

WHEREAS, pursuant to a Request for Proposals ("RFP") issued by the Department of Parks on January 30, 2019, three proposals for the operation of a food and beverage concession service at the two permanent bayside restaurants at TOBAY Beach were received by the deadline established in the RFP for the submission of proposals; and

WHEREAS, the Town Board heard presentations in an open meeting on March 21, 2019, relative to each of the proposals in order to select the next operator of the two permanent bayside restaurants at TOBAY Beach. After due consideration of the written proposals, as explained by the presentations, the Town Board selected Island Time Hospitality LLC as such concessionaire, subject to the execution of a license agreement with said company; and

WHEREAS, Joseph Nocella, Town Attorney, and Elizabeth A. Faughnan, Deputy Town Attorney, by memorandum dated March 22, 2019, have advised and requested that the Town Board, pursuant to the RFP, authorize the Town to enter into a license agreement with Island Time Hospitality Group LLC, 108 W. Main Street, Patchogue, New York 11772, for the purpose of securing a food and beverage concession operator at the two permanent bayside restaurants at TOBAY Beach,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and the Town is authorized, pursuant to the RFP, to enter into a license agreement with Island Time Hospitality Group LLC, 108 W. Main Street, Patchogue, New York 11772, to serve as the food and beverage concession operator at the two permanent bayside restaurants at TOBAY Beach.

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The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Nay
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye

cc: Supervisor
Town Attorney
Comptroller
Parks

Reviewed By
Office of Town Attorney
Elizabeth A. Faughnan

Town of Oyster Bay
Inter-Departmental Memo

TO : MEMORANDUM DOCKET
FROM : OFFICE OF THE TOWN ATTORNEY
DATE : March 22, 2019
SUBJECT: Food and Beverage Concession Services
TOBAY Beach Restaurants


Pursuant to a Request for Proposals ("RFP") issued by the Department of Parks on January 30, 2019, three proposals for the operation of a food and beverage concession service at the two permanent bayside restaurants at TOBAY Beach were received by the February 25, 2019 deadline established in the RFP for the submission of proposals. There is no existing operator of these concessions, which open on or around Memorial Day.

On March 21, 2019, the Town Board heard presentations in an open meeting relative to each of the proposals in order to select the next operator of the two permanent bayside TOBAY Beach restaurant concessions. After due consideration of the written proposals, as explained by the presentations, the Town Board selected Island Time Hospitality Group LLC as such concessionaire, subject to the execution of a license agreement with said company.

In order to formalize the relationship with Island Time Hospitality LLC, it is requested that the Town Board, pursuant to the RFP, authorize the Town to enter into a license agreement with Island Time Hospitality Group LLC, 108 W Main Street, Patchogue, New York 11772, for the purpose of securing a food and beverage concession operator the two permanent bayside restaurants at TOBAY Beach.

JOSEPH NOCELLA
TOWN ATTORNEY

Elizabeth A. Faughnan
Elizabeth A. Faughnan
Deputy Town Attorney



EAF:eaf

cc: Town Attorney (with 7/copies)

7MS
Reviewed By
Office of Town Attorney
Elizabeth A. Faughnan

WHEREAS, pursuant to a Request for Proposals ("RFP") issued by the Department of Parks on January 30, 2019, three proposals for the operation of a food and beverage concession service at the TOBAY Beach concession stands and marina were received by the February 25, 2019 deadline established in the RFP for the submission of proposals; and

WHEREAS, the Town Board heard presentations in an open meeting on March 21, 2019, relative to each of the proposals in order to select the next operator of the TOBAY Beach food and beverage concession facility. After due consideration of the written proposals, as explained by the presentations, the Town Board selected J&B Restaurant Partners Top Flight Foods L.L.C. as such concessionaire, subject to the execution of a license agreement with said company; and

WHEREAS, Joseph Nocella, Town Attorney, and Elizabeth A. Faughnan, Deputy Town Attorney, by memorandum dated March 22, 2019, have advised and requested that the Town Board, pursuant to the RFP, authorize the Town to enter into a license agreement with J&B Restaurant Partners Top Flight Foods L.L.C., 4250 Veterans Memorial Highway, 1st Floor, Suite 1070 W, Holbrook, New York 11741, for the purpose of securing a food and beverage concession operator at the TOBAY Beach concession stands and marina.

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and the Town is authorized, pursuant to the RFP, to enter into a license agreement with J&B Restaurant Partners Top Flight Foods L.L.C., 4250 Veterans Memorial Highway, 1st Floor, Suite 1070 W, Holbrook, New York 11741, to serve as the food and beverage concession operator at the TOBAY Beach concession stands and marina.

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The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilman Muscarella	Nay
Councilman Macagnone	Aye
Councilwoman Johnson	Nay
Councilman Imbroto	Nay
Councilman Hand	Aye
Councilman Labriola	Aye

cc: Supervisor
Town Attorney
Comptroller
Parks

Town of Oyster Bay
Inter-Departmental Memo

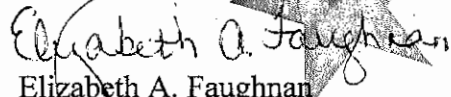
TO : MEMORANDUM DOCKET
FROM : OFFICE OF THE TOWN ATTORNEY
DATE : March 22, 2019
SUBJECT: Food and Beverage Concession Services
TOBAY Beach Concession Stands and Marina

Pursuant to a Request for Proposals ("RFP") issued by the Department of Parks on January 30, 2019, three proposals for the operation of a food and beverage concession service at the TOBAY Beach concession stands and marina were received by the deadline established in the RFP for the submission of proposals. There is no existing operator of these concessions, which open on or around Memorial Day.

On March 21, 2019, the Town Board heard presentations in an open meeting relative to each of the proposals in order to select the next operator of the TOBAY Beach concession stands and marina. After due consideration of the written proposals, as explained by the presentations, the Town Board selected J&B Restaurant Partners Top Flight Foods L.L.C. as such concessionaire, subject to the execution of a license agreement with said company.

In order to formalize the relationship with J&B Restaurant Partners Top Flight Foods L.L.C., it is requested that the Town Board, pursuant to the RFP, authorize the Town to enter into a license agreement with J&B Restaurant Partners Top Flight Foods L.L.C., 4250 Veterans Memorial Highway, 1st Floor, Suite 1070 W, Holbrook, New York 11741, for the purpose of securing a food and beverage concession operator at the TOBAY Beach concession stands and marina.

JOSEPH NOCELLA
TOWN ATTORNEY


Elizabeth A. Faughnan
Deputy Town Attorney

EAF:eaf

cc: Town Attorney (with 7/copies)

Reviewed By
Office of Town Attorney
Elizabeth A. Jaughan

WHEREAS, by Resolution No. 480-96, adopted on July 9, 1996, the Town Board granted Site Plan Approval in connection with a Change of Zone from an "H" Industrial District (Light Industry) to "G" Business District (General Business), for premises located at Bethpage, Town of Oyster Bay, New York 11714, said premises being described as Section 46, Block N, Lot 78, and Section 46, Block G, Lots 47, 51, 52, 54, 55, 71, and part of Lots 29 and 49, on the Land and Tax Map of Nassau County; and

WHEREAS, as required by Resolution No. 480-96, a Declaration of Restrictive Covenants was executed and recorded, affecting the premises, which Declaration provides that no building permit and/or certificate of occupancy for exterior work shall be issued unless and until a site plan has been approved by Town Board resolution; and

WHEREAS, subsequent to the adoption of Resolution No. 480-96, the premises was subdivided and new tax lot numbers were designated, and one of the lots created is described as Section 46, Block G, Lot 76 (the "subject premises"); and

WHEREAS, Howard D. Avrutine, Esq., of Avrutine & Associates, PLLC, attorney for 1055 STEWART AVENUE REALTY, LLC, fee owner of the subject premises, by letter dated February 6, 2019, has submitted amended plans to construct additional parking spaces on the northeast corner of the subject premises, with all other aspects of the approved plan to remain unchanged; and

WHEREAS, Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, by memorandum dated February 6, 2019, has advised that the Department of Planning and Development has reviewed the following eight (8) amended plans prepared by Jaclyn R. Peranteau, P.E., Prime Engineering, Holtsville, New York:

<u>SHEET NO.</u>	<u>TITLE</u>	<u>PREPARED BY</u>	<u>REVISED</u>
C-1	Overall Site Plan	Jaclyn R. Peranteau, P.E.	12/27/18
C-2	Partial Removals Plan	Jaclyn R. Peranteau, P.E.	12/27/18
C-3	Partial Site Alignment Plan	Jaclyn R. Peranteau, P.E.	12/27/18
C-4	Partial Grading & Drainage Plan	Jaclyn R. Peranteau, P.E.	12/27/18
C-5	Partial Landscape Plan	Jaclyn R. Peranteau, P.E.	12/27/18
C-6	Partial Lighting Plan	Jaclyn R. Peranteau, P.E.	12/27/18
C-7	Partial Soil Erosion & Sediment Control Plan	Jaclyn R. Peranteau, P.E.	12/27/18
C-8	Construction Details	Jaclyn R. Peranteau, P.E.	12/27/18

WHEREAS, Commissioner Maccarone further reported that the plans submitted, as revised, comply with the standards set forth in the Code of the Town of Oyster Bay, Section 246.6, Site Plan Review, and recommended Town Board approval for the site plans enumerated herein; and

WHEREAS, by Inter-Departmental Memo dated January 31, 2019, Neil O. Bergin, Commissioner, Department of Environmental Resources, submitted an environmental report with respect to the subject proposed action pursuant to Article 8 of the New York State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA), and its implementing regulations at 6 NYCRR Part 617, and the Town Environmental Quality Review (TEQR) law, at Chapter 110 of the Oyster Bay Town Code, which report classifies the subject proposed action as Type II under SEQRA and indicates that such action will not have a significant impact on the environment and is precluded from environmental review under the Environmental Conservation Law, Article 8, and the SEQRA regulations,

NOW, THEREFORE, BE IT RESOLVED, That the request of 1055 STEWART AVENUE REALTY, LLC., fee owner, that the Amended Site Plan for premises located at 1055 Stewart Avenue, Bethpage, Town of Oyster Bay, County of Nassau, New York, and designated as Section 46, Block G, Lot 76, on the Land and Tax Map of Nassau County, be APPROVED and be it further

RESOLVED, That in accordance with the memorandum of Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, February 6, 2019, the eight (8) plans described herein are hereby approved.

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The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Nay
Councilman Hand	Aye
Councilman Labriola	Aye

cc: Supervisor
Town Attorney
Comptroller
Planning & Development
Environmental Resources

WHEREAS, the Town Board heretofore authorized the Town of Oyster Bay to implement a Program of Self-Insurance for General Liability, including Automobile Liability; and

WHEREAS, Joseph Nocella, Town Attorney, and Matthew M. Rozea, Deputy Town Attorney, by memorandum dated December 3, 2018, advised that the Office of the Town Attorney sought proposals from law firms in order to assist the Town in connection with the Town's self-insurance program for cases initiated through December 31, 2019; and

WHEREAS, the Office of the Town Attorney, after having investigated and reviewed the qualifications of numerous law firms, recommends that the following firms be retained to assist the Town in the aforementioned self-insurance program:

Lynch Schwab & Gasparini, PLLC
75 South Broadway, 4th Floor
White Plains, New York 10601

Milber Makris Plousadis & Seiden, LLP
1000 Woodbury Road, Suite 402
Woodbury, New York 11797

Creedon & Gill, PC
24 Woodbine Avenue, Ste. 8
Northport, New York 11768

Cascone & Kluepfel, LLP
1399 Franklin Avenue, Suite 302
Garden City, New York 11530

Ken Maguire & Associates, PLLC
3366 Park Avenue
Wantagh, New York 11793

Law Office of Jerry C. Guarino, P.C.
1070 Middle Country Road, Ste. 7-355
Selden, New York 11784

WHEREAS, payment to said law firms will be in accordance with the terms, conditions and fee schedules set forth below:

Trials including jury selection (per half day)	\$400.00
Court appearances other than trials	\$250.00

Reviewed By
Office of Town Attorney
JMS