

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.

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SUPERVISOR VENDITTO: All in favor?

ALL: "Aye."

SUPERVISOR VENDITTO: Opposed?

(No response.)

SUPERVISOR VENDITTO: So moved.

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

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

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

COUNCILMAN MACAGNONE: Seconded.

SUPERVISOR VENDITTO: All in favor?

ALL: "Aye."

SUPERVISOR VENDITTO: Opposed?

(No response.)

SUPERVISOR VENDITTO: So moved.

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

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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JOHN BISHOP, ADMINISTRATION,  
DEPARTMENT OF HIGHWAYS  
COLIN BELL, ASSISTANT DIRECTOR,  
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.)

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SUPERVISOR VENDITTO: So moved.

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

SUPERVISOR VENDITTO: You need a motion for that?

MR. SABELLICO: Yes.

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

COUNCILMAN MACAGNONE: Seconded.

SUPERVISOR VENDITTO: All in favor?

ALL: "Aye."

SUPERVISOR VENDITTO: Opposed?

(No response.)

SUPERVISOR VENDITTO: So moved.

MR. SABELLICO: Thank you.

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

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  
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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 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.)