

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
OCTOBER 18, 2016
7:08 p.m.

JOHN VENDITTO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

HEARING - Finance

To consider the Preliminary Budget of the Town of Oyster Bay for the Year 2017. (M.D. 9/13/16 #35).

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
FRANK SCALERA, CHIEF DEPUTY TOWN ATTORNEY
DONNA B. SWANSON, DEPUTY TOWN ATTORNEY
MATTHEW M. ROZEA, ASSISTANT TOWN ATTORNEY
CHRISTINE M. WISS, DEPUTY COMPTROLLER
LINDA M. HERMAN, OFFICE OF THE TOWN CLERK

(Appearances continued on following page.)

I certify this is a true and accurate transcript.



JULIA GIANNAKOPOULOS
Official Reporter/Notary

ORIGINAL TRANSCRIPT

ALSO PRESENT:

RALPH J. RAYMOND, DEPUTY TOWN CLERK
LAURA VIANELLO, DEPUTY RECEIVER OF TAXES
CAROL STRAFFORD, DIRECTOR OF LEGISLATIVE AFFAIRS
MARTA KANE, DIRECTOR OF COMMUNITY RELATIONS,
PUBLIC INFORMATION
ROBERT DARIENZO, DIRECTOR OF FINANCE
RICHARD T. BETZ, COMMISSIONER,
DEPARTMENT OF PUBLIC WORKS
LESLIE MACCARONE, DEPUTY COMMISSIONER,
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DEPARTMENT OF GENERAL SERVICES

1 SUPERVISOR VENDITTO: All right.

2 Ladies and gentlemen, if everyone will
3 find their seats, we will begin, and we will begin
4 by asking our Town Clerk, Mr. Altadonna, to poll
5 kindly the Board.

6 MR. ALTADONNA: Supervisor Venditto?

7 SUPERVISOR VENDITTO: I am here.

8 MR. ALTADONNA: Councilman Muscarella?

9 COUNCILMAN MUSCARELLA: Here.

10 MR. ALTADONNA: Councilman Macagnone?

11 COUNCILMAN MACAGNONE: Here.

12 MR. ALTADONNA: Councilman Coschignano?

13 COUNCILMAN COSCHIGNANO: Here.

14 MR. ALTADONNA: Councilman Pinto?

15 COUNCILMAN PINTO: Here.

16 MR. ALTADONNA: Councilwoman Alesia?

17 COUNCILWOMAN ALESIA: Here.

18 MR. ALTADONNA: Councilwoman Johnson?

19 COUNCILWOMAN JOHNSON: Here.

20 SUPERVISOR VENDITTO: All right.

21 Ladies and gentlemen, if everyone will
22 please rise and join in are Pledge of Allegiance
23 for our flag led by Councilwoman Rebecca Alesia.

24 (Pledge of Allegiance recited.)

25 SUPERVISOR VENDITTO: Thank you,

1 Councilwoman.

2 All right, Mr. Altadonna.

3 If you would, call our public hearing
4 on the budget, please.

5 MR. ALTADONNA: Hearing - Finance, to
6 consider the preliminary budget of the Town of
7 Oyster Bay for the year 2017.

8 SUPERVISOR VENDITTO: All right.

9 We have Mr. Darienzo.

10 Why don't you give us a synopsis?

11 MR. DARIENZO: I will change my script
12 to say good evening, Supervisor, and Honorable Town
13 Board members. I apologize for a repeat
14 performance in advance.

15 The 2017 preliminary budget details,
16 \$248.1 million in revenues and \$284.1 million in
17 expenses. That amount is down \$5.5 million from
18 the 2016 adopted budget, total of \$289.6 million.
19 So notable expense cuts in the 2017 budget include,
20 a 10 percent reduction in full-time salaries
21 Town-wide by department. These savings are
22 projected to be in the form of layoffs.

23 Just so it's clear for the Board, and
24 everyone listening, it does not mean that everyone
25 will have their salary reduced by 10 percent. It

1 means the majority of employees will keep their
2 job, but necessary savings will be achieved by
3 laying off the number of employees needed to reach
4 the total salary figures as shown in the budget.

5 Additionally, we project a \$1 million
6 reduction in part-time and seasonal salaries.

7 Lastly, a \$1 million reduction
8 Town-wide in professional services which is allowed
9 to outside consultants.

10 On the revenue side, we project a
11 \$1.5 million amount of new revenue for the rental
12 of our park fields to four profit organizations.
13 We project \$750,000 in raise from a new program for
14 preferred parking at our train station parking
15 lots.

16 Additionally, we project \$300,000 to be
17 raised in a form of a two percent admin fee to be
18 paid by buyers on our Golden Age Senior Housing
19 resell.

20 Lastly and, perhaps, the most
21 importantly, we project \$4.8 million in recurring
22 revenue in the form of tax increase which stays
23 inside the State-mandated tax cap.

24 This budget contains no one-shot
25 revenues. There's no appropriation of surplus.

1 I'm confident in saying that if we stay within the
2 expense numbers as shown inside the 2017 budget,
3 the budget itself as a stand-alone item will, at
4 worst, break even and actually should generate the
5 small amount of surplus by the time the year ends.

6 SUPERVISOR VENDITTO: All right.

7 Thank you, Robert. If you could, take
8 a seat.

9 I have two forms from persons who
10 indicated they are here to address the Board.
11 Well, actually, it's one form.

12 Bob Freier, you spoke this morning on
13 the budget; am I correct?

14 MR. FREIER: Yes.

15 SUPERVISOR VENDITTO: Then I have one
16 form.

17 MR. FREIER: I would like to speak.

18 SUPERVISOR VENDITTO: No, only one
19 opportunity to speak on the budget.

20 Marc Herman?

21 MR. FREIER: Isn't this a second
22 hearing?

23 SUPERVISOR VENDITTO: Marc, hold on.

24 I'm sorry. I apologize. It happens.

25 This is a continuation of the morning

1 hearing. You spoke at the morning hearing.

2 All right, Mark?

3 MR. HERMAN: Good evening, everyone.

4 My name is Marc Herman. I'm a
5 concerned citizen from Woodbury.

6 I wanted to make sure you knew that the
7 quality of life in the Town of Oyster Bay has
8 decreased. In our neighborhood you cannot walk,
9 ride your bike or drive without hitting a pothole.

10 Now, when I read in the newspaper that
11 Judge Wexler said something is rotten in Oyster
12 Bay, he got my attention. I thought maybe the
13 reason we don't have money for the roads is because
14 of the corruption that they are uncovering. I'm
15 hoping that this budget has money for the quality
16 of life issues that we face in Oyster Bay daily.

17 Thank you.

18 SUPERVISOR VENDITTO: Before you go
19 away and before you despair and before you take
20 literally what the judge said, I'm not sure if you
21 know the context at which he said it.

22 Very recently Money magazine did a very
23 well-regarded, well-respected analysis of townships
24 across the United States. They surveyed a few
25 thousand townships, and then they selected the Top

1 50 in terms of quality of life and safety and
2 things of that nature, recreational facilities, and
3 the Town of Oyster Bay was selected -- and it's
4 only been in the past thirty days -- was selected
5 as the number one town on Long Island, number two
6 town in the State of New York, and number 34
7 overall in the entire United States. That's a
8 pretty independent evaluation.

9 Now, I'm sorry to hear about the
10 potholes. If you wouldn't mind leaving us the
11 streets involved, we'll certainly take a look at
12 it. There's really nothing in the road ahead, no
13 plan intended that precludes us from preserving and
14 protecting that the quality of life that this Board
15 has built over the last, I guess, decade-and-a-half
16 or two decades.

17 So, if you would give us the list of
18 the areas involved, we'll take a look at it.

19 MR. HERMAN: Great.

20 Send it to you personally?

21 SUPERVISOR VENDITTO: I think that
22 might be a good idea. Fax it over or e-mail it
23 over to the website, or if you could leave it with
24 us tonight.

25 MR. HERMAN: Not tonight. I would have

1 to -- I can go through them.

2 SUPERVISOR VENDITTO: Do you know what
3 we should do? John Bishop, John is a Deputy over
4 in Highways.

5 If you would set up the lines of
6 communications with Mark Herman, and you could send
7 them to John Bishop, that would the most
8 appropriate thing to do. Okay?

9 MR. HERMAN: Thank you very much.

10 SUPERVISOR VENDITTO: Thank you, Mark.

11 Good to see you.

12 All right, Mr. Muscarella.

13 I'll take a motion.

14 COUNCILMAN MUSCARELLA: Supervisor, I
15 make a motion that this public hearing be closed
16 and the decision be reserved.

17 COUNCILMAN MACAGNONE: Seconded.

18 SUPERVISOR VENDITTO: All in favor?

19 ALL: "Aye."

20 SUPERVISOR VENDITTO: Opposed?

21 (No response.)

22 SUPERVISOR VENDITTO: So moved.

23 (Time noted: 7:15 p.m.)

24

25

TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
OCTOBER 18, 2016
7:16 p.m.

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1 MR. ALTADONNA: May I have a motion to
2 adopt Resolution No. 433-2016?

3 Resolution 433-2016; Resolution
4 pertaining to a request from Arcadis of New York,
5 Inc., on behalf of Northrop Grumman Corporation,
6 NGC, to access Town of Oyster Bay Right-of-Way for
7 Installation of one Permanent Remedial Well at
8 William Street, east of Broadway, Bethpage.
9 (RW-20) (M.D. 7/26/16 & 8/2/16 #9).

10 COUNCILMAN MUSCARELLA: So moved.

11 COUNCILMAN MACAGNONE: Seconded.

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

15 SUPERVISOR VENDITTO: Now, before we
16 vote on the motion, we are going to have a
17 discussion, I have two speaker forms.

18 Anyone else who wants to speak to us on
19 a 433 --

20 Will you read 433 aloud, Jim?

21 MR. ALTADONNA: A Resolution pertaining
22 to a request of Arcadis of New York, Inc., on
23 behalf of Northrop Grumman Corporation, NGC, to
24 access the Town of Oyster Bay right-of-way for
25 installation of one permanent remedial well at

1 William Street, east of Broadway, Bethpage.

2 SUPERVISOR VENDITTO: Now, I believe
3 the Resolution is voted in the affirmative,
4 correct? So that an "aye" vote would be granting a
5 permission to go ahead with the project?

6 MR. ALTADONNA: Correct.

7 SUPERVISOR VENDITTO: And a "nay"
8 would, obviously, be that the Town Board oppose --
9 hold on a minute.

10 So an "aye" vote on the Resolution
11 would be statement by the Town Board, the
12 affirmative that it is okay to go ahead with the
13 work contemplated in this resolution. A "nay" vote
14 by the Town Board statement by the Town that
15 opposes such work. So, let's begin now.

16 I don't know that we need any -- John
17 Ellsworth, I think we are going to start with you.
18 Why don't you update us on exactly where we are? I
19 know you've been privy to dialogue between Arcadis
20 and the community, and maybe you can tell us
21 exactly where we are.

22 MR. ELLSWORTH: Okay. The most recent
23 event was a community meeting on Thursday evening,
24 that Northrop Grumman hosted with their
25 environmental consultants to provide answers to the

1 questions that have been posed as this thing has
2 progressed in front of the Town Board, and they
3 gave a presentation which basically answered all of
4 the questions.

5 Obviously, the proposal is to put a
6 drilling rig out on Williams Street to drill well.
7 So that equipment is going to be there for -- and
8 asked Northrop Grumman, my recollection is three
9 months.

10 So during that time period, William
11 Street, east of Broadway is going to be closed off.
12 So that will be an impact on the residents in that
13 immediate area. They'll have to figure out
14 different ways to get to the house. Every driveway
15 will be accessible, but the routes will be changed,
16 and Northrop Grumman has agreed to provide
17 mitigation.

18 The original proposal, if you recall,
19 was for the well to be drilled right in the middle
20 of the intersection so that Broadway wouldn't be
21 closed off as well. They went back to the drawing
22 board, they shifted the footprint for the drilling
23 to the east so that Broadway would be clear during
24 the entire construction period. And because they
25 have to shrink the footprint, it'll take about a

1 month longer than they had originally proposed.

2 They've agreed to put up wood to
3 provide sound barrier around the drilling rig,
4 they've agreed to not start before 8 o'clock
5 whereas normally the construction start time is
6 7 o'clock in the morning. So they are trying to
7 work with the neighbors, but there's no question
8 that during this three-month period there's going
9 to be impact on the neighbors.

10 At the completion of the project, after
11 the three months is over or however long it does
12 take, they'll be a plate in the middle of the
13 street where the well is, and that will be pretty
14 much it as far as what you can physically see after
15 the project is complete.

16 So that's kind of it in a nutshell as
17 to where we are at, and if the Board has any
18 questions, I would certainly --

19 SUPERVISOR VENDITTO: I guess it's just
20 a conjecture on your part, we are going to be
21 hearing from some of the residents of the immediate
22 impact area, and I know that Arcadis is here,
23 right? Yes, they are here.

24 What would be nice to the Board, you
25 know, it's always better if two parties who have

1 conflicting interests settle their own affairs in a
2 sense that they can control their own destiny. We
3 give a little, take a little. You are a little
4 happy and a little sad.

5 I guess I'll ask you even, if it's
6 speculative on your part, and if you'll have to go
7 through particular items, we'll do that, but how
8 close are we to amicably resolving this?

9 MR. ELLSWORTH: I think this is as much
10 as Northrop Grumman can do and still put the well
11 in this location. The DEC is saying, based on the
12 data, that they need this third well in order to
13 achieve the objectives of the project. If you
14 don't put the third well in, it's going to take, I
15 think they said ten years longer, and during that
16 time period, the plume is going to keep moving.
17 It's not going to -- the project objectives are to
18 remove as much contamination as quickly as
19 possible, and the engineers, which I'm not, have
20 decided that this is the configuration of the
21 wells.

22 And if you look at the map, where the
23 contamination is, it's a bulls-eye right on the
24 intersection. So it's clear even from the layman's
25 view that one of the wells should go right in the

1 middle of the bulls-eye.

2 And they have adjusted a little and
3 they are saying it'll still meet the project
4 objectives by moving it a little bit to the east to
5 get it out of the intersection. So I think this is
6 it. I think this is the final answer, and like
7 everything that comes before this Board, it's a
8 balancing.

9 So Northrop Grumman has given a little.
10 This proposal is more expensive for them. They are
11 going to clean the site out every night because
12 it's a very small construction area. They are
13 going to have to remove stuff to their staging
14 area, and they are going to have to construct the
15 wall. They said they are going to post a security
16 guard during the off-hours. So I think they've
17 tried, at least, to try to address the resident's
18 concerns, and I think some of the residents are
19 going to come up and talk about the process that if
20 Northrop Grumman had done some of the things they
21 did Thursday night early in the process, it might
22 have been a lot smoother to get to an answer, but
23 ultimately, they did have that meeting on Thursday
24 night where they've answered the questions, they
25 acknowledged that maybe they could have done things

1 differently from the start, and that's where we are
2 at right now.

3 SUPERVISOR VENDITTO: Are there any
4 concerns, in particular, that have been voiced by
5 the resident that remain unrequited?

6 MR. ELLSWORTH: I'm sure there are.
7 There's going to be a drill rig that's not -- it's
8 going to make those three months noisier. They are
9 going to have to alter their travel routes.
10 Northrop Grumman is still working with the school
11 district on where the school bus stop is going to
12 be.

13 An issue was raised on Thursday night
14 about there's some special-needs students in the
15 neighborhood, and Northrop Grumman said we'll
16 whatever we have to do to make sure that that's
17 addressed. So I think that they've done as much as
18 they can, and it's still going to be an impact for
19 those three months on some of the neighbors.

20 SUPERVISOR VENDITTO: So, primarily, it
21 remains the position of both sides, Arcadis wants
22 to go full speed with the project and the residents
23 wish the whole project disappear, and the question
24 for the Board is, is that really our choice or is
25 there some kind of meeting in the middle, and

1 that's what we are going to find out tonight.

2 Any questions for John Ellsworth?

3 (No response.)

4 SUPERVISOR VENDITTO: All right.

5 Let's do it this way. Terri Buck, step
6 right up. Where are we at, Terri?

7 MS. BUCK: I just wanted to confirm, if
8 this project isn't just going to disappear like
9 that, the last picture we've seen shows the fence
10 inside the property of mine, inside where the
11 sidewalk is, but Grumman did say that they will be
12 outside on the actual sidewalk. So I just wanted
13 to confirm that.

14 Like, we don't have any guarantees in
15 writing or anything.

16 SUPERVISOR VENDITTO: No. I tell you
17 what, though. I can't predict where this is all
18 going to go tonight, but let's assume, for
19 argument's sake, that the Town Board gives the
20 go-ahead and let Arcadis begin its work and get
21 this over with. I believe -- I'm looking over the
22 Town Attorney, but I believe the way we are going
23 to do this is with something in the nature of both
24 the covenants and restrictions, but something in
25 the -- something akin to a list of things that

1 Arcadis is permitted to do and the Town, of course,
2 will police the matter to make sure they are in
3 there half of the bargain, of course, the residents
4 are in their half of the bargain.

5 Is that doable?

6 MR. ELLSWORTH: Yes.

7 SUPERVISOR VENDITTO: We'll be able to
8 do that?

9 MR. ELLSWORTH: Yes.

10 SUPERVISOR VENDITTO: Again, if it's a
11 go, and it is with these restrictions, those
12 restrictions will be reduced to writing which will
13 have the force of law, and the Town will be able to
14 enforce those provisions if they are liable.

15 MS. BUCK: That would also be in there
16 is any property damage? They said they are going
17 to do a video of our property's foundation.

18 That will all be in writing?

19 SUPERVISOR VENDITTO: Yes, that will
20 all be in writing. Of course, that would be a
21 provision that they have to make those videos.

22 MS. BUCK: I was also wondering if we
23 could be updated on the progress of the project
24 over the years. Like, it could take ten years.

25 Will we be able to be informed when the

1 well work is completed and they are going to remove
2 the pump? There will be a very big vault under the
3 ground, I think, that will be filled with cement or
4 something. So I was just wondering if we can be
5 updated, because once we are done, we are not going
6 to hear from them, you know, just to see if this is
7 finished, and then it will be removed again.

8 SUPERVISOR VENDITTO: We can run that
9 by Arcadis as well, but I can't imagine they
10 wouldn't be willing to do something like that.

11 What you are asking for is that as
12 additional steps occur in the project, you want to
13 get notice beforehand as to what they are going to
14 do?

15 MS. BUCK: Or just like over the years
16 how is the water testing, is it clearing up, and is
17 it going to be done in ten years, and are you
18 removing the well and everything there?

19 SUPERVISOR VENDITTO: So Terri -- I'm
20 sorry, did you want to add anything further?

21 MS. BUCK: No, that's it.

22 SUPERVISOR VENDITTO: Let me ask you a
23 question. I understand you want it all go away and
24 not have it.

25 MS. BUCK: Yeah.

1 SUPERVISOR VENDITTO: If that can't be
2 the case and whether this Board or whether
3 ultimately a Court of Law or however it comes
4 about, it has to go ahead, would it help you --
5 would you be more inclined to go with it with these
6 conditions in place, the things that we talked
7 about, the compromises that we talked about?

8 MS. BUCK: Yes.

9 I mean, some of the compromises, what
10 they've done, have been for the better.

11 Obviously, the biggest compromise,
12 moving off the intersection, would be closer to my
13 house. I'm the only one that didn't benefit from
14 that one, but putting it into the street was a
15 definite plus compared to on our grass.

16 SUPERVISOR VENDITTO: Okay. You are
17 not going away; you'll be here?

18 MS. BUCK: No, I'll be here.

19 SUPERVISOR VENDITTO: Okay.

20 You can take a seat, and we'll call you
21 back if we need to.

22 We are all going to have to compile, I
23 guess, a list. John Ellsworth, we are going to
24 need -- again, still I'm not sure which way this is
25 going, but we are going to need a list of the

1 things that -- for example, of things that Arcadis
2 has agreed to do so we can create the conditions
3 that would surround or would accompany, rather, any
4 approval that we make here tonight.

5 How do we go about doing that? What's
6 the best way of doing that.

7 MR. ELLSWORTH: Well, I have various
8 responses to comments that they've already
9 submitted, so I can call the commitments that
10 they've made out of those, and I give the
11 bullet-point list to the Town Attorney's Office to
12 work in the legal format.

13 COUNCILMAN MACAGNONE: I just think
14 that maybe we should change the resolution to
15 account for the fact of the restrictions or
16 something relating to covenants.

17 SUPERVISOR VENDITTO: Yes, I agree.

18 I think the way we are going do it,
19 'cause we are going to be a while with it, so when
20 we are done with the testimony, the Board will
21 recess, and then we'll ask -- obviously, Arcadis
22 has to be privy to this as well and if the
23 residents can stay, I would kind of ask everybody
24 to go to the conference area and work it all out,
25 so we can embody that in a proper form.

1 All right. Let's continue.

2 Elaine Richardson? Elaine?

3 MS. RICHARDSON: Okay, good evening.

4 SUPERVISOR VENDITTO: Good evening.

5 Nice to see you again.

6 MS. RICHARDSON: The first thing that I
7 have on my list is that all promises made by
8 Grumman, especially with regard to restoring
9 property, but also the engineer's report, be
10 provided to the homeowners in writing prior to
11 construction beginning, but that's something that
12 we'll all work out, I guess, after the meeting that
13 we have.

14 The other thing that -- my other
15 concern is Northrop Grumman has indicated that
16 power to the -- to Terri's house and to myself will
17 be relocated. That means --

18 SUPERVISOR VENDITTO: I'm sorry, what?

19 MS. RICHARDSON: Power.

20 SUPERVISOR VENDITTO: Electric power.

21 MS. RICHARDSON: Utilities, gas,
22 everything.

23 That means that when this is done, we
24 will have to lose days of work to be there in order
25 to guarantee safety for our properties.

1 I mean, there should be some
2 compensation for the fact that we are both losing
3 both households, and maybe more, I don't know,
4 we'll be losing days of work for this.

5 SUPERVISOR VENDITTO: You'll be losing
6 use of your homes as well?

7 MS. RICHARDSON: I don't know. I'm
8 assuming not, but I have no way of knowing that
9 because PSE&G, LIPA and whatever utilities, Verizon
10 or any of the others -- that's the least of it is
11 the Verizon -- but the other thing, there's a
12 safety factor that we need to be there when this is
13 going on to protect our properties.

14 SUPERVISOR VENDITTO: I understand
15 that. I agree.

16 MS. RICHARDSON: So that's another
17 point. Okay. Bethpage Water was notified by their
18 insurance company that their insurance company will
19 not cover any Northrop Grumman Navy pool-related
20 claims of bodily injury, property damage and/or
21 personal injury in the future, so if anything were
22 to arise from this, I guess we would go directly to
23 Grumman in terms of liability.

24 SUPERVISOR VENDITTO: I don't know
25 if -- I'm not talking for or against the water

1 district. I don't know if they made that
2 statement.

3 MS. RICHARDSON: Well, this is from
4 them. This is, you know, what they've said about
5 their insurance policy not covering this.

6 SUPERVISOR VENDITTO: That may or may
7 not be, but the ultimate question is whether or not
8 they are actively or passively involved in any acts
9 or conduct which causes the damage.

10 So, I mean, I can say, tell the whole
11 world I will no longer be liable for any injury I
12 caused in a car accident. That doesn't mean I'm
13 not going to be liable if I'm at fault. So I'm not
14 sure of what the impact of that statement is. I
15 don't know if anybody can help me with that. I
16 don't know what weight to give that.

17 MS. RICHARDSON: Perhaps there's none.
18 That's what I'm saying, that it may ultimately fall
19 to Northrop Grumman, and that's really another
20 concern that we need to backpedal on to make sure
21 that we are not left --

22 SUPERVISOR VENDITTO: Okay.

23 I will tell you though, I think it's
24 reasonably safe to say that if someone commits a
25 wrongful act or a negligent act that results in

1 injury to someone else or someone else's property,
2 they can make all statements in the world that they
3 are not responsible, but they are responsible.

4 So I'm not sure if we can unravel that,
5 but we'll take it under advisement and, hopefully,
6 we will sit down later.

7 MS. RICHARDSON: Okay.

8 And another thing is Town of Bethpage
9 realtors have notified us a plume-related inclusion
10 is being built into mortgage policies, and we are
11 wondering what the effect this would have on
12 property values.

13 SUPERVISOR VENDITTO: A plume-related
14 inclusion, meaning it's an exception somehow to --

15 MS. RICHARDSON: To mortgage policies.

16 SUPERVISOR VENDITTO: Mortgage
17 insurance?

18 MS. RICHARDSON: I guess. I mean, they
19 told me mortgage policies. I guess mortgage, I
20 don't know.

21 SUPERVISOR VENDITTO: Again, we'll have
22 to unravel that. These are concerns that you have.

23 MS. RICHARDSON: Well, long term for
24 the property values that we -- you know, we don't
25 want to be affected negatively in terms of the

1 property values when this is set and done. It says
2 there's a plume-related inclusion into mortgage
3 policies, so I would say that would be in mortgages
4 themselves.

5 SUPERVISOR VENDITTO: Plume, can
6 anybody help me with that?

7 COUNCILWOMAN ALESIA: Sounds like an
8 insurance term.

9 MS. RICHARDSON: No, they said it was
10 into the mortgages themselves. Because these were
11 the realtors that contacted us, and they said this
12 is an aside into a mortgage based on -- indicating
13 that there's plume in the area.

14 SUPERVISOR VENDITTO: Do you know if
15 they referred to mortgage insurance or they just --

16 MS. RICHARDSON: No, the mortgage
17 itself. Not mortgage insurance, the mortgage
18 themselves.

19 SUPERVISOR VENDITTO: We'll see what we
20 can figure out. Thanks, Elaine.

21 Bob Freier. Bob?

22 MR. FREIER: Hi, just a really short
23 statement I want to say.

24 This is, I don't know what, third or
25 fourth time this has unfortunately come up

1 because -- but Northrop Grumman is probably the
2 most prolific polluter in Long Island's history.

3 They spent decades dumping toxic waste
4 into the ground that they are now, obviously,
5 paying for it, but it affects everyone's health;
6 particularly, in the Town of Oyster Bay because,
7 you know, where it's going. So I forgot how many
8 millions and millions of dollars are spent on this
9 and will be spending on this for probably decades
10 to come.

11 Just the people that are affected, how
12 could they ever sell their homes.

13 One lady here just mentioned it's going
14 to be difficult for people to get mortgages. If
15 they go for home equity loans, it's going to be
16 difficult. Why don't they just buy their homes?
17 Simple as that. I know people here brought it up
18 before, and Northrop Grumman has said that's out of
19 the question. They are spending millions and
20 millions of dollars. They should do the right
21 thing and not put these people out. And who wants
22 to live right under where toxic water is being
23 pumped constantly?

24 I'm saying this, addressing you, but
25 I'm not really addressing you. I'm just making

1 this as a comment.

2 SUPERVISOR VENDITTO: Keep in mind,
3 these are not new thoughts.

4 MR. FREIER: And like I said, they've
5 polluted our island where we live for decades, and
6 now they don't want to do the right thing by people
7 who are living on the street. I think it's
8 shameful, and best thing I can call them is just an
9 evil company.

10 SUPERVISOR VENDITTO: Ann Kenna.

11 MS. KENNA: Thank you, Supervisor
12 Venditto, and all of the Town Board for
13 acknowledging our concerns.

14 I welcome the opportunity to speak to
15 the Board this evening. My husband, John, usually
16 takes the lead in presenting our concerns. I am
17 filling in, in his absence.

18 At first, I would like to address my
19 neighbors here tonight and those unable to attend.
20 The corner of William Street and Broadway is
21 typical of neighborhoods in most towns of Long
22 Island. We know each other through block parties
23 and street side chats. We watch out for each
24 other, whether we know each other well or just in
25 passing. We know when something is amiss or out of

1 place, and we are ready to lend a hand if the need
2 arises.

3 Throughout this process, my neighbors
4 had come together and were instrumental in
5 affecting changes to disruptive proposals, but
6 Northrop Grumman Corporation and Arcadis Design and
7 Consultancy, I applaud their efforts. I do not
8 know what this meeting will bring, but we can be
9 proud of what we've accomplished so far.

10 Many questions and concerns remain.
11 The issue of the actual timetable of remediation
12 with or without RW20 seems vague and changeable.
13 The discharge of the water into an existing basin
14 or a new proposed basin does not seem to have been
15 fully addressed. At the meeting with --

16 SUPERVISOR VENDITTO: I'm sorry, let me
17 just stop you. Start that sentence again.

18 MS. KENNA: The discharge of the water
19 into an existing basin or a new proposed basin does
20 not seem to have been fully addressed. At the
21 meeting with Northrop Grumman and Arcadis last
22 week, it was disclosed that the Navy which has been
23 discharging treated clean water into their basis,
24 that Northrop Grumman proposes to pour an
25 additional two million gallons of water a day has

1 not been monitoring the ability of the basement to
2 drain adequately.

3 It was explained that the Navy may
4 never have done any testing since their remediation
5 efforts began. Consensus of professional opinions
6 at the meeting suggested that goose excrement and
7 silt have effectively created a barrier to prevent
8 the water from sipping into the ground. Goose poop
9 is now on our list of concerns.

10 The lack of monitoring at the site is a
11 more pressing concern to the residents.

12 Grumman has been an important presence
13 in our community throughout the years. Great civic
14 pride was engendered by the accomplishments of
15 their efforts, building the aircraft that helped
16 keep our country safe, employing thousands of Long
17 Islanders, offering good life for their families,
18 and playing an integral part in the exploration of
19 the moon, the Apollo 13 module and its subsequent
20 use as a lifeboat to return the Apollo 13
21 astronauts safely home.

22 That said, Northrop Grumman has
23 perpetrated a heinous act of negligence, and their
24 failures to the communities that embrace them are
25 now coming to light. A business decision to close

1 the major part of the Long Island operation causing
2 the largest workforce to diminish leaving empty
3 hangars and a hole in our community was
4 overshadowed by the negligence in procedures for
5 discarding toxics waste.

6 The denial of accountability was
7 present until pressure from local water districts
8 forced them to address the horrific calamity that
9 was perpetrated on the Bethpage community and the
10 totality of Long Island as well, but to us, the
11 residents of a small corner of Bethpage, the
12 evidence of their errors has become all too
13 obvious.

14 From the disrespect shown to us the day
15 the first monitoring drill appeared outside our
16 doors with no warning, to the decisions to disrupt
17 our neighborhood with road closures without
18 adequately getting to know the area speaks to
19 expediency over sensitivity.

20 Applications for permits appeared
21 without providing the evidence of due diligence
22 throughout the entire scope of the project.

23 To some, we may be seen as
24 obstructionists. We are not. We are the residents
25 who will be living with this beneath our feet for

1 many years to come living with the evidence of a
2 serious crisis locked beneath the vault on the
3 surface of William Street to remind us each time we
4 drive over it; witnesses to the incessant media
5 outcry about the Bethpage plume, instead of the
6 deserved label of the Northrop Grumman plume and
7 the subsequent results of that label on our
8 property values even though we know that the
9 Bethpage Water District has done an exemplary job
10 of keeping our water safe.

11 A brief conversation occurred at the
12 end of the meeting last week that I feel compelled
13 to share. At the conclusion of the meeting as the
14 Grumman people were cleaning up the leftover
15 snacks, Northrop Grumman executive approached me
16 and innocently enough suggested that I should take
17 an apple. He remembered my husband had taken one
18 on his behest at the end of the last meeting. I
19 declined, but he mentioned that I should take it
20 and give it to the deer in the neighborhood.

21 SUPERVISOR VENDITTO: I'm sorry. I'm
22 not trying to make fun. Take an apple and -- you
23 lost me on that.

24 MS. KENNA: He asked if I wanted an
25 apple.

1 SUPERVISOR VENDITTO: You mean a fruit?

2 MS. KENNA: A fruit, and I declined.

3 And he said I should give it to the deer in the
4 neighborhood, and therein lies the problem. We do
5 not live in an area that's home to deer.

6 For someone who proposes to disrupt our
7 lives and claims to take our concerns to heart, you
8 would think he would get to know us and where we
9 live.

10 At this point in time, we are the only
11 residents being directly impacted by the wells, we
12 more than the anyone want this mess cleaned up.

13 And I need to speak to the overarching
14 anxiety that accompanies this issue. My husband,
15 John, and I saw the movie Deepwater Horizon this
16 past week, beyond heartbreaking loss of life and
17 devastation played out in a Hollywood fashion, the
18 theme of due diligence giving way to the power of
19 corporate greed was eye-opening.

20 To all of you here today, have you not
21 heard of the gas explosions on quiet streets and
22 quiet neighborhoods due to human error when nature
23 whims? Have you not passed street corners flooded
24 with water from burst pipes? We are asked to trust
25 that Northrop Grumman, Arcadis, and Unitech

1 Drillers are doing their utmost to protect the
2 citizens in our community.

3 I believe that they believe they are.
4 As they have told us, they are competent engineers
5 with decades of experience, but catastrophic
6 failures, though rare, do occur.

7 When the drilling rig is gone and all
8 the vault door is sealed, when the water starts
9 pumping four feet beneath the roadway yards from
10 our houses, when weeks turn into months, then
11 years, who will be watching that all is well
12 beneath us? Who will be monitoring the basins that
13 even now have filled up with goose excrement and do
14 not drain adequately? Who will be there fifteen
15 years from now or twenty to ensure our safety?

16 The overarching anxiety that exists
17 because of this project's magnitude and duration
18 from the process that will extend past our lives
19 and onto future generations should not be
20 dismissed.

21 It was mentioned at the meeting between
22 residents, Northrop Grumman and Arcadis on
23 Thursday, October 13th, that removing RW20 from the
24 plan would probably add ten years to the project's
25 duration. It was also stated that the order from

1 Governor Cuomo to the NYS DEC was "get it done."
2 The message from the NYS DEC to Northrop Grumman
3 was get it done. The message to the Town of Oyster
4 Bay, though they have been responsive to our
5 concerns, is the same, get it done.

6 Who will be standing on the quiet
7 corner in Bethpage to make sure that those who live
8 there now and in the future are not further
9 casualties in the ongoing process of cleaning up
10 this mess? Who will be watching?

11 My question to your, Supervisor
12 Venditto, and to the Town Board comes not from my
13 words, but from the Roman poet, Juvenal: Quis
14 custodiet ipsos custodes? Who is watching the
15 watchers?

16 Thank you for your time and patience.

17 SUPERVISOR VENDITTO: Thank you.

18 I have no other forms from persons who
19 indicated that they care to address the Board
20 relative to this matter. So at this time what I
21 would like to do, I would ask John Ellsworth, I
22 guess, perhaps, you can take a map with you to a
23 conference area where we can get Arcadis and the
24 residents who spoke, the residents who are here
25 this evening, in particular, ones who spoke.

1 I would like to get -- it shouldn't
2 take that long to do. I would like to get, I
3 guess, a finalized list, if you will, for lack of
4 better words of the conditions that the residents
5 sought and that Arcadis is willing to meet
6 including those that the residents sought and
7 Arcadis is not willing to meet, whether it be
8 purchase of home, whether it be movement of this or
9 movement of that, and I think it would be important
10 for the Board to at least see that. It could
11 impact our thinking. It's certainly worth the
12 time. That's for sure. It's a rather significant
13 issue, and I don't think we should be sacrificing
14 the speed for accuracy.

15 Everybody wants to get the job done,
16 but I haven't heard anybody to say they want to get
17 the job done right. I think the responsibility
18 lies with us. I think one way or another,
19 notwithstanding how we might vote tonight, we have
20 an obligation certainly to the residents of the
21 Town and residents of the impacted area, the
22 residents of the Town and to the world at large, to
23 make sure that this job get goes ahead. It doesn't
24 just get done; it gets done the right way.

25 So to that end, the Board will recess,

1 and I would ask you to get working the right way.
2 You can probably use the -- maybe that kitchen area
3 in the Clerk's office? Is there enough room there?

4 MR. ALTADONNA: Depends on how many
5 people they have. We can put them in the Clerk's
6 office, whatever you need.

7 SUPERVISOR VENDITTO: How many people
8 would be interested in attending that meeting? We
9 hope all residents are.

10 (Whereupon, a recess was taken at this
11 time.)

12 SUPERVISOR VENDITTO: All right, ladies
13 and gentlemen.

14 If everyone will find seats, we will
15 continue.

16 This is my understanding through the
17 Town Attorney's Office that -- I don't want to say
18 we have an accord, but I think everybody is working
19 together in a good faith, and we do have a
20 tentative accord, I guess is a way to put it, which
21 is going to be reduced to a writing.

22 It will be akin to conditions that will
23 attach to any grant or any potential grant that the
24 Town Board might make at our next meeting which
25 would be on November 15th.

1 Did I say it right?

2 THE VOICE: You did, and it will be the
3 subject of another meeting between the residents
4 and Northrop Grumman where we'll go over the
5 conditions to make sure everyone is in accord.

6 SUPERVISOR VENDITTO: All right.

7 Is that an accurate representation of
8 what took place?

9 THE VOICE: Yes, it is.

10 SUPERVISOR VENDITTO: All right.

11 So then what I'll do is I'll need a
12 motion to -- do we have to table it until the 15th.

13 COUNCILMAN MUSCARELLA: Table it,
14 right.

15 SUPERVISOR VENDITTO: Okay.

16 COUNCILMAN MUSCARELLA: Supervisor, I
17 make a motion to table Resolution 433 and then
18 untable it on November 15, 2016 at 10:00 a.m.

19 COUNCILMAN MACAGNONE: Seconded.

20 SUPERVISOR VENDITTO: I don't think we
21 need to untable it now.

22 The motion is to table until
23 November 15th. We'll worry on the 15th.

24 COUNCILMAN MACAGNONE: Seconded.

25 SUPERVISOR VENDITTO: All those in

1 favor?

2 ALL: "Aye".

3 SUPERVISOR VENDITTO: Opposed?

4 (No response.)

5 SUPERVISOR VENDITTO: So moved.

6 Thank you very much for participating
7 in this matter tonight and for controlling your own
8 destiny, as I said earlier, but thank you all very
9 much.

10 Okay. Now, I think I need a motion to
11 close the regular meeting.

12 COUNCILMAN MUSCARELLA: Supervisor, I
13 make a motion to close the meeting.

14 COUNCILMAN MACAGNONE: Seconded.

15 SUPERVISOR VENDITTO: All in favor?

16 ALL: "Aye."

17 SUPERVISOR VENDITTO: Opposed?

18 (No response.)

19 SUPERVISOR VENDITTO: So moved.

20 (Time noted: 9:24 p.m.)

21

22

23

24

25

TOWN BOARD
TOWN OF OYSTER BAY
PUBLIC COMMENT
135 STILLWATER AVENUE
OCTOBER 18, 2016
9:25 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
FRANK SCALERA, CHIEF DEPUTY TOWN ATTORNEY
DONNA B. SWANSON, DEPUTY 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
LAURA VIANELLO, DEPUTY RECEIVER OF TAXES
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.



JULIA GIANNAKOPOULOS
Official Reporter/Notary

ORIGINAL TRANSCRIPT

ALSO PRESENT:

ROBERT DARIENZO, DIRECTOR OF FINANCE
RICHARD T. BETZ, COMMISSIONER,
DEPARTMENT OF PUBLIC WORKS
LESLIE MACCARONE, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC WORKS
MATT RUSSO, ENGINEERING,
DEPARTMENT OF PUBLIC WORKS
FRANK SAMMARTANO, DEPUTY COMMISSIONER,
DEPARTMENT OF INTERGOVERNMENTAL AFFAIRS
NEIL O. BERGIN, COMMISSIONER,
DEPARTMENT OF ENVIRONMENTAL RESOURCES
DANIEL PEARL, DEPUTY COMMISSIONER,
DEPARTMENT OF ENVIRONMENTAL RESOURCES
JUSTIN McCaffrey, COMMISSIONER,
DEPARTMENT OF PUBLIC SAFETY
BARRY BREE, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC SAFETY
JAMES McCaffrey, DEPUTY COMMISSIONER,
DEPARTMENT OF ECONOMIC DEVELOPMENT
RALPH HEALEY, SPECIAL COUNSEL,
DEPARTMENT OF ECONOMIC DEVELOPMENT
TIM ZIKE, DEPUTY COMMISSIONER,
DEPARTMENT OF PLANNING AND DEVELOPMENT
VICKI SPINELLI, DEPUTY COMMISSIONER,
DEPARTMENT OF HUMAN RESOURCES
MAUREEN A. FITZGERALD, COMMISSIONER,
DEPARTMENT OF COMMUNITY AND YOUTH SERVICES
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
FRANK GATTO, ASSISTANT TO THE COMMISSIONER,
DEPARTMENT OF GENERAL SERVICES

1 SUPERVISOR VENDITTO: And now we will
2 proceed with our public commentary, and to get us
3 started, Councilman Coschignano, I'll turn to you.

4 COUNCILMAN COSCHIGNANO: Supervisor, I
5 think we are going to deal with 135 Stillwater
6 Avenue matter, and there are some people that would
7 like to speak. I have requested that it be done
8 this way with the stenographer present and all
9 parties interested be permitted to speak.

10 On July 12th, the Board voted on
11 Resolution No. 387. The Board voted, six members
12 voted, one absent, to approve Resolution No. 387
13 which was a reimbursement to the homeowner at
14 135 Stillwater Avenue, Mr. and Mrs. Greco. Some
15 questions were raised by residents at the time. I
16 think myself, and I won't speak for other Board
17 members, but we had, you know, similar questions.
18 I followed up with the Comptroller's Office. At
19 the time, the Comptroller was Mr. McEvoy. I had
20 some questions about the backup documentation on
21 the Resolution. The Comptroller at the time
22 thought more information was necessary, so we
23 placed a hold, an informal hold on the payment,
24 which later by memo that I wrote July 28th became
25 more of a formal. I requested that until we have

1 additional documentation that payment not be made.

2 Subsequent conversation I had with the
3 Town Attorney, and he informed me that payment
4 would not be made until all members of the Board
5 were comfortable with the payment and everybody had
6 the information that they needed.

7 As a followup to that, because I had
8 written the memo and I felt responsibility, I had
9 several meetings with Mr. Ripp who I asked some
10 questions, I had some e-mails, I had some e-mail
11 communication with Mr. McKenna as well, I felt they
12 had a lot of questions supplementing my questions
13 and other questions of the Board.

14 Later, I wound up meeting Mr. Greco by
15 speakerphone, his attorney as well. I've also
16 spoken to Commissioner Betz about it, I've spoken
17 to Deputy Commissioner Zike in the Department of
18 Planning and Development who also got involved, as
19 well as the Town Attorney, Mr. Marx, many
20 individuals several Board members.

21 I felt it was time that the Board dealt
22 with this as a whole board and resolve this matter
23 for everyone involved including the Grecos so that
24 we know what we are ultimately going to do here.

25 So that's the information, in a

1 nutshell, as what's transpired from July 12th until
2 now. I think the best way to maybe understand what
3 happened and how this -- the genesis of this is
4 maybe Commissioner Betz could take us back to the
5 beginning of the project and maybe speak to it a
6 little bit, if that would be okay with the Board,
7 and then we'll go from there. I know Mr. Greco is
8 here with his attorney, and they want to be heard.
9 I think Mr. Ripp wants an opportunity to be heard
10 as well or anybody that wants to be heard, Board
11 members, whomever, I felt it was important to get
12 everything out, so the Board can have an informed
13 decision be made.

14 SUPERVISOR VENDITTO: Let's talk to
15 Commissioner Betz.

16 How are you doing these days, Richard?

17 COMMISSIONER BETZ: Very good,
18 Supervisor.

19 SUPERVISOR VENDITTO: Feeling well?

20 COMMISSIONER BETZ: Feeling well,
21 Supervisor.

22 SUPERVISOR VENDITTO: What do you have?

23 COMMISSIONER BETZ: Okay, when we were
24 doing the Stillwater project, Mr. Greco had some
25 very intricate paving stones, and the contractor

1 there, we had to have a change in elevation of the
2 street, and contractor felt that when he took those
3 pavers out, that would never be able to put them
4 back in, and also Mr. Greco felt the same way.

5 So I contacted our engineering firm,
6 and we all had a meeting there one morning. It was
7 probably about a ten-minute meeting. That was the
8 first time I meet Mr. Greco, and we basically said
9 that we feel that if LandTek can't do it, then the
10 guy who originally put them in --

11 SUPERVISOR VENDITTO: LandTek being the
12 contractor?

13 COMMISSIONER BETZ: LandTek being the
14 contractor, that he felt he couldn't put them in,
15 so Mr. Greco said, well, his guy could. I thought
16 it was a pretty decent idea, and I said to our
17 consultant, and Dan Haas was there, at the meeting,
18 and I said, can we do something like this? And it
19 was kind of thought that yes, we can do something
20 like this.

21 And we asked our consultant engineer
22 for an estimate on what the value would have been
23 when we paid LandTek or different a vendor do the
24 work to make sure the work was done properly.

25 So that being said, they went back and

1 they put a value on it.

2 SUPERVISOR VENDITTO: They, meaning
3 who?

4 COMMISSIONER BETZ: The consultant
5 engineer. I also vetted that through the Town
6 Attorney's office and said can we do something like
7 this, and the Town Attorney's office said yes. And
8 that was pretty much, it was a go-ahead. Dan Haas
9 could probably give you a little more information
10 on the project because he was there day in and day
11 out.

12 COUNCILMAN COSCHIGNANO: Sure,
13 everybody that needs to be heard.

14 MR. HAAS: Good evening.

15 SUPERVISOR VENDITTO: How are you,
16 Mr. Dan?

17 MR. HAAS: Good.

18 Before we started the project, myself
19 and the consultant engineer, Sidney Bowne, we
20 reviewed Mr. Greco's property with the planters,
21 and because it was so intricate with the
22 underground lighting, the plants and the paving
23 stones, he had like slate and moss rocks, kind of
24 like intricate pavers, we felt that LandTek
25 probably couldn't do the work. So when we had the

1 meeting that morning, we brought LandTek, and he
2 agreed that he couldn't do the work.

3 SUPERVISOR VENDITTO: LandTek
4 acknowledged they could not do the work.

5 MR. HAAS: Yes, they couldn't do work.

6 So Mr. Greco met us out there that
7 morning and he said, is it possible the Town would
8 reimburse me for the amount that you are going to
9 pay LandTek, and I get my own contractor to do it.

10 SUPERVISOR VENDITTO: It was going to
11 be the same work.

12 You were just going to switch who
13 performed the work?

14 MR. HAAS: Correct, and that's when I
15 brought in Commissioner Betz.

16 I said well, I have to go back and
17 discuss with Commissioner Betz, and he directed
18 Sidney Bowne to prepare an estimate on what we were
19 going to pay LandTek to do the work, and he also
20 asked Mr. Greco to send him a letter requesting
21 this.

22 SUPERVISOR VENDITTO: So you were going
23 to swap contractors, in fact, and simply pay the
24 second contractor who was going to come in what the
25 value of the work would have been under the Town

1 contract with LandTek?

2 MR. HAAS: Yes, that's correct. We
3 were going to reimburse the homeowner instead of
4 the contractor.

5 SUPERVISOR VENDITTO: Understood.

6 The money was going to go to the
7 homeowner which he, in turn, would pay the
8 contractor number two?

9 MR. HAAS: That's correct.

10 SUPERVISOR VENDITTO: Where do we go
11 from here?

12 COUNCILMAN COSCHIGNANO: Counsel, you
13 want to be heard?

14 SUPERVISOR VENDITTO: Counsel, you are
15 representing Grecos?

16 MR. BIEBER: Yes.

17 SUPERVISOR VENDITTO: Just give your
18 appearance for the record.

19 MR. BIEBER: Good evening, Bruce
20 Bieber, Kurzman, Eisenberg, for the Grecos, Santi
21 and Mrs. Greco.

22 What this gentleman said is 100 percent
23 accurate. These are not people who are looking for
24 handouts. These are not people who were in turmoil
25 with, you know, these are people who had work done

1 on the street, the public project necessitated work
2 on their driveway. They had no interest in redoing
3 their driveway. This was not their choice, but if
4 they want an ingress and egress from the residence,
5 they needed the driveway fixed, everyone agrees
6 with that. The only question was who was going to
7 do the work.

8 As this gentleman stated, a contractor
9 who was doing the work on the street was not
10 comfortable doing that work. They did not think
11 they can do it appropriately. This was very
12 intricate work. This was work they had paid
13 Mr. Greco, and Mr. Greco paid a lot of money to
14 have done initially, and they had no choice. This
15 was the only way to do it in order to get in and
16 out of the house. So they said -- gave them a
17 number as to what it would cost their contractor to
18 do, the Town's contractor to do. It wasn't argued;
19 they didn't come back and say it was going to cost
20 more. Just Mr. Greco accepted the number that the
21 Town's contractor provided. It turns out that
22 number was little less than half of what it
23 actually cost Mr. Greco to actually do the work.

24 The work was done. An agreement before
25 it -- there was an agreement made to do this before

1 the work was done. It's now been a full year since
2 the work was done. A request was made to document
3 that the work was paid for, and the checks were all
4 provided to the Town to provide that work was done.
5 Those checks ended up in the hands of Mr. Ripp who
6 decided to publish them on a public forum including
7 the Greco's personal checking information which
8 necessitated canceling and closing all personal
9 bank accounts. This has been nothing but, you
10 know, a disaster for no reason.

11 The Town did what was right. This
12 gentleman did what was right. The Grecos did what
13 was right. They just want to get reimbursed not
14 what they paid for to fix the driveway. They are
15 looking to get reimbursed the amount what the Town
16 contractor concluded was the value, was the cost of
17 the project. It ended up being twice as much.

18 SUPERVISOR VENDITTO: Counsel, was
19 there -- as part of the arrangement, was there an
20 agreement that Mr. Greco would, obviously,
21 subsequently do the work, and was there a further
22 agreement that he would provide proof of payment
23 for the work in an amount not to exceed the agreed
24 value?

25 MR. BIEBER: No, not to exceed. No.

1 He did the work that -- I mean, the agreement was
2 they would pay up to X dollars.

3 SUPERVISOR VENDITTO: Maybe I'm not
4 asking the question properly.

5 Let's assume the value of the work came
6 back half of -- what was the dollar amount?

7 MR. BIEBER: \$32,400.

8 SUPERVISOR VENDITTO: Let's say, it
9 came back and he only paid \$20,000.

10 Was there an agreement that he would
11 only be reimbursed for the 20 or was the agreement,
12 it's 32,000, you go, it's yours, do it? Was there
13 an agreement?

14 MR. BIEBER: I don't believe so. I
15 mean, Mr. Greco can speak, but I don't think the
16 question is relevant because --

17 SUPERVISOR VENDITTO: It's relevant
18 because I'm asking it.

19 MR. BIEBER: But I'm saying, had it
20 cost \$5, had he been able to have a friend to do it
21 for nothing, but it ended it costing him \$65,000
22 and proof of it has been provided.

23 SUPERVISOR VENDITTO: So you are
24 telling there was no such agreement?

25 MR. BIEBER: Mr. Greco can answer it, I

1 wasn't involved in it.

2 MR. GRECO: There wasn't an agreement.

3 MR. BIEBER: We are happy to answer any
4 questions. This has just been going on now for a
5 full year, and he is just looking to get reimbursed
6 something which the Town has agreed to a year ago,
7 which was approved, and then, I guess, the approval
8 was waylaid as a result of complaints.

9 SUPERVISOR VENDITTO: You said checks
10 were submitted to the Town as proof of payment?

11 MR. BIEBER: Yes.

12 SUPERVISOR VENDITTO: Why were checks
13 submitted to the Town if there was no interest or
14 no concern about how much you paid for the work?

15 MR. BIEBER: They were requested by the
16 Town.

17 SUPERVISOR VENDITTO: Oh, the Town
18 requested it? Somebody said that?

19 MR. BIEBER: Yes, they were requested.

20 SUPERVISOR VENDITTO: Can you tell us
21 about that, who requested them?

22 MR. BIEBER: Dan Haas.

23 SUPERVISOR VENDITTO: Dan, is that
24 correct?

25 MR. HAAS: That's correct.

1 COUNCILMAN COSCHIGNANO: I think part
2 of the confusion, and I take responsibility for
3 that, is that I've been sitting here a while and
4 I've never seen this type of reimbursement
5 situation before. We told homeowners frequently
6 that if you have something, it will be replaced in
7 kind, whether it would be Belgium blocks or
8 whatnot, but I guess this has the additional
9 wrinkle of homeowner going and pays and then asking
10 us for reimbursement.

11 I don't know. Maybe Commissioner Betz,
12 you could have enlightened us, I don't know.
13 You've been here. Maybe it happens on other
14 occasions.

15 What's the process for reimbursement?

16 COMMISSIONER BETZ: The contractor that
17 we had said we could not perform this type of work.
18 So, as Dan said, we got an estimate from what the
19 value would be from our consultant, Sidney Bowne,
20 and we also had Matt Russo look at the numbers. He
21 is on our staff, he is a professional engineer
22 also. And we vetted through the Town Attorney's
23 office, it's a unique situation, can we do it this
24 way, and the answer was yes.

25 COUNCILMAN COSCHIGNANO: So I guess it

1 is a unique situation.

2 COMMISSIONER BETZ: It's a very unique
3 situation.

4 MR. BIEBER: The figure wasn't
5 negotiated. We didn't come back and ask for more.
6 This was the figure that the Town said it would
7 cost to do it. It ended up being significantly
8 more because it was intricate work, and the Town
9 priced it upon, I guess, a depreciated value of the
10 stone, because the stone had been in the ground for
11 an X number of years, but this was a home that they
12 wanted to restore to the same condition that it was
13 prior to the public project being done.

14 SUPERVISOR VENDITTO: The only thing
15 that's troubling me, and maybe that's just me, I'm
16 just asking if there were -- if a set amount were
17 -- it's almost like liquidated damages what we are
18 dealing with.

19 The Town said to you \$32,000, it's
20 your, go get the work done, we don't care if you
21 get it done for free or if you pay \$100,000, you
22 are getting \$32,000 assessed value of the work
23 under the contract, but then subsequently, the Town
24 asked you for checks.

25 Why was the Town asking you for the

1 checks?

2 MR. GRECO: You can ask Dan that
3 question, 'cause I asked that same question.

4 SUPERVISOR VENDITTO: Mr. Greco,
5 please, we'll get there.

6 Dan, I know you are the one who asked
7 for checks.

8 MR. HAAS: What happened, I said to
9 Mr. Greco in order to get reimburse, you fill out a
10 claim form, I need all backup for that claim, for
11 that form, all the canceled checks for the
12 Comptroller's Office, they want the backup.

13 SUPERVISOR VENDITTO: Okay.

14 MR. GRECO: Then why would my checks --

15 SUPERVISOR VENDITTO: It's wiser to
16 speak through your lawyer, believe me.

17 MR. GRECO: No, but why would my checks
18 be disseminated then to other people throughout the
19 neighborhood?

20 SUPERVISOR VENDITTO: I'm not under the
21 attack. I'm trying to understand what happened. I
22 got a little bit confused because you have a
23 liquidated amount of \$32,000 and yet the Town is
24 asking for checks.

25 So if you were not able to produce

1 \$32,000 worth of check, I assume the Town wasn't
2 going to give you 32,000.

3 COUNCILMAN COSCHIGNANO: The
4 Supervisor's confusion is the same as mine. I
5 didn't understand that either.

6 MR. ANTETOMASO: I might be able to
7 help.

8 SUPERVISOR VENDITTO: Please.
9 Thank you.

10 MR. ANTETOMASO: This contract was bid
11 with the understanding that work would have to be
12 done on some of the homeowners' properties. We had
13 an item in the bid to replace block. It's standard
14 type of block. This gentleman had a very unique,
15 much more expensive block. We did our estimate
16 based on the unit price in the bid for the block
17 that was in the bid; it came up with \$32,000. I'm
18 sure he did a wonderful job and paid a lot more
19 money. It was his choice. He was to get \$32,000
20 based on the prices in the contract that our
21 contractor, the Town's contractor was going to get
22 based on the unit prices on the bid. It wasn't
23 necessary for him to submit anything. He was asked
24 and he did. It wasn't required.

25 SUPERVISOR VENDITTO: Understood.

1 COUNCILWOMAN JOHNSON: I have a
2 question, the amount of checks that were provided,
3 did they total 64,000, did they total 32,000? What
4 was the amount of the amount of the checks that
5 were provided?

6 MR. ANTEOMASO: Approximately,
7 \$65,000.

8 MR. BIEBER: Which, to be -- if I was
9 involved from the beginning, I would have never
10 agreed to the \$32,400 number.

11 I would have insisted upon placing the
12 homeowner, Mr. Greco, in the same position they
13 were prior to the Town doing its work. They should
14 have been made whole. They shouldn't have had to
15 suffer a pecuniary loss as a result of the Town's
16 action, but again, they are not here even asking
17 for that.

18 COUNCILMAN COSCHIGNANO: I'm not trying
19 to the least be argumentative, but if he is
20 entitled to 64,000, why didn't you ask for 64,000?

21 MR. GRECO: Because I want to get
22 passed this and move on.

23 COUNCILMAN COSCHIGNANO: I understand
24 that, but why give us 32,000 discount? Nobody else
25 is.

1 MR. BIEBER: That's a question for him
2 because the question for me was that's exactly what
3 I proposed. I said to him I would insist upon --
4 in order to make -- and it wasn't even restoring it
5 to the full property, full value of what was there,
6 to begin was. Because there was a portion of the
7 driveway which he did not restore.

8 MR. GRECO: We eliminated one of the
9 planters because it was a very costly piece. Dan
10 is very aware of that. There was a center planter
11 piece that we actually eliminated because that
12 would have added another 15 to \$18,000 onto the
13 project.

14 MR. BIEBER: So the Town -- as the
15 gentleman said, the Town's proposal was to put in
16 inferior stone. It was -- the quote was based upon
17 a lesser quality stone.

18 SUPERVISOR VENDITTO: Well, in addition
19 to it, you had an agreement that the value of the
20 work was \$32,000. And that's the answer to the
21 question, he asked to do it himself, and he would
22 accept the price that the Town's contractor was
23 going to get.

24 SUPERVISOR VENDITTO: I got it. I
25 understand.

1 MR. BIEBER: So he knew that it would
2 cost him more, but he accepted the Town's price.
3 He did the work; he should have been paid.

4 SUPERVISOR VENDITTO: So your choice
5 was to accept 32,000 regardless of how much it
6 might ultimately cost.

7 MR. BIEBER: I believe that was the
8 agreement that was reached.

9 SUPERVISOR VENDITTO: And the answer to
10 the Councilwoman's question --

11 MR. BIEBER: It was 65.

12 SUPERVISOR VENDITTO: \$65,000.

13 MR. BIEBER: And again, proof has
14 been -- at the request of the Town proof has been
15 provided.

16 SUPERVISOR VENDITTO: Dan, did you get
17 that proof total of 65,000?

18 MR. HAAS: It wasn't 65,000. Mine was
19 like 60,300-something dollars.

20 SUPERVISOR VENDITTO: And the work that
21 was done matches up to the work that would have
22 been done under the contract, had the contractor
23 number one been able to do it?

24 MR. HAAS: Correct.

25 COUNCILMAN MACAGNONE: Dan, did we

1 inspect the work and make sure it was done?

2 MR. HAAS: Yes, our consultant
3 engineer, Sidney Bowne had a full-time inspector
4 out there five days a week.

5 COUNCILMAN MACAGNONE: Thank you.

6 MR. BIEBER: I have nothing further
7 unless somebody has questions for myself or the
8 Grecos.

9 SUPERVISOR VENDITTO: I can't imagine.
10 Sounds pretty clear.

11 MR. BIEBER: Thank you for your time.

12 COUNCILMAN COSCHIGNANO: I think
13 Mr. Ripp raised his hand. If everybody can just
14 sit tight, you'll probably have some questions,
15 too.

16 MR. RIPP: My name is Robert Ripp. I'm
17 from Massapequa, New York.

18 The first thing I would like to say is
19 I want to say how appreciative I am
20 to Mr. Coschignano, Mr. Zike, and Dan Haas, and I
21 would like to say that I'm enthusiastic that some
22 residents and Town officials we were able to get
23 together and we spent five, six hours going through
24 everything, looking at the building files, getting
25 a really complete understanding of what happened,

1 which you haven't heard so far tonight.

2 Just before I move on, that's the way I
3 think our government should work. I think that
4 more issues in the future maybe we can get together
5 and work on.

6 I would also like to say this is no
7 witch hunt against the Grecos personally. We
8 looked at the building files, and I was able to
9 provide some documents from Google Earth overhead
10 satellite, and what happened is I have an overhead
11 satellite photo of 135 Stillwater. This was taken
12 in the year 2000, and I just circled the residence,
13 135 Stillwater, and I would like you to pay
14 attention, there is the sidewalk in front of the
15 property because the sidewalk is the public
16 right-of-way.

17 COUNCILMAN COSCHIGNANO: Actually, I
18 don't know if you have them with you, but when I
19 wrote the memo to the Board, I photocopied, it was
20 60 pages of photos. It was attached to the memo I
21 circulated.

22 MR. RIPP: So I would like you to
23 understand that, to begin with, it was a sidewalk
24 in front of the property, and the structure that
25 you are seeing in the photograph was -- there was

1 an application put in, and it was knocked down,
2 demolished, and the new property that is built
3 there now, there's building -- material in the
4 building's file, there was the house built on
5 property.

6 However, when Mr. Greco built the
7 house, he decided that he was going to -- when he
8 redid his house --

9 SUPERVISOR VENDITTO: Rob, sometimes if
10 you can get lost, and don't get it, you may never
11 recover.

12 What am I looking at here?

13 MR. RIPP: The circled house is
14 135 Stillwater. I want you to see there's a
15 sidewalk in front of it. That's all.

16 SUPERVISOR VENDITTO: Over here
17 (indicating).

18 MR. RIPP: Can I show you? The house
19 is circled and now the sidewalk is squared. So
20 there's a sidewalk there.

21 And then what happened was when the
22 house was reconstructed, I think it was in 2001,
23 the property owners decided that they no longer
24 wanted the public right-of-way in front of their
25 house, I imagine, because they constructed the

1 planters and they built their driveway where it
2 goes right to the street and it takes over the
3 sidewalk and the apron.

4 And I'll show you these pictures, I
5 think, from 2001, and they will demonstrate first
6 -- because Mr. Greco has built more than one set of
7 planters on his property.

8 So he built the first set of planters
9 with no permits, there were never any permits
10 issued for them, and they are built in the public
11 right-of-way.

12 Now, the recent roadwork that was done
13 on Stillwater -- I've done the video, I don't know
14 if you've had a chance to see it, but the whole
15 Stillwater Avenue, the street was replaced, the
16 gutter was replaced, the curb was replaced on every
17 property on the block. The aprons were replaced
18 with cement aprons, and the sidewalk was replaced
19 between the apron and the driveway. So everybody
20 got the same thing, cement apron, cement driveway.

21 Now, evidently, when the Town got down
22 to Mr. Greco's house, he already had taken over the
23 public right-of-way with these structures. He
24 didn't want a regular sidewalk like everybody else
25 and a cement apron like everybody else, 'cause

1 that's what the Town would have given him. This is
2 the construction that they felt was not up to his
3 par. Okay?

4 So instead, he had made an
5 arrangement -- and tell you the truth, when the
6 road work was being done, Dan Haas and Inspector
7 Betz and our consultant, Frank Antetomaso, was down
8 there, they obviously had surveys doing this
9 roadwork. They knew that this gentleman's
10 structures, in my opinion, they should have known
11 that his structures were in the public right-of-way
12 and they were illegal, but instead they made an
13 agreement to allow him to rebuild the structures
14 the way that he wanted without obtaining the
15 correct permits, again, in the public right-of-way,
16 and they arranged for this payment.

17 What I would like to show you here is
18 there's been some talk, I know Mr. Antetomaso
19 originally there was two-foot grade change, now
20 there is a 9-inch grade change. Quite frankly,
21 when you read the documents that Dan Haas provided,
22 these are the schematics for the job. There's a
23 grade -- let me -- I don't want to use the wrong
24 word, I'm sorry. There is -- I have the document
25 right here.

1 SUPERVISOR VENDITTO: Let me just stop
2 you. You moved onto grade changes. You are
3 starting to lose me a little bit, and I want to
4 stay with you.

5 MR. RIPP: I'm sorry. So what I'm
6 saying is, first of all, the owners of
7 135 Stillwater constructed illegal structures, to
8 begin with. They didn't have permits; they were in
9 the right-of-way. These are planters that are in
10 his driveway area.

11 The roadwork is being done, everybody
12 is getting plain cement apron and plain cement
13 sidewalk, and the only sidewalk that should be
14 being replaced is between the apron and the
15 driveway, just that section. When they get to
16 Mr. Greco's property, he doesn't have a sidewalk
17 like everyone else 'cause he's taken it out and
18 he's taken over the public right-of-way. He's
19 built these illegal planters, to begin with.

20 Now, when our people doing the job got
21 down there and surveyed this, they had to know that
22 he had built these structures on the public
23 right-of-way. I mean, a red flag should have went
24 up, are there permits for the structures, how did
25 he get them here? Instead, they authorized the

1 payments.

2 Now, the reason, supposedly, that this
3 work had to be done -- personally I think the
4 reason that the work was done is because Mr. Greco
5 didn't want plain cement like everybody else, but
6 the reason that Frank Antetomaso and Dan Haas have
7 given me is because there was allegedly a
8 significant grade change in the road in front of
9 Mr. Greco's house that forced him to do this work.

10 Now, the documents that were provided,
11 this is the actual -- it's shrunk down, but this is
12 the actual schematics, they show the points where
13 these grade elevation levels were taken from. And
14 originally Mr. Antetomaso claimed that there was a
15 two-foot grade increment done on this job.

16 Now, it has been lowered to 9 3/4
17 inches. However, when you review the document, the
18 point where the 9.3-inch measurement was taken is
19 actually not in the road in front of Mr. Greco's
20 house, but in the yard of the person that lives
21 across the street from Mr. Greco's house, within a
22 fenced-in yard. And yes, the elevation is
23 significantly higher there, but that's not a
24 street.

25 What I would like to show you now is

1 this is the photograph again, Google Earth. This
2 is 2011 prior to the recent construction. This is
3 the original construction, and you can see the
4 grade of the driveway and you can see the
5 structures that the property owners, Mr. Greco,
6 originally constructed illegally.

7 And if you look at this, this is a
8 recent photograph after the work, and you can see
9 the new structures that he again erected in the
10 public right-of-way without permits, and you can
11 notice, there's no significant grade change -- you
12 can look at the house; the house hasn't been
13 raised. There's no significant grade change that
14 mandated any of this work. The bottom line is
15 this -- and listen, personally, I'm not interested
16 in his planters or his walls. Whatever happens
17 between him and the Town Building Department is his
18 business, but I do not believe that the Town should
19 reimburse this gentleman for any of this work. I
20 understand that he was issued notices of violations
21 in regard to the work. The Grecos recently
22 provided a survey to the Town.

23 I have a copy of that also, and I put
24 that on public internet also, and the survey
25 clearly shows that these structures were built on a

1 public right-of-way. This gentleman is not allowed
2 to have them. Okay?

3 There was a question that was raised on
4 liability. He built this wall -- I'm going to show
5 you a picture on the wall. What basically
6 Mr. Greco did is he lives on the end of the
7 street -- that's the wall, and these are the new
8 planters, which, by the way, is not only in the
9 public right-of-way, but it's also on his
10 neighbor's property, according to the survey, and
11 we were discussing the possibility if the Town is
12 to allow Mr. Greco to retain these structures, that
13 he possibly might have to sign a liability waiver
14 with the Town.

15 Because if some kid is riding down the
16 block and falls into that wall in the public
17 right-of-way, they are going to sue the Town of
18 Oyster Bay. So it's my opinion that -- well, let
19 me just hold on also.

20 I'm sorry, on July 12th, I brought this
21 to the Town's attention, all right, and at that
22 time you voted and you approved paying, and the
23 documents that was supported or, rather, submitted
24 by Mr. Greco to support this were already in.

25 So, I would like to know, when the date

1 was that Dan Haas has actually asked for this copy
2 of these checks. Can he tell you that?

3 SUPERVISOR VENDITTO: We'll get to
4 that.

5 Go on with your presentation.

6 MR. RIPP: So when you look at the
7 checks, I don't know if you got a chance to look at
8 the checks -- two of the checks do not show any
9 indication that they were cashed.

10 I'm sorry. Let me pull the checks out.

11 Okay. These are the three checks. One
12 check was bounced, and then it was returned, and
13 then it was paid, and you can understand that it
14 was paid because it's marked insufficient funds and
15 then paid. The other two checks show nothing that
16 they ever transpired. There's some information
17 redacted in the back, but that's not the typical
18 information that the bank provides when they cash
19 the check. There's also an invoice here that was
20 provided to the Town. I'm not sure, again, when
21 this was provided, but when you read --

22 So if you take a look at the checks and
23 you read the -- this contractor's invoice, I mean,
24 Mr. Greco has done substantial masonry in both the
25 front and the rear of his property, and he's

1 recently been issued notice of violation pertaining
2 to the work in the front and the rear. There's
3 nothing to distinguish any of the proof of payment
4 to explain any of the work that was done. This
5 could have been paid for the work in the back.

6 I am also going to turn to you at this
7 time, somehow Mr. Greco was supplied with the Town
8 of Oyster Bay claim form. However, the claim form
9 that he was supplied with is an inter-departmental
10 claim form that is used like for a vendor, when a
11 vendor has to put a claim in or -- I also showed an
12 example to Mr. Coschignano.

13 It was used for Town purposes when
14 someone was getting a refund, but I contacted the
15 Town Attorney's office and I got a copy of an
16 actual Notice of Claim, that if the Grecos felt
17 they had a claim, they should be filing, not an
18 internal form like this.

19 So it's my personal opinion that the
20 Grecos are not entitled to be reimbursed for
21 anything. He could have gotten a regular cement
22 like everybody else has. He could have gotten a
23 regular apron like everybody else has. That was
24 his choice to do it. If he didn't want to do it
25 and he wanted to upgrade his driveway from the

1 illegal structures and the illegal driveway that he
2 had to what he has now, he should have come to the
3 Town and say, what do I have to do to straighten my
4 stuff out and to do it correctly?

5 In my opinion, when the Town officials
6 and professionals went down there and reviewed
7 this, the survey alone should have immediately
8 raised a red flag that we have issues here. There
9 are structures in the public right-of-way, there
10 are unpermitted structures here.

11 It's beyond me that Mr. Antetomaso and
12 Mr. Betz and Mr. Haas could even entertain the
13 thought of reimbursing somebody for illegal work.

14 Unless you have some questions for
15 me --

16 SUPERVISOR VENDITTO: No, Rob. You
17 take a seat. We'll get you back. We just don't
18 want anybody talking over each other.

19 MR. ANTETOMASO: There was no illegal
20 work. That's number one.

21 Number two, Mr. Antetomaso said at the
22 last meeting, back in the early '70s, there were
23 meetings with people down in the Nassau Shores area
24 to determine the type of improvement that were to
25 be made to the entire Nassau shores area. They had

1 three sets of plans, raising the roads one foot,
2 two foot, or three feet, and people chose two feet.

3 This road was improved years ago and
4 raised two feet. There were also raisings that had
5 to be done during this construction, not two feet.
6 In front of this house was six to eight inches in
7 the curb line. The curb line, the bottom of the
8 curb came up six to eight inches. That meant they
9 now had to redo the driveway and the front yard
10 because water would run back on his driveway.

11 What we did is we used the unit prices
12 in the contract for brick. He had a brick apron,
13 he had a brick front yard. The Town's policy is to
14 replace in kind. This man had all of that; he
15 didn't have concrete. The sidewalk he was talking
16 about was years ago. When we designed this
17 project, there was no concrete sidewalk there. It
18 was all brick including the driveway.

19 There were other driveways that were
20 bricks and aprons that are brick and they get
21 replaced with brick. So that's the Town's policy.

22 He likes to make statements that are
23 not true, and I don't know why. He talks about
24 Google Earth. I told him the last time, if you
25 take a picture from the top, you see the same thing

1 all the time. It doesn't show whether it's raised;
2 you have to look from the side to see if it's
3 raised.

4 There was a raising in front of the
5 house that required the front yard to be redone.
6 We did not replace his planter. That was not going
7 to be redone by the Town; it was going to be all
8 brick. I just want to clear up the statements that
9 are made that are false, and there was no illegal
10 work done.

11 MR. RIPP: I would like that say that
12 there are many beautiful homes on that street
13 including Grecos', and everybody else, any pitch
14 that might have been needed to be adjusted was able
15 to be adjusted with a cement apron and a cement
16 sidewalk, all right? And the building documents
17 show that -- the photograph show that the work that
18 was done, there was a sidewalk there at one time.
19 It was removed, the public right-of-way was taken
20 over. There were planters built to block the
21 public right-of-way. And then when this job was
22 done, quite frankly, it could have been taken out.

23 Like I say, if you drive down the
24 block, if you look at the video, because I drove
25 down the block and took videos, there are some

1 beautiful houses with beautiful stone driveways,
2 and you know what? They stop with the apron like
3 everybody else's, and that is cement.

4 I'm not mis-telling -- I'm not up here
5 telling mistruths, and I'm not misquoting anybody.
6 The last time Mr. Antetomaso spoke, he said the
7 grade change was done on that job was two feet.
8 And I tell you something else, and I provided you
9 and you have the schematics from the job. There's
10 a grade level change taken, I just mentioned, not
11 in the street in front of Mr. Greco's house, but in
12 the yard across the street, and then the next grade
13 level change is approximately 100 feet down the
14 road and marked on that thing.

15 And the grade level, according to the
16 schematics goes from a 9 3/4-quarter-inch grade to
17 a 3-inch grade. That means in 100 feet, those
18 plants call for a 6-inch pitch.

19 You can take a can of Coke and lay it
20 on that, and it would roll right down if it was
21 there. There's no 6 inches, it would be obvious.
22 I mean, I'm not making it up. You saw the pictures
23 of the house before and after.

24 First of all, a grade change was
25 supposed to be measured from the center of the

1 road. If the road was raised 9 inches in the
2 center of the road because the road is pitched like
3 this, right? 'Cause when it rains, the water runs
4 to the outside. So if the grade was actually
5 changed 9 3/4 inches in front of Mr. Greco's house,
6 the level of the street would be so high, he would
7 have to pitch his driveway the other way. None of
8 it makes sense.

9 The bottom line is, the gentleman did
10 not want the plain old cement. That's it.
11 Although Mr. Antetomaso wants to claim that nothing
12 was done illegally, the Town has acknowledged the
13 work was illegal because they issued a Notice of
14 Violations for it.

15 Thank you.

16 MR. ANTETOMASO: I don't know where he
17 keeps getting this 9 inches from. There's a
18 manhole in a road in front of Mr. Greco's house.
19 The curb line where that manhole is was raised 6 to
20 8 inches. That's the bottom of the curb where the
21 water flows in the gutter. It was picked up.

22 He keeps talking about 9 inches in the
23 back of the house. I don't know what he is talking
24 about. If he looks at the plans and -- I'm sure
25 the Councilman by now would have seen that because

1 somebody must have shown this to you. It's on the
2 plans. It's very clear. So I don't know why he
3 keeps talking about something that I don't know
4 what he is talking about. It's clear as a bell.

5 The curb line was picked up in front of
6 that house 6 to 8 inches. That's why the contract
7 called for the front yard bricks to be replaced so
8 the water wouldn't run back on his property.

9 As far as the sidewalk that he talks
10 about, Google Earth, that may have been a long time
11 ago, but that wasn't there when we designed this
12 project. It was all brick, so we replaced it the
13 same way.

14 COUNCILMAN COSCHIGNANO: When did this
15 sidewalk come out?

16 MR. ANTETOMASO: I don't know. He said
17 it was Google Earth in the year 2000, I think.

18 COUNCILMAN COSCHIGNANO: Do we know?

19 MR. BIEBER: The sidewalk was not there
20 when the Grecos bought their residence, bought
21 their property.

22 MR. GRECO: And the house directly
23 across didn't have a sidewalk either.

24 SUPERVISOR VENDITTO: Okay. Stop for a
25 minute because, especially when you are not an

1 engineer, this is a lot to absorb, so -- that's
2 important. Well, it's important to know at the
3 moment.

4 The sidewalk was not there when
5 Mr. Greco purchased the house?

6 MR. BIEBER: No.

7 SUPERVISOR VENDITTO: What year did you
8 purchase the house, sir?

9 MR. GRECO: 2001, and the house
10 directly across still doesn't have the sidewalk.
11 They don't have the sidewalk either.

12 MR. BIEBER: It ended two houses down.
13 There was no sidewalk ever there. And as a
14 gentleman said --

15 MR. ANTETOMASO: Nobody else uses it.
16 Those are the two houses from -- to the water.
17 There's nobody walks down there. This is the two
18 people that live there, and the homes are on either
19 side. I don't know what he is talking about.

20 COUNCILMAN COSCHIGNANO: If it's in the
21 photograph, then --

22 SUPERVISOR VENDITTO: We'll come back
23 to you, Robert.

24 MR. RIPP: Thank you.

25 SUPERVISOR VENDITTO: Let's get as much

1 information as we can. You all live with this.
2 This is -- when you are hearing for the first time,
3 this is awakening --

4 COUNCILMAN COSCHIGNANO: And
5 Supervisor, I'm sorry, when Mr. Antetomaso said
6 before, that I see the elevation, I may have, but I
7 certainly think it probably should be explained
8 'cause I certainly don't understand it.

9 SUPERVISOR VENDITTO: But I think you
10 made it clear. He is telling us, in his opinion,
11 what the elevation was.

12 COUNCILMAN COSCHIGNANO: He referred to
13 it on a plan.

14 MR. ANTETOMASO: You had a curb. The
15 bottom of the curb is where the water flows, the
16 gutter line, that is picked up 6 to 8 inches in
17 front of his house.

18 COUNCILMAN COSCHIGNANO: I understand,
19 but you said before that was on the plan, did you
20 see. You must have seen the plan. I don't know
21 whether I saw the plan or not.

22 MR. ANTETOMASO: I thought you did.

23 MR. BIEBER: This was not an upgrade.
24 This was not a facelift to the property. The
25 property has actually been harmed by this whole

1 thing. He wasn't restored as to where he was
2 before. This is insanity. He would -- if he
3 wanted to get in and out of his driveway without
4 having to put wood planks on his driveway to get
5 his vehicles over this had to be done.

6 MR. GRECO: When it rains, now I
7 actually have water sitting in front of my house,
8 and I never had that before.

9 MR. BIEBER: And, again, restore in
10 "like kind" was the words that I heard it and
11 that's appropriate. He wasn't even restored in the
12 like kind. He is now lesser having spent \$60,000
13 plus, having paid more than -- twice as much as
14 what the Town had offered, and to say, to suggest
15 that it should have been restored with cement? Why
16 would he have to go back or accept something which
17 was lesser than the money he already paid for?

18 As it is, he had to pay more to get
19 approximately what he had, but he is just looking
20 to get restored to where it was. He is just asking
21 the Town to honor this agreement. This wasn't done
22 as a facelift. He did not need the work done, but
23 for the improvement onto the public project?

24 COUNCILMAN MACAGNONE: Mr. Greco, you
25 said you still have water in front of your house.

1 Is it in the street or in the yard?

2 MR. GRECO: It's actually in the
3 gutter. It sits right in the gutter. It sits
4 directly on apron to the gutter.

5 COUNCILMAN MACAGNONE: And that's after
6 the work was done by your contractor?

7 MR. GRECO: No, this is after the work
8 that was done from the Town. It's from the gutter.

9 MR. BIEBER: And the suggestions by
10 Mr. Ripp, that the checks may not have been cashed
11 is outrageous. If necessary, if requested, we
12 would be happy to prove that the checks were cashed
13 by the --

14 MS. GRECO: I did prove. I got a
15 letter from the bank which you probably have a copy
16 of.

17 SUPERVISOR VENDITTO: This is going
18 very well in terms of order. We are able to hear
19 everybody. We'll stick here for the next three
20 days or three weeks or three years. We'll sit here
21 as long as it takes until everybody has spoken
22 their mind. We just need to do it in an orderly
23 manner.

24 Counsel, you have a podium. Finish
25 your statement, and we'll see if there is anything

1 further.

2 MR. BIEBER: I think Mrs. Greco
3 wanted just wanted --

4 SUPERVISOR VENDITTO: That's fine,
5 Mrs. Greco.

6 You want to come forward and say
7 something?

8 MRS. GRECO: That's fine.

9 MR. BIEBER: All she wanted to say was
10 that they have provided proof that the checks were,
11 in fact, negotiated, and it's insulting for this
12 gentleman to stand up here and suggest otherwise,
13 that there was some sort of fraud taken upon the
14 Town.

15 SUPERVISOR VENDITTO: Mr. Ripp?

16 MR. RIPP: One more thing. I just
17 wanted to clarify two thoughts.

18 I know some more people have some
19 things to say. I want you to think about this.

20 What if I decided to pull my sidewalk
21 out of my house and build the brick, design a thing
22 for my sidewalk right over the grass between the
23 sidewalk right to the street and take that over,
24 and then a few years later the Town decided to do
25 the road, and then they were doing it, but they

1 were only doing it with cement, but I wanted to
2 maintain my special block sidewalk that I wasn't
3 supposed to have, to begin with.

4 The second thing I would like to say is
5 whether or not the checks can be proven to be
6 cashed or not is irrelevant because the checks
7 don't correspond to what they were paid for. They
8 are just checks to a masonry company.

9 Like I said, they could have been --
10 Mr. Greco has done a ton of work there, and he's
11 got a Notice of Violations now.

12 COUNCILWOMAN JOHNSON: That can be
13 resolved by affidavit from the mason saying exactly
14 the work that he did.

15 MR. RIPP: Yes.

16 Quite frankly, if I was getting 62,000
17 worth of work done, I would have a contract and
18 plans and proof of payment, and when you do work
19 like that, you give a deposit and then like when
20 the third of work is done, you review it and you
21 give a little more. And the job is done, you give
22 a final payment. There should be --

23 First of all, I believe it's my
24 opinion, number one, in considering whether or not
25 Mr. Greco should get reimbursed, the only documents

1 that should be considered by the Board are the
2 documents that were submitted prior to July 12th,
3 when I brought it to your attention, because you
4 already voted on it based on what he turned in.

5 And my question wasn't unanswered. It
6 seems that since I brought this to the Town's
7 attention, for instance, the letter that Mrs. Greco
8 is speaking about, I have it, it's dated
9 August 16th. So these documents that they are
10 turning in now, they are in reaction to the issues
11 that are being raised here.

12 So I would like to know when Dan Haas
13 requested those checks from the Grecos, if it was
14 after July 12th. Because if that's the fact, that
15 means that they didn't submit anything prior to the
16 Town approving this payment.

17 The only thing that the Town approved
18 the payment on that I know of was the backup
19 material for the resolutions which are the
20 documents that Mr. Antetomaso provided.

21 So as far as we know, I'm not sure if
22 Dan is still here, but until Dan tells us when he
23 asked for those checks, I mean there is a great
24 possibility that this was decided on as I brought
25 it to your attention, on July 12th. I don't

1 believe there was sufficient material in the backup
2 information to justify the payment.

3 When Mr. Coschignano asked -- I believe
4 he spoke with the former Comptroller, I think he
5 said Mr. McEvoy, he felt the same way. And to date
6 I don't believe you have any justification,
7 paperwork to justify exactly how much Mr. Greco
8 paid for anything.

9 Thank you.

10 SUPERVISOR VENDITTO: Gentleman was
11 standing up.

12 MR. McKENNA: This is going to be
13 really quick.

14 Kevin McKenna, Syosset.

15 I want to reiterate. I've seen the
16 estimate that comes up to the 35,400, whatever it
17 is, and I don't know that until this day -- I know
18 that it was discussed -- again, I also thank
19 Councilman Coschignano for all the time he's put
20 into this, there's been a lot of conversation and
21 confusion about whether that amount is for what was
22 just talked about. That's never been -- no one has
23 ever said that that amount is only for that work.
24 No one has ever said, and that was something that
25 has been talked about for a couple of months about,

1 but I would like to take things down to common
2 sense, and this is just me.

3 If I was in this situation, and the
4 Town of Oyster Bay doing all this work with expert
5 engineering firm, and all of a sudden the
6 homeowner, you know, is not happy with or doesn't
7 think that the Town can do that work, and all of a
8 sudden our contractor says, oh, I can't do that, if
9 I'm the engineering firm representing the Town of
10 Oyster Bay, I say let me get a firm that can do
11 this work for you, the homeowner, to just in a
12 ten-minute meeting -- I don't know if that was what
13 the ten-minute meeting was about -- oh, well, High
14 Rise, whatever the company was, they can't do the
15 work, so you know what, we'll just give you the
16 money.

17 Why doesn't the homeowner say, wait a
18 second, before I accept this \$35,000 knowing that I
19 have all this elaborate work and what I want, let
20 me get my masonry guy and let him put together a
21 quote and let me see if that's going to be enough.

22 And it's unfortunate, and I have no
23 reason to disbelieve the gentleman that he went
24 over. I've seen the checks. Why isn't there any
25 itemization from the masonry company that shows

1 that that work was done? Why would the Town of
2 Oyster Bay say you take care of this yourself? It
3 doesn't make sense to me.

4 SUPERVISOR VENDITTO: Thank you.

5 We are going to go back to counsel and
6 then back Mr. Ripp.

7 COUNCILMAN COSCHIGNANO: Before counsel
8 gets up, I just want to say, I appreciate what
9 Mr. Ripp said before. I kind of just want to get
10 all the facts out there. I don't really want any
11 credit. I feel responsible that I've held up
12 payment. I don't want to offend the Grecos in any
13 way either. I just want to get to the ultimate
14 conclusion.

15 SUPERVISOR VENDITTO: Counsel, I don't
16 think I could be doing any more to get the facts
17 out than what I'm doing and what I'm tolerating and
18 what I'm allowing to take place at a Town Board
19 hearing.

20 This is a Town Board hearing, and I
21 don't think I can do a better job than allowing all
22 the facts to come out and hear everyone out.

23 So let's continue because I sense we
24 have a long way to go.

25 MR. BIEBER: No, I think Mr. Greco just

1 wanted to add the fact that --

2 MR. GRECO: The masonry guy was there.
3 So masonry guy was there during that meeting, and
4 there was more than one meeting that we had. You
5 know, the masonry guy was there. He indicated to
6 me that the price to do the actual job was going to
7 be much more than \$32,400. He did give me a quote
8 thereafter, and that's what the quote came out to,
9 in excess of \$60,000, and we started with the job
10 based on the Town already approving that they were
11 going to give me the money back.

12 So I took the word of the Town, did the
13 work, and now I'm in the position I am today. I
14 wish I never did it in the first place. You guys
15 really put me in a pickle.

16 MR. BIEBER: The meeting with the Town
17 was to reimburse him for the work -- I'm sorry, was
18 to pay the equivalent value of it, it was \$32,400.
19 Had he decided not to do the work, guess what, the
20 Town still would have paid the \$32,400. That's an
21 agreement that was reached.

22 The fact that he did work and actually
23 spent 60,000 plus on it is irrelevant. He doesn't
24 need to provide proof.

25 COUNCILMAN MACAGNONE: Are you saying

1 that if he didn't do any work, we would owe him
2 \$32,000?

3 MR. BIEBER: Yes, because --

4 COUNCILMAN MACAGNONE: You lost me on
5 that.

6 MR. BIEBER: No matter what the
7 value -- the damage to this property, his property
8 had to be restored, but the fact of the matter is
9 he did do the work. This was the agreement with
10 the Town.

11 When we first got up here a half hour
12 ago and started talking about what was the
13 agreement, it was settled upon that the agreement
14 was to pay \$32,400. That is why he did not ask for
15 the full sixty thousand dollars to restore to what
16 the property was before.

17 The agreement was \$32,400. That's what
18 he agreed to, and that's what he said he would live
19 with back then. That's what he is saying he would
20 live with today. This is not somebody who is
21 trying to get rich on the Town. This is not
22 somebody who is asking for a facelift of his
23 property. He did not need a facelift to the
24 property. This was not an improvement. This was
25 to get him back to where he was.

1 Thank you.

2 SUPERVISOR VENDITTO: Okay, Counsel,
3 thank you.

4 Mr. Ripp?

5 MR. RIPP: I would just like to request
6 just to bring everybody up to speed, I would like
7 to ask, if it's okay, with your permission, will we
8 be able to have Tim Zike, who is the Acting
9 Commissioner in the Department of Planning, just to
10 close the meeting? Could he give you just a
11 followup on the P&D position on the property?

12 SUPERVISOR VENDITTO: Is it relevant to
13 what we are doing or --

14 MR. RIPP: Yes, because he's issued
15 Notice of Violations based on the work that
16 Mr. Greco is asking to get paid for.

17 SUPERVISOR VENDITTO: With that subject
18 to the relevancy of it, Deputy, can you come
19 forward?

20 Rob, I'm sorry before you go, what's
21 the immediate question?

22 MR. RIPP: I think it would be better
23 to the Board members to know the history of the
24 construction on the property through the eyes of an
25 expert from Planning and Development.

1 SUPERVISOR VENDITTO: Can you do that,
2 Tim?

3 MR. ZIKE: Sure.

4 If the Board doesn't mind me speaking
5 with regard to the Worsman (phonetic) case, I will
6 be more than happy to bring you up to speed.

7 SUPERVISOR VENDITTO: You mean speak
8 publicly about it? Are there allegations pending?
9 Is that what's happening?

10 MR. ZIKE: There's an active code
11 enforcement case, yes.

12 SUPERVISOR VENDITTO: I want to be fair
13 about it.

14 MR. RIPP: It's not necessary -- I
15 understand your position with that, and it's not
16 necessary. I just want to reiterate that Mr. Greco
17 is a habitual offender. He built his original
18 structures with no permits, he built them in the
19 right-of-way. He built the second set in the same
20 way. That's what the code enforcement issue is
21 about.

22 SUPERVISOR VENDITTO: All right.

23 I tell you what, why don't we do it
24 this way? The Board can certainly access the
25 Building Department files, so we can do that as

1 part of -- we have a way to go. We are not going
2 to resolve anything tonight.

3 So just for the record, we are going to
4 look for the Building Department files and learn
5 about that.

6 MR. RIPP: Thank you very much.

7 Thank you, sir.

8 SUPERVISOR VENDITTO: No other speakers
9 relative to this matter?

10 (No response.)

11 SUPERVISOR VENDITTO: Okay, I do thank
12 you all for proceeding in an orderly fashion. A
13 few little hiccups along the way, everybody did
14 well, and I appreciate this.

15 The Board will use its best efforts to
16 absorb the information that's been put before us.
17 We'll use whatever other resources are available in
18 the Town records to resolve any unanswered question
19 that we may or may not have, and I guess I just ask
20 everybody to be patient, stand by, and we'll come
21 to a resolution as soon as we practically can.

22 Just for the record, I think we already
23 have enacted a resolution directing that payment to
24 be made to Mr. Greco.

25 So the question becomes, do we now

1 simply make the payment or does that resolution get
2 rescinded on the basis of anything what we heard
3 tonight? 'Cause I think that's where we are
4 procedurally. I'm not foreshadowing any
5 determination. I just want to make sure, Counsel,
6 we understand where we are. I believe that's where
7 we are.

8 Is that correct?

9 MR. BIEBER: That's my understanding.

10 MR. GRECO: I'm sorry. I'm not
11 understanding this.

12 SUPERVISOR VENDITTO: I think,
13 Mr. Greco, what happened is the Town Board
14 previously passed a Resolution authorizing payment
15 of the \$30,000 figure to you.

16 MR. GRECO: Correct.

17 Why would the third party change that
18 whole procedure happening?

19 SUPERVISOR VENDITTO: Well, let me
20 finish, and I'll answer your question.

21 The Town previously passed a motion,
22 unanimously, I believe, to pay you the \$30,000
23 figure, whatever that number is.

24 In the interim information along the
25 lines of what we heard tonight was brought to the

1 Town Board's attention. Councilman Coschignano
2 took up the course of trying to find out whether or
3 not any of the information brought to our attention
4 impacted on the Board's determination to pay you.
5 So now we've got -- or I believe we have all the
6 information that we set out to gain, and the Board
7 will now have to determine whether or not to pay
8 you or to rescind the prior resolution.

9 I'm not foreshadowing what we are going
10 to do. I'm just telling you that's the issue
11 before us.

12 Is everyone in accord with what I'm
13 saying and with the duties that we've kind of
14 undertaken ourselves to do?

15 Obviously, if any party on either side
16 of this issue feels aggrieved by the Board's
17 determination, then they certainly have other
18 rights under the law. Hopefully, it won't go that
19 far.

20 So let the Board digest all the
21 information brought before it tonight and make a
22 determination along the lines, as I just said.
23 We'll be as quick as we can. We don't need you to
24 be hanging around terribly longer.

25 We are going to take a brief recess.

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(Whereupon, a recess was taken at this time.)

(Time noted: 10:48 p.m.)