of
7 the resolutions reads as follows: Whereas a civil
8 action entitled Cafe Al Dente of Oyster Bay, The
9 Town of Oyster Bay, et al was commenced against the
10 Town in the United States District Court in the
11 Eastern District of New York and whereas after
12 extensive settlement negotiations the parties have
13 agreed to subject to Town Board authorization to
14 settle the matter with a contribution of \$200,000
15 from the Town and whereas, as part of settlement,
16 the court has set aside all findings previously
17 made by a jury against the Town and whereas Leonard
18 Genova, Town Attorney and Matthew M. Rozea assisted
19 Town Attorney by memorandum dated September 27,
20 2016, have advised and recommended that it is in
21 the best interest of the Town to settle the matter
22 in view of prevailing of law, procedural of the
23 case and the vagaries of litigation now therefore
24 be resolved that the above mentioned recommendation
25 is hereby adopted and the Town Attorney or his

1 designee is authorized to executive any documents
2 necessary to effectuate the settlement and
3 discontinuance of the action and resolve that
4 payment of the sum \$200,000 is hereby authorized
5 and approved by the Town Board of the Town of
6 Oyster Bay as full settlement to Plaintiff Cafe
7 Al Dente of Oyster Bay and the controller is hereby
8 authorized and directed to make payments therefore
9 with said payment to be drawn from account number
10 TWNAMS191043010602000000. End of resolution.

11 Is there anyone who cares to comment or
12 discuss the matter with the Town Board?

13 (No verbal response.)

14 SUPERVISOR VENDITTO: I see no takers.
15 Back to you, Mr. Altadonna.

16 MR. ALTADONNA: May I have a motion to
17 adopt Resolution No. 546?

18 On the motion?

19 COUNCILMAN MUSCARELLA: So moved.

20 COUNCILMAN MACAGNONE: Seconded.

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

24 On the vote, Supervisor Venditto?

25 SUPERVISOR VENDITTO: I vote "Aye."

1 MR. ALTADONNA: Councilman Muscarella?

2 COUNCILMAN MUSCARELLA: "Aye."

3 MR. ALTADONNA: Councilman Macagnone?

4 COUNCILMAN MACAGNONE: "Aye."

5 MR. ALTADONNA: Councilman Pinto?

6 COUNCILMAN PINTO: "Aye."

7 MR. ALTADONNA: Councilwoman Alesia?

8 COUNCILWOMAN ALESIA: "Aye."

9 MR. ALTADONNA: Councilwoman Johnson?

10 COUNCILWOMAN JOHNSON: "Aye."

11 MR. ALTADONNA: Motion to adopt

12 Resolution 546 passes with six "Ayes."

13 SUPERVISOR VENDITTO: I believe that
14 concludes the call of the regular --

15 MR. ALTADONNA: That completes the call
16 of the regular action.

17 SUPERVISOR VENDITTO: Mr. Muscarella?

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

20 COUNCILMAN MACAGNONE: Seconded.

21 SUPERVISOR VENDITTO: All in favor?

22 ALL: "Aye."

23 SUPERVISOR VENDITTO: Opposed?

24 (No response.)

25 SUPERVISOR VENDITTO: So moved.

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

(Time noted: 3:46 p.m.)