APPROVED
COMMISSIONER OF HUMAN RESOURCES

Meeting of June 12, 2018 RESOLUTION P-10-18

WHEREAS, The 2018 Budget, adopted October 24, 2017 established the titles and salaries of officers and employees of the Town of Oyster Bay pursuant to Section 27 of Town Law, and other Local Laws relating to the establishment of Town Departments, and Rules and Regulations governing appointments, etc., of employees; and

WHEREAS, The adoption of said 2018 Budget, on October 24, 2017, was by a Resolution of the Town Board; and

WHEREAS, Resolution #P1063, dated December 12, 1972, provides a procedure for the amendment of the Resolution establishing grades, salaries and titles as required and requested by Department Heads,

NOW, THEREFORE, BE IT RESOLVED, That the Budget as adopted be and hereby is amended to reflect the approved additions and deletions as indicated by the attached.

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Human Resources
Payroll

Meeting of June 12, 2018 Resolution No. TF-10-2018

RESOLVED, That the Comptroller be and he hereby is directed to Transfer Funds within the various Departments Accounts as indicated:

| ITEM NO. | DEPT. | AMOUNT | FROM |
|---|---|---|---|
| 036-18 | EXE | $ 3,000.00 | TWN A 1989 47850 000 0000 |
| | | | TO |
| | | $ 3,000.000 | TWN A 1989 47900 000 0000 |
| | | | FROM |
| 037-18 | DER | 1,500.00 | DER SR05 8160 41740 000 0000 |
| | | | TO |
| | | 1,500.00 | DER SR05 8160 47200 000 0000 |
| | | | FROM |
| 038-18 | HWY | 3,000.00 | HWY DB 5110 45100 000 0000 |
| | | | TO |
| | | 3,000.00 | HWY DB 5110 46100 000 0000 |
| | | | FROM |
| 039-18 | PKS | 3,000.00 | PKS A 7110 44900 000 0000 |
| | | | TO |
| | | 3,000.00 | PKS A 7110 25000 000 0000 |
| | | | FROM |
| 040-18 | DPW | 3,000.00 | DPW SR05 8160 41650 000 0000 |
| | | | TO |
| | | 3,000.00 | DPW SR05 8160 41600 000 0000 |

Reviewed By
Office of Dyn Attorney

| | | | |
|---|---|---|---|
| | | | INCREASE |
| 041-18 | IGA | 40,000.00 | IGA CD 0001 04089 000 CW18 |
| | | | INCREASE |
| | | 40,000.00 | IGA CD 6293 12010 000 CW18 |
| | | | INCREASE |
| | | 39,903.00 | IGA CD 0001 04089 000 CW18 |
| | | | INCREASE |
| | | 39,903.00 | IGA CD 6293 48080 000 CW18 |
| | | | FROM |
| 042-18 | PAD | 3,000.00 | PAD B 3620 44800 000 0000 |
| | | | TO |
| | | 3,000.00 | PAD B 3620 41300 000 0000 |
| | | | FROM |
| | | 400.00 | PAD B 3620 47900 000 0000 |
| | | | TO |
| | | 400.00 | PAD B 3620 47200 000 0000 |

#

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Finance
Environmental Resources
Highway
Parks
Public Works
Intergovernmental Affairs
Planning & Development

2A

# Town of Oyster Bay
## Inter-Departmental Memo

May 18, 2018

**To:** Memorandum Docket

**From:** Robert Darienzo, Director of Finance

**Subject:** Transfer of Funds

---

In order to provide funds for Other Expenses in the General Fund, the following transfer of funds is hereby requested:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Transfer from: | | | | | | | |
| TWN | A | 1989 | 47850 | 000 | 0000 | Contracts Other Government | $ 3,000.00 |
| Transfer to: | | | | | | | |
| TWN | A | 1989 | 47900 | 000 | 0000 | Other Expenses | $ 3,000.00 |

Thank you.

Robert Darienzo
Director of Finance

RD/rd
cc: Town Attorney (with 7 copies)
Word/Documents/Docket/TOF 2018 CYS

2B

# Town of Oyster Bay

## Inter-Departmental Memo

May 14, 2018

TO: Memorandum Docket

FROM: Neil O. Bergin, Commissioner
Department of Environmental Resources

SUBJECT: Transfer of Funds

---

The Department of Environmental Resources requests Town Board authorization to transfer the following funds:

| | | | |
|---|---|---|---|
| From: | | | |
| | DER SR05 8160 41740 000 0000 | Chemicals | $1500.00 |
| To: | | | |
| | DER SR05 8160 47200 000 0000 | Travel Expense | $1500.00 |

This transfer is necessary for the payment of expenses for the New York State Association of Solid Waste Managers Association seminar held each year.

Neil Bergin (by L Sayer)
Neil O. Bergin, Commissioner
Department of Environmental Resources

NOB/tml
cc: Town Attorney - w/ 7 copies
Steven Ballas, Comptroller

DER File No.: G500
Docket memo transfer of funds for Travel Expenses May 2018 .doc

2C

**TOWN OF OYSTER BAY**
**Inter-Departmental Memo**

May 17, 2018

**TO:** **MEMORANDUM DOCKET**

**FROM:** **JOHN P. BISHOP, DEPUTY COMMISSIONER**
**HIGHWAY DEPARTMENT**

**SUBJECT: TRANSFER OF FUNDS**

Town Board authorization is requested to transfer the following funds:

| | Account No. | Object Description | Amount |
|---|---|---|---|
| From: | HWY DB 5110 45100 000 0000 | EQUIPMENT RENTAL | $3,000.00 |
| To: | HWY DB 5110 46100 000 0000 | EQUIPMENT MAINTENANCE | $3,000.00 |

This transfer is necessary to provide funds to purchase and install locks to secure trucks and equipment at the Highway Operations building. This is necessary to prevent theft and damage of valuable equipment.

John P. Bishop, Deputy Commissioner
Highway Department

JPB/dp

C: Town Attorney (7)
Comptroller's Office
Richard Lenz, P.E., Commissioner of DPW/Highway

21A

# TOWN OF OYSTER BAY

## Inter-Departmental Memorandum

TO: Memorandum Docket

FROM: Joseph G. Pinto, Commissioner
Department of Parks

DATE: May 22, 2018

SUBJECT: Transfer of Funds

Town Board authorization is hereby requesting that the Comptroller transfer the following:

**FROM:**

| | | |
|---|---|---|
| PKS A 7110 44900 000 0000 | Other Contracts | $ 3000.00 |

**TO:**

| | | |
|---|---|---|
| PKS A 7110 25000 000 0000 | General Equipment | $ 3000.00 |

This transfer is being requested to provide funds necessary for General Equipment.

Joseph G. Pinto
Commissioner

JGP:GS:ld
cc: Town Attorney (+ 7 copies)

28

# Town of Oyster Bay

## Inter-Departmental Memo

May 24, 2018

TO: Memorandum Docket

FROM: Richard W. Lenz, P. E., Commissioner
Department of Public Works/Highway

SUBJECT: Transfer of Funds

---

The Department of Public Works – Sanitation/Recycling Division requests Town Board authorization to transfer the following funds for the purchase of various materials for Sanitation/Recycling Division.

| | | | |
|---|---|---|---|
| From: | | | |
| | DPW SR05 8160 41650 000 0000 | Recycling Materials | $3,000.00 |
| To: | | | |
| | DPW SR05 8160 41600 000 0000 | Materials and Supplies | $3,000.00 |

This transfer is necessary for the purchase of equipment to be placed and utilized in the shape up room of Sanitation/Recycling Division.

Richard W. Lenz P.E., Commissioner
DPW/Highway

RWL/tml
cc: Town Attorney - w/ 7 copies
File

Docket memo transfer of funds for equipment Sanitation/Recycling may 2018 .doc

2A

# TOWN OF OYSTER BAY

## Inter-Departmental Memo

JUNE 1, 2018

**TO:** MEMORANDUM DOCKET

**FROM:** FRANK V. SAMMARTANO, COMMISSIONER
INTERGOVERNMENTAL AFFAIRS

**SUBJECT:** INCREASE OF FUNDS

---

AMOUNT: $ 79,903.00

| | | |
|---|---|---|
| INCREASE: | IGA CD 0001 04089 000 CW18<br>(Federal Aid- Other) | $ 79,903.00 |
| INCREASE: | IGA CD 6293 12010 000 CW18<br>(Salaries- Seasonal) | $ 40,000.00 |
| INCREASE: | IGA CD 6293 48080 000 CW18<br>(Support Services- Contractual) | $ 39,903.00 |

The above listed increase of funds is required to accommodate the Department of Intergovernmental Affairs (IGA), Division of Employment and Training's (DET) Summer Youth Employment Program (SYEP) program revenue and expenses. All of the above referenced SYEP program funding is provided to the Town through a federal grant passed through the New York State Office of Temporary Disability Assistance (OTDA).

IGA DET has been informed by OTDA of its annual appropriation of SYEP funding. IGA DET had made projections prior to this information to accommodate 2018 budget requirements. The revenue has been increased for this program to allow for the increase in New York State minimum wage requirements and to allow for a more robust program. This increase will allow more participants work experience opportunities. We therefore respectfully request a Town Board resolution authorizing the Comptroller's office to complete the above listed increase of funds.

Frank V. Sammartano
Commissioner

FVS:dp
cc: Town Attorney, 7 copies

2B

**TOWN OF OYSTER BAY**
**Inter-Departmental Memorandum**

**To:** **MEMORANDUM DOCKET**

**From:** **ELIZABETH L. MACCARONE, COMMISSIONER**
**DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Date:** **JUNE 4, 2018**

**Subject:** **TRANSFER OF FUNDS**

Kindly arrange for a transfer of funds as requested from the 2018 budget as follows:

From: PAD B 3620 44800 000 0000----------$3,000.00
PROFESSIONAL SERVICES

To: PAD B 3620 41300 000 0000----------$3,000.00
OFFICE SUPPLIES

This transfer is for the purpose of purchasing files for our property records

From: PAD B 3620 47900 000 0000----------$400.00
OTHER EXPENSES

To: PAD B 3620 47200 000 0000----------$400.00
TRAVEL EXPENSES

One staff member to attend the New York State Redevelopment Summit for the DRI Community Hicksville Grant.

Elizabeth L Maccarone
ELIZABETH L. MACCARONE
COMMISSIONER

ELM/dm

Meeting of June 12, 2018 Resolution No. 376-2018

WHEREAS, the Town Board, by Resolution No. 14-2017, adopted on January 10, 2017, authorized the Department of Intergovernmental Affairs to renew Worker's Compensation Insurance with Salerno Brokerage Corp. for the period January 1, 2017 through January 1, 2018, for the youth enrolled in the Summer Youth and Training Program, conducted by the Department of Intergovernmental Affairs, Division of Employment and Training; and

WHEREAS, Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, by memorandum dated May 8, 2018, requested that the Town Board authorize an additional payment in the amount of $1,062.51 to the State Insurance Fund, through Salerno Brokerage Corp., for Worker's Compensation Insurance for the period of January 1, 2017 through January 1, 2018, pursuant to an audit by the New York State Insurance Fund that concluded that the additional premium cost was justified based on payroll adjustments made during said period,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby accepted and approved, and the Comptroller is hereby authorized and directed to make an additional payment in the amount of $1,062.51 to the State Insurance Fund, through Salerno Brokerage Corp., in connection with Worker's Compensation Insurance for the Department of Intergovernmental Affairs Summer Youth and Training Program, with the funds for said payment to be drawn from Account No. IGA CD 6293 43000 000 CW17.

-#-

Reviewed By
Office of Town Attorney
Elizabeth A. Vaughan

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Intergovernmental Affairs

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# TOWN OF OYSTER BAY
# INTER-DEPARTMENTAL MEMO

May 8, 2018

**TO:** MEMORANDUM DOCKET

**FROM:** FRANK V. SAMMARTANO, COMMISSIONER
INTERGOVERNMENTAL AFFAIRS

**SUBJECT:** WORKERS COMPENSATION INSURANCE – SALERNO BROKERAGE CORP.

---

The Department of Intergovernmental Affairs, Division of Employment and Training is required to retain Workers Compensation Insurance for the youth that are enrolled in the Division's Summer Youth Employment and Training program. Town Board Resolution No.14-2017 dated January 10, 2017 authorized the Department of Intergovernmental Affairs to renew Workers Compensation Insurance with Salerno Brokerage Corp. for the period January 1, 2017 through January 1, 2018.

An audit conducted by the New York State Insurance Fund for the period of January 1, 2017 through January 1, 2018 has determined the balance due for this period is $1,062.51.

It is respectfully requested that the Town Board to authorize payment to Salerno Brokerage Corp. in the amount of $1,062.51. Funds are available in account IGA CD 6293 43000 000 CW17.

Thank you for your attention to this matter.

Frank V. Sammartano
Commissioner

FVS:sd
cc: Town Attorney w/ 7 copies
Attachment

# INVOICE

**SALERNO BROKERAGE CORPORATION**
117 Oak Drive
Syosset, NY 11791

| | |
|---|---|
| Customer | Oyster Bay-North Hempstead-Glen Cove Workforce Development Board |
| Acct # | 9556 |
| Date | 04/04/2018 |
| Customer Service | Salerno Brokerage<br>Maryann Aiello |
| Page | 1 of 1 |

| Payment Information | |
|---|---|
| Invoice Summary | $ 1,062.51 |
| Payment Amount | |
| Payment for: | Invoice#53249 |
| H2148337-5 | |

**Oyster Bay-North Hempstead-Glen Cove Workforce Developmen**
**977 Hicksville Road**
**Massapequa, NY 11755**

Thank You

Please detach and return with payment

Customer: Oyster Bay-North Hempstead-Glen Cove Workforce Development Board

| Invoice | Effective | Transaction | Description | Amount |
|---|---|---|---|---|
| 53249 | 01/01/2018 | Premium audit | Policy #H2148337-5 01/01/2017-01/01/2018<br>State Insurance Fund<br>Workers Compensation - Premium audit<br>Due Date: 4/4/2018 | 1,062.51 |

| Total |
|---|
| $ 1,062.51 |

Thank You

| | | |
|---|---|---|
| SALERNO BROKERAGE CORPORATION<br>117 Oak Drive<br>Syosset, NY 11791 | (516)364-4044 | Date<br>04/04/2018 |

SALERNO BROKERAGE CORP.
TOWNS & VILLAGES RISK MANAGEMENT CORP.
HEALTH & FITNESS RISK MANAGEMENT CORP.
117 Oak Drive, Syosset, New York 11791-4625
516-364-4044 • Fax: 516-364-5901 • www.salernoins.com

April 4, 2018

Mr. Steven Delligatti
Oyster Bay-North Hempstead-Glen Cove Workforce Development Board
977 Hicksville Road
Massapequa, NY 11755

RE: Workers Compensation Audit
Carrier: State Insurance Fund
Policy #: H2148337-5
Policy Term: 1/1/2017 to 1/1/2018

Dear Steven:

Enclosed is the audit for your Workers Compensation Policy for the period of 1/1/2017 to 1/1/2018. The audit shows the following payrolls:

| Classification | Estimated Payroll | Actual Audited Payroll |
|---|---|---|
| Camp Operations | $155,400 | $124,485 |
| Hospitals | $6,900 | $9,355 |
| Restaurants | $13,400 | $14,235 |
| Clerical | $21,500 | $29,105 |
| Building Operations | $54,600 | $50,665 |
| Retail | $0 | $4,865 |
| Nursing home | $5,800 | $0 |

This means that your annual audited Workers Compensation premium is $9,067.02. You paid an estimated premium of $8,004.51 thus, you owe $1,062.51

***Please note we can only verify the rates, if the above figures are incorrect please advise so we may correct the audit.***

Our Invoice is enclosed for the additional premium.

Sincerely yours,

Maryann Aiello

Enc.

# THE STATE INSURANCE FUND

8 Corporate Center Dr, 2nd Floor, Melville, NY, 11747-3166
(888) 875-5790

| Document Type: | Group No: | Period Covered: * | R.B. File No: |
|---|---|---|---|
| AUDIT | 090 | 01/01/2017 TO 01/01/2018 | 000593785R |

INSURED: H 2148 337-5

OYSTER BAY-N. HEMPSTEAD-GLEN COVE
WORKFORCE DEVELOPMENT BOARD
977 HICKSVILLE ROAD
MASSAPEQUA NY 11758

REPRESENTATIVE: 559211

SALERNO BROKERAGE CORP
117 OAK DR
SYOSSET NY 11791

| Policy No: |
|---|
| H 2148 337-5 |
| Date: |
| 03/20/2018 |
| Document Number: |
| A10000675563 |

* PERIOD OF COVERAGE BEGINS AND ENDS AT TWELVE AND ONE MINUTE O'CLOCK A.M. EASTERN STANDARD TIME

## INFORMATION PAGE AUDIT

| ITEM# | CODE | CLASSIFICATION DESCRIPTION | PAYROLL | X RATE PER $100 | = SIF MANUAL RATE PREMIUM |
|---|---|---|---|---|---|
| 1. | 9048 | CAMP OPERATIONS & DRIVERS | 124,485 | 4.80 | 5,975.28 |
| 2. | 9072 | RESTAURANTS-FAST FOOD & DRIVERS | 14,235 | 3.38 | 481.14 |
| 3. | 8831 | HOSPITALS - VETERINARY -INC DRIVERS | 9,355 | 2.30 | 215.17 |
| 4. | 8810 | CLERICAL OFFICE EMPLOYEES NOC-U | 29,105 | 0.24 | 69.85 |
| 5. | 9026 | BUILDING OPERATION-COMMERCIAL-ETC-U | 50,665 | 7.13 | 3,612.41 |
| 6. | 8017 | RETAIL STORES&DRUG ETC-NO FOOD-U | 4,865 | 2.30 | 111.90 |

| | | |
|---|---|---|
| 7. | MANUAL PREMIUM | 10,465.75 |
| 8. | APPLICABLE RATE DECREASE | 125.59CR |
| 9. | TOTAL SUBJECT PREMIUM | 10,340.16 |
| 10. | EXPERIENCE RATING CREDIT 7% OF (ITEM 9) | 723.81CR |
| 11. | TOTAL MODIFIED PREMIUM | 9,616.35 |
| 12. | NYSIF DISCOUNT 20% OF (ITEM 11) | 1,923.27CR |
| 13. | EXPENSE CONSTANT | 250.00 |
| 14. | TERRORISM PREMIUM | 139.63 |
| 15. | NATURAL DISASTER AND CATASTROPHE PREMIUM | 25.60 |
| 16. | TOTAL PREMIUM | 8,108.31 |
| 17. | ASSESSMENT CHARGE 12.2% OF (ITEM 16 LESS ITEM 13 ) | 958.71 |
| 18. | TOTAL PREMIUM + ASSESSMENTS | 9,067.02 |

| | | |
|---|---|---|
| | CREDIT FOR PREVIOUS DEPOSIT PREMIUM | 2,001.13CR |
| | CREDIT FOR PREVIOUS INSTALLMENTS | 6,003.38CR |
| A. | TOTAL CREDIT FOR PREVIOUS PREMIUM | 8,004.51CR |
| B. | TOTAL PREMIUM + ASSESSMENTS (ITEM 18) | 9,067.02 |
| C. | NET PREMIUM FOR THIS PERIOD (B LESS A) | 1,062.51 |

THIS IS NOT A BILL. IMPORTANT PREMIUM CALCULATION, PLEASE RETAIN FOR YOUR RECORDS.
(SEE REVERSE SIDE FOR CONDITIONS)

NIF2S / NIF2SAAV2 (10/2017)

[0000000000095664790 3][0001-000021483375][]14842-01][PHS INFO-INF1==][01-00607]

Meeting of June 12, 2018 Resolution No. 377-2018

WHEREAS, pursuant to Sections 96-15 and 96-20 of the Code of the Town of Oyster Bay, the Department of Planning and Development, by its emergency powers, authorized the Highway Department to secure the front door at the premises located at 8 Island Street, Plainview, New York 11803, also known as Section 12, Block 48, Lot 105 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated May 3, 2018, pursuant to Section 96-19 of the Code of the Town of Oyster Bay, have requested that the cost of securing the premises on August 30, 2017, in the amount of $872.77, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated May 3, 2018, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of $872.77 may be assessed by the Legislature of the County of Nassau against the parcel known as 8 Island Street, Plainview, New York 11803, also known as Section 12, Block 48, Lot 105 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By
Office of Town Attorney

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Highway
Planning & Development
Town Clerk

14

# Town of Oyster Bay
# Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: May 3, 2018

SUBJECT: Property Cleanup Assessment
8 Island Street, Plainview, New York 11803
Section 12, Block 48, Lot 105

---

By the emergency powers granted to the Department of Planning and Development, the Highway Department was directed to secure the front door at the premises located at 8 Island Street, Plainview, New York 11803, also known as Section 12, Block 48, Lot 105 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated September 6, 2017, advised that the property was secured by a crew from the Highway Department on August 30, 2017. The cost incurred by the Town of Oyster Bay was $872.77.

Pursuant to Section 96-19 of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Ralph P. Healey

Ralph P. Healey
Special Counsel

RPH:aml
Attachments
Town Attorney (w/7 copies)

S:\Attys\DBS\Cleanup MD&Reso\MD 8 Island St Bd Up 3.15.18

2018-6353 DBS
Need Ltr

## Ken Bishop

**From:** Barbara Zito
**Sent:** Wednesday, August 30, 2017 1:20 PM
**To:** Ken Bishop
**Subject:** 8 ISLAND STREET, PLAINVIEW

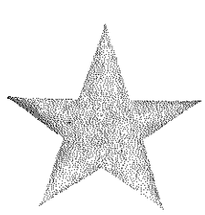
Ken,

As per the direction of Deputy Commissioner of Planning and Development, Tim Zike, we need to have someone go to 8 Island Street, Plainview to secure the front door which was recently broken into.

Thank you for your immediate attention.

Barbara – Code Enforcement

2017 DEC 26 A 11:52



CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 5th day of December, nineteen hundred and ninety seven

BETWEEN

EDMOND LaCHANCE AND EILEEN YOUNG, as Joint Tenants both residing at 6 Island Street, Plainview, N.Y. 11803

party of the first part, and

EDMOND LaCHANCE and DOROTHY LaCHANCEhis wife residing at 8 Island Street, Plainview, N.Y. 11803

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being ~~in the~~ at Hicksville, Town of Oyster Bay. County of Nassau and State of New York, known and designated on a certain Map entitled "Map of Hicksville, Nassau County, N.Y., July 18, 1929, H.E.HAWKHURST,C.E.Westbury, N.Y." and filed in the Nassau County Clerk's Office, October 30, 1929, as Map #1016, Case #2816, as an and by Lot Number 50 and part of Lot 51 and 49 in Block "D" which said lot and part of lots when taken together as one parcel are bounded and described according to said map, as follows:

BEGINNING AT A POINT ON the northerly sideof Island Street, distant 162 feet easterly from the corner formed by the intersection

BEGINNING AT A POINT ON the northerly sideof Island Street, distant 162 feet easterly from the corner formed by the intersection of the said northerly side of Island Street with the easterly side of South oyster Bay Road, old line; running thence northerly at right angles to Island Street, 100 feet; thence easterly parallel with Island Street, 54 feet; thence southerly at right angles to Island Street, 100 feet to the northerly side of Island Street; and thence westerly along thg northerly side of Island Street, 54 feet to the point or place of BEGINNING

Sec 12 Block 048 LOT 105

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

AND the party of the first part covenants as follows: that said party of the first part is seized of the said premises in fee simple, and has good right to convey the same; that the party of the second part shall quietly enjoy the said premises; that the said premises are free from incumbrances, except as aforesaid; that the party of the first part will execute or procure any further necessary assurance of the title to said premises; and that said party of the first part will forever warrant the title to said premises.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Standard N.Y.B.T.U. Form 8005B-6-79-5M—Administrator's Deed (Single Sheet)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 13th day of May, nineteen hundred and ninety-six

BETWEEN

DAVID BISHOP, of 816 Deer Park Avenue, North Babylon, N. Y.

as administrator of the Estate of DOROTHIE BISHOP
late of 8 Island Street, Plainview, N. Y.
who died intestate on the 12th day of September, nineteen hundred and ninety-five
party of the first part, and

EDMOND LaCHANCE and EILEEN YOUNG, as Joint Tenants, both residing at
6 Island Street, Plainview, N. Y. 11803

party of the second part,

WITNESSETH, that the party of the first part, to whom letters of administration were issued by the Surrogate's Court, Nassau County, New York on January 17, 1996 and by virtue of the power and authority given by Article 11 of the Estates, Powers and Trusts Law, and in consideration of ONE HUNDRED THIRTY AND NO/100 ($130,000.00) dollars, paid by the party of the second part, does hereby grant and release unto the party of the second part, the distributees or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the at Hicksville, Town of Oyster Bay, County of Nassau and State of New York, known and designated on a certain map entitled "Map of Hicksville, Nassau county, N. Y., July 18, 1929, H. E. Hawxhurst, C.E. Westbury, N. Y." and filed in the Nassau County Clerk's Office, October 30, 1929, as Map #1016, Case #2816, as and by Lot Number 50 and part of Lot 51 and 49 in Block "D", which said lot and part of lots when taken together as one parcel are bounded and described according to said map, as follows:

BEGINNING at a point on the northerly side of Island Street, distant 162 feet easterly from the corner formed by the intersection of the said northerly side of Island Street with the easterly side of South Oyster Bay Road, old line; running thence Northerly at right angles to Island Street, 100 feet; thence easterly parallel with Island Street, 54 feet; thence southerly at right angles to Island Street, 100 feet to the northerly side of Island Street; and thence westerly along the northerly side of Island Street, 54 feet to the point or place of beginning.
Premises are improved with a one family dwelling.
Premises also known as 8 Island Street, Plainview, N. Y.
The parties of the second part have executed a purchase money first mortgage in the sum of $50,000.00 to the party of the first part, dated even date herewith and intended to be recorded simultaneously herewith.
Same premises conveyed to the decedent, Dorothie Bishop and recorded on February 24, 1972 in Liber 8356 Page 191.

TAX MAP
ESIGNATION

12

048

0105

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances, and also all the estate which the said decedent had at the time of decedent's death in said premises, and also the estate therein, which the party of the first part has or has power to convey or dispose of, whether individually, or otherwise; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the distributees or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

Subject to the trust fund provisions of section thirteen of the Lien Law.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

**Town of Oyster Bay**
**Inter- Departmental Memo**

September 6, 2017

**TO:** ELIZABETH L. MACCARONE, COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

**FROM:** JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

**SUBJECT:** **8 ISLAND STREET, PLAINVIEW**
**BOARD-UP**

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of **$872.77**.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.

**JOHN P. BISHOP**
**DEPUTY COMMISSIONER**
**HIGHWAY DEPARTMENT**

**JPB/kjb**

**Enc. T & M sheet**

BOARD – UP 8 ISLAND STREET, PLAINVIEW TO P & D

# MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

**Location** (12-48-105) 8 ISLAND ST PLAINVIEW 11803

**Date** Aug 30, 2017

**Work Order #** 39721

**Labor Costs**

| Employee's Name | | Regular Work Hours | Regular Rate | Ovetime Hours | Overtime Rate | Line Cost |
|---|---|---|---|---|---|---|
| JEFFREY VAN NOSTRAND | General Maintenance | 01:00 | $43.77 | 00:00 | 0 | $43.77 |
| | | | | | Total Labor | $43.77 |

**Tools/Vehicle**

| Tool/Vehicle | Description | Rate per Hour | Hours | Line Cost |
|---|---|---|---|---|
| TU052 | TRUCK UTILITY 2012 FORD F-350 YW (RR911) | $79.00 | 01:00 | $79.00 |
| | | | Total Equipment | $79.00 |

**Materials**

| Material | Cost Per Unit | Units | Line Cost |
|---|---|---|---|
| Administrative Fee | $750.00 | 1 | $750.00 |
| | | Total Materials | $750.00 |

**Grand Total** **$872.77**

**Description of Work:**
BOARD UP 8 ISLAND STREET PV

**Signature:**
**Name:** Douglas Robalino
**Title:** Director of Highway Opperations
**Date:** Sep 6, 2017

Meeting of June 12, 2018 Resolution No. 378-2018

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated May 10, 2017, authorized the Highway Department to clean up the premises located at 14 Gainsboro Lane, Syosset, New York 11791, also known as Section 12, Block 400, Lot 6 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated May 3, 2018, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on May 16, 2017, in the total amount of $255.05, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated May 3, 2018, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of $255.05 may be assessed by the Legislature of the County of Nassau against the parcel known as 14 Gainsboro Lane, Syosset, New York 11791, also known as Section 12, Block 400, Lot 6 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By
Office of Town Attorney
Ralph P. Healey

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Highway
Planning & Development
Town Clerk

15

# Town of Oyster Bay
# Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: May 3, 2018

SUBJECT: Property Cleanup Assessment
14 Gainsboro Lane, Syosset, New York 11791
Section 12, Block 400, Lot 6

---

The Department of Planning and Development, by memorandum dated May 10, 2017, directed the Highway Department to clean the premises located at 14 Gainsboro Lane, Syosset, New York 11791, also known as Section 12, Block 400, Lot 6 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated May 19, 2017, advised that the property was cleaned by a crew from the Highway Department on May 16, 2017. The cost incurred by the Town of Oyster Bay was $255.05.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Ralph P. Healey

Ralph P. Healey
Special Counsel

RPH:aml
Attachments
cc: Town Attorney (w/7 copies)

S:\AML\Cleanup MD&Reso\CleanupMD&Reso\MD 14 Gainsboro Ln 5.3.18.doc

2018-6520

# TOWN OF OYSTER BAY

## Inter-Departmental Memo

**May 10, 2017**

**To:** JOHN BISHOP: ACTING DEPUTY COMMISIONER/HIGHWAY

**From:** MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU

**Through:** ELIZABETH L. MACCARONE: COMMISSIONER OF DEPARTMENT OF PLANNING AND DEVELOPMENT

**Subject:** 14 Gainsboro Lane Syosset, NY 11791
SBL: 12-400-6

---

Notice of Violation (No.16889) was issued to the owner of the above-referenced premises 04/28/2017 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54: **I am directing that:**

- **The grass be cut.**
- **The bushes be trimmed.**

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

ELIZABETH L. MACCARONE
COMMISSIONER

BY:

MICHAEL ESPOSITO
CODE ENFORCEMENT BUREAU

ME/js
cc: Joseph Nocella, Town Attorney

4

THIS INDENTURE, made on Sept. 7th 2011

BETWEEN Dennis Jihoon Ahn and Duk hee Jang

14 Gainsboro Lane
Syosset NY 11791

Sec. 0012
Block: 00400
Lot: 006
Town: Oyster Bay

party of the first part, and Duk hee Jang

14 Gainsboro Lane Syosset NY 11791

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

~~One Hundred ($100.00)~~ No Consideration dollars,

lawful money of the United States, ~~$100~~ No Consideration paid

by the party of the second part, does hereby remise, release and quitclaim unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any stree roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the h successors and assigns of the party of the second part forever.

AND the party of the first part, in compliance with Section 13 of the Lien Law, hereby covenants that the first part will receive the consideration for this conveyance and will hold the right to receive such eration as a trust fund to be applied first for the purpose of paying the cost of the improvement and wi the same first to the payment of the cost of the improvement before using any part of the total of the s any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so r

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year firs written.

Ahn, Dennis Jihoon

Duk hee Jang

personally appeared Dennis Jihoon Ahn and Dukhee Jang

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

ANDREA L. STURM
Notary Public, State of New York
No. 04ST6236226
Qualified in Nassau County
Commission Expires 2/22/2015

Andrea L Sturm
(signature and office of individual taking acknowledgment)

ACKNOWLEDGMENT OUTSIDE NEW YORK STATE (RPL 309-b)

State of County of ss.:

On before me, the undersigned, personally appeared

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in

*(insert city or political subdivision and state or county or other place acknowledgment taken)*

*(signature and office of individual taking acknowledgment)*

On before me, the undersigned, personally appeared

the subscribing witness(es) to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in *(if the place of residence is in a city, include the street and street number, if any, thereof)*

LEGIBILITY POOR

that he/she/they know(s)

to be the individual(s) described in and who executed the foregoing instrument; that said subscribing witness(es) was (were) present and saw said

execute the same; and that said witness(es) at the same time subscribed his/her/their name(s) as a witness(es) thereto.

( ☐ *If taken outside New York State insert city or political subdivision and state or country or other place acknowledgment taken.* And that said subscribing witness(es) made such appearance before the undersigned in

)

*(signature and office of individual taking acknowledgment)*

Quitclaim Deed

TITLE NO.

SECTION 0012
BLOCK 00400
LOT 006
COUNTY OR TOWN Oysterbau

**Town of Oyster Bay**
**Inter- Departmental Memo**

May 19, 2017

**TO:** ELIZABETH L. MACCARONE, COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

**FROM:** JOHN P. BISHOP, ACTING DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

**SUBJECT:** **14 GAINSBORO LANE, SYOSSET**
**CLEAN UP**

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of **$255.05**.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.

**JOHN P. BISHOP**
**ACTING DEPUTY COMMISSIONER**
**HIGHWAY DEPARTMENT**

**JPB/kjb**

**Enc. T & M sheet**

2018 JAN 17 P 3:29

CLEAN-UP 14 GAINSGORO LANE, SYOSSET TO P & D

# MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

**Location** (12-400-6) 14 GAINSBORO LN SYOSSET 11791 **Date** May 16, 2017

**Work Order #** 36768

**Labor Costs**

| Employee's Name | | Regular Work Hours | Regular Rate | Ovetime Hours | Overtime Rate | Line Cost |
|---|---|---|---|---|---|---|
| GREGORY MARCHESE | General Maintenance | 01:00 | $47.36 | 00:00 | 0 | $47.36 |
| VINCENT CAGGIANO JR | General Maintenance | 01:00 | $23.69 | 00:00 | 0 | $23.69 |
| | | | | | Total Labor | $71.05 |

**Tools/Vehicle**

| Tool/Vehicle | Description | Rate per Hour | Hours | Line Cost |
|---|---|---|---|---|
| PU414 | PICK UP 2011 FORD F250 YELLO (12 / 012) | $79.00 | 01:00 | $79.00 |
| TD593 | TRUCK DUMP 2006 FORD F-350 YW (T-300) - Power Wagons | $105.00 | 01:00 | $105.00 |
| | | | Total Equipment | $184.00 |

**Materials**

| Material | Cost Per Unit | Units | Line Cost |
|---|---|---|---|
| | | Total Materials | |

**Grand Total** **$255.05**

**Description of Work:**
CLEAN UP 14 GAINSBORO LANE SY TO DOUG

**Signature:**
**Name:** Douglas Robulano
**Title:** Storeyard Supervisor
**Date:** May 19, 2017

WHEREAS, pursuant to Sections 96-15 and 96-20 of the Code of the Town of Oyster Bay, the Department of Planning and Development, by its emergency powers, authorized the Highway Department to re-board the house located at 4699 Merrick Road, Massapequa, New York 11758 also known as Section 57, Block 222, Lot 19 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated May 3, 2018, pursuant to Section 96-19 of the Code of the Town of Oyster Bay, have requested that the cost of securing the premises on June 19, 2017, in the amount of $278.17, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated May 3, 2018, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of $278.17 may be assessed by the Legislature of the County of Nassau against the parcel known as 4699 Merrick Road, Massapequa, New York 11758, also known as Section 57, Block 222, Lot 19 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By
Office of Town Attorney

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Highway
Planning & Development
Town Clerk

10

# Town of Oyster Bay
# Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: May 3, 2018

SUBJECT: Property Cleanup Assessment
4699 Merrick Road, Massapequa, New York 11758
Section 57, Block 222, Lot 19

---

By the emergency powers granted to the Department of Planning and Development, the Highway Department was directed to re-board the house located at 4699 Merrick Road, Massapequa, New York 11758, also known as Section 57, Block 222, Lot 19 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated June 20, 2017, advised that the property was secured by a crew from the Highway Department on June 19, 2017. The cost incurred by the Town of Oyster Bay was $278.17.

Pursuant to Section 96-19 of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Ralph P. Healey

Ralph P. Healey
Special Counsel

RPH:aml
Attachments
Town Attorney (w/7 copies)

S:\Attys\DBS\Cleanup MD&Reso\MD 4699 Merrick Rd Bd Up 4.24.18

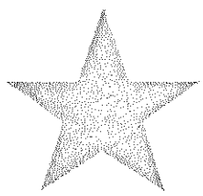
2018-6469
Need ltr

**Ken Bishop**

**From:** Michael Esposito
**Sent:** Tuesday, June 13, 2017 9:57 AM
**To:** Ken Bishop
**Subject:** 4699 merrick rd. mass. 57-222-19

The home was broken into. Please ask Jeff to reboard the house ASAP
Thanks

*Michael Esposito*
*Bureau Chief*
**Code Compliance Bureau**
**Town of Oyster Bay**
**74 Audrey Avenue**
**Oyster Bay, New York 11771**
**(516) 624-6237**



Standard N.Y.B.T.U. Form 2002 - Bargain and Sale Deed, with Covenant against Grantor's Acts—Individual or Corporation (Single Sheet)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 28th day of September, nineteen hundred and eighty-nine

BETWEEN

DENNIS C. BRONZ, residing at
20 Broadway
Massapequa, New York 11758

party of the first part, and

BARBARA KERN, residing at
86 Ripplewater Avenue
Massapequa, New York 11758

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the at Massapequa, Town of Oyster Bay, County of Nassau and State of New York, bounded and described as follows:

BEGINNING at a point on the new northerly side of Merrick Road, distant 328.81 feet westerly from the extreme westerly end of the arc of a curve connecting the new northerly side of Merrick Road with the westerly side of road known as Dover Road which point of beginning is also distant 500.82 feet westerly when measured along the new northerly side of Merrick Road from the westerly side of land of Grace Episcopal Church;

RUNNING THENCE westerly along the new northerly side of Merrick Road, 63 feet;

RUNNING THENCE northerly and at right angles to Merrick Road, 115 feet;

RUNNING THENCE easterly parallel with Merrick Road, 63 feet;

RUNNING THENCE southerly and at right angles to Merrick Road, 115 feet to the northerly side of Merrick Road, at the point or place of BEGINNING. Known as Section 57, Block 222, Lot 19 on the Nassau County Land & Tax map.

BEING AND INTENDED TO BE the same premises conveyed to the party of the first part by deed dated 3/4/82 and recorded 3/9/82 in Liber 9395 at page 263.

PREMISES ALSO KNOWN AS No. 4699 Merrick Road, Massapequa, New York.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

In presence of:

Dennis C. Bronz

Lot 19 Block 222 Section 57 Village Hamlet Town Roslyn Tax Map

OCT 17 1989

RECORDED 10024 PAGE 17

STATE OF NEW YORK, COUNTY OF NASSAU

On the 28th day of September 19 89, before me personally came DENNIS C. BRONZ

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

NOTARY PUBLIC

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the

of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed h name thereto by like order.

STATE OF NEW YORK, COUNTY OF

On the day of 19, before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed h name as witness thereto.

Bargain and Sale Deed
With Covenant Against Grantors Acts
Title No. 8P6892 SA-N-858581

BRONZ

TO

KERN

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS
Distributed by
First American Title Insurance Company of New York

SECTION 57
BLOCK 222
LOT 19
COUNTY OR TOWN NASSAU

Recorded At Request of
First American Title Insurance Company of New York
Record RETURN BY MAIL TO:

SPANO ABSTRACT SERVICE CORP.
Complete Title Insurance Service
370 Old Country Road
Garden City, N.Y. 11530
(516) 294-7037
(718) 358-9416
FAX (516) 742-9375

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

OCT 25 1989
OCT 16 10 15 AM '89

RECORDED
OCT 25 10 24 AM '89
HAROLD T. McDONNELL
COUNTY CLERK
NASSAU COUNTY

SEED 10024 PAGE 18

005217

Y00155

RECEIVED
$ 0.00
REAL ESTATE
OCT 25 1989
TRANSFER TAX
NASSAU
COUNTY

RECORDED BY
SPANO ABSTRACT SERVICE CORP.

**Town of Oyster Bay**
**Inter- Departmental Memo**

June 20, 2017

**TO:** ELIZABETH L. MACCARONE, COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

**FROM:** JOHN P. BISHOP, ACTING DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

**SUBJECT:** **4699 MERRICK ROAD, MASSAPEQUA**
**BOARD-UP**

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of **$278.17**.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.

**JOHN P. BISHOP**
**ACTING DEPUTY COMMISSIONER**
**HIGHWAY DEPARTMENT**

**JPB/kjb**

**Enc. T & M sheet**

BOARD-UP 4699 MERRICK ROAD, MASSAPEQUA TO P & D

# MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

**Location** (57-222-19) 4699 MERRICK RD MASSAPEQUA 11758 **Date** Jun 19, 2017

**Work Order #** 37686

**Labor Costs**

| Employee's Name | | Regular Work Hours | Regular Rate | Ovetime Hours | Overtime Rate | Line Cost |
|---|---|---|---|---|---|---|
| RUBEN FOURNIER | General Maintenance | 01:30 | $35.14 | 00:00 | 0 | $52.71 |
| JEFFREY VAN NOSTRAND | General Maintenance | 01:30 | $43.77 | 00:00 | 0 | $65.66 |
| | | | | | Total Labor | $118.37 |

**Tools/Vehicle**

| Tool/Vehicle | Description | Rate per Hour | Hours | Line Cost |
|---|---|---|---|---|
| TU052 | TRUCK UTILITY 2012 FORD F-350 YW (RR911) | $79.00 | 01:30 | $118.50 |
| | | | Total Equipment | $118.50 |

**Materials**

| Material | Cost Per Unit | Units | Line Cost |
|---|---|---|---|
| Plywood 4'X8'X1/2" | $20.65 | 2 | $41.30 |
| | | Total Materials | $41.30 |

**Grand Total** **$278.17**

**Description of Work:**
RE BOARD UP 4699 MERRICK ROAD

**Signature:**
**Name:** Douglas Robalino
**Title:** Storeyard Supervisor
**Date:** Jun 19, 2017

Meeting of June 12, 2018 Resolution No. 380-2018

WHEREAS, pursuant to Sections 96-15 and 96-20 of the Code of the Town of Oyster Bay, the Department of Planning and Development, by its emergency powers, authorized the Highway Department to re-secure the double doors at the back of the house located at 603 Franklin Avenue, Massapequa, New York 11758, also known as Section 52, Block 198, Lot 8 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated May 3, 2018, pursuant to Section 96-19 of the Code of the Town of Oyster Bay, have requested that the cost of securing the premises on July 7, 2017, in the amount of $98.59, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated May 3, 2018, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of $98.59 may be assessed by the Legislature of the County of Nassau against the parcel known as 603 Franklin Avenue, Massapequa, New York 11758, also known as Section 52, Block 198, Lot 8 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By
Office of Town Attorney
Ralph P. Healey

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Highway
Planning & Development
Town Clerk

17

# Town of Oyster Bay
# Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: May 3, 2018

SUBJECT: Property Cleanup Assessment
603 Franklin Avenue, Massapequa, New York 11758
Section 52, Block 198, Lot 8

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By the emergency powers granted to the Department of Planning and Development, the Highway Department was directed to re-secure the double doors at the back of the house located at 603 Franklin Avenue, Massapequa, New York 11758, also known as Section 52, Block 198, Lot 8 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated July 12, 2017, advised that the property was secured by a crew from the Highway Department on July 7, 2017. The cost incurred by the Town of Oyster Bay was $98.59.

Pursuant to Section 96-19 of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Ralph P. Healey

Ralph P. Healey
Special Counsel

RPH:aml
Attachments
Town Attorney (w/7 copies)

S:\Attys\DBS\Cleanup MD&Reso\MD 603 Franklin Ave Bd Up 4.24.18

2018-4400
Need ltr

**Ken Bishop**

**From:** Michael Esposito
**Sent:** Friday, July 07, 2017 3:37 PM
**To:** Ken Bishop
**Subject:** 603 franklin ave. massapequa 52-198-8

Kenny
Please ask Jeff to re-secure the double doors in the back of the house.
Thanks

*Michael Esposito*
*Bureau Chief*
**Code Compliance Bureau**
**Town of Oyster Bay**
**74 Audrey Avenue**
**Oyster Bay, New York 11771**
**(516) 624-6237**

Standard N.Y.B.T.U. Form 8002 — Bargain and Sale Deed, with Covenant against Grantor's Acts—Individual or Corporation (single sheet)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

**THIS INDENTURE,** made the 2nd day of NOVEMBER, nineteen hundred and NINETY-THREE

**BETWEEN**

STANLEY ROTHMAN, as the surviving tenant by the entirety of Helen Rothman, deceased, residing at 603 Franklin Avenue, Massapequa, New York, 11758

party of the first part, and

JOSEPHA A. COLLIER, residing at 83-45 116th Street, #2, Kew Gardens, New York, 11415

party of the second part,

**WITNESSETH,** that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being ~~in the~~ at Massapequa, Town of Oyster Bay, County of Nassau and State of New York, known and designated as part of Lots 2354 to 2358 both inclusive in Block 28, on a certain map entitled, "Map of Property of the Queens Land and Title Co., at Massapequa, Long Island, Section D, Surveyed 1907 by Alvin G. Smith, C.E., Freeport, Long Island" and filed in the Office of the Clerk of the County of Nassau on January 29, 1908 as Map No. 41, Case No. 303, bounded and described as follows:

**BEGINNING** at a the corner formed by the intersection of the Southerly side of Pittsburgh Avenue with the Westerly side of Franklin Avenue; **RUNNING THENCE** South 8 degrees 57 minutes 45 seconds West and along the Westerly side of Franklin Avenue, 100.35 feet; **THENCE** North 85 degrees 59 minutes 00 seconds West, 70.06 feet; **THENCE** North 4 degrees 01 minutes 00 seconds East, 100 feet to the Southerly side of Pittsburgh Avenue;
**THENCE** South 85 degrees 59 minutes 00 seconds East along the Southerly side of Pittsburgh Avenue, 78.72 feet to the corner, the point or place of **BEGINNING.**

**PREMISES** known as 603 Franklin Avenue, Massapequa, New York.

**BEING THE SAME PREMISES** conveyed to the party of the first part by deed dated 4/25/69 and recorded 4/28/69 in Liber 7972, Page 491.

**NASSAU COUNTY TAX MAP:** Section 52, Block 198, Lot 8

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

**IN WITNESS WHEREOF,** the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Vincent J. Flaveen

Stanley Rothman

STANLEY ROTHMAN

STATE OF NEW YORK, COUNTY OF NASSAU ss:

On the 2nd day of November 19 93, before me personally came

STANLEY ROTHMAN

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

Michael P. Licitra

Notary Public

MICHAEL P. LICITRA
NOTARY PUBLIC, State of New York
No. 4883149
Qualified in Nassau County
Term Expires June 22, 1995

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of , the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed h name thereto by like order.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed h name as witness thereto.

# Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO. 207734U

ROTHMAN

TO

COLLIER

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS
Distributed by
First American Title Insurance Company of New York

| | |
|---|---|
| SECTION | 52 |
| BLOCK | 198 |
| LOT | 8 |
| COUNTY OR TOWN | COUNTY OF NASSAU<br>TOWN OF OYSTER BAY |

Recorded At Request of
First American Title Insurance Company of New York

RETURN BY MAIL TO:

ANGELA M. JOHNSON, ESQ.
TELLERMAN, PATICOFF & GREENBERG
233 BROADWAY, 18th Floor
NEW YORK, N.Y. Zip No. 10279

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

Nassau County Clerk
RECORDS OFFICE
RECORDING PAGE

Deed Number (RETT):
RETT008244

Type of Instrument: Deed

Control No: 199311160239

STANLEY
ROTHMAN

JOSEPHA
COLLIER

A

Recorded: 11/16/1993
At: 9:51:03 AM
In Liber: 10367
Of: Deed Book
From Page: 0565
Through Page: 0567

Refers to Liber: 00000
Of:
Page: 0000

| Location: | Section: | Block: | Lot: | Unit: |
|---|---|---|---|---|
| Oyster Bay (2824) | 00000052 | 00198-00 | 00008 | |

EXAMINED AND CHARGED AS FOLLOWS:

Consider Amt $ 125,000.00

Received Following Fees For Above Instrument

| | | | Exempt | | | | Exempt |
|---|---|---|---|---|---|---|---|
| Recording | $ | 24.00 | NO | State Fee | $ | 4.75 | NO |
| Equal/Cty | $ | 5.00 | NO | St.Fee/Cty | $ | .25 | NO |
| Gains Tax | $ | 1.00 | NO | Trans Tax | $ | 500.00 | NO |
| Surchg/NYS | $ | 22.00 | NO | | | | |
| Surchg/Cty | $ | 3.00 | NO | | | | |

Fees Paid: $ 560.00

Deed Number (RETT): RETT008244

THIS PAGE IS A PART OF THE INSTRUMENT

Doreen Banks
County Clerk, Nassau County

LAK001

Need Deed

**Town of Oyster Bay**
**Inter- Departmental Memo**

July 12, 2017

**TO:** ELIZABETH L. MACCARONE, COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

**FROM:** JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

**SUBJECT:** **603 FRANKLIN AVENUE, MASSAPEQUA**
**BOARD-UP**

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of **$98.59**.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.

2018 JAN 17 P 3:28

**JOHN P. BISHOP**
**DEPUTY COMMISSIONER**
**HIGHWAY DEPARTMENT**

**JPB/kjb**

**Enc. T & M sheet**

2018 JAN 24 A 3:39

BOARD-UP 603 FRANKLIN AVENUE, MASSAPEQUA TO P & D

# MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

**Location** (52-198-8) 603 FRANKLIN AVE MASSAPEQUA 11758 **Date** Jul 7, 2017

**Work Order #** 38249

**Labor Costs**

| Employee's Name | | Regular Work Hours | Regular Rate | Ovetime Hours | Overtime Rate | Line Cost |
|---|---|---|---|---|---|---|
| RUBEN FOURNIER | General Maintenance | 00:30 | $35.14 | 00:00 | 0 | $17.57 |
| JEFFREY VAN NOSTRAND | General Maintenance | 00:30 | $43.77 | 00:00 | 0 | $21.89 |
| | | | | | Total Labor | $39.46 |

**Tools/Vehicle**

| Tool/Vehicle | Description | Rate per Hour | Hours | Line Cost |
|---|---|---|---|---|
| TU052 | TRUCK UTILITY 2012 FORD F-350 YW (RR911) | $79.00 | 00:30 | $39.50 |
| | | | Total Equipment | $39.50 |

**Materials**

| Material | Cost Per Unit | Units | Line Cost |
|---|---|---|---|
| Hasps | $7.24 | 1 | $7.24 |
| Locks | $12.39 | 1 | $12.39 |
| | | Total Materials | $19.63 |

**Grand Total** **$98.59**

**Description of Work:**
RE -SECURE THE DOUBBLE DOORS IN BACK OF 603 FRANKLIN AVE MS

**Signature:**
**Name:** Douglas Robalino
**Title:** Director of Highway Opperations
**Date:** Jul 11, 2017

Meeting of June 12, 2018

Resolution No. 381-2018

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated July 19, 2017, authorized the Highway Department to clean up the premises located at 15 Gables Road, Hicksville, New York 11801, also known as Section 12, Block 283, Lot 25 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated May 3, 2018, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on July 28, 2017, in the total amount of $1,176.57, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated May 3, 2018, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of $1,176.57 may be assessed by the Legislature of the County of Nassau against the parcel known as 15 Gables Road, Hicksville, New York 11801, also known as Section 12, Block 283, Lot 25 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By
Office of Town Attorney

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Highway
Planning & Development
Town Clerk

18

# Town of Oyster Bay
# Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: May 3, 2018

SUBJECT: Property Cleanup Assessment
15 Gables Road, Hicksville, New York 11801
Section 12, Block 283, Lot 25

---

The Department of Planning and Development, by memorandum dated July 19, 2017, directed the Highway Department to clean the premises located at 15 Gables Road, Hicksville, New York 11801, also known as Section 12, Block 283, Lot 25 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated August 1, 2017, advised that the property was cleaned by a crew from the Highway Department on July 28, 2017. The cost incurred by the Town of Oyster Bay was $1,176.57.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Ralph P. Healey

Ralph P. Healey
Special Counsel

RPH:aml
Attachments
cc: Town Attorney (w/7 copies)

S:\AML\Cleanup MD&Reso\CleanupMD&Reso\MD 15 Gables Rd 5.3.18.doc

2018-6452
Need ltr

# TOWN OF OYSTER BAY

## Inter-Departmental Memo

**July 19, 2017**

**To:** JOHN BISHOP: ACTING DEPUTY COMMISIONER/HIGHWAY

**From:** MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU

**Through:** ELIZABETH L. MACCARONE: COMMISSIONER OF DEPARTMENT OF PLANNING AND DEVELOPMENT

**Subject:** 15 Gables Road Hicksville, NY 11801
SBL: 12-283-25

Notice of Violation (No.TL033) was issued to the owner of the above-referenced premises 07/12/2017 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54: **I am directing that:**

- **The grass and weeds be cut.**
- **The bushes be trimmed.**

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

ELIZABETH L. MACCARONE
COMMISSIONER
BY:

MICHAEL ESPOSITO
CODE ENFORCEMENT BUREAU

ME/js
cc: Joseph Nocella, Town Attorney

NY2005 — Bargain and Sale Deed, with Covenant against Grantor's Acts — Individual or Corporation (Single Sheet)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 2nd day of February, in the year 2007

BETWEEN

John F. Rasmussen, residing at 15 Cables Road, Hicksville, NY and Carol A. Rasmussen, residing at

party of the first part, and

John F. Rasmussen, residing at 15 Cables Road, Hicksville, NY

party of the second part,

WITNESSETH, that the party of the first part, in consideration of dollars

paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

SEE SCHEDULE A ATTACHED HERETO

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

John F. Rasmussen

Carol A. Rasmussen

DBS

**Town of Oyster Bay**
**Inter- Departmental Memo**

August 1, 2017

**TO:** ELIZABETH L. MACCARONE, COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

**FROM:** JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

**SUBJECT:** **15 GABLES ROAD, HICKSVILLE**
**CLEAN-UP**

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of **$1,176.57**.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.

**JOHN P. BISHOP**
**DEPUTY COMMISSIONER**
**HIGHWAY DEPARTMENT**

**JPB/kjb**

**Enc. T & M sheet**

2017 NOV 30 P 2:49

CLEAN – UP 15 GABLES ROAD, HICKSVILLE TO P & D

# MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

**Location** (12-283-25) 15 GABLES RD HICKSVILLE 11801

**Date** Jul 28, 2017

**Work Order #** 38617

**Labor Costs**

| Employee's Name | | Regular Work Hours | Regular Rate | Ovetime Hours | Overtime Rate | Line Cost |
|---|---|---|---|---|---|---|
| MICHAEL MAIORANA | General Maintenance | 01:00 | $42.34 | 00:00 | 0 | $42.34 |
| GREGORY MARCHESE | General Maintenance | 01:00 | $47.36 | 00:00 | 0 | $47.36 |
| VICTOR NIETO | General Maintenance | 01:00 | $24.60 | 00:00 | 0 | $24.60 |
| PAUL HARABEDIAN | General Maintenance | 01:00 | $23.27 | 00:00 | 0 | $23.27 |
| | | | | | Total Labor | $137.57 |

**Tools/Vehicle**

| Tool/Vehicle | Description | Rate per Hour | Hours | Line Cost |
|---|---|---|---|---|
| PK406 | SANI PACKER 2012 INTER 7400 YW (PP932 / PP-932) | $105.00 | 01:00 | $105.00 |
| PU414 | PICK UP 2011 FORD F250 YELLO (12 / 012) | $79.00 | 01:00 | $79.00 |
| TD706 | TRUCK DUMP 2011 FORD F350 YELLO (T-125) - Power Wagons | $105.00 | 01:00 | $105.00 |
| | | | Total Equipment | $289.00 |

**Materials**

| Material | Cost Per Unit | Units | Line Cost |
|---|---|---|---|
| Administrative Fee | $750.00 | 1 | $750.00 |
| | | Total Materials | $750.00 |

**Grand Total** **$1176.57**

**Description of Work:**
CLEAN UP 15 GABLES ROAD HICKSVILLE

**Signature:**
**Name:** Douglas Robalino
**Title:** Director of Highway Opperations
**Date:** Jul 31, 2017

Meeting of June 12, 2018 Resolution No. 382-2018

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated October 4, 2017, authorized the Highway Department to clean up the premises located at 47 Chestnut Street, Hicksville, New York 11801, also known as Section 12, Block 253, Lots 8 to 10 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated May 3, 2018, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on October 12, 2017, in the total amount of $1,153.61, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated May 3, 2018, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of $1,153.61 may be assessed by the Legislature of the County of Nassau against the parcel known as 47 Chestnut Street, Hicksville, New York 11801, also known as Section 12, Block 253, Lots 8 to 10 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By
Office of Town Attorney
Ralph P. Healey

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Highway
Planning & Development
Town Clerk

19

# Town of Oyster Bay
# Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: May 3, 2018

SUBJECT: Property Cleanup Assessment
47 Chestnut Street, Hicksville, New York 11801
Section 12, Block 253, Lots 8 to 10

---

The Department of Planning and Development, by memorandum dated October 4, 2017, directed the Highway Department to clean the premises located at 47 Chestnut Street, Hicksville, New York 11801, also known as Section 12, Block 253, Lots 8 to 10 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated October 16, 2017, advised that the property was cleaned by a crew from the Highway Department on October 12, 2017. The cost incurred by the Town of Oyster Bay was $1,153.61.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Ralph P. Healey
Special Counsel

RPH:aml
Attachments
cc: Town Attorney (w/7 copies)

S:\AML\Cleanup MD&Reso\CleanupMD&Reso\MD 47 Chestnut St 5.3.18.doc

2018-6368
Need Ltr

# TOWN OF OYSTER BAY

## Inter-Departmental Memo

**October 4, 2017**

**To:** **JOHN BISHOP: DEPUTY COMMISIONER/HIGHWAY**

**From:** **MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU**

**Through:** **ELIZABETH L. MACCARONE: COMMISSIONER OF DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Subject:** **47 Chestnut Street Hicksville, NY 11801**
**SBL: 12-253-~~456~~ 9-10**

Notice of Violation (No.16919) was issued to the owner of the above-referenced premises 09/27/2017 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54: **I am directing that:**

- **The grass and vegetation be cut.**

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

ELIZABETH L. MACCARONE
COMMISSIONER
BY:

MICHAEL ESPOSITO
CODE ENFORCEMENT BUREAU

ME/js
cc: Joseph Nocella, Town Attorney

FH19785

NY 025 – Executor's Deed – Individual or Corporation (Single Sheet) (NYBTU 2008)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT – THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 18 day of January, in the year 2006

BETWEEN DOUGLAS BEDELL residing at
23 Parkview Circle
Bethpage, New York 11714

as the executor (executrix) of Estate of Kenneth Allen Bedell his last will and testament of, late of KENNETH ALLEN BEDELL, 47 Chestnut Street, Hicksville, New York 11803, deceased,

party of the first part, and

BEVERLY SCHIELACI residing at
47 Chestnut Street, Hicksville, New York 11801

party of the second part,

WITNESSETH, that the party of the first part, by virtue of the power and authority given in and by said last will and testament, and in consideration of

One Hundred Seventy-Two Thousand Five Hundred ($172,500) dollars,

paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

Section 12
Block 253
Lot(s) 879 & 10

SEE SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and also all the estate which the said decedent had at the time of decedent's death in said premises, and also the estate therein, which the party of the first part has or has power to convey or dispose of, whether individually, or by virtue of said will or otherwise; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Douglas Bedell EXECUTOR OF THE ESTATE OF KENNETH ALLEN BEDELL

DOUGLAS BEDELL, Executor of the Estate of Kenneth Allen Bedell

**Town of Oyster Bay**
**Inter- Departmental Memo**

October 16, 2017

**TO:** ELIZABETH L. MACCARONE, COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

**FROM:** JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

**SUBJECT:** **47 CHESTNUT STREET, HICKSVILLE**
**CLEAN-UP**

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of **$1,153.61**.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.

**JOHN P. BISHOP**
**DEPUTY COMMISSIONER**
**HIGHWAY DEPARTMENT**

**JPB/kjb**

**Enc. T & M sheet**

2017 DEC 15 A 9:54

CLEAN – UP 47 CHESTNUT STREET, HICKSVILLE TO P & D

# MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

**Location** (12-253-8) 47 CHESTNUT ST HICKSVILLE 11801 **Date** Oct 12, 2017

**Work Order #** 41159

**Labor Costs**

| Employee's Name | | Regular Work Hours | Regular Rate | Ovetime Hours | Overtime Rate | Line Cost |
|---|---|---|---|---|---|---|
| KEVIN FREIBERG | General Maintenance | 01:00 | $34.59 | 00:00 | 0 | $34.59 |
| JOSEPH SANTANGELO | General Maintenance | 01:00 | $41.75 | 00:00 | 0 | $41.75 |
| PAUL HARABEDIAN | General Maintenance | 01:00 | $23.27 | 00:00 | 0 | $23.27 |
| SCOTT A SCHELP | General Maintenance | 01:00 | $15.00 | 00:00 | 0 | $15.00 |
| | | | | | Total Labor | $114.61 |

**Tools/Vehicle**

| Tool/Vehicle | Description | Rate per Hour | Hours | Line Cost |
|---|---|---|---|---|
| TD602 | PICK-UP TRUCK 2007 FORD F-250 YW (HP908) | $79.00 | 01:00 | $79.00 |
| TD634 | TRUCK DUMP 2008 FORD F350 YW (T175 / T-175) - Power Wagons | $105.00 | 01:00 | $105.00 |
| TD706 | TRUCK DUMP 2011 FORD F350 YELLO (T-125) - Power Wagons | $105.00 | 01:00 | $105.00 |
| | | | Total Equipment | $289.00 |

**Materials**

| Material | Cost Per Unit | Units | Line Cost |
|---|---|---|---|
| Administrative Fee | $750.00 | 1 | $750.00 |
| | | Total Materials | $750.00 |

**Grand Total $1153.61**

**Description of Work:**
CLEAN UP 47 CHESTNUT STREET HICKSVILLE

**Signature:**
**Name:** Douglas Robalino
**Title:** Director of Highway Opperations
**Date:** Oct 16, 2017

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated June 21, 2017, authorized the Highway Department to clean up the premises located at 150 West Avenue, Hicksville, New York 11801, also known as Section 45, Block 49, Lot 34 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated May 3, 2018, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on June 30, 2017, in the total amount of $281.37, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated May 3, 2018, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of $281.37 may be assessed by the Legislature of the County of Nassau against the parcel known as 150 West Avenue, Hicksville, New York 11801, also known as Section 45, Block 49, Lot 34 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By
Office of Town Attorney

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Highway
Planning & Development
Town Clerk

20

# Town of Oyster Bay
# Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: May 3, 2018

SUBJECT: Property Cleanup Assessment
150 West Avenue, Hicksville, New York 11801
Section 45, Block 49, Lot 34

---

The Department of Planning and Development, by memorandum dated June 21, 2017, directed the Highway Department to clean the premises located at 150 West Avenue, Hicksville, New York 11801, also known as Section 45, Block 49, Lot 34 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated July 12, 2017, advised that the property was cleaned by a crew from the Highway Department on June 30, 2017. The cost incurred by the Town of Oyster Bay was $281.37.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Ralph P. Healey

Ralph P. Healey
Special Counsel

RPH:aml
Attachments
cc: Town Attorney (w/7 copies)

S:\AML\Cleanup MD&Reso\CleanupMD&Reso\MD 150 West Ave 5.3.18.doc

HIGHWAY DEPARTMENT

Kom B

# TOWN OF OYSTER BAY

## Inter-Departmental Memo

**June 21, 2017**

**To:** JOHN BISHOP: ACTING DEPUTY COMMISIONER/HIGHWAY

**From:** MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU

**Through:** ELIZABETH L. MACCARONE: COMMISSIONER OF DEPARTMENT OF PLANNING AND DEVELOPMENT

**Subject:** 150 West Avenue Hicksville, NY 11801
SBL: 45-49-34

Notice of Violation (No.NJD#14) was issued to the owner of the above-referenced premises 06/15/17 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54: **I am directing that:**

- **The grass be cut.**
- **The litter and debris be removed from the driveway.**

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

ELIZABETH L. MACCARONE
COMMISSIONER
BY:

MICHAEL ESPOSITO
CODE ENFORCEMENT BUREAU

ME/js
cc: Joseph Nocella, Town Attorney

THIS INDENTURE, made the 4th day of May in the year two thousand and four

BETWEEN

Keith Rafferty and Brenda Rafferty, husband and wife as to a 50% interest, residing at 14 Overbrook Drive, Centerport, New York 11721 and John B. Rafferty and Joan M. Rafferty, husband and wife as to a 50% interest, residing at 47 Elmira Street, Hicksville, New York 11801

party of the first part, and

Raymond Viola, residing at 2 Schoolhouse Place, Oyster Bay, New York 11771

party of the second part, and

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, situate, with the buildings and improvements thereon erected, situate, lying and being in Hicksville, Town of Oyster Bay, County of Nassau and State of New York, known as Lots 14 and 26 as shown on a certain map entitled, "Map of the property belonging to Phillipine Gross at Hicksville Nassau County, L.I., December 1910, H.E. Hawxhurst, Civil Engineer, Westbury, L.I." and filed in the Nassau County Clerk's Office on January 11, 1911 under file No. 86 Case No. 1004 bounded and described as follows:

Tax Map Designation

Dist.:
Sec.: 45
Blk.: 49
Lot(s) 34

BEGINNING at a point on the corner formed by the intersection of the easterly side of West Avenue with the northerly side of Elmira Street;

RUNNING THENCE North 3 degrees 23 minutes East along the easterly side of West Avenue 125 feet;

RUNNING THENCE South 86 degrees 37 minutes East 68 feet;

RUNNING THENCE South 3 degrees 23 minutes West 125 feet to the northerly side of Elmira Street;

RUNNING THENCE North 86 degrees 37 minutes West along the northerly side of Elmira Street 68 feet to the point or place of BEGINNING.

SAID PREMISES BEING KNOWN AS 150 West Avenue, Hicksville, New York

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof, TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Keith Rafferty

Brenda Rafferty

John B. Rafferty

Joan M. Rafferty

DBS

**Town of Oyster Bay**
**Inter- Departmental Memo**

July 12, 2017

**TO:** ELIZABETH L. MACCARONE, COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

**FROM:** JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

**SUBJECT:** **150 WEST AVENUE, HICKSVILLE**
**CLEAN-UP**

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of **$281.37**.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.

**JOHN P. BISHOP**
**DEPUTY COMMISSIONER**
**HIGHWAY DEPARTMENT**

**JPB/kjb**

**Enc. T & M sheet**

2017 AUG -3 A 9:57

CLEAN-UP 150 WEST AVENUE, HICKSVILLE TO P & D

# MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

**Location** (45-49-34) 150 WEST AVE HICKSVILLE 11801 **Date** Jun 30, 2017

**Work Order #** 38080

**Labor Costs**

| Employee's Name | | Regular Work Hours | Regular Rate | Ovetime Hours | Overtime Rate | Line Cost |
|---|---|---|---|---|---|---|
| JUAN ALFARO | General Maintenance | 01:00 | $24.60 | 00:00 | 0 | $24.60 |
| MICHAEL RICCARDO | General Maintenance | 01:00 | $46.28 | 00:00 | 0 | $46.28 |
| PHILIP BADOME | General Maintenance | 01:00 | $26.49 | 00:00 | 0 | $26.49 |
| | | | | | Total Labor | $97.37 |

**Tools/Vehicle**

| Tool/Vehicle | Description | Rate per Hour | Hours | Line Cost |
|---|---|---|---|---|
| PU437 | PICK UP 2012 FORD F250 TAN (8 / 008) | $0.00 | 01:00 | $0.00 |
| PU437 | PICK UP 2012 FORD F250 TAN (8 / 008) | $79.00 | 01:00 | $79.00 |
| TD727 | TRUCK DUMP 2015 FORD F350 YW (T-185) - POWER WAGON | $105.00 | 01:00 | $105.00 |
| | | | Total Equipment | $184.00 |

**Materials**

| Material | Cost Per Unit | Units | Line Cost |
|---|---|---|---|
| | | Total Materials | |

**Grand Total** **$281.37**

**Description of Work:**
CLEAN UP 150 WEST AVENUE HICKSVILLE

**Signature:**
**Name:** Douglas Robalino
**Title:** Director of Highway Opperations
**Date:** Jul 12, 2017

Meeting of June 12, 2018 Resolution No. 384-2018

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated August 9, 2017, authorized the Highway Department to clean up the premises located at 165 Willfred Boulevard, Hicksville, New York 11801, also known as Section 12, Block 147, Lot 45 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated May 4, 2018, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on August 10, 2017, in the total amount of $2,384.14, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated May 4, 2018, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of $2,384.14 may be assessed by the Legislature of the County of Nassau against the parcel known as 165 Willfred Boulevard, Hicksville, New York 11801, also known as Section 12, Block 147, Lot 45 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By
Office of Town Attorney

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Highway
Planning & Development
Town Clerk

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# Town of Oyster Bay
# Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: May 4, 2018

SUBJECT: Property Cleanup Assessment
165 Willfred Boulevard, Hicksville, New York 11801
Section 12, Block 147, Lot 45

---

The Department of Planning and Development, by memorandum dated August 9, 2017, directed the Highway Department to clean the premises located at 165 Willfred Boulevard, Hicksville, New York 11801, also known as Section 12, Block 147, Lot 45 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated August 21, 2017, advised that the property was cleaned by a crew from the Highway Department on August 10, 2017. The cost incurred by the Town of Oyster Bay was $2,384.14.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Ralph P. Healey

Ralph P. Healey
Special Counsel

RPH:aml
Attachments
cc: Town Attorney (w/7 copies)

S:\AML\Cleanup MD&Reso\CleanupMD&Reso\MD 165 Willfred Blvd 5.4.18.doc

2018-6408
Need Lit

# TOWN OF OYSTER BAY

## Inter-Departmental Memo

**August 9, 2017**

**To:** **JOHN BISHOP: ACTING DEPUTY COMMISIONER/HIGHWAY**

**From:** **MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU**

**Through:** **ELIZABETH L. MACCARONE: COMMISSIONER OF DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Subject:** **165 Wilfred Boulevard Hicksville NY 11801**
**SBL: 12-147-45**

Notice of Violation (No.16945) was issued to the owner of the above-referenced premises 07/21/2017 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54: **I am directing that:**

- **The grass and weeds be cut.**
- **The bushes be trimmed.**
- **Remove the litter and debris.**

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

ELIZABETH L. MACCARONE
COMMISSIONER
BY:

MICHAEL ESPOSITO
CODE ENFORCEMENT BUREAU

ME/js
cc: Joseph Nocella, Town Attorney

155 Willard Blvd

RECORD NO.

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 5th day of December 2013

BETWEEN

Carol-Ann Lund a/k/a Carol-Ann Ryan , residing at 155 Willard Blvd, Hicksville, New York 11801, as sole surviving distributee and heir-at-law of Jacob Hirsch, who was predeceased by his wife, Mildred Hirsch, and died a resident of Nassau County, State of New York, on the 12th day of May 2012 as to a two-thirds interest

party of the first part, and

DISTRICT

Carol-Ann Ryan, residing at 155 Willfred, Blvd, Hicksville, New York 11801, as to a two-thirds interest

party of the second part,

SECTION 12

BLOCK 147

LOT 45

WITNESSETH, that the party of the first part, in consideration of TEN dollars and other good and valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

See Attached Description

Said premises known as 155 Willfred Blvd, Hicksville, NY

Being and intended to be the same premises as conveyed to the party of the decedent by deed, dated 01/21/1986, recorded 02/18/1986 in Liber 9704 in page 371 in the Office of the City Register of New York, Nassau County. Clerk's office

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

Carol-Ann Lund
AKA Carol-Ann Ryan

Carol-Ann Lund a/k/a Carol-Ann Ryan, as Heir-at-Law

**Town of Oyster Bay**
**Inter- Departmental Memo**

August 21, 2017

**TO:** ELIZABETH L. MACCARONE, COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

**FROM:** JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

**SUBJECT:** **165 WILFRED BOULEVARD, HICKSVILLE**
**CLEAN-UP**

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of **$2,384.14**.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.

**JOHN P. BISHOP**
**DEPUTY COMMISSIONER**
**HIGHWAY DEPARTMENT**

**JPB/kjb**

**Enc. T & M sheet**

2017 DEC 15 A 9:54

CLEAN – UP 165 WILEFRED BOULEVARD, HICKSVILLE TO P & D

# MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

**Location** (12-147-45) 165 WILLFRED BLVD HICKSVILLE 11801

**Date** Aug 10, 2017

**Work Order #** 39010

**Labor Costs**

| Employee's Name | | Regular Work Hours | Regular Rate | Ovetime Hours | Overtime Rate | Line Cost |
|---|---|---|---|---|---|---|
| MICHAEL SOLOMON | General Maintenance | 00:00 | $23.27 | 02:30 | 1.5 | $87.26 |
| JEFFREY CARTER | General Maintenance | 00:00 | $38.84 | 02:30 | 1.5 | $145.65 |
| ROBERT PALACIOS | General Maintenance | 00:00 | $25.05 | 00:30 | 1.5 | $18.79 |
| RAYMOND SWIERKOWSKI | General Maintenance | 00:00 | $26.65 | 02:30 | 1.5 | $99.94 |
| | | | | | Total Labor | $351.64 |

**Tools/Vehicle**

| Tool/Vehicle | Description | Rate per Hour | Hours | Line Cost |
|---|---|---|---|---|
| RO026 | ROLL-OFF CHASISS 2012 INTER 7600 YW (PT942) | $250.00 | 02:30 | $625.00 |
| TD593 | TRUCK DUMP 2006 FORD F-350 YW (T-300) - Power Wagons | $105.00 | 02:30 | $262.50 |
| TO108 | Tractor 2011 New Holland T4020 BL (LT-12) | $158.00 | 02:30 | $395.00 |
| | | | Total Equipment | $1282.50 |

**Materials**

| Material | Cost Per Unit | Units | Line Cost |
|---|---|---|---|
| Administrative Fee | $750.00 | 1 | $750.00 |
| | | Total Materials | $750.00 |

**Grand Total** **$2384.14**

**Description of Work:**
CLEAN UP 165 WILFRED BLVD

**Signature:**
**Name:** Douglas Robalino
**Title:** Director of Highway Opperations
**Date:** Aug 18, 2017

Meeting of June 12, 2018

Resolution No. 385-2018

WHEREAS, James Altadonna, Jr., Town Clerk, by memorandum dated May 8, 2018, recommended that the Town Board authorize payment of a refund in the amount of $80.00 to Jason Kroll, 3 Noel Lane, Jericho, N.Y., for a parking permit he purchased for 2017 for his electric vehicle, which does not require a permit,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and the Town Board authorizes payment of a refund to Jason Kroll, in the total amount of $80.00, and payment of said refund is to be made upon presentation of a duly certified claim therefor, after audit by the Comptroller; and be it further

RESOLVED, That funds for said payment are to be drawn from Account No. HWY ST 0001 01721 000 0000.

-#-

Reviewed By
Office of Town Attorney

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller

Town Clerk

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# TOWN OF OYSTER BAY

## INTER-DEPARTMENTAL MEMO

May 8, 2018

TO: MEMORANDUM DOCKET

FROM: HON. JAMES ALTADONNA JR., TOWN CLERK

SUBJECT: REFUND OF PARKING PERMIT FEE

---

Town Board authorization is requested to refund $80.00 to Jason Kroll 3 Noel Lane, Jericho, New York for a parking permit.

Mr. Kroll was issued a parking permit unaware there was no charge for his electric vehicle. He has returned the permit to us and is requesting a refund of $80.00. Please note that the permit was for the last term.

This refund is to be appropriated from Account No. HWY ST 0001 01721 000 0000.

James Altadonna Jr

HON. JAMES ALTADONNA JR.
TOWN CLERK

JA/ja
cc: Town Attorney with 7 copies
Attachments

Sandi Kroll

******  3/29/18

To whom it may Concern:

I am attaching a copy of my cancelled check and my parking sticker for 2017. It was recently explained to me that in 2017 electric cars would be charged for parking.

Can a refund please be sent to:

JASON KROLL
3 NOEL LANE
JERICHO, NY 11753

Thank you - Sandi Kroll

***CHANGES ONLY***

NAME JASON KROLL .....

STREET 3 NOEL LANE .....

CITY JERICHO STATE NY ZIP 11753 .....

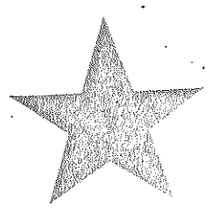
NYS LICENSE PLATE/YEAR HAA2035/2015 .....

MAKE TESLA BODY TYPE/COLOR SD/BL .....

FEE 80.00 PERMIT TYPE I .....

PHONE NUMBER (516) 933-4826 .....

***PLEASE SIGN BOTTOM OF NEXT PAGE WHERE INDICATED*** ➤



Reviewed By
Office of Town Attorney

Meeting of June 12, 2018 Resolution No. 386-2018

WHEREAS, by Resolution No. 855-2017, adopted on December 12, 2017, the Town Board authorized and directed Cashin Associates, P.C. to perform On-Call Engineering Services relative to Environmental Science in connection with Contract No. PWC12-18, for a two (2) year period, from January 1, 2018 through December 31, 2019; and

WHEREAS, Cashin Associates, P.C. by letter dated February 21, 2018, described the scope of work to be performed under Contract No. PWC12-18, in an amount not to exceed $55,000.00, in connection with providing On-Call Engineering Services related to assistance with shellfish management programs; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Departments of Public Works/Highways, by memorandum dated May 11, 2018, requested Town Board authorization for Cashin Associates, P.C. to provide the aforesaid On-Call Engineering Services under Contract No. PWC12-18 related to assistance with shellfish management programs, and further requested that the Comptroller be directed to issue an encumbrance order in an amount not to exceed $55,000.00 for this purpose; and

WHEREAS, funds in the amount of $55,000.00 to satisfy said engineering costs are available in Account No. DER A 8090 44500 000 0000,

NOW, THEREFORE, BE IT RESOLVED, that the requests as hereinabove set forth are accepted and approved, and Cashin Associates, P.C. is hereby authorized to proceed to provide the aforementioned services in connection with Contract No. PWC12-18, On-Call Engineering Services Relative to Environmental Science, and the Comptroller is hereby authorized and directed to issue an encumbrance order in an amount not to exceed $55,000.00, with funds to be drawn from Account No. DER A 8090 44500 000 0000.

-#-

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Public Works
Environmental Resources

24

# TOWN OF OYSTER BAY

## INTER-DEPARTMENTAL MEMO

MAY 11, 2018

TO: MEMORANDUM DOCKET

FROM: RICHARD W. LENZ, P.E., COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

SUBJECT: ON-CALL ENGINEERING SERVICE REQUEST
RELATIVE TO ENVIRONMENTAL SCIENCE
CONTRACT NO. PWC 12-18
ACCOUNT NO.: DER A 8090 44500 000 0000

---

The consultant, Cashin Associates, P.C., has been approved by the Commissioner of Public Works to provide engineering services under On-Call Contract No. PWC12-18 by Resolution No. 855-2017 for the subject project.

At the request of the Department of Environmental Resources, attached is a letter dated February 21, 2018 from Cashin Associates, P.C. regarding the scope of work to be performed in an amount not to exceed $55,000.00. Services to be performed include assistance with shellfish management programs.

Attached is an availability of funds in the amount of $55,000.00 to satisfy said engineering costs from the Director of Finance indicating that funds are available in Account No. DER A 8090 44500 000 0000.

It is hereby requested that the Town Board authorize, by Resolution, Cashin Associates, P.C. under Contract No. PWC12-18, On-Call Engineering Services Relative to Environmental Science, and requests that the Comptroller be directed to issue an encumbrance order for this purpose.

RICHARD W. LENZ, P.E.
COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL/JCT/MR/lk

Attachment

cc: Office of the Town Attorney (w/7 copies)
Steve C. Ballas, Comptroller
Neil Bergin, Commissioner/Environmental Resources
Kathy Stefanich, Administrative Division/DPW

PWC12-18 CA DOCKET 2018 SHELLFISH PROGRAMS FUNDS

# ON-CALL CONSULTANT SERVICE / REQUIREMENTS CONTRACT
# REQUEST FOR AVAILABILITY OF FUNDS

Requesting Division/Department: ENVIRONMENTAL RESOURCES

**THIS SECTION TO BE COMPLETED BY DEPARTMENT ADMINISTERING ON-CALL CONSULTANT CONTRACT**

Contract Number: PWC12-18

Contract Period: 1/1/2018 - 12/31/2019

Consultant/Contractor: CASHIN ASSOCIATES, P.C.

Discipline: ENVIRONMENTAL SCIENCE

Total Authorization: $85,000

Resolution No.: 855-2017 Date: 12/12/2017

Funded To Date: $30,000

Amount Requested: $55,000.00

Account To Be Used: DER A 8090 44500 000 0000

If Capital Account, State The Related Contract Number: N/A

Description Of Work

*If a Capital Account is used and work is not related to a Capital Project, specify the nature of the requested service that qualifies it as a Capital Expense.*

2018 SERVICES FOR SHELLFISH MANAGEMENT PROGRAMS.

Work To Be Completed In Contract Period: Yes [X] No [ ]

*A "No" response will require Town Board authorization to extend the contract period.*

Required Insurances Are In Effect: Yes [X] No [ ]

*A "No" response will prevent further processing of this form.*

Required 50% Performance Bond For This Request In Effect: Yes [ ] No [ ] N/A [X]

Amount of Bond $ _____

**Requesting Division/Department**

Signature: [signature]

Title: COMMISSIONER

Date: 5-2-18

**DPW Approval**

Only To Be Executed By The Commissioner

Signature: [signature]

Title: **Commissioner of Public Works**

Date: 5/14/18

**THIS SECTION TO BE COMPLETED BY THE DIRECTOR OF FINANCE**

Amount Requested: 55,000.00

Unemcumbered Balance: 375,000.00

Is The Account To Be Used Consistent With The Nature Of Work Listed Above? Yes [X] No [ ]

Signature: [signature] Date: 5/10/18

# TOWN OF OYSTER BAY

## WORK ORDER

*This Section To Be Completed By The Department Of Public Works*

Work Order No. _____ E.O. No. _____

Contract Start 1/1/2018

Contract No. PWC12-18 Contract End 12/31/2019

Commencement Date JANUARY 1, 2018

**No claim shall be paid for work performed prior to the Commencement Date**

Vendor Name and Address

CASHIN ASSOCIATES, P.C.

1200 VETERANS MEMORIAL HIGHWAY

HAUPPAUGE, NEW YORK 11788

Requesting Town Department ENVIRONMENTAL RESOURCES

Contact COMM. NEIL BERGIN Phone 516-677-5711

Description of Work to be Performed (Attach Detail If Necessary)

2018 SERVICES FOR SHELLFISH MANAGEMENT PROGRAMS.

**This work order shall not exceed $** 55,000.00

*Please notify the above mentioned contact person 48 hours prior to commencing any work.*

**Requesting Division/Department**

Signature _____

Title COMMISSIONER OF DER

Date 5/9/2018

**Department Of Public Works Approval**

Only To Be Executed By The Commissioner

Signature _____

**Commissioner of Public Works**

Date 5/14/18

# TOWN OF OYSTER BAY

## INTER-DEPARTMENTAL MEMO

MAY 11, 2018

TO: MEMORANDUM DOCKET

FROM: RICHARD W. LENZ, P.E., COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

SUBJECT: ON-CALL ENGINEERING SERVICE REQUEST
RELATIVE TO ENVIRONMENTAL SCIENCE
CONTRACT NO. PWC 12-18
ACCOUNT NO.: DER A 8090 44500 000 0000

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The consultant, Cashin Associates, P.C., has been approved by the Commissioner of Public Works to provide engineering services under On-Call Contract No. PWC12-18 by Resolution No. 855-2017 for the subject project.

At the request of the Department of Environmental Resources, attached is a letter dated February 21, 2018 from Cashin Associates, P.C. regarding the scope of work to be performed in an amount not to exceed $55,000.00. Services to be performed include assistance with harbor management programs.

Attached is an availability of funds in the amount of $55,000.00 to satisfy said engineering costs from the Director of Finance indicating that funds are available in Account No. DER A 8090 44500 000 0000.

It is hereby requested that the Town Board authorize, by Resolution, Cashin Associates, P.C. under Contract No. PWC12-18, On-Call Engineering Services Relative to Environmental Science, and requests that the Comptroller be directed to issue an encumbrance order for this purpose.

RICHARD W. LENZ, P.E.
COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL/JCT/MR/lk

Attachment

cc: Office of the Town Attorney (w/7 copies)
Steve C. Ballas, Comptroller
Neil Bergin, Commissioner/Environmental Resources
Kathy Stefanich, Administrative Division/DPW

PWC12-18 CA DOCKET 2018 HARBOR MANAGEMENT PROGRAMS FUNDS

**Cashin Associates, P.C.**
ENGINEERING – PLANNING – CONSTRUCTION MANAGEMENT

February 21, 2018

Neil Bergin, Commissioner
Department of Environmental Resources
Town of Oyster Bay
Town Hall West
74 Audrey Avenue
Oyster Bay, NY 11771

**RE: Request for Authorization for 2018: DPW Contract PWC 12-18**
**On-Call Engineering Services Relative to Environmental Science – Shellfish (Harbors and Waterways)**

Dear Commissioner Bergin:

Cashin Associates, P.C. (CA) is submitting this proposal to provide technical assistance to the Department of Environmental Resources relative to the Town's shellfish management program for 2018. As part of our services during 2017 and prior years, CA assisted the Town with shellfish management and related waterways issues. This work included sediment and benthic community investigation/mapping, shellfish surveys, water quality investigations and development of resource management recommendations for Oyster Bay Harbor/Cold Spring Harbor and South Oyster Bay. This authorization will provide for a continuation of services relating to shellfish management provided to the Town of Oyster Bay, and specifically the continuation of the shellfish stock assessments, sediment condition mapping and shellfish resources assessments initiated in prior years.

**Background Information**

Oyster Bay Harbor/Cold Spring Harbor – Oyster Bay Harbor/Cold Spring Harbor contains important hard clam and oyster resources that support a substantial fishery on public and leased grounds. The Town is committed to protecting and enhancing the long-term viability of the resource and, to that end, has developed and implemented bay management programs to preserve water quality and ecological resources in the harbor complex. The shellfish resources of the Harbor are not only important to commercial and recreational shellfishing, but they also play an important ecological role in the health of the harbor by providing filtering capacity, food for waterfowl and other species, and other ecological benefits.

The services provided by CA in 2016/2017 were directed at providing the technical data and recommendations required by the Town to manage and protect the harbor and its shellfish resources, as well as other technical support as needed during the course of the year.

Shellfish population surveys of the harbor have been performed by CA in 1999, 2007, 2011 and 2013. The surveys provided data on the distribution and abundance of hard clams and other shellfish, and were utilized to assess the health of the shellfish populations. In 2014, CA completed a detailed study of the Town's Bay Management Area, and in 2015 performed an investigation of sediment type/condition in the inner harbor areas. The prior surveys have provided data to monitor long-term trends in shellfish abundance, and to estimate sustainable yields for the resource. Analysis of shellfish population health and estimated sustainable yield has enabled the Town to assess the effect of harvesting pressure on the resource, and determine the number of commercial shellfish permits that should be issued. The shellfish data also provided information useful to the harbor seeding programs and other habitat enhancement projects. Periodic shellfish surveys are important to ensure that the data are available to the Town for monitoring the status of the resource and the harvesting pressure that can be sustained.

The data collected in 2015 - 2017 enabled the identification of which underwater lands are optimal for shellfish growth and survival, and provided a scientific basis for selecting areas for shellfish seeding programs and sanctuary placement. Establishment of sanctuary areas can not only help sustain shellfish resources in the bay, but also have benefits for water quality by providing filtering and removal of containments.

**Scope of Services for 2018**

Based on the above considerations and discussion with the Town, services to be provided during 2018 will include the following:

1. Continuation of the sediment study initiated in prior years, to complete the data collection and analysis for all public underwater lands in Oyster Bay/ Cold Spring Harbor. This task includes field investigation and sample analysis sufficient to create sediment and benthic maps of key areas of Oyster Bay Harbor, to be used to identify potential sanctuary and seeding areas based on scientific analysis.
2. Completion of shellfish surveys to obtain information on the current status of the stock and estimates of sustainable yield.

3. Technical assistance with the proper placement of seed clams and oysters to ensure that they are placed on lands favorable to growth and survival, based on the data collected under item 1 above.
4. Technical advice as to the best location for possible shellfish sanctuaries and bay management areas, including possible establishment of areas providing shellfish filtering to improve water quality.
5. Any follow-up technical consulting relating to pending, past or future legal actions involving shellfisheries, including the actions contesting the legality of the shellfish leases.
6. Utilization of the sediment data collected under tasks 1 and 2 above, to identify possible areas to locate shellfish reserves that can improve water quality in deteriorated areas of the harbor.
7. Attendance at shellfish management meetings, other hearings or public meetings as deemed appropriate by the department.

CA recommends that a budget of **$55,000** be established for this work. This includes an amount for sediment testing and related direct expenses needed for the shellfish habitat investigation and mapping. CA understands that the Town will identify assignments to be undertaken by CA during the year.

CA's projected breakdown of the fee is given in the attached table.

Please do not hesitate to call me if you have any questions.

Very truly yours,
**CASHIN ASSOCIATES, P.C.**

Gregory T. Greene, P.G
Director of Environmental Programs

GTG/lak
2017-036

CC: Thomas Ryan, Town of Oyster Bay

## Request for Authorization for 2018:
## On-Call Engineering Services Relative to Environmental Science

## Shellfish (Harbors and Waterways)

### BREAKDOWN BY PERSONNEL/HOURS

| Title | Rate | Total Hours | Fee |
|---|---|---|---|
| Principal | $ 175.00 | 80 | $ 14,000.00 |
| GIS Specialist | $ 125.00 | 80 | $ 10,000.00 |
| Environmental Scientist | $ 125.00 | 80 | $ 10,000.00 |
| Asst. Biologist/Ecologist | $ 80.00 | 100 | $ 8,000.00 |
| Environmental Technician | $ 80.00 | 100 | $ 8,000.00 |
| **TOTALS** | | **440** | **$ 50,000.00** |

**Direct Expenses: $ 5,000.00**

*Sampling, equipment rental, boat supplies, sediment grain size analysis as needed depending on project requirements.*

**Total Budget: $ 55,000.00**

Meeting of December 12, 2017

Resolution No. 855-2017

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memoranda dated November 27, 2017 and December 4, 2017, advised that on October 18, 2017, the Department of Public Works issued a Request for Proposals for On-Call Engineering Services relative to Environmental Science, in the Town of Oyster Bay, Nassau County, New York, in accordance with the specifications contained in Contract No. PWC12-18; and

Reviewed By
Office of Town Attorney

WHEREAS, in response to that Request for Proposals, seven (7) responses were timely received by the Department of Public Works, Division of Engineering; and

WHEREAS, Commissioner Lenz, by said memoranda, stated that after review of the Division of Engineering's preliminary recommendations and in conjunction with the current workload, the Department has selected Cashin Associates, P.C.; D&B Engineering & Architects, P.C.; Holzmacher, McLendon & Murrell, P.C.; and RTP Environmental Associates, Inc. The evaluation and selection process was performed in compliance with the requirements of Guideline 9 of the Town of Oyster Bay Procurement Policy; and

WHEREAS, the Department of Public Works requested that the Town Board authorize the Department of Public Works to enter into an agreement with Cashin Associates, P.C.; D&B Engineering & Architects, P.C.; Holzmacher, McLendon & Murrell, P.C.; and RTP Environmental Associates, Inc., to provide On-Call Engineering Services relative to Environmental Service, in accordance with the specifications contained in Contract No. PWC12-18, for a two (2) year term, commencing on January 1, 2018 through December 31, 2019.

NOW, THEREFORE, BE IT RESOLVED, That the recommendations as hereinabove set forth are accepted and approved, and the Department of Public Works is hereby authorized to enter into Contract No. PWC12-18 with Cashin Associates, P.C.; D&B Engineering & Architects, P.C.; Holzmacher, McLendon & Murrell, P.C.; and RTP Environmental Associates, Inc., in accordance with the provisions thereunder, for a two (2) year term, commencing on January 1, 2018 through and including December 31, 2019.

#

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 Alesia | Absent |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Absent |
| Councilman Hand | Aye |

cc: Supervisor (2)
Town Attorney
Comptroller
Public Works

Meeting of June 12, 2018 Resolution No. 387-2018

WHEREAS, by Resolution No. 855-2017, adopted on December 12, 2017, the Town Board authorized and directed Cashin Associates, P.C. to perform On-Call Engineering Services relative to Environmental Science in connection with Contract No. PWC12-18, for a two (2) year period, from January 1, 2018 through December 31, 2019; and

WHEREAS, Cashin Associates, P.C. by letter dated February 21, 2018, described the scope of work to be performed under Contract No. PWC12-18, in an amount not to exceed $30,000.00, in connection with providing On-Call Engineering Services related to assistance with harbor management programs; and

Reviewed By
Office of Town Attorney

WHEREAS, Richard W. Lenz, P.E., Commissioner, Departments of Public Works/Highways, by memorandum dated May 11, 2018, requested Town Board authorization for Cashin Associates, P.C. to provide the aforesaid On-Call Engineering Services under Contract No. PWC12-18 related to assistance with harbor management programs, and further requested that the Comptroller be directed to issue an encumbrance order in an amount not to exceed $30,000.00 for this purpose; and

WHEREAS, funds in the amount of $30,000.00 to satisfy said engineering costs are available in Account No. DER A 8090 44500 000 0000,

NOW, THEREFORE, BE IT RESOLVED, that the requests as hereinabove set forth are accepted and approved, and Cashin Associates, P.C. is hereby authorized to proceed to provide the aforementioned services in connection with Contract No. PWC12-18, On-Call Engineering Services Relative to Environmental Science, and the Comptroller is hereby authorized and directed to issue an encumbrance order in an amount not to exceed $30,000.00, with funds to be drawn from Account No. DER A 8090 44500 000 0000.

-#-

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Public Works
Environmental Resources

25

# TOWN OF OYSTER BAY

## INTER-DEPARTMENTAL MEMO

MAY 11, 2018

TO: MEMORANDUM DOCKET

FROM: RICHARD W. LENZ, P.E., COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

SUBJECT: ON-CALL ENGINEERING SERVICE REQUEST
RELATIVE TO ENVIRONMENTAL SCIENCE
CONTRACT NO. PWC 12-18
ACCOUNT NO.: DER A 8090 44500 000 0000

---

The consultant, Cashin Associates, P.C., has been approved by the Commissioner of Public Works to provide engineering services under On-Call Contract No. PWC12-18 by Resolution No. 855-2017 for the subject project.

At the request of the Department of Environmental Resources, attached is a letter dated February 21, 2018 from Cashin Associates, P.C. regarding the scope of work to be performed in an amount not to exceed $30,000.00. Services to be performed include assistance with harbor management programs.

Attached is an availability of funds in the amount of $30,000.00 to satisfy said engineering costs from the Director of Finance indicating that funds are available in Account No. DER A 8090 44500 000 0000.

It is hereby requested that the Town Board authorize, by Resolution, Cashin Associates, P.C. under Contract No. PWC12-18, On-Call Engineering Services Relative to Environmental Science, and requests that the Comptroller be directed to issue an encumbrance order for this purpose.

RICHARD W. LENZ, P.E.
COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL/JCT/MR/lk

Attachment

cc: Office of the Town Attorney (w/7 copies)
Steve C. Ballas, Comptroller
Neil Bergin, Commissioner/Environmental Resources
Kathy Stefanich, Administrative Division/DPW

PWC12-18 CA DOCKET 2018 HARBOR MANAGEMENT PROGRAMS FUNDS

# ON-CALL CONSULTANT SERVICE / REQUIREMENTS CONTRACT
# REQUEST FOR AVAILABILITY OF FUNDS

Requesting Division/Department ENVIRONMENTAL RESOURCES

**THIS SECTION TO BE COMPLETED BY DEPARTMENT ADMINISTERING ON-CALL CONSULTANT CONTRACT**

Contract Number PWC12-18

Contract Period 1/1/2018 - 12/31/2019

Consultant/Contractor CASHIN ASSOCIATES, P.C.

Discipline ENVIRONMENTAL SCIENCE

Total Authorization $30,000

Resolution No. 855-2017 Date 12/12/2017

Funded To Date $0

Amount Requested $30,000.00

Account To Be Used DER A 8090 44500 000 0000

If Capital Account, State The Related Contract Number: N/A

Description Of Work

*If a Capital Account is used and work is not related to a Capital Project, specify the nature of the requested service that qualifies it as a Capital Expense.*

2018 SERVICES FOR HARBOR MANAGEMENT PROGRAMS

Work To Be Completed In Contract Period: Yes [X] No [ ]

*A "No" response will require Town Board authorization to extend the contract period.*

Required Insurances Are In Effect: Yes [X] No [ ]

*A "No" response will prevent further processing of this form.*

Required 50% Performance Bond For This Request In Effect: Yes [ ] No [ ] N/A [X]

Amount of Bond $ _____

**Requesting Division/Department**

Signature _____

Title Commissioner

Date 5-2-18

**DPW Approval**

Only To Be Executed By The Commissioner

Signature _____

Title **Commissioner of Public Works**

Date 5/14/18

**THIS SECTION TO BE COMPLETED BY THE DIRECTOR OF FINANCE**

Amount Requested 30,000.00

Unemcumbered Balance 375,000.00

Is The Account To Be Used Consistent With The Nature Of Work Listed Above? Yes [X] No [ ]

Signature _____ Date 5/10/18

# TOWN OF OYSTER BAY

## WORK ORDER

*This Section To Be Completed By The Department Of Public Works*

Work Order No. _____ E.O. No. _____

Contract Start 1/1/2018

Contract No. PWC12-18 Contract End 12/31/2019

Commencement Date JANUARY 1, 2018

**No claim shall be paid for work performed prior to the Commencement Date**

Vendor Name and Address

CASHIN ASSOCIATES, P.C.

1200 VETERANS MEMORIAL HIGHWAY

HAUPPAUGE, NEW YORK 11788

Requesting Town Department ENVIRONMENTAL RESOURCES

Contact COMM. NEIL BERGIN Phone 516-677-5711

Description of Work to be Performed (Attach Detail If Necessary)

2018 SERVICES FOR HARBOR MANAGEMENT PROGRAMS

**This work order shall not exceed $** 30,000.00

*Please notify the above mentioned contact person 48 hours prior to commencing any work.*

**Requesting Division/Department**

Signature _____

Title COMMISSIONER/DER

Date 5/9/2018

**Department Of Public Works Approval**

Only To Be Executed By The Commissioner

Signature _____

**Commissioner of Public Works**

Date 5/14/18

Cashin Associates, P.C.
ENGINEERING • PLANNING • CONSTRUCTION MANAGEMENT
Est. 1959

February 21, 2018

Neil Bergin, Commissioner
Town of Oyster Bay
Department of Environmental Resources
29 Spring Street
Oyster Bay, NY 11771

**RE: Request for Authorization for 2018: Contract PWC 12-18**
**On-Call Engineering Services Relative to Environmental Science –**
**Harbor Management Program and Waterways, Surveys, and Mapping**

Dear Commissioner Bergin:

Cashin Associates, P.C. (CA) is submitting this proposal at the request of the Department of Environmental Resources to provide on-call services relating to the Town's harbor management program, and waterways survey and mapping. Services covered by this proposal will help to address issues relating to the western waterfront mooring field, water quality improvements, navigation, shoreline improvements, and similar harbor use concerns. The waterfront and harbor areas are utilized by a number of different user groups, and potential conflicts may arise among the groups with regard to navigational needs, shoreline access, water uses in the area, and safety/regulatory requirements. The implementation of harbor management protocols will help to resolve conflicts and safely accommodate multiple activities in the Town's coastal areas, as well as help to protect water quality and marine resources. CA can also assist the Town with field survey and mapping of the harbor as needed.

The services will be provided in follow-up to previous technical assistance provided to the Town in 2017 and earlier years.

The specific tasks to be performed as part of this proposal are as follows:

- Assistance in identification of pollution sources to waterfront areas, and development of recommendations to mitigate such pollution.
- Follow-up assistance for implementation of the western waterfront area mooring and navigation plan submitted in 2016, and assistance to the Town in implementing that plan.
- Follow-up to the report on seed clam prices and boat use costs for the Town.
- Research on possible grant opportunities relating to harbor management for the Town.

- Research on nitrogen-removal technologies available for use by the Town.
- Research into bay management programs in other regions for possible applications to Oyster Bay coastal areas.
- Review of Oyster Bay Harbor mapping for information relating to harbor management meetings.
- Meeting with the Town representatives to obtain input on the Town's objectives for the waterfront areas.
- Collection of physical data needed for preparation of harbor management maps, including a bathymetric map utilizing sonar and GPS equipment.
- Identification of regulatory permits that will be required including any state and federal approvals, and completion of permit applications as appropriate.
- Assistance with harbor management for South Oyster Bay and Hempstead Harbor as requested by the Town.
- Meetings on Bay Management as requested by the Town.

CA is requesting a budget of $30,000 for the services described above. CA understands that the Town will identify specific assignments for CA to address as they arise during the year. A breakdown of this fee by professional labor categories is given in Table 1, attached.

We appreciate the opportunity to submit our proposal, and we would welcome the opportunity to continue to assist your department with effective management and protection of the Town's coastal water resources.

Please do not hesitate to contact me if you have any questions or require additional information.

Very truly yours,
**CASHIN ASSOCIATES, P.C.**

Gregory T. Greene, P.G.
Director of Environmental Programs

GTG/lak
2018-041

CC: Thomas Ryan, Town of Oyster Bay

## Request for Authorization for 2018:
## On-Call Engineering Services Relative to Environmental Science

## Harbor Management, Waterways, Survey and Mapping Program

### BREAKDOWN BY PERSONNEL/HOURS

| Title | Billing Rate | Total Hours | Fee |
|---|---|---|---|
| Principal | $ 175.00 | 40 | $ 7,000.00 |
| Senior Environmental Scientist | $ 150.00 | 20 | $ 3,000.00 |
| Senior Engineer | $ 150.00 | 20 | $ 3,000.00 |
| Engineer | $ 125.00 | 56 | $ 7,000.00 |
| GIS Specialist | $ 125.00 | 52 | $ 6,500.00 |
| Environmental Technician | $ 70.00 | 50 | $ 3,500.00 |
| **TOTAL** | | **238** | **$ 30,000.00** |

**Total Budget $ 30,000.00**

Meeting of December 12, 2017

Resolution No. 855-2017

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memoranda dated November 27, 2017 and December 4, 2017, advised that on October 18, 2017, the Department of Public Works issued a Request for Proposals for On-Call Engineering Services relative to Environmental Science, in the Town of Oyster Bay, Nassau County, New York, in accordance with the specifications contained in Contract No. PWC12-18; and

WHEREAS, in response to that Request for Proposals, seven (7) responses were timely received by the Department of Public Works, Division of Engineering; and

Reviewed By
Office of Town Attorney

WHEREAS, Commissioner Lenz, by said memoranda, stated that after review of the Division of Engineering's preliminary recommendations and in conjunction with the current workload, the Department has selected Cashin Associates, P.C.; D&B Engineering & Architects, P.C.; Holzmacher, McLendon & Murrell, P.C.; and RTP Environmental Associates, Inc. The evaluation and selection process was performed in compliance with the requirements of Guideline 9 of the Town of Oyster Bay Procurement Policy; and

WHEREAS, the Department of Public Works requested that the Town Board authorize the Department of Public Works to enter into an agreement with Cashin Associates, P.C.; D&B Engineering & Architects, P.C.; Holzmacher, McLendon & Murrell, P.C.; and RTP Environmental Associates, Inc., to provide On-Call Engineering Services relative to Environmental Service, in accordance with the specifications contained in Contract No. PWC12-18, for a two (2) year term, commencing on January 1, 2018 through December 31, 2019.

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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 Alesia | Absent |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Absent |
| Councilman Hand | Aye |

cc: Supervisor (2)
Town Attorney
Comptroller
Public Works

Meeting of June 12, 2018 Resolution No. 388-2018

Reviewed By
Office of Town Attorney

WHEREAS, Carmine Serravalli, Business Manager, Our Lady of Mercy Church, 500 South Oyster Bay Road, Hicksville, New York 11801, by letter dated April 10, 2018, has requested the use of seventy-five (75) complete barricades and forty (40) yellow recycling pails for its 11th Annual Summer Fair to be held from August 1, 2018 through August 5, 2018; and

WHEREAS, John P. Bishop, Deputy Commissioner, Highway Department, by memorandum dated April 30, 2018, has advised that the Highway Department has no objection to providing Our Lady of Mercy Church with the use of seventy-five (75) complete barricades and forty (40) yellow recycling pails, for its summer fair, with said barricades to be delivered to 500 South Oyster Bay Road, Hicksville, New York, on July 30, 2018 and collected on August 6, 2018; and

WHEREAS, the Town Board deems this event to be an appropriate and worthwhile endeavor, and one which will benefit the residents of the Town of Oyster Bay;

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby accepted and approved, and the Highway Department is hereby authorized and directed to provide Our Lady of Mercy Church with the use of seventy-five (75) complete barricades and forty (40) yellow recycling pails for its Annual Summer Fair to be held on August 1, 2018 through August 5, 2018, with said barricades and pails to be delivered to 500 South Oyster Bay Road, Hicksville, New York, on July 30, 2018 and collected on August 6, 2018, subject to the following conditions:

1. The use of all Town property and equipment shall be in conformance with the direction of the Commissioner of the Highway Department, or his duly designated representative;

2. The said organization shall comply with all ordinances of the Town of Oyster Bay, both in its use of all Town property and equipment, and in the conduct of the aforesaid activity; and

3. The said organization shall file a Certificate of Insurance with the Office of the Town Clerk, indicating said organization maintains general liability insurance in the amount of $1,000,000.00 bodily injury and $500,000.00 property damage, and naming the Town of Oyster Bay as an additional insured in connection with the aforedescribed activity.

#

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Highway
Public Works
Parks
Public Safety

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TOWN OF OYSTER BAY

**Inter-Departmental Memo**

April 30, 2018

**TO:** MEMORANDUM DOCKET

**FROM:** JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

**SUBJECT:** OUR LADY OF MERCY CHURCH 11th ANNUAL SUMMER FAIR
AUGUST 1 – 5, 2018

---

Enclosed please find a copy of the letter from Carmine Serravalli, Business Manager, requesting our assistance on behalf of Our Lady of Mercy Church in Hicksville in conducting their 11th Annual Summer Fair. The fair is to be held at the church from August 1 through August 5, 2018.

The Highway Department will be pleased to provide seventy five (75) complete barricades and forty (40) yellow recycling pails for the fair, from July 30 thru August 6, 2018.

Also attached are a Certificate of Insurance, Endorsement Sheet and Hold Harmless Agreement to cover the event. Therefore, Town Board approval is requested.

JOHN P. BISHOP
DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

JPB/taw
Attachments

C: Town Attorney (7) copies
Richard Lenz P.E., Commissioner DPW/Highway
Doug Robalino, General Foreman 002
Parks Department
Justin McCaffrey, Commissioner of Public Safety

OUR LADY OF MERCY

OUR LADY OF MERCY CHURCH
500 SOUTH OYSTER BAY ROAD
HICKSVILLE, NEW YORK 11801-3501
TEL. NO.: (516) 931-4351
FAX: (516) 433-8702

April 10, 2018

Town of Oyster Bay
150 Miller Place
Syosset, NY 11791
Attention: Mr. John Bishop Highway Deputy Commissioner

Dear Commissioner Bishop,

Our Lady of Mercy Church is planning on their 11th Annual Summer Fair and would kindly likely to request, if the Town of Oyster Bay kindly would provide us with the following equipment. We again are truly indebted for your past support and are very grateful for that you have provided for our community. Details related to our Summer Fair are as follows:

**EVENT: Our Lady of Mercy Church Summer Fair**
**DATES: August 1st to August 5th**
**LOCATON: Our Lady of Mercy Church 500 south Oyster Bay Road Hicksville, NY 11801**
**Time: 8/1 to 8/3 6:00PM to 11:00PM, Saturday 8/4 5:00PM to 11:00PM, Sunday 8/5 5:00PM to 10:00PM**
**EQUIPMENT REQUEST: 75 Barricades 40 Sort Pails, fence.**

**Again, we are very grateful for your continued support and cooperation.**

Sincerely,

Carmine Serravalli
Our Lady of Mercy Church Business Manager
516 931-4351X216

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 04/23/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| | | | |
|---|---|---|---|
| PRODUCER | Ecclesia Assurance Company c/o Porter & Curtis, LLC<br>225 State Road<br>Media, PA 19063 | CONTACT NAME: Garrett Gabriele | |
| | | PHONE (A/C, No, Ext): | FAX (A/C, No): |
| | | E-MAIL ADDRESS: GGabriele@PorterCurtis.com | |
| | | INSURER(S) AFFORDING COVERAGE | NAIC # |
| | | INSURER A: ECCLESIA ASSURANCE COMPANY | 11952 |
| INSURED | OUR LADY OF MERCY CHURCH<br>500 SOUTH OYSTER BAY ROAD<br>HICKSVILLE, NY 11801 | INSURER B: | |
| | | INSURER C: | |
| | | INSURER D: | |
| | | INSURER E: | |
| | | INSURER F: | |

**COVERAGES** **CERTIFICATE NUMBER:** 389058 Account: 000025 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS | |
|---|---|---|---|---|---|---|---|---|
| A | X COMMERCIAL GENERAL LIABILITY<br>CLAIMS MADE / X OCCUR<br>GEN'L AGGREGATE LIMIT APPLIES PER<br>POLICY / PRO-JECT / LOC<br>OTHER: | | | PKG-2017-1 | 11/01/2017 | 11/01/2018 | EACH OCCURRENCE | $ 1,000,000 |
| | | | | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) | $ Included |
| | | | | | | | MED EXP (Any one person) | $ Not Covered |
| | | | | | | | PERSONAL & ADV INJURY | $ Included |
| | | | | | | | GENERAL AGGREGATE | $ None Applicable |
| | | | | | | | PRODUCTS - COMP/OP AGG | $ None Applicable |
| | | | | | | | | $ |
| | AUTOMOBILE LIABILITY<br>ANY AUTO<br>OWNED AUTOS ONLY / SCHEDULED AUTOS<br>HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY | | | | | | COMBINED SINGLE LIMIT (Ea accident) | $ |
| | | | | | | | BODILY INJURY (Per person) | $ |
| | | | | | | | BODILY INJURY (Per accident) | $ |
| | | | | | | | PROPERTY DAMAGE (Per accident) | $ |
| | | | | | | | | |
| | UMBRELLA LIAB / OCCUR<br>EXCESS LIAB / CLAIMS-MADE<br>DED / RETENTION $ | | | | | | EACH OCCURRENCE | $ |
| | | | | | | | AGGREGATE | $ |
| | | | | | | | | $ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N<br>(Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below | | | | | | PER STATUTE / OTH-ER | |
| | | | | | | | E.L. EACH ACCIDENT | $ |
| | | | | | | | E.L. DISEASE - EA EMPLOYEE | $ |
| | | | | | | | E.L. DISEASE - POLICY LIMIT | $ |
| | | | | | | | | |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
The limits include applicable retentions. The certificate holder is included as an Additional Insured if required by written contract with respect to the barricades , sort pails, recycle bins, snow fence, Showmobile, light stations and picnic tables for the Church Summer Fair taking place from 07/30/2018 - 08/05/2018.

**CERTIFICATE HOLDER**

TOWN OF OYSTER BAY
54 AUDREY AVENUE
OYSTER BAY, NY 11771

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Reviewed By
Office of Town Attorney

516-741-1700 fax

**From:** finance olmrcc.com <finance@olmrcc.com>
**Sent:** Tuesday, May 1, 2018 10:37 AM
**To:** Picou, Deirdre <dpicou@networkadjusters.com>
**Subject:** COI Request from Town of Oyster Bay Request for Agregate to be 2,000,000

Good morning Deirdre,

I got a call from the Town of Oyster Bay in regards to Insurance for Department of Oyster Bay 54 Audrey Avenue Oyster Bay NY 11771.

They are requesting a new COI and the only change they will need is to have our general aggregate listed as 2,000,000. I attached a form for the hold harmless agreement which allows us to have equipment on our property such as the Snowmobile, Light Stanchions, Picnic Tables, Barricades, and sort pails. The original COI that was sent to the Town of Oyster Bay a couple of weeks ago has each occurrence listed as 1,000,000 and nothing for general aggregate. Please kindly see attached above for their insurance requirements on page two and four. They are asking if our general aggregate can be listed as 2,000,000 Thank you for your help and coordination.

Sincerely,
Carmine Serravalli
Business Manager
Our lady of Mercy Church
516 931-4351 X216

This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message and any disclosure, copying, or distribution of this message, or the taking of any action based on it, by you is strictly prohibited.

Reviewed By
Office of Town Attorney

**Terry Wulforst**

**From:** Carmine Serravalli <finance@olmrcc.com>
**Sent:** Friday, May 04, 2018 4:49 PM
**To:** Terry Wulforst
**Subject:** FW: COI Request from Town of Oyster Bay Request for Agregate to be 2,000,000

Terry right now I just have the original that we sent in to you. See their comments below.

Thank you Carmine
516 931-4351 X216

**From:** finance olmrcc.com
**Sent:** Tuesday, May 1, 2018 11:27 AM
**To:** 'twulforst@oytserbay-ny.gov'
**Subject:** FW: COI Request from Town of Oyster Bay Request for Agregate to be 2,000,000

Good Morning Terry,
Please kindly see attached notation below from our Adjusters department of the Diocese concerning the General Aggreagte. Let me know if this shall be suffice for the docket.

Sincerely,
Carmine Serravalli
Business Manager
Our Lady of Mercy Church
516 931-4351 X216

**From:** Picou, Deirdre [mailto:dpicou@networkadjusters.com]
**Sent:** Tuesday, May 1, 2018 10:40 AM
**To:** finance olmrcc.com
**Cc:** Garrett Gabriele (GGabriele@PorterCurtis.com)
**Subject:** RE: COI Request from Town of Oyster Bay Request for Agregate to be 2,000,000

Good morning Carmine ,

Please note that the liability policy covering the Diocese of Rockville Centre does not have an aggregate limit. Referring to the "Limits" column on the certificate, on the row marked "General Liability", the general aggregate is listed as "None Applicable" because there is no applicable aggregate. Not having an aggregate limit provides broader coverage than if there were an aggregate limit specified. The coverage surpasses the required $2,000,000 aggregate limit. We are unable to modify the template because the certificate simply reiterates what is in the policy, it does not change the coverage that is in place.

Please let me know if you need anything further .

Deirdre Picou
Network Adjusters Inc.
PO Box 9035
Farmingdale, NY 11735
516-750-1324 phone

Reviewed By
Office of Town Attorney

Endorsement Number: 17

Policy Number: PKG-2017-1 Date Effective: 11/01/2017

**ADDITIONAL INSURED ENDORSEMENT**

This endorsement modifies the insurance provided under the following Coverage Part(s):
GENERAL LIABILITY

SCHEDULE

Town of Oyster Bay, 54 Audrey Avenue, Oyster Bay, NY 11771

The person or organization shown in the Schedule above is an "insured", but only as respects your agreement to insure such person or organization and only if the wrongful act occurs after the date of agreement.

The amount of insurance shall not exceed the lesser of the amount of limits you agree to provide or the available limits of this insurance.

The obligations under this endorsement shall be primary and non-contributory as respects any other insurance available to the person or organization, whether primary, excess, or contingent.

All other terms and conditions remain unchanged.

In witness whereof, this Endorsement has been executed in Rockville Centre, New York by the Company's authorized officer as set forth below.

ECCLESIA ASSURANCE COMPANY

Authorized Representative's Signature

9/10/2017
Date


Copyright ©, Porter & Curtis, LLC, 2017
E AI 00 02 08 17

Reviewed By
Office of Town Attorney

**Hold Harmless Agreement for Use of Town Property and/or Equipment**

This Agreement is made this 18 day of April 2018, by Our Lady of Mercy Church (Hereinafter "Organization"). Whereas, Organization desires to use Town of Oyster Bay property and/or equipment located at and/or described as 75 Barricades, 40 Large Sort Pails,

For the event described as Our Lady of Mercy Church Summer Fair.
The property/equipment is need from July 30th to August 6th.
The event for which the property and/or equipment is requested ( ) is (X) is not a not a profit making event.

In consideration of the Town granting the Organization permission to temporarily use Town property and/or equipment, the undersigned, on behalf of the Organization, hereby agrees to assume all liability and risk of loss and shall be responsible for the supervision and welfare of all persons arriving on and using Town property and/or equipment in connection with the abovementioned event. The undersigned further hereby releases the Town of Oyster Bay, its officers, employees, servants, agents and enumerated volunteers from any liability for any injuries sustained or damages incurred and agrees to reimburse the Town for any damages arising out of the Organization's use of the Town property and/or equipment. The undersigned agrees to indemnify and hold harmless the Town, its officers, employees, servants, agents and enumerated volunteers, and to protect and defend them against any and all claims for loss and/or expense or suits for damage to persons or property, including its property, arising from its use of Town property and/or equipment.

Further, the Organization agrees to provide the Town with a copy of its general liability insurance certificate, in the amounts of $1,000,000 each occurrence, $2,000,000 general aggregate and, where appropriate, $2,000,000 products, naming the Town as additional insured. All certificated of insurance must be accompanied by an endorsement.

*I understand that the abovementioned use of Town property and/or equipment is subject to the approval of the Town Board of the Town of Oyster Bay.*

Name of Organization:

Our Lady of Mercy Church

Address of Organization:
800 South Oyster Bay Road
Hicksville, NY 11801

By: Carmine Pecoraro
Authorized Representative

Title: Business Manager

Telephone Number: 516 931-4377 x216

Reviewed By
Office of Town Attorney

**DATE:** 4/25/17

**TO:** **HIGHWAY OPERATIONS**

**SUBJECT:** OLM 11th Annual Summer Fair

**PLEASE DELIVER TO:**

Our Lady of Mercy Grounds
500 South Oyster Bay Road
**Hicksville**

**CONTACT: Carmine Serravalli**
**516-931-4351**

| | |
|---|---|
| **DATE OF EVENT:** | August 1-5, 2018 |
| **SNOW FENCE:** | |
| **BARRICADES:** | **75** |
| **CONES:** | |
| **SORT PAILS:** | **40** |
| **PORTABLE LIGHTS:** | |
| **GENERATOR:** | |
| **PACKER:** | |
| **DELIVER ON:** | **7/30/18** |
| **PICKUP ON:** | **8/6/18** |

| | | |
|---|---|---|
| | | XX |
| **SWEEPING BEFORE AFFAIR IS NEEDED:** | **YES** | **NO** |

**Please be advised that when signing on receipt of Town Equipment, your organization will be held responsible for their return.**

**JOHN P. BISHOP, DEPUTY COMMISSIONER**
**HIGHWAY DEPARTMENT**

**JPB/taw**

CC: Doug Robalino, General Foreman 002
Peter Brown, General Foreman 003
Scott Dade, Area Foreman 016
Jeff VanNostrand

Public Safety Division
Billy Fox, DPW Admin
Dan Kornfeld

Meeting of June 12, 2018 Resolution No. 389-2018

WHEREAS, Kevin T Barry, Chief of the Locust Valley Fire Department, by letter dated March 5, 2018, has requested the use of parking and grass areas in Thomas Park and Long Island Railroad eastbound and westbound parking lots, Locust Valley, New York, from Friday night, June 15, 2018 through Sunday morning, June 17, 2018, for the Locust Valley Fire Department's hosting of the 5th Battalion Parade & Drill celebrating its 125th Anniversary on Saturday, June 16, 2018; and

WHEREAS, Chief Barry further requested that the Town Board waive the applicable provisions of the Town Code regarding the consumption of alcoholic beverages on the above-referenced properties during the period Saturday, June 16, 2018 through Sunday, June 17, 2018; and

Reviewed By
Office of Town Attorney

WHEREAS, John P. Bishop, Deputy Commissioner, Department of Highways, by memorandum dated May 8, 2018, advised that he has no objection to providing the Locust Valley Fire Department with the use of Municipal Parking Fields LV-1, LV-2, LV-3 and B-5 and Thomas Park in Locust Valley on Saturday, June 16, 2018, as well as the posting of temporary "No Parking" signs in Municipal Parking lots in Locust Valley beginning Friday, June 15, 2018 at 7:00pm until Sunday, June 17, 2018 at 8:00am; and

WHEREAS, Deputy Commissioner Bishop, by memorandum dated May 8, 2018, further advised that he has no objection to supplying twenty (20) SORT pails, and to the Parks Department providing equipment for this event.

WHEREAS, this Town Board deems this event to be an appropriate and worthwhile endeavor, and one which will benefit the residents of the Town of Oyster Bay,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are hereby accepted and approved, and the Department of Highways is hereby authorized to provide use of Municipal Parking Fields LV-1, LV-2, LV-3 and B-5 and Thomas Park in Locust Valley from Friday, June 15, 2018 through Sunday, June 17, 2018, to the posting of temporary "No Parking" signs in Municipal Parking lots in Locust Valley beginning Friday, June 15, 2018 at 7:00pm until Sunday, June 17, 2018 at 8:00am, to provide twenty (20) SORT pails, and that the Parks Department will provide additional equipment, for the Locust Valley Fire Department's 5th Battalion Parade & Drill celebrating its 125th Anniversary on Saturday, June 16, 2018, subject to the following terms and conditions:

1. The use of all Town property and equipment shall be in conformance with the direction of the Commissioner of Highways or his duly authorized designee;
2. The said organization shall comply with all ordinances of the Town of Oyster Bay except those waived in Paragraph 4, both in its use of Town property and equipment and in the conduct of the aforedescribed activity;
3. The said organization shall file a Certificate of Insurance with the Office of the Town Clerk, indicating said organization maintains general liability insurance in the amounts of $1,000,000 with a general aggregate of $2,000,000, and naming the Town as an additional insured, in connection with the aforedescribed activity; and
4. The following sections of the Town Code are hereby waived during the period Saturday, June 16, 2018 through Sunday, June 17, 2018, in connection with the aforesaid event: Section 82-3 prohibiting public consumption of alcoholic beverages, Section 168-22, the Open Container Law, Section 168-24, prohibiting the Sale of Alcohol and Section 168-20, Solicitation of Alms, subject to compliance with NYS Liquor Authority rules and regulations.

-#-

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Highway
Public Works
Parks
Public Safety

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TOWN OF OYSTER BAY

**Inter-Departmental Memo**

May 8, 2018

**TO:** MEMORANDUM DOCKET

**FROM:** JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

**SUBJECT:** LOCUST VALLEY FIRE DEPARTMENT
5TH BATTALION PARADE AND DRILL
JUNE 16, 2018

---

Enclosed please find a copy of a letter from Kevin Barry, Chief of Locust Valley Fire Department, requesting our assistance on behalf of the Locust Valley Fire Department in hosting the 5th Battalion Parade and Drill on June 16, 2018.

The Highway Department has no objection to the Locust Valley Fire Department utilizing Municipal Parking Fields LV-1, LV-2, LV-3 and Thomas Park in Locust Valley on Saturday, June 16, 2016 for the above-mentioned event. The Locust Valley Fire Department is also requesting the posting of temporary 'No Parking' signs in Municipal Parking lots in Locust Valley beginning Friday, June 15, 2018 at 7:00 pm until Sunday, June 17, 2018 at 8:00 am.

In addition, the Highway Department can readily supply twenty (20) SORT pails.
The Parks Department will be providing equipment for the event as well.

They are also requesting the waiver of the Town Ordinance pertaining to the consumption of alcoholic beverages in public (Chapter 82-3 of the Town of Oyster Bay)
during the hosting of the 5th Battalion Parade and Drill on June 16, 2018 and June 17, 2018.

Also attached are Certificate of Insurance, Hold Harmless, and Endorsement Sheet to cover this event.

JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

JPB/taw
Attachments
C: Town Attorney (7) copies
Doug Robalino, General Foreman 002
Steve Kelly, Sign Bureau
Public Safety Division
Richard Lenz, P.E., Commissioner DPW/HWY
Peter Brown, General Foreman 003
Parks Department

# LOCUST VALLEY FIRE DEPARTMENT

KEVIN T. BARRY
*CHIEF OF DEPARTMENT*

HIGHWAY DEPARTMENT

ANDREW M. AKAPNITIS
*FIRST ASSISTANT CHIEF*

JAMES L. NEUMEYER
*SECOND ASSISTANT CHIEF*

RALPH L. LONGO
*THIRD ASSISTANT CHIEF*

MATHEW G. STIMOLA
*SECRETARY*

MICHAEL BONO
*TREASURER*

March 5th, 2018

Deputy Commissioner John Bishop
Highway Department
Town of Oyster Bay
150 Miller Place
Syosset, NY 11791

Dear Deputy Commissioner Bishop,

On Saturday, June 16, 2018, the Locust Valley Fire Department will be hosting the 5th Battalion Parade & Drill and celebrating our 125th Anniversary. The Locust Valley Fire Department takes great pride in our town and we feel that it is highly important to involve the entire community in this important event. This will be a tremendous undertaking by our Department. In order to host this event, we must count on support from all aspects of our community.

Therefore, we would like permission to utilize the following areas within the town of Locust Valley beginning Friday night, June 15th through Sunday morning, June 17th:

- Thomas Park
  - Parking and Grass areas
- Long Island Rail Road Parking lots
  - East and Westbound

We also ask that you please waive the Town Ordinance preventing the consumption of alcohol on the referenced properties above as we will be serving beer on the day of our event. Given that the event may go into Sunday 6/17, please waive the ordinance for Saturday and Sunday 6/16 – 6/17.

Although the specifics have yet to be determined, we do realize that these things will be important to the success of our event. Please understand that due to the size of the event and the amount of planning that needs to be done, we would appreciate any feedback you can provide as soon as possible.

Please feel free to contact Greg Smith directly should you have any questions or concerns. Greg is reachable at 516/790-4038.

Sincerely,

Kevin T. Barry
Chief of Department
KTB/gts

228 Buckram Road • Locust Valley, New York • 11560
Tel: 516-676-0560 • Fax: 516-676-2448 • www.locustvalleyfd.com

For Fire or Medical Emergency 671-2600

**Special Event Permit Application**

**New York State Liquor Authority**

**Landlord Authorization Form**

Date(s) of event: June 16, 2018

Name of Applicant: Locust Valley Fire Department

Venue Name: Thomas Park Locust Valley

Venue Street Address: 10 Elm Street

Venue City and zip code: Locust Valley NY 11560

***By my signature, I acknowledge that I am the landlord/owner of the applied for premises, or that I am a duly authorized representative of the landlord/owner, to sign this landlord authorization form. I hereby grant permission for the sale or services of alcoholic beverages by the applicant for consumption on said property.***

Town of Oyster Bay
Print Name of Landlord/Owner

Richard Lenz - Comm
Print Your Name and Title

Signature & Date

Reviewed By
Office of Town Attorney

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 05/01/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| | |
|---|---|
| PRODUCER<br>SALERNO BROKERAGE CORPORATION<br>117 Oak Drive<br>Syosset NY 11791 | CONTACT NAME: Nicole Morton<br>PHONE (A/C, No, Ext): (516) 364-4044 FAX (A/C, No): (516) 364-5901<br>E-MAIL ADDRESS: |
| INSURED<br>Locust Valley Fire District<br>228 Buckram Road<br>Locust Valley NY 11560 | INSURER(S) AFFORDING COVERAGE / NAIC #<br>INSURER A: American Alternative Ins. Co. 095<br>INSURER B: PERMA (Public Employers Risk) 12250<br>INSURER C:<br>INSURER D:<br>INSURER E:<br>INSURER F: |

COVERAGES CERTIFICATE NUMBER: 17-18 Certificate REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSD | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS | |
|---|---|---|---|---|---|---|---|---|
| A | X COMMERCIAL GENERAL LIABILITY<br>CLAIMS-MADE X OCCUR<br>X Medical Malpratice<br>GEN'L AGGREGATE LIMIT APPLIES PER:<br>X POLICY PRO-JECT LOC<br>OTHER: | Y | | VFIS-TR-2063390-09 | 10/20/2017 | 10/20/2018 | EACH OCCURRENCE<br>DAMAGE TO RENTED PREMISES (Ea occurrence)<br>MED EXP (Any one person)<br>PERSONAL & ADV INJURY<br>GENERAL AGGREGATE<br>PRODUCTS - COMP/OP AGG | $ 1,000,000<br>$ 1,000,000<br>$ 5,000<br>$ 1,000,000<br>$ 3,000,000<br>$ 3,000,000 |
| A | AUTOMOBILE LIABILITY<br>X ANY AUTO<br>OWNED AUTOS ONLY<br>HIRED AUTOS ONLY<br>SCHEDULED AUTOS<br>NON-OWNED AUTOS ONLY | | | VFIS-TR-2063390-09 | 10/20/2017 | 10/20/2018 | COMBINED SINGLE LIMIT (Ea accident)<br>BODILY INJURY (Per person)<br>BODILY INJURY (Per accident)<br>PROPERTY DAMAGE (Per accident) | $ 1,000,000<br>$<br>$<br>$ |
| A | UMBRELLA LIAB OCCUR<br>X EXCESS LIAB CLAIMS-MADE<br>DED RETENTION $ | | | VFIS-TR-2063390-09 | 10/20/2017 | 10/20/2018 | EACH OCCURRENCE<br>AGGREGATE | $ 10,000,000<br>$ 20,000,000<br>$ |
| B | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N<br>(Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below | N/A | | WC 0000189-22 | 01/01/2018 | 01/01/2019 | X PER STATUTE OTH-ER<br>E.L. EACH ACCIDENT<br>E.L. DISEASE - EA EMPLOYEE<br>E.L. DISEASE - POLICY LIMIT | $ Unlimited<br>$ Unlimited<br>$ Unlimited |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Town of Oyster Bay is included as additional insured for general liability, per form VGL300, as respects use of Town Parking Lots and Thomas Park, and various equipment on loan for time period: 6/15/2018 - 6/18/2018 (event is on the 16th)

CERTIFICATE HOLDER

Town of Oyster Bay
54 Audrey Avenue
Oyster Bay NY 11771

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Nicole L. Morton

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Reviewed By
Office of Town Attorney

**American Alternative Insurance Corporation**

**Policy Number**
**VFIS-TR-2063390-09/001**

**THIS ENDORSEMENT CHANGES THE POLICY.** Policy Period: From 10-20-2017 To 10-20-2018

**PLEASE READ IT CAREFULLY.**

**COMMON POLICY CHANGE ENDORSEMENT**

Named Insured LOCUST VALLEY FIRE DISTRICT

Effective Date: 06-15-18
12:01 A.M., Standard Time

Agency Name VFIS

This endorsement will not be used to decrease coverages, increase rates or deductibles or alter any terms or conditions of coverage unless at the sole request of the insured.

**COVERAGE PART INFORMATION – Coverage parts affected by this change as indicated by [x] below.**

- [ ] Property
- [ ] Crime
- [ ] Portable Equipment
- [ ] Auto
- [x] General Liability
- [ ] Management Liability
- [ ]

The following item(s):

- [ ] Insured's Name
- [ ] Policy Number
- [ ] Effective/Expiration Date
- [ ] Payment Plan
- [ ] Additional Interested Parties
- [ ] Limits/Exposures
- [ ] Covered Property/Location Description
- [ ] Rates
- [ ] Insured's Mailing Address
- [ ] Company
- [ ] Insured's Legal Status/Business of Insured
- [ ] Premium Determination
- [ ] Coverage Forms and Endorsements
- [ ] Deductibles
- [ ] Classification/Class Codes
- [ ] Underlying Exposure/Insurance

is (are) changed to read **{See Additional Page(s)}**

SEE NEXT PAGE

The above amendments result in a change in the premium as follows:

**This premium does not include taxes and surcharges.**

| [x] No Changes | [ ] To be Adjusted at Audit | Additional | Return |
|---|---|---|---|

**Tax and Surcharge Changes**

For New York, Tax and Surcharges do not apply.
For New York, the NY Motor Vehicle Law Enforcement Fee and/or NY Fire Fee may be included.

| Additional | Return |
|---|---|

Countersigned By:

John A. Solari

AUTHORIZED AGENT

onal Page(s)}

Reviewed By
Office of Town Attorney

**American Alternative Insurance Corporation**

**Policy Number**
**VFIS-TR-2063390-09/001**

Policy Period: From 10-20-2017
To 10-20-2018

**COMMON POLICY CHANGE ENDORSEMENT**

Named Insured LOCUST VALLEY FIRE DISTRICT

Effective Date: 06-15-18
12:01 A.M., Standard Time

Agency Name VFIS

**POLICY CHANGES ENDORSEMENT DESCRIPTION (CONT'D)**

THE FOLLOWING ADDITIONAL INTEREST (ADDL INSURED) HAS BEEN ADDED TO THE POLICY:

TOWN OF OYSTER BAY
54 AUDREY AVENUE
OYSTER BAY NY 11771
RE: USE OF PARKING LOTS AND EQUIPMENT ON LOAN FROM 06/15/2018 - 06/18/2018

ALL OTHER TERMS AND CONDITIONS REMAIN THE SAME

**REMOVAL PERMIT**

If this policy includes the Commercial Property Coverage Part, the following applies with respect to the Coverage Part:

If Covered Property is removed to a new location that is described on this Policy Change, you may extend this insurance to include that Covered Property at each location during the removal. Coverage at each location will apply in the proportion that the value at each location bears to the value of all Covered Property being removed. This permit applies up to 10 days after the effective date of this Policy Change; after that, this insurance does not apply at the previous location.

Reviewed By
Office of Town Attorney

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

# ADDITIONAL INSURED — DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name of person or organization:
TOWN OF OYSTER BAY
54 AUDREY AVENUE
OYSTER BAY, NY 11771

RE: USE OF PARKING LOTS AND EQUIPMENT ON LOAN FROM 06/15/2018 - 06/18/2018

[If no entry appears above, the information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.]

A. **Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for injury or damage caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to **Section III – Limits Of Insurance:**

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.


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Reviewed By
Office of Town Attorney

**Hold Harmless Agreement for Use of Town Property and/or Equipment**

This Agreement is made this 26 day of APRIL 2018, by LOCUST VALLEY FIRE DISTRICT (Hereinafter "Organization"). Whereas, Organization desires to use Town of Oyster Bay property and/or equipment located at and/or described as PARKING FIELDS LV1, LV2, LV3 & THOMAS PARK 20 SORT POTTS

For the event described as 5TH BATTALION PARADE & DRILL
The property/equipment is need from 6/15/18 to 6/17/18.
The event for which the property and/or equipment is requested ( ) is (X) is not a not a profit making event.

In consideration of the Town granting the Organization permission to temporarily use Town property and/or equipment, the undersigned, on behalf of the Organization, hereby agrees to assume all liability and risk of loss and shall be responsible for the supervision and welfare of all persons arriving on and using Town property and/or equipment in connection with the abovementioned event. The undersigned further hereby releases the Town of Oyster Bay, its officers, employees, servants, agents and enumerated volunteers from any liability for any injuries sustained or damages incurred and agrees to reimburse the Town for any damages arising out of the Organization's use of the Town property and/or equipment. The undersigned agrees to indemnify and hold harmless the Town, its officers, employees, servants, agents and enumerated volunteers, and to protect and defend them against any and all claims for loss and/or expense or suits for damage to persons or property, including its property, arising from its use of Town property and/or equipment.

Further, the Organization agrees to provide the Town with a copy of its general liability insurance certificate, in the amounts of $1,000,000 each occurrence, $2,000,000 general aggregate and, where appropriate, $2,000,000 products, naming the Town as additional insured. All certificated of insurance must be accompanied by an endorsement.

*I understand that the abovementioned use of Town property and/or equipment is subject to the approval of the Town Board of the Town of Oyster Bay.*

Name of Organization:
LOCUST VALLEY FIRE DISTRICT

Address of Organization:
228 BUCKRAM RD
LOCUST VALLEY, NY 11560

By: Ralph Longo Jr.
Authorized Representative

Title: COMMISSIONER

Telephone Number: (516)-676-0560

Reviewed By
Office of Town Attorney

**DATE:** 4/6/18

**TO:** **HIGHWAY OPERATIONS**

**SUBJECT:** Locust Valley Fire Department 5th Battalion Parade and Drill

**PLEASE DELIVER TO:**

Thomas Park

**CONTACT: Greg Smith**
**516-790-4038**

**DATE OF EVENT:** 6/16/18

**BARRICADES:**

**CONES:**

**SORT PAILS:** **20**

**PORTABLE LIGHTS:**

**GENERATOR:**

**PACKER:**

**DELIVER ON:** **6/15/18**

**PICKUP ON:** **6/18/18**

| | | |
|---|---|---|
| | | XX |
| **SWEEPING BEFORE AFFAIR IS NEEDED:** | **YES** | **NO** |

**Please be advised that when signing on receipt of Town Equipment, your organization will be held responsible for their return.**

**JOHN P. BISHOP, DEPUTY COMMISSIONER**
**HIGHWAY DEPARTMENT**

**JPB/taw**

CC: Doug Robalino, General Foreman 002
Peter Brown, Regional Foreman 003
Jim Ajamian, Area Foreman 011
Jeff VanNostrand

Public Safety Division
Dan Kornfeld
Billy Fox, DPW Admin

Meeting of June 12, 2018 Resolution No. 390-2018

Reviewed By
Office of Town Attorney

WHEREAS, James M. Kalinowski, Carnival Committee Board, Maria Regina Roman Catholic Church, 3945 Jerusalem Avenue, Seaford, New York 11783, by letter dated March 11, 2018, has requested the use of thirty (30) complete barricades for its annual family carnival to be held from June 21, 2018 through June 24, 2018; and

WHEREAS, John P. Bishop, Deputy Commissioner, Highway Department, by memorandum dated May 8, 2018, has advised that the abovementioned Town equipment will not be required for use by the Town at that time and that the Highway Department has no objection to providing Maria Regina Roman Catholic Church with the use of thirty (30) complete barricades, for its carnival, with said barricades to be delivered on June 20, 2018 and collected on June 25, 2018; and

WHEREAS, this Town Board deems this event to be an appropriate and worthwhile endeavor, and one which will benefit the residents of the Town of Oyster Bay;

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby accepted and approved, and the Highway Department is hereby authorized and directed to provide Maria Regina Roman Catholic Church with the use of thirty (30) complete barricades for its carnival, with said barricades to be delivered on June 20, 2018 to 3945 Jerusalem Avenue, Seaford, New York, and collected on June 25, 2018, subject to the following conditions:

1. The use of all Town property and equipment shall be in conformance with the direction of the Commissioner of the Highway Department, or his duly designated representative;

2. The said organization shall comply with all ordinances of the Town of Oyster Bay, both in its use of all Town property and equipment, and in the conduct of the aforesaid activity; and

3. The said organization shall file a Certificate of Insurance with the Office of the Town Clerk, indicating said organization maintains general liability insurance in the amount of $1,000,000.00 bodily injury and $500,000.00 property damage, and naming the Town of Oyster Bay as an additional insured in connection with the aforedescribed activity.

#

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Highway
Public Works
Parks
Public Safety

TOWN OF OYSTER BAY

**Inter-Departmental Memo**

May 8, 2018

**TO:** MEMORANDUM DOCKET

**FROM:** JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

**SUBJECT:** MARIA REGINA R.C. CHURCH ANNUAL FAMILY CARNIVAL
JUNE 21st – JUNE 24th 2018

---

Enclosed please find a copy of the letter from James Kalinowski, Maria Regina R.C. Church carnival committee, requesting our assistance on behalf of the Maria Regina R.C. Church in Seaford in conducting their annual family carnival from June 21st through June 24th, 2018.

The Highway Department can readily supply thirty (30) complete barricades for the event, from June 20th thru June 25th, 2018

Also attached are a Certificate of Insurance, Endorsement Sheet and Hold Harmless Form to cover the event. Therefore, Town Board approval is requested.

JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

JPB/taw
Attachments

C: Town Attorney (7) copies
Richard Lenz P.E., Commissioner DPW/HWY
Doug Robalino, General Foreman 002
Parks Department
Justin McCaffrey, Commissioner, Public Safety Department

Terry

HIGHWAY DEPARTMENT

Maria Regina R.C. Church
3945 Jerusalem Ave.
Seaford, NY 11783-1631

March 11, 2018

Mr. John Bishop
Town of Oyster Bay
Deputy Commissioner of Highways
150 Miller Place
Syosset, NY 11791
516 677 5839

Dear Mr. Bishop,

This June Maria Regina R.C. Church will be holding its annual family carnival. As in the past, the Town has always been there to support our parish functions.

On behalf of the Maria Regina R.C. Church, I would like to request the use of the 30 wooden barricades and ~~300 ft. snow fencing~~. not available

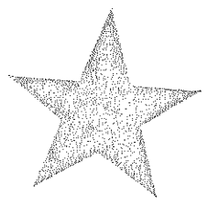
**The dates of the carnival are June 21st, 22nd, 23rd and 24th.**

The material can be dropped off any day prior to our start date and picked up after the final day of our event.

Thank you in advance for the continued support of The Town of Oyster Bay.

Sincerely,

James M. Kalinowski
516 965 3200



ACORD

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
04/12/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| | | | |
|---|---|---|---|
| PRODUCER | Ecclesia Assurance Company c/o Porter & Curtis, LLC<br>225 State Road<br>Media, PA 19063 | CONTACT NAME: Garrett Gabriele<br>PHONE (A/C, No, Ext): FAX (A/C, No):<br>E-MAIL ADDRESS: GGabriele@PorterCurtis.com | |
| | | INSURER(S) AFFORDING COVERAGE | NAIC # |
| | | INSURER A: ECCLESIA ASSURANCE COMPANY | 11952 |
| | | INSURER B: | |
| | | INSURER C: | |
| | | INSURER D: | |
| | | INSURER E: | |
| | | INSURER F: | |
| INSURED | MARIA REGINA CHURCH<br>3945 JERUSALEM AVENUE<br>SEAFORD, NY 11783 | | |

COVERAGES CERTIFICATE NUMBER: 388966 Account: 000055 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS | |
|---|---|---|---|---|---|---|---|---|
| A | X COMMERCIAL GENERAL LIABILITY<br>CLAIMS MADE X OCCUR<br>GEN'L AGGREGATE LIMIT APPLIES PER:<br>POLICY PRO-JECT LOC<br>OTHER: | | | PKG-2017-1 | 11/01/2017 | 11/01/2018 | EACH OCCURRENCE | $ 1,000,000 |
| | | | | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) | $ Included |
| | | | | | | | MED EXP (Any one person) | $ Not Covered |
| | | | | | | | PERSONAL & ADV INJURY | $ Included |
| | | | | | | | GENERAL AGGREGATE | $ None Applicable |
| | | | | | | | PRODUCTS - COMP/OP AGG | $ None Applicable |
| | | | | | | | | $ |
| | AUTOMOBILE LIABILITY<br>ANY AUTO<br>OWNED AUTOS ONLY<br>HIRED AUTOS ONLY<br>SCHEDULED AUTOS<br>NON-OWNED AUTOS ONLY | | | | | | COMBINED SINGLE LIMIT (Ea accident) | $ |
| | | | | | | | BODILY INJURY (Per person) | $ |
| | | | | | | | BODILY INJURY (Per accident) | $ |
| | | | | | | | PROPERTY DAMAGE (Per accident) | $ |
| | | | | | | | | |
| A | UMBRELLA LIAB X OCCUR<br>X EXCESS LIAB CLAIMS-MADE<br>DED RETENTION $ | | | EX-LIAB-2017-1 | 11/01/2017 | 11/01/2018 | EACH OCCURRENCE | $ 14,000,000 |
| | | | | | | | AGGREGATE | $ None Applicable |
| | | | | | | | | $ |
| | WORKERS COMPENSATION AND EMPLOYERS LIABILITY<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N<br>(Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below | | | | | | PER STATUTE OTH-ER | |
| | | | | | | | E.L. EACH ACCIDENT | $ |
| | | | | | | | E.L. DISEASE - EA EMPLOYEE | $ |
| | | | | | | | E.L. DISEASE - POLICY LIMIT | $ |
| | | | | | | | | |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
The limits include applicable retentions. The certificate holder is included as an Additional Insured if required by written contract with respect to the carnival taking place 06/19/2018 - 06/25/2018.

CERTIFICATE HOLDER

TOWN OF OYSTER BAY
54 AUDREY AVENUE
OYSTER BAY, NY 11771

Reviewed By
Office of Town Attorney

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Endorsement Number: 17

Policy Number: PKG-2017-1 Date Effective: 11/01/2017

**ADDITIONAL INSURED ENDORSEMENT**

This endorsement modifies the insurance provided under the following Coverage Part(s):

GENERAL LIABILITY

SCHEDULE

Town of Oyster Bay, 54 Audrey Avenue, Oyster Bay, NY 11771

The person or organization shown in the Schedule above is an "insured", but only as respects your agreement to insure such person or organization and only if the wrongful act occurs after the date of agreement.

The amount of insurance shall not exceed the lesser of the amount of limits you agree to provide or the available limits of this insurance.

The obligations under this endorsement shall be primary and non-contributory as respects any other insurance available to the person or organization, whether primary, excess, or contingent.

All other terms and conditions remain unchanged.

In witness whereof, this Endorsement has been executed in Rockville Centre, New York by the Company's authorized officer as set forth below.

ECCLESIA ASSURANCE COMPANY

Authorized Representative's Signature

9/10/2017
Date

Reviewed By
Office of Town Attorney



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**Hold Harmless Agreement for Use of Town Property and/or Equipment**

This Agreement is made this 13 day of April 2018, by Maria Regina RC Church (Hereinafter "Organization"). Whereas, Organization desires to use Town of Oyster Bay property and/or equipment located at and/or described as Maria Regina School Parking Lot, 4045 Jerusalem Ave. Seafor (TOB) NY 11783 30 Barricades

For the event described as Maria Regina Family Carnival
The property/equipment is need from 6/20/18 to 6/25/18.
The event for which the property and/or equipment is requested ( ) is (X) is not a not a profit making event.

In consideration of the Town granting the Organization permission to temporarily use Town property and/or equipment, the undersigned, on behalf of the Organization, hereby agrees to assume all liability and risk of loss and shall be responsible for the supervision and welfare of all persons arriving on and using Town property and/or equipment in connection with the abovementioned event. The undersigned further hereby releases the Town of Oyster Bay, its officers, employees, servants, agents and enumerated volunteers from any liability for any injuries sustained or damages incurred and agrees to reimburse the Town for any damages arising out of the Organization's use of the Town property and/or equipment. The undersigned agrees to indemnify and hold harmless the Town, its officers, employees, servants, agents and enumerated volunteers, and to protect and defend them against any and all claims for loss and/or expense or suits for damage to persons or property, including its property, arising from its use of Town property and/or equipment.

Further, the Organization agrees to provide the Town with a copy of its general liability insurance certificate, in the amounts of $1,000,000 each occurrence, $2,000,000 general aggregate and, where appropriate, $2,000,000 products, naming the Town as additional insured. All certificated of insurance must be accompanied by an endorsement.

*I understand that the abovementioned use of Town property and/or equipment is subject to the approval of the Town Board of the Town of Oyster Bay.*

Name of Organization:

Maria Regina RC Church

Address of Organization:
3945 Jerusalem Ave
Seaford, NY 11783

By: Rev. Frank Nelson Rev. Frank Nelson
Authorized Representative

Title: Pastor

Telephone Number: (516)798 2415

Reviewed By
Office of Town Attorney

**DATE:** May 1, 2018

**TO:** **HIGHWAY OPERATIONS**

**SUBJECT:** Maria Regina R.C. Church

**PLEASE DELIVER TO:**

Maria Regina Church
3945 Jerusalem Ave
**Seaford**

**CONTACT: James Kalinowski**
**516-965-3200**

**DATE OF EVENT:** 6/21/18 – 6/24/18

**BARRICADES:** **30**

**CONES:**

**SORT PAILS:**

**PORTABLE LIGHTS:**

**GENERATOR:**

**PACKER:**

**DELIVER ON:** **6/20/18**

**PICKUP ON:** **6/25/18**

| | | XX |
|---|---|---|
| **SWEEPING BEFORE AFFAIR IS NEEDED:** | **YES** | **NO** |

**Please be advised that when signing on receipt of Town Equipment, your organization will be held responsible for their return.**

**JOHN P. BISHOP, DEPUTY COMMISSIONER**
**HIGHWAY DEPARTMENT**

**JPB/taw**

CC: Doug Robalino, General Foreman 002
Peter Brown, General Foreman 003
Jack Grandine, Regional Foreman 007
Jeff VanNostrand

Public Safety Division
Dan Kornfeld

Meeting of June 12, 2018 Resolution No. 391-2018

WHEREAS, Maureen A. Fitzgerald, Commissioner, Department of Community and Youth Services, by memorandum dated May 17, 2018, advised that procurement of a Town of Oyster Bay explosives permit for the fireworks display during the Salute to America celebration on July 10, 2018 at John J. Burns Town Park is a prerequisite to obtaining the necessary Nassau County explosives permit for said event; and

Reviewed By
Office of Town Attorney

WHEREAS, Commissioner Fitzgerald, by the aforementioned memorandum, requested Town Board authorization for the Town Clerk to waive the fees for the explosives permit from the Town of Oyster Bay and further requested authorization to obtain an explosives permit, from the Nassau County Arson/Bomb Squad, at a cost not to exceed $450.00, from Account No. CYS A 7020 47660 000 0000,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are hereby approved, and in connection with the Salute to America celebration, to be held at John J. Burns Town Park on July 10, 2018, the Town Board hereby authorizes the Town Clerk to waive the fees for the Town of Oyster Bay explosives permit, and the Department of Community and Youth Services is hereby authorized to obtain an explosives permit from the Nassau County Arson/Bomb Squad, at a cost not to exceed $450.00; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment for same, upon presentation of a duly certified claim after audit, and that the funds for said payment are drawn from Account No. CYS A 7020 47660 000 0000.

-#-

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Parks
Community & Youth Services
Town Clerk

5

# TOWN OF OYSTER BAY
## Inter-Departmental Memorandum

May 17, 2018

TO: Memorandum Docket

FROM: Maureen A. Fitzgerald, Commissioner
Department of Community and Youth Services

SUBJECT: Explosives Permit for the Salute to America

---

The Department of Community and Youth Services requests Town Board authorization to obtain an explosives permit for the fireworks display which is part of the *Salute to America* program. Fireworks by Grucci, Incorporated will provide the display on July 10, 2018 at John J. Burns Park. The "Permit for Explosives" must be obtained from the Nassau County Arson/Bomb Squad. The fee for the permit is $450.00.

The Department also requests that the Town Board authorize the Town Clerk to waive the fees for the explosives permit from the Town of Oyster Bay which must be obtained prior to acquiring the permit from Nassau County.

Funds for the permit from the Nassau County Arson/Bomb Squad are available in Account No. CYS A 7020 47660 000 0000, Special Events and should be made payable to the Nassau County Police Department.

Maureen A. Fitzgerald
Commissioner

MAF/lw
cc: Town Attorney (+7 copies)
Attachment

# Nassau County Police Department

Laura Curran
COUNTY EXECUTIVE

1490 Franklin Avenue
Mineola, New York 11501
(516) 573-7000

Patrick Ryder
Commisioner

May 14, 2018

Dear Iris Williams:

The Nassau County Police Department requires a fee for police services rendered for outdoor pyrotechnic displays conducted within Nassau County. This fee includes the pyrotechnic display plan review, pre-site inspection and the pyrotechnic display inspection. A member of the Arson/Bomb Squad will perform these services. The fee is $450.00.

Please remit the total amount due of $450.00, made payable to the Police Department County of Nassau and forward to the Arson/Bomb Squad, 1194 Prospect Avenue, Westbury, NY 11590. The N.C.P.D. tax T.D. is 11-6000463.

The outdoor show will be conducted on July 10, 2018 located at John Burns Park, Massapequa @ 2145 hours.

Thank you for your prompt attention to this matter.

Sincerely,

Detective,
Christopher Randazzo
Arson/Bomb Squad

Meeting of June 12, 2018 Resolution No. 392-2018

WHEREAS, Ms. Hillary Herlich has requested to donate a plaque for an existing bench located at Phillip B. Healey Beach, at Florence Avenue, Massapequa, New York, in memory of Joseph Grignano; and

WHEREAS, the value of the plaque is estimated to be $350.00, and

WHEREAS, Joseph G. Pinto, Commissioner of the Department of Parks, by memorandum dated May 14, 2018, has recommended that the Town accept said donation.

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and the Town hereby accepts from Ms. Hillary Herlich the donation of a plaque for an existing bench located at Phillip B. Healey Beach, at Florence Avenue, Massapequa, New York, in memory of Joseph Grignano.

-#-

Reviewed By
Office of Town Attorney

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Parks

9

# TOWN OF OYSTER BAY

## Inter-Departmental Memorandum

TO: MEMORANDUM DOCKET

FROM: JOSEPH G. PINTO, COMMISSIONER OF PARKS

SUBJECT: MEMORIAL PLAQUE

DATE: May 14, 2018

The Department of Parks has received a request from Hillary Herlich (letter attached) requesting to donate a plaque to be placed on an existing bench located at Phillip B. Healey Beach at Florence Avenue in memory of her grandfather Joseph Grignano.

The Department of Parks has reviewed this request and concurs this will be a fitting tribute.

The plaque will be purchased by Hillary Herlich and donated to the Parks Department. The value of the plaque is estimated to be $350.00. Town Board approval is requested on behalf of Hilary Herlich.

JOSEPH G. PINTO
COMMISSIONER OF PARKS

JGP/dl
C: TOWN ATTORNEY (original +7 copies)
ATTACHMENT

**Debbie LoGiudice**

**Subject:** FW: Memorial plaque

Hello Mr. Pinto

I have been speaking with Debbie in the town hall about getting a plaque for my grandfather that passed. I would like to put one on a bench in Florence beach located in Massapequa. I have found a bench that would be the best location because of its sentimental meaning to us and my extended family. My grandfather a Navy Veteran passed two years ago, Joseph Grignano. I hope this gets the approval needed so we can place a memorial plaque and have a location to constantly visit with his name to honor his memory.

Thank you so much
Hillary Herlich
Cell Ph.[redacted]
Email[redacted]yahoo.com

Sent from my iPhone

Meeting of June 12, 2018 Resolution No. 393-2018

WHEREAS, Alisa Holzer has offered to donate a bench and accompanying plaque to be placed at Tobay Beach, in memory of Patti Goldberg; and

WHEREAS, the value of the bench and plaque is estimated to be $800.00; and

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated May 14, 2018, has recommended that the Town accept said donation;

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and the Town hereby accepts the donation of a bench and plaque from Alisa Holzer, to be placed at Tobay Beach, in memory of Patti Goldberg.

-#-

Reviewed By
Office of Town Attorney

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Parks

# TOWN OF OYSTER BAY

## Inter-Departmental Memorandum

TO: MEMORANDUM DOCKET

FROM: JOSEPH G. PINTO, COMMISSIONER OF PARKS

SUBJECT: MEMORIAL PLAQUE AND BENCH

DATE: May 14, 2018

The Department of Parks has received a request from Alisa Holzer (letter attached) requesting to donate a bench and accompanying plaque to be placed at Tobay Beach in memory of Patti Goldberg.

The Department of Parks has reviewed this request and concurs this will be a fitting tribute.

The plaque and bench will be purchased by Alisa Holzer and donated to the Parks Department. The value of the plaque and bench is estimated to be $800.00. Town Board approval is requested on behalf of Alisa Holzer.

JOSEPH G. PINTO
COMMISSIONER OF PARKS

JGP/dl
C: TOWN ATTORNEY (original +7 copies)
ATTACHMENT

**Debbie LoGiudice**

**Subject:** FW: Memorial Bench - Tobay Beach

Dear Mr. Joe Pinto,

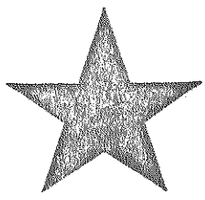
My name is Alisa Holzer and I'm writing to inquire about the possibility of purchasing a bench and plaque to be donated to Tobay beach in memory of Patti Goldberg who past away on May 6th, 2017.

The Goldbergs are close friends and there is a group of loved ones who would like to do something nice to the family to help her memory live on. Tobay beach is a very special place for the Goldbergs and one of Patti's favorite places to spend time with her family.

I hope that you will consider this donation and look forward to your response.

Best,

Alisa Holzer



Meeting of June 12, 2018 Resolution No. 394-2018

Reviewed By
Town Attorn...

WHEREAS, pursuant to public notice, bids were advertised for Bid Proposal SE 008R-18 in Newsday on April 27, 2018, and notice was sent to interested parties identified from the Town's database, for the sale of Presstek 34DI-E 4 Color Direct Imaging Press, Serial #2627, with associated equipment as surplus property; and

WHEREAS, the highest responsible bid received was from Tower Graphic Machinery Inc., 11 Boxwood Drive, Kings Park, N.Y. 11754, with a bid in the amount of $3,006.00; and

WHEREAS, Eric Tuman, Commissioner, Department of General Services, by memorandum dated May 16, 2018, recommended that the bid as hereinabove set forth be accepted,

NOW, THEREFORE, BE IT RESOLVED, that the recommendations as hereinabove set forth are accepted, and Bid Proposal SE 008R-18 shall be awarded to Tower Graphic Machinery Inc., in the amount of $3,006.00.

-#-

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 Alesia | Nay |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
General Services

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# Town of Oyster Bay
## Inter-Departmental Memo

To: MEMORANDUM DOCKET

From: ERIC TUMAN, COMMISSIONER
GENERAL SERVICES DEPARTMENT

Date: May 21, 2018

Subject: SE 008R-18, SURPLUS PRESSTEK 34DI-E 4 COLOR DIRECT IMAGING PRESS (REBID)

OPENING DATE: May 16, 2018
CONTRACT PERIOD: June 12, 2018

---

Please be advised that the "Notice to Bidders" was advertised in the following newspaper:
NEWSDAY April 27, 2018

and that said notice was sent to interested parties from our vendor database.

The Town Board is hereby requested to give favorable consideration to the suggestion and recommendation to award as indicated below to the high and responsible bidder meeting specifications:

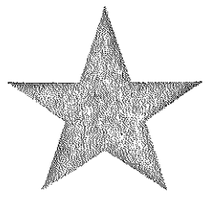
TO: TOWER GRAPHIC MACHINERY, INC.
115 Boxwood Drive
Kings Park, New York 11754

TERMS: Net

FOB: Dept.

| ITEM | OFFERING | BID QTY | UNIT | PRICE |
|---|---|---|---|---|
| 001 | Presstek 34DI-E 4 Color Direct Imaging Press Serial #2627 Made in 2008, 15,819,300 Impressions as of 4-24-18. (Machine is still in use, count will be higher when sold) | 1 | LUMP SUM | $3,006.00 |

CONTINUED ON PAGE: 2



Also includes:

- GTI Viewing Station with Computer, Monitor and Mouse
- Platesaver
- Enhanced Powder Spray
- Momentum RIP Computer – Dell Precision T7400, Monitor, Keyboard And Mouse. Running Microsoft Windows XP Professional Version 2002
- New Roller Kit Installed 2018

TOTAL AWARD $3,006.00

Please be advised that Bid Proposal SE 008R-18 is being awarded to the high and responsible bidder meeting specifications.

The undersigned feels the best interest of the Town would be served by favorable consideration of the recommended bid.

Should the Town Board concur, may the Town Attorney's office be directed to prepare a resolution to award SE 008R-18 to the following high and responsible bidder:

- Tower Graphic Machinery Inc. $3,006.00

in accordance with the terms and conditions of Bid Proposal SE 008R-18 in the amount of $3,006.00.

Bid summary sheets are attached.

Eric Tuman, Commissioner
Department of General Services

ET/sc
Attachments
cc: Town Attorney (7)
Comptrollers/Accounts Payable
Comptrollers/Accounts Receivable
General Services Department
General Services Department – Print Shop

| | | |
|---|---|---|
| **BID # SE 008R-18**<br>**TITLE SURPLUS PRESSTEK 34DI-E 4 COLOR DIRECT IMAGING PRESS (REBID)**<br><br>**OPEN: MAY 16, 2018**<br><br>**EXPIRATION**<br>**PAGE 1 OF 1** | SURPLUS PRESSTEK 34DI-E 4 COLOR DIRECT IMAGING PRESS<br>SERIAL # 2627 ALSO INCLUDES:<br>GTI Viewing Station with computer, monitor and mouse<br>Platesaver<br>Enhanced Powder Spray<br>Momentum RIP Computer- Dell Precision T7400, Monitor, Keyboard and mouse. Running Microsoft Windows XP Professional Version 2002.<br>New roller Kit installed 2018 | |
| ITEM # | 001 | |
| QUANTITY | 1 | |
| UNIT BID | LUMP SUM | |
| Tower Graphic Machinery Inc<br>119 Boxwood Drive<br>Kings Park, NY 11754<br>terms Cash Ck #3,006.00 | 3,006.00 | |
| terms | | |
| terms | | |
| terms | | |

Meeting of June 12, 2018 Resolution No. 395-2018

Reviewed By
Office of Town Attorney

WHEREAS, this Town Board has heretofore authorized and directed the implementation of a Self-Insurance Program for the Town's general liability; and

WHEREAS, the Town Board of the Town of Oyster Bay must authorize and approve the settlement of any negligence claims brought against the Town, where the amount of the proposed settlement is in excess of $10,000.00; and

WHEREAS, Joseph Nocella, Town Attorney, and Jeffrey Lesser, Deputy Town Attorney, by memorandum dated May 11, 2018, have advised that Plaintiff, Wendy Servellon, brought suit against the Town and its employee, Kevin Kumar, alleging that she sustained personal injuries including herniation of the L2/3 lumbar disk and herniation of the L3/4 and L4/5 lumbar disks as a result of an automobile accident at Shore Road at the entrance to Tappen Beach, Glenwood Landing, New York; and

WHEREAS, after extensive settlement negotiations, this case settled for $25,000.00, in full resolution of all claims of Claimant against the Town of Oyster Bay and its employee, Kevin Kumar, which settlement is in the best interests of the Town according to the memorandum of Mr. Nocella and Mr. Lesser,

NOW, THEREFORE, BE IT RESOLVED, That upon the recommendation of the Town Attorney, payment of the sum of $25,000.00 is hereby authorized and approved by the Town Board of the Town of Oyster Bay, as full settlement to Plaintiff, Wendy Servellon, with regard to Index No. 607721/2015, and the Comptroller is hereby authorized and directed to make payment therefor, in accordance with the procedures established under the Town's Self-Insurance Program, by issuing a check made payable to Wendy Servellon and Massimo & Panetta, P.C., as attorneys, in the amount of $25,000.00; and be it further

RESOLVED, That the funds for said payment are to be drawn from Account No. TWN AMS 1910 43020 602 0000 000.

-#-

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller

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# Town of Oyster Bay
# Inter-Departmental Memo

**TO** : MEMORANDUM DOCKET

**FROM** : Office of the Town Attorney

**DATE** : May 11, 2018

**SUBJECT:** Settlement of Negligence Claim
Wendy Servellon v. Town of Oyster Bay, *et ano.*
Nassau County Index No. 607721/2015
Our Matter No. 2015-4841

---

A resolution of the Town Board is required in order for the Town to settle claims, where the amount of the proposed settlement exceeds Ten Thousand ($10,000.00) Dollars.

The above referenced claim arose as a result of an accident that occurred on March 1, 2015. Plaintiff, Wendy Servellon was driving a motor vehicle in the right lane on Shore Road, near Tappan Beach. Kevin Kumar, a Town Bay Constable was driving a Town SUV with two other Town employees as passengers. The Town vehicle is alleged to have veered into the right lane into plaintiff's vehicle. Kevin Kumar testified that it was the Town employee's intention to enter Tappan Beach, which entrance was on the right side of Shore Road. Plaintiff's car went into a tree just past the entrance to the Beach. Plaintiff alleges various injuries including disc herniation of L2/3 and bulging of the L3/4 and L4/5 lumbar disks. Plaintiff further alleges herniation of the C4/5 and C5/6 cervical disks.

After extensive settlement negotiations, this matter was settled for $25,000.00 It is this Office's opinion that such settlement is just, reasonable, and in the best interests of the Town given the uncertainties associated with litigation.

Accordingly, we have attached a resolution authorizing payment of $25,000.00, together with copies of the Stipulation of Settlement and a General Release executed by Claimant, Wendy Servellon. The funds for said payment are to be drawn from Account No. TWN AMS 1910 43020 602 0000 000.

JOSEPH NOCELLA
TOWN ATTORNEY

Jeffrey Lesser
Deputy Town Attorney

JAL:jl
Attachment

cc: Town Attorney (with 7 copies)

**GENERAL RELEASE/ HOLD HARMLESS AGREEMENT - INDIVIDUAL**

**TO ALL TO WHOM THESE PRESENTS SHALL COME OR MAY CONCERN, KNOW THAT**

**WENDY SERVELLON**, residing at 17 Clement Street, Apt 4, Glen Cove, New York 11542 as RELEASOR, in consideration of the sum of **TWENTY FIVE THOUSAND ($25,000.00) DOLLARS**, EXACTLY, received from KEVIN KUMAR and TOWN OF OYSTER BAY, as RELEASEE, receipt thereof is hereby acknowledged.

Personally releases, discharges and holds harmless with regard to any and every lien of any kind whatsoever that is chargeable against this recovery, if any (except to the extent, if any, that payment is still to be issued to the RELEASOR), KEVIN KUMAR and TOWN OF OYSTER BAY's heirs, executors, administrators, successors, attorneys, Town of Oyster Bay employees, Town of Oyster Bay board members and Town of Oyster Bay Officials, agents, employees and assigns from all actions, causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, extents, executions, claims, and demands whatsoever, in law, admiralty, or equity, that against the RELEASEE, the RELEASOR, RELEASOR'S heirs, executors, administrators, successors and assigns ever had, now have or hereafter can, shall or may, have for, upon, or by reason of any matter, cause or thing whatsoever from the beginning of the world to the day of the date of this RELEASE, and this release and settlement constitute complete payment for all damages and injuries and are specifically intended to release the RELEASEE, and are also specifically intended to release, whether presently known or unknown, all other tortfeasors liable or claimed to be liable jointly with the RELEASEE; and whether presently known or unknown, all other possible or potential tortfeasors liable or claimed to be liable jointly with the RELEASEE with respect to the incident that occurred on March 1, 2015, **and HEREBY AUTHORIZE(S), PERMIT(S), ALLOW(S) and EMPOWER(S) MASSIMO & PANETTA, P.C., ATTORNEYS AT LAW TO ENDORSE ANY CHECK THAT MAY BE ISSUED IN PAYMENT HEREOF, as RELEASOR'S ATTORNEY IN FACT.**

WENDY SERVELLON, waives that payment be made within 21 days pursuant to CPLR 5003-a, but requires that payment be made within 90 days from the date signed below pursuant to CPLR 5003-b.

This RELEASE may not be changed orally.

IN WITNESS WHEREOF, the RELEASOR has hereunto set RELEASOR'S hand and seal this 10 day of May, 2018

Wendy L Servellon
WENDY SERVELLON

In Presence of:

STATE OF NEW YORK, COUNTY OF NASSAU ss.:

On the 10nd day of May, 2018 before me personally came WENDY SERVELLON, to known, and known to me to be the individual described in, and who executed the foregoing RELEASE/HOLD HARMLESS AGREEMENT, and duly acknowledged to me the same.

ELENA S. DREDGER
Notary Public, State Of New York
No. 02DR5007395
Qualified In Nassau County
Commission Expires Jan. 25, 2019

Elena S Dredger
NOTARY PUBLIC

Similar to Blumberg form B-493 Stipulation discontinuing action, blank court. 12-88

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

----------X Index No.: 607721/2015

WENDY SERVELLON,

Plaintiffs,

STIPULATION OF
**DISCONTINUANCE**

-against-

KEVIN KUMAR and THE TOWN OF OYSTER BAY,

Defendants.

----------X

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the party, KEVIN KUMAR and THE TOWN OF OYSTER BAY, having appeared in the above entitled action, and the attorney for the Plaintiff, that whereas no party hereto is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of the action, the above entitled action be, and the same hereby is discontinued and settled, with prejudice, as to KEVIN KUMAR and THE TOWN OF OYSTER BAY in consideration of TWENTY-FIVE THOUSAND DOLLARS ($25,000.00), paid by said Defendants, to Plaintiff, without costs to either party as against the other. This stipulation shall be held in escrow pending Town of Oyster Bay approval of the settlement and issuance of the settlement funds, after which the Stipulation maybe filed with The Clerk of the Court.

Dated: Mineola, New York
May 10, 2018

TOWN OF OYSTER BAY
By: _____
Attorney for Defendant
54 Audrey Avenue
Oyster Bay, New York 11771
(516) 624-6150

MASSIMO & PANETTA, P.C.
NICHOLAS J. MASSIMO, ESQ.
Attorneys for Plaintiff
200 Willis Avenue
Mineola, New York 11501
516-683-8880

Form **W-9**
(Rev. December 2014)
Department of the Treasury
Internal Revenue Service

# Request for Taxpayer Identification Number and Certification

**Give Form to the requester. Do not send to the IRS.**

Print or type
See Specific Instructions on page 2.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

2 Business name/disregarded entity name, if different from above
Massimo Espinella, D.C.

3 Check appropriate box for federal tax classification; check only one of the following seven boxes:
☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate
☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____
Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.
☐ Other (see instructions) ▶

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
Exempt payee code (if any) _____
Exemption from FATCA reporting code (if any) _____
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)
200 Willis Avenue

Requester's name and address (optional)

6 City, state, and ZIP code
Mineola, NY 11501

7 List account number(s) here (optional)

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

**Note.** If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number: ___ - ___ - ____

or

Employer identification number: 11-3640791

## Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

**Sign Here** Signature of U.S. person ▶ Nina Schreiber Date ▶ 5/3/2018

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

## Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding? on page 2.*

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

Meeting of June 12, 2018 Resolution No. 396-2018

WHEREAS, James Altadonna, Jr., Town Clerk, by memorandum dated May 14, 2018, recommended that the Town Board authorize payment of a refund in the amount of $100.00 to Alan Rutman, 48 Sagamore Street, Plainview, N.Y. 11803, for a parking permit he purchased on April 11, 2018 and intended to use, however, due to a change of plans, he returned said parking permit and is requested a refund,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and the Town Board authorizes payment of a refund to Alan Rutman, in the total amount of $100.00, and payment of said refund is to be made upon presentation of a duly certified claim therefor, after audit by the Comptroller; and be it further

RESOLVED, That funds for said payment are to be drawn from Account No. HWY ST 0001 01721 000 0000.

-#-

Reviewed By
Office of Town Attorney

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Town Clerk

# TOWN OF OYSTER BAY

## INTER-DEPARTMENTAL MEMO

May 14, 2018

TO: MEMORANDUM DOCKET

FROM: HON. JAMES ALTADONNA JR., TOWN CLERK

SUBJECT: REFUND OF PARKING PERMIT FEE

---

Town Board authorization is requested to refund $100.00 to Alan Rutman, 48 Sagamore Street, Plainview, New York 11803 for a parking permit he purchased.

Mr. Rutman requested a parking permit, intending to use it on a regular basis however he will only be traveling to NYC periodically. He has returned the permit to us and is requesting a refund of $100.00.

This refund is to be appropriated from Account No. HWY ST 0001 01721 000 0000.

HON. JAMES ALTADONNA JR.
TOWN CLERK

JA
cc: Town Attorney (+7 Copies)
Attachment

# TOWN OF OYSTER BAY

## INTER-DEPARTMENTAL MEMO

May 14, 2018

TO: MEMORANDUM DOCKET

FROM: HON. JAMES ALTADONNA JR., TOWN CLERK

SUBJECT: REFUND OF PARKING PERMIT FEE

---

Town Board authorization is requested to refund $100.00 to Alan Rutman, 48 Sagamore Street, Plainview, New York 11803 for a parking permit he purchased.

Mr. Rutman requested a parking permit, intending to use it on a regular basis however he will only be traveling to NYC periodically. He has returned the permit to us and is requesting a refund of $100.00.

This refund is to be appropriated from Account No. HWY ST 0001 01721 000 0000.

HON. JAMES ALTADONNA JR.
TOWN CLERK

JA
cc: Town Attorney (+7 Copies)
Attachment

Alan Rutman

48 Sagamore St.

Plainview NY 11803

[redacted]

April 25, 2018

Dear Town Board:

Enclosed please find the parking permit that I recently secured from you for access to the TOB parking facilities.

Unfortunately, things have changed. I thought at the time I would be using the LIRR on a regular basis and therefore would be needing access to parking facilities. However, it appears that I will only be going into NYC periodically and will not need regular parking.

In light of this I would appreciate it if you would reimburse me for the $100.00 that I paid for this permit.

I am sorry for an inconvenience.

Sincerely

Alan Rutman

Alan Rutman

TOWN OF OYS[illegible]

I HEREBY CERTIFY THAT I RESIDE AT THE ADDRESS SET FORTH BELOW, AND T[illegible]
DESCRIBED, AND THAT I APPLICATION FOR A PERMIT TO PARK SUCH MOTOR[illegible]
TRAFFIC, CHAPTER 233 OF RULES AND REGULATIONS PURSUANT THERETO. I[illegible]
MOTOR VEHICLE OR IT'S EQUIPMENT, OCCURRING WHILE SUCH MOTOR VEH[illegible]

PLEASE TYPE OR PRINT CLEARLY

NAME Alan Rutman

STREET 48 Sagamore St

POST OFFICE AND ZIP Plainview NY 11[illegible]

TELEPHONE 516 [redacted]

MAKE/YEAR Jeep 2015 Grand Cherokee

BODY TYPE 4 door

NY LICENSE PLATE NO. DNL9088

RESIDENT TYPE R FEE ~~$20.00~~ 100.00

SIGNATURE OF APPLICANT

OPTIMUM PARK

1111 STEWART AVENUE
BETHPAGE, NY 11714-3581

CHANGE SERVICE REQUESTED

AV 01 029445 14554B139 A**5
#BWNHGYM
#PGHPACADGHPPB8#

ALAN RUTMAN
48 SAGAMORE ST
PLAINVIEW NY 11803-2219

Keep this document to show to the police and court

NEW YORK STATE REGISTRATION DOCUMENT

E PAS
DNL9088
2015 JEEP NONTRANSFERABLE
SUBN GY 1C4RJFBG7FC189433
004657 G 6 GQ245360 JAN 31 2016
Wt/Seats Fuel/Cyl CLH CNT2C2
Expires 03/27/18
*NYMA*
42.75

RUTMAN,ALAN,M
48 SAGAMORE ST
PLAINVIEW NY 11803

FOR OFFICIAL USE ONLY

| CHECK | CASH | CC |
|---|---|---|
| | ✓ | |
| REG. SUBMITTED | PERMIT NO. | |
| ✓ | 10994 | |
| DATE ISSUED | | ISSUED BY |
| 4/11/18 | | JA |

Meeting of June 12, 2018 Resolution No. 397-2018

Reviewed By
Office of Town Attorney

WHEREAS, James Altadonna, Jr., Town Clerk, by memorandum dated May 14, 2018, recommended that the Town Board authorize payment of a refund in the amount of $100.00 to each of the following residents, as they were unaware of the availability of a senior parking permit at a reduced rate:

Werner O. Kahn, 6A Pine Road, Syosset, New York
Steven Rutter, 22 Millford Drive, Plainview, New York
Linda Israel, 143 Roxton Road, Plainview, New York

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and the Town Board authorizes payment of a refund to the above listed residents, in the amount of $100.00 each for a total amount of $300.00, and payment of said refunds are to be made upon presentation of duly certified claims therefor, after audit by the Comptroller; and be it further

RESOLVED, That funds for said payments are to be drawn from Account No. HWY ST 0001 01721 000 0000.

-#-

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Town Clerk

12

# TOWN OF OYSTER BAY

## INTER-DEPARTMENTAL MEMO

May 14, 2018

TO: MEMORANDUM DOCKET

FROM: HON. JAMES ALTADONNA JR., TOWN CLERK

SUBJECT: REFUND OF PARKING PERMIT FEE

---

Town Board authorization is requested to refund $100.00 to each of the following residents:

Werner O. Kuhn 6A Pine Road, Syosset, NY 11791
Steven Rutter 22 Millford Drive, Plainview, NY 11803
Linda Israel, 143 Roxton Road, Plainview NY 11803

The above residents were each issued a residential parking permit, as they were unaware of the availabilty of a senior permit at a reduced rate.

This refunds are to be appropriated from Account No. HWY ST 0001 01721 000 0000.

HON. JAMES ALTADONNA JR.
TOWN CLERK

JA
cc: Town Attorney (+7 COPIES)
Attachments

(1)

JAMES ALTADONNA JR TOWN CLERK
OFFICE OF THE TOWN CLERK
54 AUDREY AVE
OYSTER BAY, NY 11771-1592

RE: PARKING PERMIT

WHEN I RENEWED PARKING PERMIT I PAID $100 INSTEAD OF ONLY $20, THE COST FOR RESIDENTS OVER AGE 62.

I REQUEST A REISSUE OF THE PARKING PERMIT AT A COST OF $20 AND A REFUND OF THE $100 I HAVE ALREADY PAID.

ALL DOCUMENTS SUPPORTING MY REQUEST HAVE BEEN SUBMITTED TO TOWN CLERK OFFICE.

SINCERELY
WERNER KUHN
64 PINE ROAD
SYOSSET, NY 11791-4222

MAY 1, 2018

**Print a Copy**

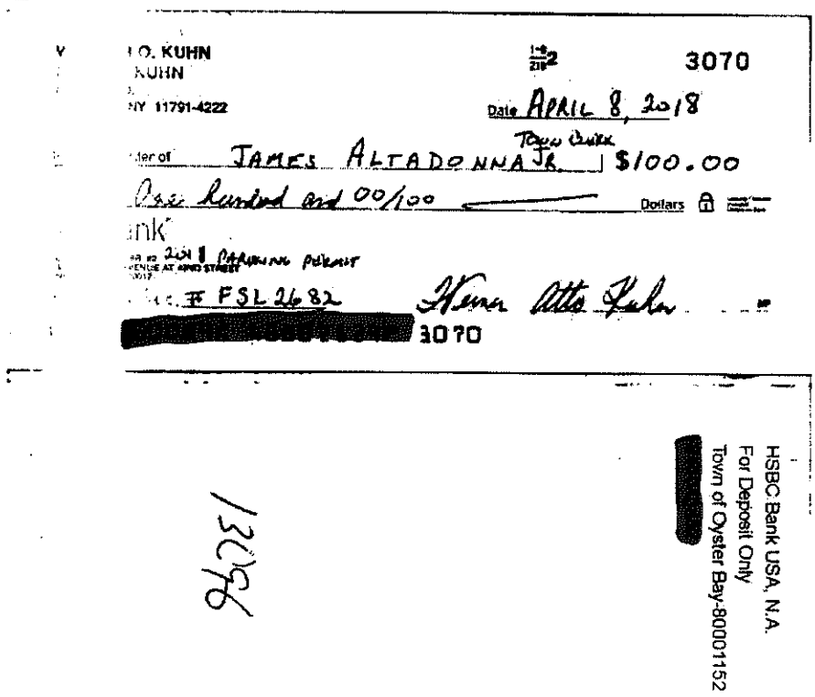
CI

ATM/D rd: XXXX-XXXX-XXXX-2692

As of 0 3 09:47 EDT

SERV **Check Details**

| Acc | | Check # | Post Date | Amount |
|---|---|---|---|---|
| Check | 9 | 3070 | 04/19/2018 | $ 100.00 |



O. KUHN
KUHN
NY 11791-4222

3070

Date APRIL 8, 2018

der of JAMES ALTADONNA JR. Town Clerk $100.00

One hundred and 00/100 Dollars

ank

2011 PARKING PERMIT
VENUE AT 42ND STREET

# FSL 2682 Werner Alto Kuhn

[redacted] 3070

HSBC Bank USA, N.A.
For Deposit Only
Town of Oyster Bay-80001152
[redacted]

13096

Sec Check Image files may be automatically saved on the hard drive of this computer. If other people use this co should delete these files so that no one will have access to your check images and account information. Learn

*CHANGES ONLY*

NAME WERNER O KUHN

STREET 6A PINE ROAD

CITY SYOSSET STATE NY ZIP 11791

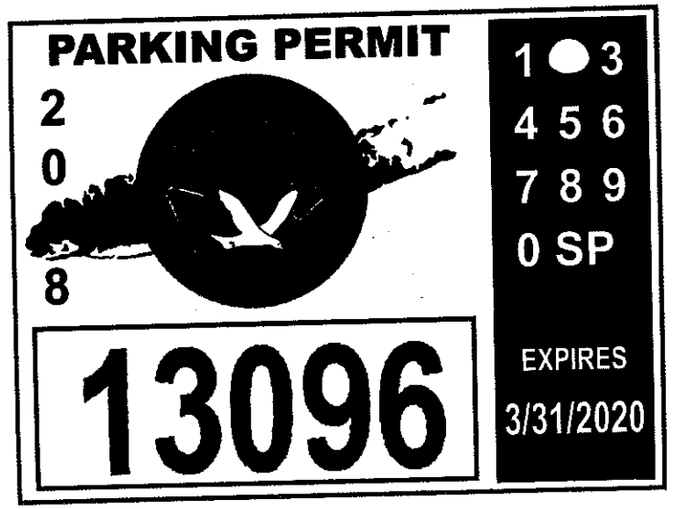
NYS LICENSE PLATE/YEAR FSL2682/2015

MAKE SUBARU BODY TYPE/COLOR SUBN/RD

**FEE** 100.00 PERMIT TYPE R

PHONE NUMBER [redacted]

*PLEASE SIGN REVERSE SIDE ON BOTTOM OF PAGE WHERE INDICATED*



I HEREBY CERTIFY THAT I RESIDE AT THE ADDRESS SET FORTH, THAT I AM THE OWNER OF THE MOTOR VEHICLE HEREINAFTER DESCRIBED, AND THAT I MAKE APPLICATION FOR A PERMIT TO PARK SUCH MOTOR VEHICLE WHEN SPACE IS AVAILABLE IN PERMITTED PARKING AREAS DESCRIBED IN TOWN ORDINANCE MOTOR VEHICLES AND TRAFFIC, CHAPTER 233 OR RULES AND REGULATIONS PURSUANT THERETO.

I AGREE THAT THE TOWN OF OYSTER BAY SHALL NOT BE LIABLE FOR ANY LOSS OF, OR DAMAGE TO, THE DESCRIBED MOTOR VEHICLE OR ITS EQUIPMENT, OCCURRING WHILE SUCH MOTOR VEHICLE IS PARKED IN ANY PERMITTED PARKING AREA OF THE TOWN.

Teresa A. Fuhr

SIGNATURE OF APPLICANT

**FOR OFFICE USE ONLY**

**PERMIT NO.** 1396

**DATE ISSUED** 4-17-23

☑ **CHECK** ☑ **REG. SUBMITTED**

☐ **CASH** ☑ **UTILITY SUBMITTED**

**ISSUED BY** _____

(2)

Town of Oyster Bay
Office of Town Clerk
Town Hall 54 Audrey Ave
Oyster Bay, N.Y. 11771-1592

Steven Rutter
28 MILFORD DR
Plainview, N.Y 11803
[redacted] Cell

5/2/18

Dear Office Town Clerk,

I am requesting a refund for my LIRR Commuter Parking permit. I am attaching a copy of the cancelled check as well as the sticker. I paid a fee of 100 dollars.

Admittedly I failed to read the offer of a discount for those over 62. I am 69. I will purchase another sticker for 20 dollars.

Thanking you in advance for your consideration

Sincerely
St Rutter

CHANGES ONLY

NAME STEVEN RUTTER

STREET 22 MILLFORD DR

CITY PLAINVIEW STATE NY ZIP 11803

NYS LICENSE PLATE/YEAR BER5772/2002

MAKE TOYOTA BODY TYPE/COLOR SB/GY

FEE 100.00 PERMIT TYPE R

PHONE NUMBER [redacted] HM Cell [redacted]

[redacted]

PLEASE SIGN REVERSE SIDE ON BOTTOM OF PAGE WHERE INDICATED

I HEREBY CERTIFY THAT I RESIDE AT THE ADDRESS SET FORTH, THAT I AM THE OWNER OF THE MOTOR VEHICLE HEREINAFTER DESCRIBED, AND THAT I MAKE APPLICATION FOR A PERMIT TO PARK SUCH MOTOR VEHICLE WHEN SPACE IS AVAILABLE IN PERMITTED PARKING AREAS DESCRIBED IN TOWN ORDINANCE MOTOR VEHICLES AND TRAFFIC, CHAPTER 233 OR RULES AND REGULATIONS PURSUANT THERETO.

I AGREE THAT THE TOWN OF OYSTER BAY SHALL NOT BE LIABLE FOR ANY LOSS OF, OR DAMAGE TO, THE DESCRIBED MOTOR VEHICLE OR ITS EQUIPMENT, OCCURRING WHILE SUCH MOTOR VEHICLE IS PARKED IN ANY PERMITTED PARKING AREA OF THE TOWN.

Steven Latte

SIGNATURE OF APPLICANT

**FOR OFFICE USE ONLY**

PERMIT NO. 11106

DATE ISSUED 4/10

☒ CHECK ☒ REG. SUBMITTED

☐ CASH ☐ UTILITY SUBMITTED

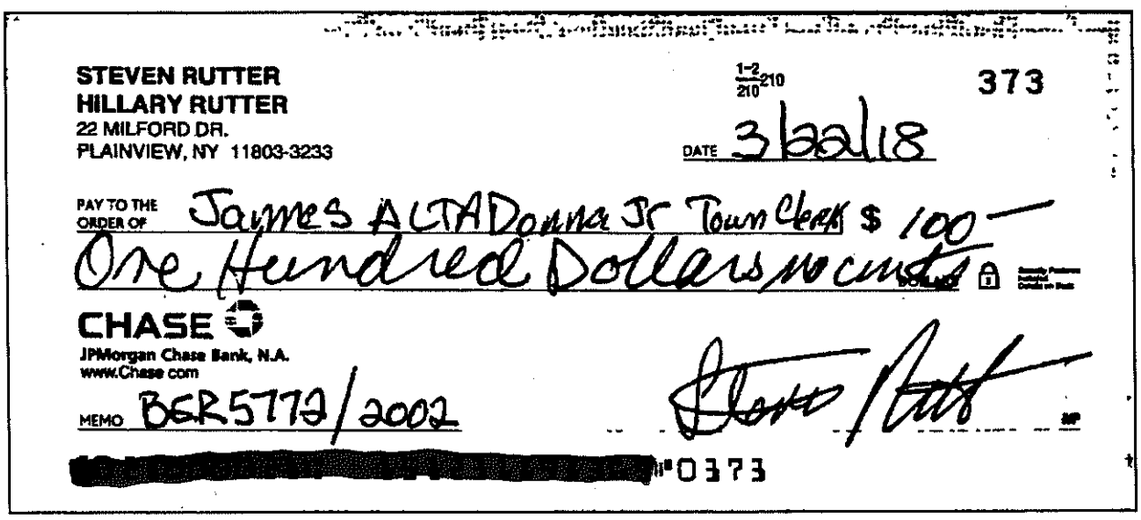
ISSUED BY JG

# CHASE PRIVATE CLIENT

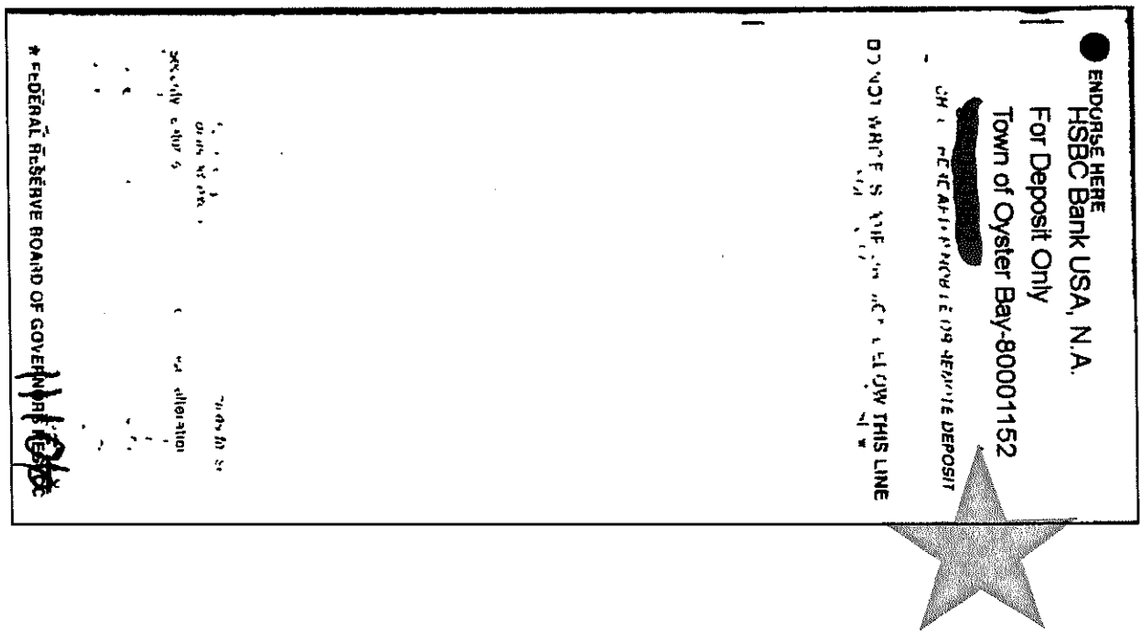
Printed from Chase Private Client

## Check

Front




Back



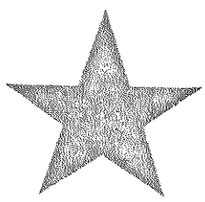
(3)

**Jean Aarons**

**From:** Linda Israel <[redacted]
**Sent:** Thursday, May 03, 2018 2:09 PM
**To:** Jean Aarons
**Subject:** Parking Permit Refund

Dear Jean,
I recently purchased a parking permit for Hicksville for $100. I was not aware that a new policy was instituted this year with a fee of $20 for seniors. I returned the permit for $100 and purchased a new one for $20. I would greatly appreciate a refund of $100, as we discussed.
Thank you for your consideration.
Linda Israel
143 Roxton Rd
Plainview, NY 11803

Sent from my iPad



***CHANGES ONLY***

NAME LINDA ISRAEL

STREET 143 ROXTON RD

CITY Plainview STATE NY ZIP 11803

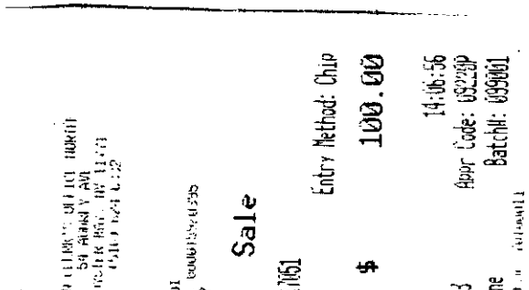
NYS LICENSE PLATE/YEAR ETX2500/2015

MAKE ME/BE BODY TYPE/COLOR SD/WH

**FEE** 100.00 PERMIT TYPE R

PHONE NUMBER (516) 433-0578

***PLEASE SIGN REVERSE SIDE ON BOTTOM OF PAGE WHERE INDICATED***



Meeting of June 12, 2018 Resolution No. 398-2018

Reviewed By
Office of Town Attorney

WHEREAS, Resolution No. 854-2017, adopted on December 12, 2017, authorized Lockwood, Kessler & Bartlett, Inc., to provide engineering services to the Town of Oyster Bay under Contract No. PWC07-18, On-Call Engineering Services Relative to Civil Engineering; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memorandum dated May 17, 2018 requested that the Comptroller issue an encumbrance order in an amount not to exceed $60,000.00, under Contract No. PWC07-18, for Engineering Services for developing quantities, estimates and field inspection of the Town of Oyster Bay Requirements Contract for Road Restoration, with funds to be drawn from Account No. HWY H 5197 20000 000 1503 008,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and the Office of the Comptroller is hereby authorized and directed to issue an encumbrance order in an amount not to exceed $60,000.00, and to pay Lockwood, Kessler & Bartlett, Inc., for services rendered under Contract No. PWC07-18, upon presentation of a duly certified claim, after audit, with funds to be drawn from Account No. HWY H 5197 20000 000 1503 008, for Contract No. PWC07-18.

-#-

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Public Works
Highway

13

# TOWN OF OYSTER BAY

## INTER-DEPARTMENTAL MEMO

May 17, 2018

TO: MEMORANDUM DOCKET

FROM: RICHARD W. LENZ, P.E., COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

SUBJECT: ON-CALL ENGINEERING SERVICE REQUEST
RELATIVE TO CIVIL ENGINEERING
CONTRACT NO. PWC07-18
ACCOUNT NO.: HWY H 5197 20000 000 1503 008
PROJECT ID. 1503HWYDB-02

---

The consultant, Lockwood, Kessler & Bartlett, Inc. has been approved by the Commissioner of Public Works to provide engineering services under On-Call Contract No. PWC07-18 by Resolution No. 854-2017 for the subject project.

Attached is a letter dated April 26, 2018 from Lockwood, Kessler & Bartlett, Inc. regarding the scope of work to be performed in an amount not to exceed $60,000.00 Services to be performed include developing quantities, estimates and field inspection of the Town of Oyster Bay Requirements Contract for Road Restoration.

Attached is an availability of funds in the amount of $60,000.00 to satisfy said engineering costs from the Director of Finance indicating that funds are available in Account No. HWY H 5197 20000 000 1503 008.

It is hereby requested that the Town Board authorize, by Resolution, Lockwood, Kessler & Bartlett,Inc. under Contract No. PWC07-18, On-Call Engineering Services Relative to Civil Engineering and requests that the Comptroller be directed to issue an encumbrance order for this purpose.

RICHARD W. LENZ, P.E.
COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL/JCT/MR/DJH/lk

Attachment

cc: Office of the Town Attorney (w/7 copies)
Steven Ballas, Comptroller
John Bishop, Deputy Commissioner/Highway
Kathy Stefanich, Administrative Division/DPW

PWC07-18 DOCKET LKB ROAD RESTORATION CONTRACT

# ON-CALL CONSULTANT SERVICE / REQUIREMENTS CONTRACT
# REQUEST FOR AVAILABILITY OF FUNDS

Requesting Division/Department: Highways

**THIS SECTION TO BE COMPLETED BY DEPARTMENT ADMINISTERING ON-CALL CONSULTANT CONTRACT**

Contract Number: PWC 07-18

Contract Period: January 1, 2018 through December 31, 2019

Consultant/Contractor: Lockwood, Kessler & Bartlett, Inc.

Discipline: Civil Engineering

Total Authorization: $60,000.00

Resolution No.: 854-2017 Date: 12/12/2017

Funded To Date: $0.00

Amount Requested: $60,000.00

Account To Be Used: Hwy H5197 20000 000 1503 008 / 1503HWYDR-02

If Capital Account, State The Related Contract Number:

Description Of Work

*If a Capital Account is used and work is not related to a Capital Project, specify the nature of the requested service that qualifies it as a Capital Expense.*

Funds are required for developing quantities, estimates and field inspection of the Town of Oyster Bay Requirements Contract for Road Restoration

Work To Be Completed In Contract Period: Yes [X] No [ ]

*A "No" response will require Town Board authorization to extend the contract period.*

Required Insurances Are In Effect: Yes [X] No [ ]

*A "No" response will prevent further processing of this form.*

Required 50% Performance Bond For This Request In Effect: Yes [ ] No [X] N/A [ ]

Amount of Bond $

**Requesting Division/Department**

Signature

Title: DEPUTY COMMISSIONER OF HIGHWAYS

Date: 5-3-18

**DPW Approval**

Only To Be Executed By The Commissioner

Signature

Title: **Commissioner of Public Works**

Date: 5/16/18

**THIS SECTION TO BE COMPLETED BY THE DIRECTOR OF FINANCE**

Amount Requested: 60,000.00

Unemcumbered Balance: 60,000.00

Is The Account To Be Used Consistent With The Nature Of Work Listed Above? Yes [X] No [ ]

Signature

Date: 5/14/18

# TOWN OF OYSTER BAY

## WORK ORDER

*This Section To Be Completed By The Department Of Public Works*

Work Order No. _____ E.O. No. _____

Contract Start 1/1/2018

Contract No. PWC 07-18 Contract End 12/31/2019

Commencement Date _____

**No claim shall be paid for work performed prior to the Commencement Date**

Vendor Name and Address

Lockwood, Kessler & Bartlett, Inc

One Aerial Way

Syosset, NY 11791

Requesting Town Department Highways

Contact Daniel Haas Phone 677-5883

Description of Work to be Performed (Attach Detail If Necessary)

Funds are required for developing quantities, estimates and field inspection

of the Town of Oyster Bay Requirements Contract for Road Restoration

**This work order shall not exceed $** $60,000.00

*Please notify the above mentioned contact person 48 hours prior to commencing any work.*

**Requesting Division/Department**

Signature _____

Title DEPUTY COMMISSIONER OF HIGHWAYS

Date 5-3-18

**Department Of Public Works Approval**

Only To Be Executed By The Commissioner

Signature _____

**Commissioner of Public Works**

Date 5/16/18

# TOWN OF OYSTER BAY

## INTER-DEPARTMENTAL MEMO

MAY 2, 2018

TO : JOHN P. BISHOP, DEPUTY COMMISSIONER
DEPARTMENT OF HIGHWAYS

FROM : JOHN C. TASSONE, DEPUTY COMMISSIONER
DEPARTMENT OF PUBLIC WORKS

THROUGH : RICHARD W. LENZ, P.E., COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

SUBJECT : REQUEST FOR AVAILABILITY OF FUNDS
CONTRACT NO. PWC07-18
ON-CALL CIVIL ENGINEERING
LOCKWOOD, KESSLER & BARTLETT, INC.

---

The Division of Engineering respectfully requests that you make available an account number to be used to satisfy costs related to the above-referenced contract in the amount of $60,000.00.

Funds are required for developing quantities, estimates and field inspection of the Town of Oyster Bay Requirements Contract for Road Restoration as per the attached letter from Lockwood, Kessler & Bartlett, Inc. dated April 26, 2018.

Also attached is the "On-Call Consultant Service Request for Availability of Funds" in the amount of $60,000.00 and Resolution No. 854-2017 authorizing Lockwood, Kessler & Bartlett, Inc. for on-call services.

If you have any questions, please contact Daniel Haas, at extension 5883.

JOHN C. TASSONE
DEPUTY COMMISSIONER
DEPARTMENT OF PUBLIC WORKS

RICHARD W. LENZ, P.E.
COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL/JCT/DJH/NM

Attachments
C: Matthew Russo, P. E., Division of Engineering
Kathleen Stefanich, Administration/DPW
PWC07-18 LKB ROAD RESTORATION INSPECTION

LKB CONSULTING ENGINEERS

Lockwood, Kessler & Bartlett, Inc.
One Aerial Way · Syosset, NY 11791
516.938.0600 www.lkbinc.com

April 26, 2018

Mr. Richard Lenz, Commissioner
Department of Public Works
Town of Oyster Bay
150 Miller Place
Syosset, NY 11791

**Re: On-Call Services for Civil Engineering PWC 07-18**

Dear Commissioner Lenz:

Per your request, we are pleased to submit our proposal for developing quantities, estimates and field inspection of the Town's Requirement Contract for Road Restoration under our Agreement for On-Call Civil Engineering Services. Currently, we are providing similar services to the NYSDOT, the DPW's of Suffolk and Nassau Counties, as well as, the Village of Great Neck Plaza. Furthermore, LKB has recently worked on prior Town construction inspection contracts and we are therefore familiar with the needs of the Town for proper execution of this work. Accordingly, we are exceedingly well positioned to undertake this assignment for the Town.

This proposal was developed from information received in a meeting with John Tassone of your office on this date. As a result, it is our understanding that our services for this assignment will extend for a period of two to three months with a budget of $60,000. The work will typically include but not be limited to items in the Town of Oyster Bay Road Restoration Requirements Contract, as they relate to roadway rehabilitation work.

We appreciate the Department's consideration of LKB for this project. Naturally, should you have any questions or require any additional information, please do not hesitate to contact us.

Very truly yours,
Lockwood, Kessler & Bartlett, Inc.

Brian Ednie, P.E.
Vice President

Meeting of December 12, 2017 Resolution No. 854-2017

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memoranda dated November 27, 2017 and December 4, 2017, advised that on September 27, 2017, the Department of Public Works issued a Request for Proposals for Engineering Services relative to Civil Engineering, in the Town of Oyster Bay, Nassau County, New York, in accordance with the specifications contained in Contract No. PWC07-18; and

WHEREAS, in response to that Request for Proposals, fifteen (15) responses were timely received by the Department of Public Works, Division of Engineering; and

Reviewed By Office of Town Attorney

WHEREAS, Commissioner Lenz, by said memoranda, stated that after review of the Division of Engineering's preliminary recommendations and in conjunction with the current workload, the Department has selected Nelson & Pope Engineers & Land Surveyor, PLLC, D&B Engineers & Architects, P.C., Holmacher, McLendon & Murrell, P.C., deBruin Engineering, P.C., Lockwood, Kessler & Bartletts, Inc., LiRo Engineers, Inc., John Grillo, Architect, P.C., Savik & Murray, a Division of DCAK-MSA Architecture & Engineering, P.C. The evaluation and selection process was performed in compliance with the requirements of Guideline 9 of the Town of Oyster Bay Procurement Policy; and

WHEREAS, the Department of Public Works requested that the Town Board authorize the Department of Public Works to enter into an agreement with Nelson & Pope Engineers & Land Surveyor, PLLC, D&B Engineers & Architects, P.C., Holmacher, McLendon & Murrell, P.C., deBruin Engineering, P.C., Lockwood, Kessler & Bartletts, Inc., LiRo Engineers, Inc., John Grillo, Architect, P.C., Savik & Murray, a Division of DCAK-MSA Architecture & Engineering, P.C., to provide Engineering Services relative to Civil Engineering, in accordance with the specifications contained in Contract No. PWC07-18, for a two (2) year term commencing on January 1, 2018 through December 31, 2019

NOW, THEREFORE, BE IT RESOLVED, That the recommendations as hereinabove set forth are accepted and approved, and the Department of Public Works is hereby authorized to enter into Contract No. PWC07-18 with Nelson & Pope Engineers & Land Surveyor, PLLC, D&B Engineers & Architects, P.C., Holmacher, McLendon & Murrell, P.C., deBruin Engineering, P.C., Lockwood, Kessler & Bartletts, Inc., LiRo Engineers, Inc., John Grillo, Architect, P.C., Savik & Murray, a Division of DCAK-MSA Architecture & Engineering, P.C., in accordance with the provisions thereunder, for a two (2) year term, commencing on January 1, 2018 through and including December 31, 2019.

-#-

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 Alesia | Absent |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Absent |
| Councilman Hand | Aye |

cc: Supervisor (2)
Town Attorney
Comptroller
Public Works

Meeting of June 12, 2018 Resolution No. 399 -2018

Standard Workday and Reporting Resolution

BE IT RESOLVED, That the Town of Oyster Bay hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employee's Retirement System based on the record of activities maintained and submitted by these officials to the clerk of the body:

| Title | Standard Work Day (Hrs/day) | Name | SS # (Last 4 digits) | Registration Number | Tier 1 | Term Begins/Ends | Record of Activities Result |
|---|---|---|---|---|---|---|---|
| **Elected Officials** | | | | | | | |
| Town Supervisor | 8 | Joseph S. Saladino | | | ☐ | 1/1/18 – 12/31/19 | 42.00 |
| Town Board Member | 6 | Michele M. Johnson | | | ☐ | 1/1/18 – 12/31/21 | 22.52 |
| Town Board Member | 6 | Louis B. Imbroto | | | ☐ | 1/1/18 – 12/31/21 | 30.95 |
| Town Board Member | 6 | Thomas P. Hand | | | ☐ | 1/1/18 – 12/31/21 | 21.76 |
| Town Clerk | 8 | James Altadonna Jr. | | | ☐ | 1/1/18 – 12/31/19 | 24.77 |

Reviewed By
Office of Town Attorney
Elizabeth A. Faughnan

On this 12th day of June, 2018

(Signature of Clerk) Date enacted: 6/12, 2018

I, James Altadonna Jr., Clerk of the governing board of the Town of Oyster Bay, of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 12th day of June, 2018, on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of 7 members,

and that 7 of such members were present at such meeting and (seal)

that 7 of such members voted in favor of the above resolution.

cc: Supervisor
Town Attorney
Comptroller
Town Board
Town Clerk
Human Resources

16

**TO:** MEMORANDUM DOCKET

**FROM:** DEPARTMENT OF HUMAN RESOURCES

**DATE:** MAY 21, 2018

**SUBJECT:** Standard Work Day Reporting and Resolution for Elected & Appointed Positions

---

Pursuant to the Section 315.4 of the New York Codes Rules and Regulations of the New York State and Local Retirement System, concerning the calculation and reporting of days worked for elected or appointed officials, the governing board of the elected or appointed officials shall establish, by resolution, a standard work day for each elected or appointed position.

The aforementioned resolution shall include the number of hours prescribed as a standard work day for each position (no fewer than six hours, and no more than eight hours); the expiration of the term of each position; that the employer maintains an actual daily record of time worked for the official or the official holding office has recorded and submitted to the clerk his or her work activities for a period of three consecutive months; and the total number of days per month to be reported by the official, based upon such record of work activities. This resolution shall be adopted no later than the first regular meeting held 180 days following the commencement of the term of office.

Furthermore, the Standard Workday Resolution shall be posted on the Town website for a minimum of thirty days. The new regulations also include filing and posting requirements whereby a certified copy of the Standard Work Day Resolution and an affidavit of posting shall be filed by the Town Clerk with the Office of the State Comptroller within 45 days of the adoption the resolution.

Pursuant to the foregoing, this office recommends Town Board adoption of a Standard Workday Resolution for the following: the recertification of the three-month reporting records for Town Supervisor Joseph S. Saladino, Town Clerk James Altadonna Jr., and Town Board Members Michele M. Johnson, Louis B. Imbroto, Thomas P. Hand. Said Resolution shall be adopted at the next Town Board Meeting, in the format set forth by the aforementioned regulations.

Very truly yours,

JOHN CANNING, COMMISSIONER
Department of Human Resources

cc: Town Attorney (+7 copies)
Town Clerk

Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

# Recertification of the Record of Activities

## RS 2419

(Rev. 9/12)

I, JOSEPH S. SALADINO, certify that I completed a 3-month record of activities for the term that began 1/31/17 for my position as TOWN SUPERVISOR. I attest that the record of activities maintained for the above named term is still representative of my hours worked and that my responsibilities have not substantially or materially changed. My current term begins on 1/1/18 and ends on 12/31/19.

Joseph S. Saladino
Signature of Member

January 24, 2018
Date

NYSLRS Registration Number: 35689934

Employer Location Code: 30008

NOTE: A record of activities and any certification based upon such record shall not be valid for more than eight years from the date of the taking of office for which the record of activities was initially maintained.

Please keep this form on file in your records and submit a copy to NYSLRS only upon request.

Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

# Recertification of the Record of Activities

## RS 2419

(Rev. 9/12)

I, JAMES ALTADONNA JR., certify that I completed a 3-month record of activities for the term that began 6/11/13 for my position as TOWN CLERK.

I attest that the record of activities maintained for the above named term is still representative of my hours worked and that my responsibilities have not substantially or materially changed. My current term begins on 1/1/18 and ends on 12/31/19.

Signature of Member

2-27-18
Date

NYSLRS Registration Number: 39985809

Employer Location Code: 30008

NOTE: A record of activities and any certification based upon such record shall not be valid for more than eight years from the date of the taking of office for which the record of activities was initially maintained.

Please keep this form on file in your records and submit a copy to NYSLRS only upon request.

Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

# Recertification of the Record of Activities

## RS 2419

(Rev. 9/12)

I, MICHELE M. JOHNSON, certify that I completed a 3-month record of activities for the term that began 6/11/13 for my position as TOWN COUNCILMAN.

I attest that the record of activities maintained for the above named term is still representative of my hours worked and that my responsibilities have not substantially or materially changed. My current term begins on 1/1/18 and ends on 12/31/21.

Signature of Member

2.27.18
Date

NYSLRS Registration Number: 43509132

Employer Location Code: 30008

NOTE: A record of activities and any certification based upon such record shall not be valid for more than eight years from the date of the taking of office for which the record of activities was initially maintained.

Please keep this form on file in your records and submit a copy to NYSLRS only upon request.

Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

# Recertification of the Record of Activities

## RS 2419

(Rev. 9/12)

I, LOUIS B. IMBROTO, certify that I completed a 3-month record of activities for the term that began 3/7/17 for my position as TOWN COUNCILMAN.

I attest that the record of activities maintained for the above named term is still representative of my hours worked and that my responsibilities have not substantially or materially changed. My current term begins on 1/1/18 and ends on 12/31/21.

Signature of Member

Date 1/23/2018

NYSLRS Registration Number: 60676814

Employer Location Code: 30008

NOTE: A record of activities and any certification based upon such record shall not be valid for more than eight years from the date of the taking of office for which the record of activities was initially maintained.

Please keep this form on file in your records and submit a copy to NYSLRS only upon request.

RECEIVED
TOWN CLERK
2018 JAN 24 A 10: 2?
TOWN OF OYSTER BAY

Office of the New York State Comptroller
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

# Recertification of the Record of Activities

## RS 2419

(Rev. 9/12)

I, THOMAS P. HAND, certify that I completed a 3-month record of activities for the term that began 5/23/17 for my position as TOWN COUNCILMAN.

I attest that the record of activities maintained for the above named term is still representative of my hours worked and that my responsibilities have not substantially or materially changed. My current term begins on 1/1/18 and ends on 12/31/21.

Signature of Member

1/25/18
Date

NYSLRS Registration Number: 50571884

Employer Location Code: 30008

NOTE: A record of activities and any certification based upon such record shall not be valid for more than eight years from the date of the taking of office for which the record of activities was initially maintained.

Please keep this form on file in your records and submit a copy to NYSLRS only upon request.

WHEREAS, on May 22, 2018, the Town Board adopted Resolution 341-2018, authorizing the Department of Community and Youth Services to enter into contracts with various performers, and/or their agents, for the described located on attached Grid A and Grid B, in connection with the "2018 Music Under the Stars" series;

WHEREAS, Maureen A. Fitzgerald, Commissioner, Department of Community and Youth Services, by memorandum dated May 24, 2018, requested that Grid A attached to Resolution 341-2018 be amended and corrected to reflect an additional performance by Ray Kairys on August 10, 2018 for a fee of $1,800.00 at John J. Burns Town Park and to correct the payee of the August 4, 2018 performance, in connection with the "2018 Music Under the Stars" series, for a total fee of $63,150.00 (with the sum of $11,500.00 to be reimbursed to the Town from The Friends of The Community Services Department, Inc.);

WHEREAS, Maureen A. Fitzgerald, Commissioner, Department of Community and Youth Services, by memorandum dated May 24, 2018, requested that Grid B attached to Resolution 341-2018 be amended and corrected to include three additional performances on July 21, 2018, July 26, 2018, and August 9, 2018, respectively at a total cost of $18,878.00, which will be paid by sponsor donations through The Friends of The Community Services Department, Inc. accounts:

See attached updated Grid A and Grid B Schedules,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board hereby authorizes the Department of Community and Youth Services to enter into contracts with various performers, and/or their agents, for the programs located on updated Grid A attached hereto, in connection with the "2018 Music Under the Stars" series, for a total fee of $63,150.00 (with the sum of $11,500.00 to be reimbursed to the Town from The Friends of The Community Services Department, Inc.) to be drawn from Account No. CYS A 7020 47660 000 0000, Special Events and for programs, performances and services, as set forth on updated Grid B attached hereto, fees for which will be paid by sponsor donations through The Friends of The Community Services Department, Inc. accounts; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment upon presentation of a duly certified claim, after audit.

-#-

Reviewed By
Office of Town Attorney

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Community & Youth Services

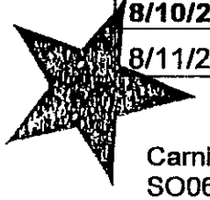
**MUSIC UNDER THE STARS**

**Town of Oyster Bay**

Grid A

Updated

| Performance Date | Location | Check made payable to | Amount |
|---|---|---|---|
| 7/10/2018 | John J. Burns Town Park | SixGun Entertainment, Ltd. | $2,700 |
| * 7/10/2018 | John J. Burns Town Park | Fireworks by Grucci | $11,500 |
| 7/11/2018 | Ellsworth W. Allen Town Park | The Concert Pops of Long Island | $4,500 |
| 7/12/2018 | Bethpage Community Park | Dr. K's Motown Revue | $3,000 |
| 7/14/2018 | John J. Burns Town Park | NJ Star Productions, Inc. | $3,400 |
| 7/17/2018 | John J. Burns Town Park | Madding Music, Inc. | $3,000 |
| 7/18/2018 | Syosset-Woodbury Community Park | NJ Star Productions, Inc. | $3,250 |
| 7/19/2018 | Theodore Roosevelt Memorial Park & Beach | NJ Star Productions, Inc. | $3,750 |
| 7/25/2018 | Harry Tappen Beach | Charles D'Oria | $1,750 |
| 7/25/2018 | Harry Tappen Beach | Greg Warnokowski | $1,750 |
| 7/28/2018 | John J. Burns Town Park | Joseph Salucci | $2,500 |
| 7/31/2018 | Ellsworth W. Allen Town Park | Jeff Hickman | $1,350 |
| 8/1/2018 | Syosset-Woodbury Community Park | Anthony Garofalo | $3,000 |
| 8/4/2018 | John J. Burns Town Park | **BonJourneyNY, LLC** | $1,800 |
| 8/7/2018 | Ellsworth W. Allen Town Park | Lucilu Productions, Incorporated | $3,100 |
| 8/8/2018 | Syosset-Woodbury Community Park | Simply Diamond Music | $2,000 |
| **8/10/2018** | **John J. Burns Town Park** | **Ray Kairys** | **$1,800** |
| 8/11/2018 | John J. Burns Town Park | Lucilu Productions, Incorporated | $9,000 |
| | | Total | $63,150 |



Carnival equipment for *Movies by Moonlight* will be procured through the Town of Oyster Bay's Carnival Equipment bid, # SO068-16.

* To be reimbursed by *The Friends of the Community Service Department, Incorporated*

**MUSIC UNDER THE STARS**

***The Friends of the Community Service Department, Incorporated***

**Grid B**

Updated

| Performance Date | Location | Check made payable to | Amount |
|---|---|---|---|
| 7/10 - 8/11/2018 | Various Locations | Various National Anthem Artists | Amt. not to exceed $1,200 |
| 7/7/2018 | Ellsworth W. Allen Town Park | Swank Motion Pictures | $420 |
| 7/10/2018 | John J. Burns Town Park | Fireworks by Grucci, Incorporated | $11,500 |
| 7/11/2018 | Ellsworth W. Allen Town Park | Dean Karahalis | $750 |
| 7/21/2018 | Marjorie R. Post Community Park | Swank Motion Pictures | $384 |
| **7/21/2018** | **Marjorie R. Post Community Park** | **Jim Maurer** | **$400** |
| 7/24/2018 | John J. Burns Town Park | Dreamkast, Inc. | $2,500 |
| 7/26/2018 | Syosset-Woodbury Community Park | Swank Motion Pictures | $420 |
| **7/26/2018** | **Syosset-Woodbury Community Park** | **KidzHitz** | **$200** |
| 8/2/2018 | Theodore Roosevelt Memorial Park & Beach | Swank Motion Pictures | $420 |
| 8/9/2018 | Plainview-Old Bethpage Community Park | Swank Motion Pictures | $384 |
| **8/9/2018** | **Plainview-Old Bethpage Community Park** | **Dance Aloha** | **$300** |
| | | Total | $18,878 |

* Reimbursement to Town of Oyster Bay for Fireworks by Grucci, Incorporated

# TOWN OF OYSTER BAY

Inter-Departmental Memorandum

4

May 24, 2018

TO: Memorandum Docket

FROM: Maureen A. Fitzgerald, Commissioner
Department of Community and Youth Services

SUBJECT: Amendment to Town Board Resolution No. 341-2018, Music Under the Stars Concert Series.

---

Town Board Resolution No. 341-2018, dated May 22, 2018, authorized the Department of Community & Youth Services to sign contracts with various vendors, performers, and/or their agents for the *2018 Music Under the Stars* concert series. The Department is requesting to amend the Resolution as follows.

Grid A

- Change the vendor in the "Check made payable to" column from Nick Troiani to BonJourneyNY, LLC on the August 4, 2018 performance.
- Add Ray Kairys to Friday, August 10th at John J. Burns Town Park for a fee of $1,800.00.

The costs detailed on Grid A will be paid from Account No. CYS A 7020 47660 000 0000, Special Events and total $63,150.00

Grid B

- Add Jim Maurer to Saturday, July 21st at Marjorie R. Post Community Park.
- Add KidzHitz to Thursday, July 26th at Syosset-Woodbury Community Park.
- Add Dance Aloha to Thursday, August 9th at Plainview Old Bethpage Community Park.

The costs detailed on Grid B will be paid from *The Friends of The Community Services Department, Inc.,* and total $18,878.00

The attached Grids have been adjusted accordingly. The additions and changes have been done in bold type.

Therefore, it is respectfully requested that the Town Board amend Town Board Resolution No. 341-2018, to authorize the attached Grid A and Grid B.

Maureen A. Fitzgerald
Commissioner

MAF:lw
cc: Town Attorney (+7 copies)

**MUSIC UNDER THE STARS**

**Town of Oyster Bay**

**Grid A**

| | Performance Date | Location | Check made payable to | Amount |
|---|---|---|---|---|
| | 7/10/2018 | John J. Burns Town Park | SixGun Entertainment, Ltd. | $2,700 |
| * | 7/10/2018 | John J. Burns Town Park | Fireworks by Grucci | $11,500 |
| | 7/11/2018 | Ellsworth W. Allen Town Park | The Concert Pops of Long Island | $4,500 |
| | 7/12/2018 | Bethpage Community Park | Dr. K's Motown Revue | $3,000 |
| | 7/14/2018 | John J. Burns Town Park | NJ Star Productions, Inc. | $3,400 |
| | 7/17/2018 | John J. Burns Town Park | Madding Music, Inc. | $3,000 |
| | 7/18/2018 | Syosset-Woodbury Community Park | NJ Star Productions, Inc. | $3,250 |
| | 7/19/2018 | Theodore Roosevelt Memorial Park & Beach | NJ Star Productions, Inc. | $3,750 |
| | 7/25/2018 | Harry Tappen Beach | Charles D'Oria | $1,750 |
| | 7/25/2018 | Harry Tappen Beach | Greg Warnokowski | $1,750 |
| | 7/28/2018 | John J. Burns Town Park | Joseph Salucci | $2,500 |
| | 7/31/2018 | Ellsworth W. Allen Town Park | Jeff Hickman | $1,350 |
| | 8/1/2018 | Syosset-Woodbury Community Park | Anthony Garofalo | $3,000 |
| | 8/4/2018 | John J. Burns Town Park | **BonJourneyNY, LLC** | $1,800 |
| | 8/7/2018 | Ellsworth W. Allen Town Park | Lucilu Productions, Incorporated | $3,100 |
| | 8/8/2018 | Syosset-Woodbury Community Park | Simply Diamond Music | $2,000 |
| | **8/10/2018** | **John J. Burns Town Park** | **Ray Kairys** | **$1,800** |
| | 8/11/2018 | John J. Burns Town Park | Lucilu Productions, Incorporated | $9,000 |
| | | | Total | $63,150 |

Carnival equipment for *Movies by Moonlight* will be procured through the Town of Oyster Bay's Carnival Equipment bid, # SO068-16.

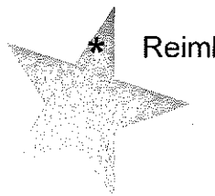
* To be reimbursed by *The Friends of the Community Service Department, Incorporated*

**Grid B**

## MUSIC UNDER THE STARS

***The Friends of the Community Service Department, Incorporated***

| Performance Date | Location | Check made payable to | Amount |
|---|---|---|---|
| 7/10 - 8/11/2018 | Various Locations | Various National Anthem Artists | Amt. not to exceed $1,200 |
| 7/7/2018 | Ellsworth W. Allen Town Park | Swank Motion Pictures | $420 |
| * 7/10/2018 | John J. Burns Town Park | Fireworks by Grucci, Incorporated | $11,500 |
| 7/11/2018 | Ellsworth W. Allen Town Park | Dean Karahalis | $750 |
| 7/21/2018 | Marjorie R. Post Community Park | Swank Motion Pictures | $384 |
| **7/21/2018** | **Marjorie R. Post Community Park** | **Jim Maurer** | **$400** |
| 7/24/2018 | John J. Burns Town Park | Dreamkast, Inc. | $2,500 |
| 7/26/2018 | Syosset-Woodbury Community Park | Swank Motion Pictures | $420 |
| **7/26/2018** | **Syosset-Woodbury Community Park** | **KidzHitz** | **$200** |
| 8/2/2018 | Theodore Roosevelt Memorial Park & Beach | Swank Motion Pictures | $420 |
| 8/9/2018 | Plainview-Old Bethpage Community Park | Swank Motion Pictures | $384 |
| **8/9/2018** | **Plainview-Old Bethpage Community Park** | **Dance Aloha** | **$300** |
| | | Total | $18,878 |



* Reimbursement to Town of Oyster Bay for Fireworks by Grucci, Incorporated

Reviewed By
Office of Town Attorney

WHEREAS, Maureen A. Fitzgerald, Commissioner, Department of Community and Youth Services, by memorandum dated April 27, 2018, requested Town Board authorization to sign contracts with various performers, and/or their agents, for the programs located on Grid A attached hereto and made a part hereof, in connection with the "2018 Music Under the Stars" series, which includes the *Salute to America* and *Movies by Moonlight*, for a total fee of $61,350.00 (with the sum of $11,500.00 to be reimbursed to the Town from The Friends of Community Services Department, Incorporated) to be drawn from Account No. CYS A 7020 47660 000 0000, and for programs, performances and services, as set forth on Grid B attached hereto and made a part hereof, fees for which will be paid by sponsor donations through The Friends of Community Services Department, Incorporated accounts:

See attached Grid A and Grid B Schedules,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board hereby authorizes the Department of Community and Youth Services to enter into contracts with various performers, and/or their agents, for the programs located on Grid A attached hereto, in connection with the "2018 Music Under the Stars" series, for a total fee of $61,350.00 (with the sum of $11,500.00 to be reimbursed to the Town from The Friends of Community Services Department, Incorporated) to be drawn from Account No. CYS A 7020 47660 000 0000, and for programs, performances and services, as set forth on Grid B attached hereto, fees for which will be paid by sponsor donations through The Friends of Community Services Department, Incorporated accounts; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment upon presentation of a duly certified claim, after audit.

-#-

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 | Absent |
| Councilwoman Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Community & Youth Services

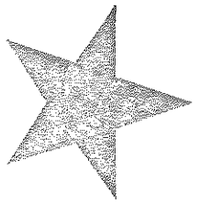
Grid A

**Town of Oyster Bay**

| | Performance Date | Location | Check made payable to | Amount |
|---|---|---|---|---|
| | 7/10/2018 | John J. Burns Town Park | SixGun Entertainment, Ltd. | $2,700 |
| * | 7/10/2018 | John J. Burns Town Park | Fireworks by Grucci, Inc. | $11,500 |
| | 7/11/2018 | Ellsworth W. Allen Town Park | The Concert Pops of Long Island | $4,500 |
| | 7/12/2018 | Bethpage Community Park | Dr. K's Motown Revue | $3,000 |
| | 7/14/2018 | John J. Burns Town Park | NJ Star Productions, Inc. | $3,400 |
| | 7/17/2018 | John J. Burns Town Park | Madding Music, Inc. | $3,000 |
| | 7/18/2018 | Syosset-Woodbury Community Park | NJ Star Productions, Inc. | $3,250 |
| | 7/19/2018 | Theodore Roosevelt Memorial Park & Beach | NJ Star Productions, Inc. | $3,750 |
| | 7/25/2018 | Harry Tappen Beach | Charles D'Oria | $1,750 |
| | 7/25/2018 | Harry Tappen Beach | Greg Warnokowski | $1,750 |
| | 7/28/2018 | John J. Burns Town Park | Joseph Salucci | $2,500 |
| | 7/31/2018 | Ellsworth W. Allen Town Park | Jeff Hickman | $1,350 |
| | 8/1/2018 | Syosset-Woodbury Community Park | Anthony Garofalo | $3,000 |
| | 8/4/2018 | John J. Burns Town Park | Nick Troiani | $1,800 |
| | 8/7/2018 | Ellsworth W. Allen Town Park | Lucilu Productions, Incorporated | $3,100 |
| | 8/8/2018 | Syosset-Woodbury Community Park | Simply Diamond Music | $2,000 |
| | 8/11/2018 | John J. Burns Town Park | Lucilu Productions, Incorporated | $9,000 |
| | | | Total | $61,350 |

Carnival equipment for *Movies by Moonlight* will be procured through the Town of Oyster Bay's Carnival Equipment bid, # SO068-16.

* To be reimbursed by *The Friends of the Community Service Department, Incorporated*



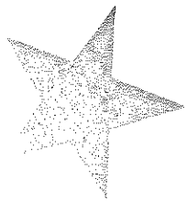
**MUSIC UNDER THE STARS**

Grid B

***The Friends of the Community Service Department, Incorporated***

| Performance Date | Location | Check made payable to | Amount |
|---|---|---|---|
| 7/10 - 8/11/2018 | Various Locations | Various National Anthem Artists | Amt. not to exceed $1,200 |
| 7/7/2018 | Ellsworth W. Allen Town Park | Swank Motion Pictures | $420 |
| * 7/10/2018 | John J. Burns Town Park | Fireworks by Grucci | $11,500 |
| 7/11/2018 | Ellsworth W. Allen Town Park | Dean Karahalis | $750 |
| 7/21/2018 | Marjorie R. Post Community Park | Swank Motion Pictures | $384 |
| 7/24/2018 | John J. Burns Town Park | Dreamkast, Inc. | $2,500 |
| 7/26/2018 | Syosset-Woodbury Community Park | Swank Motion Pictures | $420 |
| 8/2/2018 | Theodore Roosevelt Memorial Park & Beach | Swank Motion Pictures | $420 |
| 8/9/2018 | Plainview-Old Bethpage Community Park | Swank Motion Pictures | $384 |
| | | Total | $17,978 |

* Reimbursement to Town of Oyster Bay for Fireworks by Grucci, Incorporated



Meeting of June 12, 2018 Resolution No. 401-2018

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated July 24, 2017, authorized the Highway Department to clean up the premises located at 155 Seventh Street, Bethpage, New York 11714, also known as Section 46, Block 24, Lot 55 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated May 22, 2018, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on July 28, 2017, in the total amount of $1,176.57, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated May 22, 2018, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of $1,176.57 may be assessed by the Legislature of the County of Nassau against the parcel known as 155 Seventh Street, Bethpage, New York 11714, also known as Section 46, Block 24, Lot 55 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By
Office of Town Attorney

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Highway
Planning & Development
Town Clerk

8

# Town of Oyster Bay
## Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: May 22, 2018

SUBJECT: Property Cleanup Assessment
155 Seventh Street, Bethpage, New York 11714
Section 46, Block 24, Lot 55

---

The Department of Planning and Development, by memorandum dated July 24, 2017, directed the Highway Department to clean the premises located at 155 Seventh Street, Bethpage, New York 11714, also known as Section 46, Block 24, Lot 55 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated August 1, 2017, advised that the property was cleaned by a crew from the Highway Department on July 28, 2017. The cost incurred by the Town of Oyster Bay was $1,176.57.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Ralph P. Healey
Special Counsel

RPH:aml
Attachments
cc: Town Attorney (w/7 copies)

S:\AML\Cleanup MD&Reso\CleanupMD&Reso\MD 155 Seventh St 5.22.18.doc

2018-6535

# TOWN OF OYSTER BAY

## Inter-Departmental Memo

**July 24, 2017**

**To:** JOHN BISHOP: ACTING DEPUTY COMMISIONER/HIGHWAY

**From:** MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU

**Through:** ELIZABETH L. MACCARONE: COMMISSIONER OF DEPARTMENT OF PLANNING AND DEVELOPMENT

**Subject:** 155 Seventh Street Bethpage, NY 11714
SBL:46-24-55

Notice of Violation (No.17591) was issued to the owner of the above-referenced premises 07/12/2017 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.
In accordance with the provisions of Section 135.54: **I am directing that:**

- **The grass and weeds be cut.**
- **The bushes be trimmed.**

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

ELIZABETH L. MACCARONE
COMMISSIONER
BY:

MICHAEL ESPOSITO
CODE ENFORCEMENT BUREAU

MEjs
cc: Joseph Nocella, Town Attorney

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY [illegible]

THIS INDENTURE, made the 1st day of July, [illegible]

BETWEEN

FRANK J. MANZELLA and LEONA C. MANZELLA, his wife, [illegible] #156 Seventh Street, Bethpage, County of Nassau and State of New York,

party of the first part, and

THEODORE [illegible] CISEK and MARION [illegible] CISEK, his wife, [illegible] at 2597 Manhattan Avenue, Borough of Brooklyn, County of [illegible] and State of New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other [illegible] paid by the party of the second part, does hereby grant and release unto the party of the second part [illegible] or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements [illegible] lying and being in the at Bethpage, Town of Oyster Bay, County of Nassau and State of New York, known and designated as and by the [illegible] Numbered 23, all of Lots Numbered 24 and 25 in Block [illegible] map entitled: "Map of New York Suburban Land Co., Section [illegible] Central Park, Nassau County, L.I., N.Y., surveyed October [illegible] Thos. V. Smith, Civil Engineer," and filed in the Nassau County [illegible] Office November 23, 1907 as map #174, Case #1509, [illegible] part of lot, when taken together, are more particularly [illegible] described as follows:

BEGINNING at a point on the Westerly side of Seventh Street [illegible] 149.25 feet southerly from the corner formed by the [illegible] the westerly side of Seventh Street with the southerly side of [illegible] Avenue; running thence south 5 degrees 53 minutes 20 seconds [illegible] the westerly side of Seventh Street, 50 feet; running thence [illegible] degrees 02 minutes West 100.25 feet; running thence [illegible] 53 minutes 20 seconds east 50 feet; and running thence south [illegible] 02 minutes east 100.25 feet to the westerly side of Seventh Street [illegible] the point or place of BEGINNING.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any [illegible] roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Jack Mandel Jr.

Frank J. Manzella

[illegible]

STATE OF NEW YORK, COUNTY OF NASSAU ss:

On the 1st day of July, 1964, before me personally came

FRANK J. MANZELLA and
LEONA C. MANZELLA, his wife,

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that they executed the same.

Theodore Dickwalt

THEODORE DICKWALTER
Notary Public, State of New York
No. [illegible]
Qualified in Nassau Co.
Comm. expires March 30, 1965

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that they executed the same.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the

of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed h[illegible] name thereto by the order.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came

the subscribing witness to the foregoing instrument, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was [illegible] execute the same; and that [illegible] at the same time subscribed [illegible]

FRANK J. MANZELLA and
LEONA C. MANZELLA, his wife

17 20 TO 33484

THEODORE C. CISEK and
MARION LORRAINE CISEK, his wife

Bargain and Sale Deed
With Covenant Against Grantor's Acts

The land affected by the within instrument lies in Section 48 in Block 24 on the Land Map of the County of Nassau

Recorded At Request of

JOHN F. DOBSON, ESQ.
320 North Broadway
York

RECORD and RETURN TO:

JOHN F. DOBSON
320 North Broadway
Hicksville
N.Y.

RECORDED
JUL 8 9 03 AM '64
COUNTY CLERK'S OFFICE
NASSAU COUNTY
NEW YORK

Town of Oyster Bay
Inter- Departmental Memo

August 1, 2017

**TO:** ELIZABETH L. MACCARONE, COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

**FROM:** JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

**SUBJECT:** **155 7TH STREET, BETHPAGE**
**CLEAN-UP**

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of **$1,176.57**.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.

**JOHN P. BISHOP**
**DEPUTY COMMISSIONER**
**HIGHWAY DEPARTMENT**

**JPB/kjb**

**Enc. T & M sheet**

2018 JAN 18 A 9:24

CLEAN – UP 155 7TH STREET, BETHPAGE TO P & D

# MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

**Location** (46-24-55) 155 7TH ST BETHPAGE 11714

**Date** Jul 28, 2017

**Work Order #** 38674

**Labor Costs**

| Employee's Name | | Regular Work Hours | Regular Rate | Ovetime Hours | Overtime Rate | Line Cost |
|---|---|---|---|---|---|---|
| MICHAEL MAIORANA | General Maintenance | 01:00 | $42.34 | 00:00 | 0 | $42.34 |
| GREGORY MARCHESE | General Maintenance | 01:00 | $47.36 | 00:00 | 0 | $47.36 |
| VICTOR NIETO | General Maintenance | 01:00 | $24.60 | 00:00 | 0 | $24.60 |
| PAUL HARABEDIAN | General Maintenance | 01:00 | $23.27 | 00:00 | 0 | $23.27 |
| | | | | | Total Labor | $137.57 |

**Tools/Vehicle**

| Tool/Vehicle | Description | Rate per Hour | Hours | Line Cost |
|---|---|---|---|---|
| PK406 | SANI PACKER 2012 INTER 7400 YW (PP932 / PP-932) | $105.00 | 01:00 | $105.00 |
| PU414 | PICK UP 2011 FORD F250 YELLO (12 / 012) | $79.00 | 01:00 | $79.00 |
| TD706 | TRUCK DUMP 2011 FORD F350 YELLO (T-125) - Power Wagons | $105.00 | 01:00 | $105.00 |
| | | | Total Equipment | $289.00 |

**Materials**

| Material | Cost Per Unit | Units | Line Cost |
|---|---|---|---|
| Administrative Fee | $750.00 | 1 | $750.00 |
| | | Total Materials | $750.00 |

**Grand Total** **$1176.57**

**Description of Work:**
CLEAN UP 155 SEVENTH STREET BETHPAGE

**Signature:**
**Name:** Douglas Robalino
**Title:** Director of Highway Opperations
**Date:** Jul 31, 2017

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated June 1, 2017, authorized the Highway Department to clean up the premises located at 13 Jefferson Place, Massapequa, New York 11758, also known as Section 65, Block 136, Lots 149 to 154 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated May 16, 2018, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on June 13, 2017, in the total amount of $789.22, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated May 16, 2018, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of $789.22 may be assessed by the Legislature of the County of Nassau against the parcel known as 13 Jefferson Place, Massapequa, New York 11758, also known as Section 65, Block 136, Lots 149 to 154 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By
Office of Town Attorney
Ralph P. Healey

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Highway
Planning & Development
Town Clerk

9

# Town of Oyster Bay
# Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: May 16, 2018

SUBJECT: Property Cleanup Assessment
13 Jefferson Place, Massapequa, New York 11758
Section 65, Block 136, Lots 149 to 154

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The Department of Planning and Development, by memorandum dated June 1, 2017, directed the Highway Department to clean the premises located at 13 Jefferson Place, Massapequa, New York 11758 also known as Section 65, Block 136, Lots 149 to 154 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated June 20, 2017, advised that the property was cleaned by a crew from the Highway Department on June 13, 2017. The cost incurred by the Town of Oyster Bay was $789.22.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Ralph P. Healey
Special Counsel

RPH:aml
Attachments
cc: Town Attorney (w/7 copies)

S:\AML\Cleanup MD&Reso\CleanupMD&Reso\MD 13 Jefferson Pl 5.16.18.doc

2017-6135

# TOWN OF OYSTER BAY

**~~Inter-Departmental Memo~~**
**June 1, 2017**

**To:** **JOHN BISHOP: ACTING DEPUTY COMMISIONER/HIGHWAY**

**From:** **MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU**

**Through:** **ELIZABETH L. MACCARONE: COMMISSIONER OF**

**DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Subject:** **13 Jefferson ~~Street~~ Place Massapequa, NY 11758**
**SBL: 65-136-149 - 154**

Notice of Violation (No.17214) was issued to the owner of the above-referenced premises 05/22/17 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54: **I am directing that:**

- **The grass be cut.**
- **The bush be trimmed**

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

ELIZABETH L. MACCARONE
COMMISSIONER

BY:

~~MICHAEL~~ ESPOSITO
CODE ENFORCEMENT BUREAU

ME/js
cc: Joseph Nocella, Town Attorney

Standard N. Y. B.T.U. Form 8002 Bargain and Sale Deed, with Covenants against Grantor's Acts-Individual or Corporation (single Sheet)
CONSULT YOUR LAWYERS BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 20th day of November, in the year two-thousand and three

BETWEEN PETER EULER as trustee of the GEORGE R. EULER REVOCABLE TRUST created by Declaration of Trust executed on the 13th day of December, 1997, residing at 13 Jefferson Place, Massapequa, New York 11758-7843
party of the first part, and

PETER N. EULER, residing at 13 Jefferson Place, Massapequa, New York 11758-7843
and
MICHAEL C. EULER, residing at 436 West Cornell Drive, Midvale, Utah 84047
parties of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being at Massapequa, Town of Oyster Bay, County of Nassau and State of New York, as shown and designated on a certain map entitled "Map of Shoreville Park, Addition #1, amending Block #19 and #20 of Shoreville Park, formerly property of Ogontz Reality Corp., situated in Massapequa, Long Island, N.Y., June 1933 by Baldwin & Cornelius Co., Inc., Civil Engineers & Surveyors, Freeport, L.I." and filed in the Office of the Clerk of the County of Nassau on June 28th,1933 under the file #816, as follows: - Block F – Lot Numbers 149 – 150 - & 151.

Subject to covenants and restrictions in former instruments of record, if any, to riparian rights and easements, if any, of others to the premises, any state of facts an accurate survey may show, and zoning ordinances of the Town of Oyster Bay.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

In Presence Of

PETER EULER

Standard N.Y.B.T.U. Form 8002 Bargain and Sale Deed, with Covenants against Grantor's Acts-Individual or Corporation (single Sheet)
CONSULT YOUR LAWYERS BEFORE SIGNING THIS INSTRUMENT — THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 20th day of November, in the year two-thousand and three

BETWEEN PETER EULER as trustee of the GEORGE R. EULER REVOCABLE TRUST, created by Declaration of Trust executed on the 15th day of December, 1997, residing at 13 Jefferson Place, Massapequa, New York 11758-7843
party of the first part, and

PETER N. EULER, residing at 13 Jefferson Place, Massapequa, New York 11758-7843
and
MICHAEL C. EULER, residing at 436 West Cornell Drive, Midvale, Utah 84047
parties of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being at Massapequa, Town of Oyster Bay, County of Nassau and State of New York, known and designated as lots 152, 153 and 154 in Block F on a certain map entitled "Map of Shoreville Park, Addition #1, amending block #19 and #20 of Shoreville Park, Property of Ogontz Reality Corp., situated in Massapequa, Long Island, N.Y., June 1933 by Baldwin & Cornelius Co., Inc., C.E.&S." filed in the Office of the Clerk of the County of Nassau on June 28th, 1933 as Map No. 810, Case No. 882, which lots when taken together according to said map are more particularly bounded and described as follows:

BEGINNING at a point on the northerly side of Jefferson Place, distant 1463.93 feet westerly from the corner formed by the intersection of the said northerly side of Jefferson Place and the westerly side of Forest Avenue;
THENCE RUNNING northerly at right angles to Jefferson Place, a distance of 100 feet to Jefferson Canal;
THENCE RUNNING westerly and parallel with Jefferson Place, a distance of 60 feet;
THENCE RUNNING southerly and again at right angles to Jefferson Place, a distance of 100 feet to the northerly side of Jefferson Place; and
THENCE RUNNING easterly and along the northerly side of Jefferson Place, 60 feet to the point or place of BEGINNING.

SUBJECT to covenants and restrictions in former instruments of record, if any, to riparian rights and easements, if any, of others to the premises, any state of facts that an accurate survey may show, and zoning ordinances of the Town of Oyster Bay.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

In Presence Of

PETER EULER

## RESTRICTIVE COVENANT TO THE DEED

**********

## DECLARATION

THIS DECLARATION, dated 6 day of January, 2007, is made by PETER N. EULER, (hereinafter the "Declarant"), whose address is 13 Jefferson Place, Massapequa, NY 11758

## WITNESSETH

WHEREAS, the Declarant is the owner of certain real property located in the Town of Oyster Bay County of Nassau, State of New York, Tax Map # District ____, Section 65, Block 136, Lot(s) 149, 150 & 151 which real property is more particularly described in Exhibit A annexed hereto (hereinafter referred to as the "Property"); and

WHEREAS, the Property is situated in or adjacent to regulated tidal wetlands which have been inventoried and mapped by the New York State Department of Environmental Conservation (hereinafter "Department"), pursuant to Environmental Conservation Law (hereinafter "ECL") Article 25 (also known as the "Tidal Wetlands Act") and Part 661 of Title 6 of the New York Code of Rules and Regulations (hereinafter "6 NYCRR"); and

WHEREAS, various activities conducted both in and adjacent to tidal wetlands are regulated by the Department pursuant to ECL Article 25 and Part 661 of 6 NYCRR and require written authorization from the Department prior to being conducted;

**A permanent non-disturbance buffer zone shall be established and maintained** within 5 feet landward of the existing bulkhead. **No disturbance or structures shall be allowed and/or permitted to occur within** 5 feet landland of the existing bulkhead.

NOW, THEREFORE, in recognition of the Department's jurisdiction as set forth above, it is the responsibility of a party having any right, title, or interest in the Property, to obtain from the Department or any successor organization, a current description of all activities which are regulated pursuant to ECL Article 25 and Part 661 of 6 NYCRR, and to obtain written authorization from the Department prior to such regulated activities being conducted on the Property. Regulated activities include, but are not limited to clearing of vegetation; application of chemicals; excavation, grading and filling; dredging; erection of structures; construction or reconstruction of shoreline erosion structures; and construction and reconstruction of docks and bulkheads.

By: _____
PETER N. EULER

STATE OF NEW YORK )
) ss.:
COUNTY OF NASSAU )

On the 6 day of January in the year 2007, before me, the undersigned, a Notary Public in and for said state, personally appeared PETER N. EULER, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the person or entity upon behalf of which the person acted, executed the instrument.

KATHI WALSH
No. 41-4864665
Notary Public, State of New York
Qualified in Nassau County
My Commission Expires July 7, 2010

NOTARY PUBLIC

"Premises known as Section 65, Block 136, Lot 149, 150 & 151 as shown on The Nassau County Land and Tax Map."

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

INVESTA (C1) SPE-NY, LLC

Index No.: 605987/2015

Plaintiff,

-against-

**AMENDED NOTICE OF PENDENCY**

PETER N. EULER, THE ESTATE OF MICHAEL C. EULER DECEASED and or the heirs-at-law, next-of-kin, distributes, executors, administrators, trustees, devisees, legatees, assignees, lienors, creditors and successors in interest and generally all persons having or claiming under, by, through, or, against the deceased Michael C. Euler, JANELL EULER as heir-at-law, next-of-kin, distribute, executor, administrator, trustee, devisee, legatee, assignee, lienor, creditor and successor in interest and generally a person having or claiming under, by, through, or, against the deceased Michael C. Euler, MICHAEL EULER as heir-at-law, next-of-kin, distribute, executor, administrator, trustee, devisee, legatee, assignee, lienor, creditor and successor in interest and generally a person having or claiming under, by, through, or, against the deceased Michael C. Euler and LB-LIBERTY LLC SB MUNI CUST FOR,

Defendants.

**NOTICE IS HEREBY GIVEN** that an action has been commenced and is pending in this Court upon the Verified Complaint of the above-named Plaintiff against the above-named Defendants for the foreclosure of a certain Certificate of Sale of Tax Lien Certificate Number 2012/001678. The premises affected by this action were, at the time of the commencement thereof and at the time of the filing of this Notice, are described in the annexed Schedule "A", are located in the Town of Oyster Bay County of Nassau, and State of New York and known as SCHOOL DISTRICT 23, SECTION 65, BLOCK 136, LOT 149-154, on the Tax map of Nassau County, and also known as 13 Jefferson Place, Massapequa New York.

DRS

**Town of Oyster Bay**
**Inter- Departmental Memo**

June 20, 2017

**TO:** ELIZABETH L. MACCARONE, COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

**FROM:** JOHN P. BISHOP, ACTING DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

**SUBJECT:** **13 JEFFERSON PLACE, MASSAPEQUA**
**CLEAN-UP**

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of **$789.22**.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.

**JOHN P. BISHOP**
**ACTING DEPUTY COMMISSIONER**
**HIGHWAY DEPARTMENT**

**JPB/kjb**

**Enc. T & M sheet**

2017 AUG 17 A 9:58

CLEAN-UP 13 JEFFERSON PLACE, MASSAPEQUA TO P. & D

# MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

**Location** (65-136-149) 13 JEFFERSON PL MASSAPEQUA 11758

**Date** Jun 13, 2017

**Work Order #** 37337

**Labor Costs**

| Employee's Name | | Regular Work Hours | Regular Rate | Ovetime Hours | Overtime Rate | Line Cost |
|---|---|---|---|---|---|---|
| BRYAN HIGGINS | General Maintenance | 00:00 | $35.26 | 01:00 | 1.5 | $52.89 |
| GREGORY MARCHESE | General Maintenance | 00:00 | $47.36 | 01:00 | 1.5 | $71.04 |
| TIMOTHY OLSON | General Maintenance | 00:00 | $38.84 | 01:00 | 1.5 | $58.26 |
| ROBERT PALACIOS | General Maintenance | 00:00 | $25.05 | 01:00 | 1.5 | $37.58 |
| OSCAR GUEVARA | General Maintenance | 00:00 | $23.27 | 01:00 | 1.5 | $34.91 |
| VINCENT CAGGIANO JR | General Maintenance | 00:00 | $23.69 | 01:00 | 1.5 | $35.54 |
| | | | | | Total Labor | $290.22 |

**Tools/Vehicle**

| Tool/Vehicle | Description | Rate per Hour | Hours | Line Cost |
|---|---|---|---|---|
| PU414 | PICK UP 2011 FORD F250 YELLO (12 / 012) | $79.00 | 01:00 | $79.00 |
| TD585 | PICK-UP TRUCK 2006 FORD F-250 YW (HP918) | $79.00 | 01:00 | $79.00 |
| TD706 | TRUCK DUMP 2011 FORD F350 YELLO (T-125) - Power Wagons | $105.00 | 01:00 | $105.00 |
| TD716 | TRUCK DUMP 2013 INTER 7300 YELLO (T-121)- 6 Wheeler | $131.00 | 01:00 | $131.00 |
| TR204 | TRAILER 2017 FELLI FT30 BL | $105.00 | 01:00 | $105.00 |
| | | | Total Equipment | $499.00 |

**Materials**

| Material | Cost Per Unit | Units | Line Cost |
|---|---|---|---|
| | | Total Materials | |

**Grand Total** **$789.22**

**Description of Work:**
CLEAN UP 13 JEFFERSON STREET MASSAPEQUA

**Signature:**
**Name:** Douglas Robalino
**Title:** Storeyard Supervisor
**Date:** Jun 19, 2017

Meeting of June 12, 2018

Resolution No. 403-2018

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated October 13, 2017, authorized the Highway Department to clean up the premises located at 155 Seventh Street, Bethpage, New York 11714, also known as Section 46, Block 24, Lot 55 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated May 17, 2018, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on November 17, 2017, in the total amount of $1,339.51, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated May 17, 2018, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of $1,339.51 may be assessed by the Legislature of the County of Nassau against the parcel known as 155 Seventh Street, Bethpage, New York 11714, also known as Section 46, Block 24, Lot 55 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By
Office of Town Attorney

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Highway
Planning & Development
Town Clerk

10

# Town of Oyster Bay
## Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: May 17, 2018

SUBJECT: Property Cleanup Assessment
155 Seventh Street, Bethpage, New York 11714
Section 46, Block 24, Lot 55

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The Department of Planning and Development, by memorandum dated October 13, 2017, directed the Highway Department to clean the premises located at 155 Seventh Street, Bethpage, New York 11714, also known as Section 46, Block 24, Lot 55 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated November 20, 2017, advised that the property was cleaned by a crew from the Highway Department on November 17, 2017. The cost incurred by the Town of Oyster Bay was $1,339.51.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Ralph P. Healey

Ralph P. Healey
Special Counsel

RPH:aml
Attachments
cc: Town Attorney (w/7 copies)

S:\AML\Cleanup MD&Reso\CleanupMD&Reso\MD 155 Seventh St 2 5.17.18.doc

2018-6521

# TOWN OF OYSTER BAY

## Inter-Departmental Memo

**October 13, 2017**

**To:** JOHN BISHOP: DEPUTY COMMISIONER/HIGHWAY

**From:** MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU

**Through:** ELIZABETH L. MACCARONE: COMMISSIONER OF DEPARTMENT OF PLANNING AND DEVELOPMENT

**Subject:** 155 Seventh Street Bethpage, NY 11714 South
SBL: 46-24-55

Notice of Violation (No.17732) was issued to the owner of the above-referenced premises 10/06/2017 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54: **I am directing that:**

- **The grass and vegetation be cut.**

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

ELIZABETH L. MACCARONE
COMMISSIONER
BY:

MICHAEL ESPOSITO
CODE ENFORCEMENT BUREAU

ME/js
cc: Joseph Nocella, Town Attorney

155 Seventh St
Bethpage

202 AS 118

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYER ONLY.

THIS INDENTURE, made the 1st day of July nineteen hundred and seventy-four

BETWEEN

FRANK J. MANZELLA and LEORA C. MANZELLA, his wife, both residing at #155 Seventh Street, Bethpage, County of Nassau and State of New York,

party of the first part, and

THEODORE M. CISEK and MARION CISEK, his wife, both residing at #587 Hamilton Avenue, Borough of Brooklyn, County of Kings and State of New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the at Bethpage, Town of Oyster Bay, County of Nassau and State of New York, known and designated as and by the part of Lot Numbered 23, all of Lots Numbered 24 and 25 in Block 24, on a certain map entitled: "Map of New York Suburban Land Co. Section 2, situated at Central Park, Nassau County, L.I., N.Y., surveyed October 15, 1907 Thos. V. Smith, Civil Engineer," and filed in the Nassau County Clerk's Office November 22, 1907 as map #174, Case #1509, which said part of lot, when taken together, are more particularly bounded and described as follows:

BEGINNING at a point on the Westerly side of Seventh Street distant 149.85 feet southerly from the corner formed by the intersection of the westerly side of Seventh Street with the southerly side of Beane Avenue; running thence south 5 degrees 53 minutes 20 seconds west along the westerly side of Seventh Street, 50 feet; running thence north 80 degrees 02 minutes West 100.25 feet; running thence north 5 degrees 53 minutes 20 seconds east 50 feet; and running thence south 80 degrees 02 minutes east 100.25 feet to the westerly side of Seventh Street the point or place of BEGINNING.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above-described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Frank J. Manzella L.S.

Leora C. Manzella L.S.

STATE OF NEW YORK, COUNTY OF NASSAU ss:

On the 1st day of July, 19 64, before me personally came

FRANK J. HANZELLA and
LEORA C. HANZELLA, his wife,

to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they executed the same.

THEODORE DUCKWALTER
Notary Public, State of New York
No. 30-0477650
Qualified in Nassau Co.
Comm. expires March 30, 1965

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came

to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of , the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed h name thereto by like order.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19, before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed h name as witness thereto.

FRANK J. HANZELLA and
LEORA C. HANZELLA, his wife

TO

THEODORE G. CISEK and
MARION LORRAINE CISEK, his wife

Bargain and Sale Deed
With Covenant Against Grantor's Acts

The land affected by the within instrument lies in Section 46 in Block 24 on the Land Map of the County of Nassau

Recorded at Request of

JOHN F. DOBSON, ESQ.
320 North Broadway
York

FORM OF
FULL UNDERWRITERS

RECORD and RETURN TO:

JOHN F. DOBSON
320 NORTH BROADWAY
NICKSVILLE
N.Y.

RECORDED
JUL 8 9 03 AM '64
COUNTY CLERK'S OFFICE
NASSAU COUNTY
NEW YORK

D85

# Town of Oyster Bay
## Inter- Departmental Memo

November 20, 2017

**TO:** ELIZABETH L. MACCARONE, COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

**FROM:** JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

**SUBJECT:** **155 7th STREET, BETHPAGE**
**CLEAN-UP**

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of **$1,339.51**.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.

**JOHN P. BISHOP**
**DEPUTY COMMISSIONER**
**HIGHWAY DEPARTMENT**

**JPB/kjb**

**Enc. T & M sheet**

2017 DEC 20 A 11:15

CLEAN – UP 155 7TH STREET, BETHPAGE TO P & D

# MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

**Location** (46-24-55) 155 7TH ST BETHPAGE 11714 **Date** Nov 17, 2017

**Work Order #** 41286

**Labor Costs**

| Employee's Name | | Regular Work Hours | Regular Rate | Ovetime Hours | Overtime Rate | Line Cost |
|---|---|---|---|---|---|---|
| GARY LEWIS, II | General Maintenance | 01:30 | $32.87 | 00:00 | 0 | $49.30 |
| VINCENT PADAVANO | General Maintenance | 01:30 | $47.36 | 00:00 | 0 | $71.04 |
| SEAN MCLAUGHLIN | General Maintenance | 01:30 | $23.78 | 00:00 | 0 | $35.67 |
| | | | | | Total Labor | $156.01 |

**Tools/Vehicle**

| Tool/Vehicle | Description | Rate per Hour | Hours | Line Cost |
|---|---|---|---|---|
| TD648 | PICK-UP TRUCK 2009 FORD F-250 YW (T-010 / 010) | $79.00 | 01:30 | $118.50 |
| TD736 | TRUCK DUMP 2016 DODGE RAM 3500 - POWER WAGON (T105) | $105.00 | 01:30 | $157.50 |
| TR144 | TRAILER 2006 CCOUN V3T12 YW | $105.00 | 01:30 | $157.50 |
| | | | Total Equipment | $433.50 |

**Materials**

| Material | Cost Per Unit | Units | Line Cost |
|---|---|---|---|
| Administrative Fee | $750.00 | 1 | $750.00 |
| | | Total Materials | $750.00 |

**Grand Total $1339.51**

**Description of Work:**
CLEAN UP 155 SEVENTH STREET BP

**Signature:**
**Name:** Douglas Robalino
**Title:** Director of Highway Opperations
**Date:** Nov 20, 2017

Meeting of June 12, 2018 Resolution No. 404-2018

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated July 7, 2017, authorized the Highway Department to clean up the premises located at 63 Vanderwater Street, Farmingdale, New York 11735, also known as Section 48, Block 503, Lot 114 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated May 17, 2018, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on August 3, 2017, in the total amount of $1,271.80, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated May 17, 2018, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of $1,271.80 may be assessed by the Legislature of the County of Nassau against the parcel known as 63 Vanderwater Street, Farmingdale, New York 11735, also known as Section 48, Block 503, Lot 114 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By
Office of Town Attorney

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Highway
Planning & Development
Town Clerk

# Town of Oyster Bay
## Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: May 17, 2018

SUBJECT: Property Cleanup Assessment
63 Vanderwater Street, Farmingdale, New York 11735
Section 48, Block 503, Lot 114

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The Department of Planning and Development, by memorandum dated July 7, 2017, directed the Highway Department to clean the premises located at 63 Vanderwater Street, Farmingdale, New York 11735, also known as Section 48, Block 503, Lot 114 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated August 8, 2017, advised that the property was cleaned by a crew from the Highway Department on August 3, 2017. The cost incurred by the Town of Oyster Bay was $1,271.80.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Ralph P. Healey
Special Counsel

RPH:aml
Attachments
cc: Town Attorney (w/7 copies)

S:\AML\Cleanup MD&Reso\CleanupMD&Reso\MD 63 Vanderwater St 5.17.18.doc

# TOWN OF OYSTER BAY

## Inter-Departmental Memo

July 7, 2017

**To:** JOHN BISHOP: ACTING DEPUTY COMMISIONER/HIGHWAY

**From:** MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU

**Through:** ELIZABETH L. MACCARONE: COMMISSIONER OF DEPARTMENT OF PLANNING AND DEVELOPMENT

**Subject:** 63 Vandewater Street Farmingdale, NY 11735
SBL: 48-503-114

Notice of Violation (No.17109) was issued to the owner of the above-referenced premises 06/20/17 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54: **I am directing that:**

- **The grass be cut.**
- **The bushes be trimmed.**

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

ELIZABETH L. MACCARONE
COMMISSIONER
BY:

MICHAEL ESPOSITO
CODE ENFORCEMENT BUREAU

MEj
cc: Joseph Nocella, Town Attorney

Standard N.Y.B.T.U. Form 8002 — Bargain and Sale Deed, with Covenant against Grantor's Acts—Individual or Corporation (Single Sheet)

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 13th day of July, , nineteen hundred and eighty-nine

BETWEEN Donald E. Temple, residing at 63 Vanderwater Street, Farmingdale, New York and Lucy C. Temple, residing at 1692 Powers Avenue, East Meadow, New York

party of the first part, and Donald E. Temple, residing at 63 Vanderwater Street, Farmingdale, New York

party of the second part,

AS SHOWN ON THE FARMAU COUNTY LAND-TAX MAP AS
SEC. 78
BLK. 503
LOT 114

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the at Farmingdale, in the Town of Oyster Bay, County of Nassau and State of New York, known and designated as and by the part of Lots Numbered 56, 57, 58, 59 and 60 in Block 35, on a certain map entitled, "Map of Fallwood Realty Corp., Section #1, properties at Farmingdale, Nassau County, N.Y., surveyed by C.W. Smith, April 9, 1917" and filed in the Nassau County Clerk's Office on April 20, 1917 as Map #38, Case #278, which said part of Lots are more particularly bounded and described accordingly to said map, as follows:

BEGINNING at the corner formed by the intersection of the northerly side of Radcliffe Avenue with the westerly side of Vandewater Street; Running thence Westerly along the northerly side of Radcliffe Avenue, 70 feet; Thence Northerly, parallel with Vandewater Street, 100 feet; Thence Easterly, parallel with Radcliffe Avenue, 70 feet to the westerly side of Vandewater Street; Thence Southerly along the westerly side of Vandewater Street, 100 feet to the corner, the point or place of BEGINNING

SAID PREMISES known as and by the street number 63 Vandewater Street, Farmingdale, NY and intended being the same premises as conveyed to the party of the first part herein by deed dated 8/20/58 and recorded 8/26/58 in Liber 6418 Cp 583.

SUBJECT TO easements, covenants, easements, restrictions and agreements of record, if any; and to any state of facts an accurate survey would show.

SAID premises being more commonly known as 63 Vanderwater Street, Farmingdale, New York.

SAID premises being and intending to be the same premises as was conveyed to the pary of the first part by deed dated July 25, 1979 which deed was recorded on July 31, 1979 in the office of the Clerk in the County of Nassau in Liber 9205 of deeds in page 605.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Donald E. Temple

Lucy C. Temple

DEED 10015 PAGE 670

No Consideration

Recorded At Request of
Oyster Bay
DEC 7 - 1989
at 48 min. past 10 A.M.
Liber 503 Page 114

DBS

**Town of Oyster Bay**
**Inter- Departmental Memo**

August 8, 2017

**TO:** ELIZABETH L. MACCARONE, COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

**FROM:** JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

**SUBJECT:** **63 VANDERWATER STREET, FARMINGDALE**
**CLEAN-UP**

Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of **$1,271.80**.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.

**JOHN P. BISHOP**
**DEPUTY COMMISSIONER**
**HIGHWAY DEPARTMENT**

**JPB/kjb**

**Enc. T & M sheet**

11 SEP 25 A

CLEAN-UP 63 VANDERWATER STREET, FARMINGDALE TO P & D

# MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

**Location** (48-503-114) 63 VANDERWATER ST FARMINGDALE 11735

**Date** Aug 3, 2017

**Work Order #** 38493

**Labor Costs**

| Employee's Name | | Regular Work Hours | Regular Rate | Ovetime Hours | Overtime Rate | Line Cost |
|---|---|---|---|---|---|---|
| DONALD CHANDLER | General Maintenance | 01:00 | $44.61 | 00:00 | 0 | $44.61 |
| GIACOMO GRANDINE | General Maintenance | 01:00 | $50.75 | 00:00 | 0 | $50.75 |
| RICHARD JULIANO | General Maintenance | 01:00 | $42.34 | 00:00 | 0 | $42.34 |
| JOHN PIETROSANTE | General Maintenance | 01:00 | $44.49 | 00:00 | 0 | $44.49 |
| ANTHONY VOLLONO | General Maintenance | 01:00 | $50.61 | 00:00 | 0 | $50.61 |
| | | | | | Total Labor | $232.80 |

**Tools/Vehicle**

| Tool/Vehicle | Description | Rate per Hour | Hours | Line Cost |
|---|---|---|---|---|
| PU409 | PICK UP 2011 FORD F250 TAN (11 / 007) | $0.00 | 01:00 | $0.00 |
| TD667 | PICK-UP TRUCK 2009 FORD F-250 YW (22 / 022) | $79.00 | 01:00 | $79.00 |
| TD683 | TRUCK DUMP 2010 FORD F-350 YW (T-225) - Power Wagons | $105.00 | 01:00 | $105.00 |
| TD728 | POWER WAGON 2015 T-245 | $105.00 | 01:00 | $105.00 |
| | | | Total Equipment | $289.00 |

**Materials**

| Material | Cost Per Unit | Units | Line Cost |
|---|---|---|---|
| Administrative Fee | $750.00 | 1 | $750.00 |
| | | Total Materials | $750.00 |

**Grand Total** **$1271.80**

**Description of Work:**
CLEAN UP 63 VANDERWATER STREET FM

**Signature:**
**Name:** Douglas Robalino
**Title:** Director of Highway Opperations
**Date:** Aug 8, 2017

WHEREAS, the Town Board has heretofore authorized and directed the implementation of a Self-Insurance Program for the Town's general liability; and

WHEREAS, the Town Board must authorize and approve the settlement of any negligence claims brought against the Town, where the amount of the proposed settlement is in excess of $10,000.00; and

Reviewed By
Office of Town Attorney

WHEREAS, Joseph Nocella, Town Attorney, and Jeffrey Lesser, Deputy Town Attorney, by memorandum dated May 23, 2018, have advised that claimant, Amy Hochler, alleged that on March 28, 2016, she sustained a fractured kneecap as a result of a trip and fall over a defective sidewalk in front of a private residence on Sullivan Drive, in Jericho, New York; and

WHEREAS, after extensive negotiations, the matter has settled for a total of $45,000.00, with the Town to pay $30,000.00 and the homeowner to pay $15,000.00, in full resolution of all claims of Claimant, and Mr. Nocella and Mr. Lesser recommend accepting the settlement offer;

NOW, THEREFORE, BE IT RESOLVED, That upon the recommendation as set forth above, the Town Board finds that it is just, reasonable, and in the best interests of the Town to settle this matter for the sum of $30,000.00, which sum is hereby authorized and approved by the Town Board, as full settlement to Claimant, Amy Hochler, with regard to Claim No. 2016-5522 and the Comptroller is hereby authorized and directed to make payment therefor, in accordance with the procedures established under the Town's Self-Insurance Program, by issuing a check made payable to "Law Offices of Paul Bryan Schneider, P.C. and Amy Hochler" in the amount of $30,000.00; and be it further

RESOLVED, That the funds for said payment are to be drawn from Account No. TWN AMS 1910 43010 602 0000 000.

#

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller

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# Town of Oyster Bay
# Inter-Departmental Memo

**TO** : MEMORANDUM DOCKET

**FROM** : Office of the Town Attorney

**DATE** : May 23, 2018

**SUBJECT:** SETTLEMENT OF NEGLIGENCE CLAIM
Claimant: Hochler v. Town of Oyster Bay
Claim No.: 2016-5522

---

A resolution of the Town Board is required in order for the Town to settle claims, where the amount of the proposed settlement exceeds Ten Thousand ($10,000.00) Dollars.

The above referenced claim arose as a result of an incident that occurred on March 28, 2016. Claimant, Amy Hochler alleges to have sustained personal injuries when she tripped and fell a defective sidewalk on Sullivan Drive in Jericho, New York. In Summer 2014, the homeowner adjacent to the subject sidewalk, shortly following receipt of a Town hazard letter, requested that the Town repair the subject sidewalk. In August 2014, a Town inspector noted that the sidewalk was not completed. On the date of incident in March 2016, the sidewalk was not repaired. Plaintiff tripped and fell, fracturing her patella of the left knee. After the accident, plaintiff was required to use various devices, including an immobilizer cast for 7 weeks and use a cane for approximately 2-3 months.

After extensive settlement negotiations, this matter was settled for a total of $45,000.00, with the Town to pay $30,000.00 and the homeowner to pay $15,000.00. It is this Office's opinion that such settlement is just, reasonable, and in the best interests of the Town given the uncertainties associated with litigation.

Accordingly, we have attached a resolution authorizing payment of $30,000.00, together with copies of the Stipulation of Discontinuance with prejudice and a General Release executed by Claimant. The funds for said payment are to be drawn from Account No. TWN AMS 1910 43010 602 0000 000.

JOSEPH NOCELLA
TOWN ATTORNEY

Jeffrey A. Lesser
Deputy Town Attorney

JAL:ba
Attachment
cc: Town Attorney (w/7 copies)

S:\Attorney\RESOS 2018\MD & Reso\Hochler reso.docx

TO ALL TO WHOM THESE PRESENTS SHALL COME OR MAY CONCERN,

GREETING: KNOW YE that **AMY HOCHLER** BEING OVER THE AGE OF 18 YEARS, RESIDING AT **159 Fox Hollow Road, Woodbury, NY 11797**, for and in consideration of the sum of **$30,000.00** lawful money of the United States of America to (me/us) in hand paid by **The Town of Oyster Bay**, the receipt whereof is hereby acknowledged, have remised, released and forever discharged and by these presents do for (my/our) heirs, executors, and administrators and assigns, remise, release and forever discharge the said **Town of Oyster Bay, Town of Oyster Bay Board Members, Town of Oyster Bay Officers and Employees**, heirs, executors, administrators, successors and assigns of and from all, and all manner of actions, cause and causes of action, suits, debts, dues, sums of money, accounts, reckoning, bonds, bills, specialties, covenants, contracts, controversies, guarantees, promises, variances, trespasses, damages, judgments, extents, executions, claims and demands whatsoever, in law, in admiralty or in equity, except for claims and causes of action for vehicular property damage unless specifically set forth herein, which against. I/We ever had, now have or which (my/our) heirs, executors, or administrators, hereafter can, shall or may have for, upon or by reason of any matter, cause or thing whatsoever from the beginning of the world to the day of the date of these presents.

This release may not be changed orally.

IN WITNESS WHEREOF, I/We have hereunto set (my/our) hand and seal this 9th day of May, in the year 2018.

Amy Hochler

**Amy Hochler**

STATE OF NEW YORK )
ss.:
COUNTY OF SUF )

On the 9th day of May, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared **Amy Hochler**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.

Notary Public

PAUL B. SCHNEIDER
Notary Public, State of NY
No. [illegible]
Commission Expires [illegible]

2016-5544
JL

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

Index #: 607148/16

AMY HOCHLER,

Plaintiff(s),

-against-

TOWN OF OYSTER BAY and HABAVINEJAD NADER,

Defendant(s),

STIPULATION OF DISCONTINUANCE

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, attorneys of record for the parties to the above-entitled action, that all claims in the above-entitled action as against Defendant(s) be, and the same hereby are discontinued with prejudice and without costs to either party as against the other, and

IT IS FURTHER STIPULATED AND AGREED that separate duplicate copies of this Stipulation may be executed by the attorneys for the respective parties herein, and that the separate-executed stipulations may be filed as if all counsel had executed a single original stipulation.

Dated: Melville, New York
May 10, 2018

**LAW OFFICES OF**
**PAUL BRYAN SCHNEIDER, P.C.**
Attorneys for Plaintiff(s)
AMY HOCHLER

By: _____
Paul Bryan Schneider, Esq.
225 Broad Hollow Road - Suite 102
Melville, New York 11747
631-777-3519
631-536-2239
Paul@LawSchneid.com

**TOWN OF OYSTER BAY OFFICE OF THE TOWN ATTORNEY**
Attorneys for Defendant(s)
TOWN OF OYSTER BAY

By: _____
Jeffrey A. Lesser, Esq.
54 Audrey Avenue
Oyster Bay, New York 11771
516-624-6150
516-624-6196 - fax
JLesser@OysterBay-NY.gov
File 19-23490

**LAW OFFICE OF KAREN L. LAWRENCE**
Attorneys for Defendant(s)
NADER NABAVINEJAD

By: _____
Richard W. Miller, Esq.
1225 Franklin Avenue, Suite 100
Garden City NY 11530
516-877-5733
JSC13@Allstate.com
File # 0430996172.-1

TOWN ATTORNEY'S OFFICE
OYSTER BAY
2018 MAY 18 A 9:47

Meeting of June 12, 2018 Resolution No. 406-2018

Reviewed By
Office of Town Attorney

WHEREAS, this Town Board had heretofore authorized and directed the implementation of a Self-Insurance Program for the Town's general liability; and

WHEREAS, the Town Board of the Town of Oyster Bay must authorize and approve the settlement of any negligence claims brought against the Town, where the amount of the proposed settlement is in excess of $10,000.00; and

WHEREAS, Joseph Nocella, Town Attorney, and Samantha A. Goetz, Assistant Town Attorney, by memorandum dated May 24, 2018, have advised that claimant, Patricia Angelo, alleges that she sustained injuries to her left knee as a result of a slip and fall in a parking lot at the Massapequa train station in Massapequa, New York

WHEREAS, after extensive negotiations, the matter has settled with the Town for a total of $22,000.00, in full resolution of all claims of Claimants, and the Office of the Town Attorney recommends settling this matter for $22,000.00.

NOW, THEREFORE, BE IT RESOLVED, That upon the recommendation as set forth above, the Town Board finds that it is just, reasonable, and in the best interests of the Town to settle this matter for the sum of $22,000.00, the payment of which sum is hereby authorized and approved by the Town Board of the Town of Oyster Bay, as full settlement to Claimants, Patricia and Michael Angelo, with regard to Claim No. 2015-4804 and the Comptroller is hereby authorized and directed to make payment therefor, in accordance with the procedures established under the Town's Self-Insurance Program, by issuing a check made payable to "Debra Berley, as Attorney for Patricia and Michael Angelo, and Patricia and Michael Angelo" in the amount of $22,000.00; and be it further

RESOLVED, That the funds for said payment are to be drawn from Account No. TWN AMS 1910 43010 602 0000 000.

-#-

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller

# Town of Oyster Bay
# Inter-Departmental Memo

**TO** : MEMORANDUM DOCKET

**FROM** : Office of the Town Attorney

**DATE** : May-24, 2018

**SUBJECT:** SETTLEMENT OF NEGLIGENCE CLAIM
Claimant: Angelo v. Town of Oyster Bay
Claim No.: 2015-4804

---

A resolution of the Town Board is required in order for the Town to settle claims, where the amount of the proposed settlement exceeds Ten Thousand ($10,000.00) Dollars.

The above referenced claim arose as a result of an incident that occurred on February 5, 2015. Claimants, Patricia and Michael Angelo, allege that Patricia Angelo sustained personal injuries following a slip and fall in a parking lot of the Massapequa train station. Prior to the accident, the Town cleared the parking lot of snow, allegedly creating a snow pile between the sidewalk and the parking lot. Claimant alleges that the snow pile partially melted and refroze, creating a dangerous condition in the parking lot. Claimant, Patricia Angelo, sustained a sprain/tear to her left knee.

After extensive settlement negotiations, this matter was settled for a total of $22,000.00. It is this Office's opinion that such settlement is just, reasonable, and in the best interests of the Town given the uncertainties associated with litigation.

Accordingly, we have attached a resolution authorizing payment of $22,000.00, together with copies of the Stipulation of Discontinuance and a General Release executed by Claimants, Patricia and Michael Angelo. The funds for said payment are to be drawn from Account No. TWN AMS 1910 43010 602 0000 000.

JOSEPH NOCELLA
TOWN ATTORNEY

Samantha A. Goetz
Assistant Town Attorney

SAG:sag
Attachment
cc: Town Attorney (w/7 copies)

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

----------X

PATRICIA ANGELO and MICHAEL ANGELO, Index No.: 16-000359

Plaintiffs,

-against- STIPULATION OF DISCONTINUANCE

TOWN OF OYSTER BAY,

Defendant.

----------X

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the respective parties hereto, that this action be and the same is hereby discontinued, with prejudice, without costs to either party as against the other, and that an order to that effect may be entered by either party without notice to the other.

Dated: Bethpage, New York
April 19, 2018

DEBRA BERLEY, ESQ.
BERLEY & BERLEY
Attorney for Plaintiff
4250 Hempstead Turnpike, Suite 20
Bethpage, New York 11714

~~MATTHEW M. ROZEA, ESQ.~~ Samantha A. Goetz
Attorney for Defendant
54 Audrey Avenue
Oyster Bay, New York 11771

To all to whom these Presents shall come or may Concern,

Know that I, MICHAEL ANGELO, residing at 46 Division Avenue, Massapequa, New York 11758, and being over the age of eighteen years, as RELEASOR,

in consideration of the sum of Twenty-Two Thousand and 00/100 ($22,000.00) Dollars

received from TOWN OF OYSTER BAY,
receipt whereof is hereby acknowledged, releases and discharges the RELEASEE, RELEASEE'S heirs, executors, administrators, successors and assigns from all actions, causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, extents, executions, claims, and demands whatsoever, in law, admiralty or equity, which against the RELEASEE, the RELEASORS, RELEASORS' heirs, executors, administrators, successors and assigns ever had, now have or hereafter can, shall or may, have for, upon, or by reason of any matter, cause or thing whatsoever from the beginning of the world to the day of the date of this RELEASE.

The words "RELEASORS" and "RELEASEE" include all releasors and all releasees under this RELEASE.

This RELEASE may not be changed orally.

In Witness Whereof, the RELEASORS have hereunto set RELEASOR'S hands and seals on the 26 day of April, 2018.

In presence of

_____ L.S.
MICHAEL ANGELO

State of New York, County of Nassau ss.: ACKNOWLEDGMENT

On April 26, 2018, before me, the undersigned, personally appeared MICHAEL ANGELO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

MICHAEL J. FLYNN JR.
Notary Public, State of New York
No. 01FL6337476
Qualified in Suffolk County
Commission Expires on 02/29/20 20

To all to whom these Presents shall come or may Concern,

Know that I, PATRICIA ANGELO, residing at 46 Division Avenue, Massapequa, New York 11758, and being over the age of eighteen years, as RELEASOR,

in consideration of the sum of Twenty-Two Thousand and 00/100 ($22,000.00) Dollars

received from TOWN OF OYSTER BAY,
receipt whereof is hereby acknowledged, releases and discharges the RELEASEE, RELEASEE'S heirs, executors, administrators, successors and assigns from all actions, causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, extents, executions, claims, and demands whatsoever, in law, admiralty or equity, which against the RELEASEE, the RELEASORS, RELEASORS' heirs, executors, administrators, successors and assigns ever had, now have or hereafter can, shall or may, have for, upon, or by reason of any matter, cause or thing whatsoever from the beginning of the world to the day of the date of this RELEASE.

The words "RELEASORS" and "RELEASEE" include all releasors and all releasees under this RELEASE.

This RELEASE may not be changed orally.

In Witness Whereof, the RELEASORS have hereunto set RELEASOR'S hands and seals on the day of April, 2018.

In presence of

_____ L.S.
PATRICIA ANGELO

State of New York, County of Nassau ss.: ACKNOWLEDGMENT

On APRIL 20, 2018, before me, the undersigned, personally appeared PATRICIA ANGELO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her capacity, and that by her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

_____
Notary Public

OKEY ARIZOR
Notary Public, State of New York
No. 01AR6189659
Qualified in Bronx County
Commission Expires June 30, 2020

Meeting of June 12, 2018 Resolution No. 407-2018

Reviewed By
Office of Town Attorney

WHEREAS, Robert W. Telender, Jr., Chief, Hicksville Fire Department and Tim Meyer, Chairman of the 125th Anniversary Committee, by letters dated January 12, 2018 and April 2, 2018, requested the use of Town of Oyster Bay parking lots H-9 and H-12, Hicksville, New York, from Wednesday, July 11, 2018 at 6:00pm, until Sunday, July 15, 2018 at 10:00pm, Town of Oyster Bay parking lots H-11 and H-14 on Saturday, July 14, 2018 from 8:00am until 10:00pm, one (1) show mobile from July 12, 2018 through July 15, 2018, one (1) show mobile for only Saturday, July 14, 2018 from 1:00pm to 9:00pm, five (5) to six (6) portable lights, barricades, SORT pails, a garbage truck and a street sweeper, for the Hicksville Fire Department's hosting of the 2018 Nassau County Fireman's Parade/Carnival from Thursday, July 12, 2018 through Sunday, July 15, 2018; and

WHEREAS, Chief Telender, by letter dated May 9, 2018 further requested that the Town Board waive the following provisions of the Town Code during the period Thursday, July 12, 2018 through Sunday, July 15, 2018: Section 82-3, prohibiting public consumption of alcoholic beverages, Section 168-22, the Open Container Law, Section 168-24 prohibiting the Sale of Alcohol and Section 168-20, prohibiting the solicitation of alms during the period of July 12, 2017 through July 16, 2017; and

WHEREAS, John P. Bishop, Deputy Commissioner, Department of Highways, by memorandum dated May 17, 2018, advised that the Department of Highways will provide the equipment requested and that the Town of Oyster Bay parking lots H-9, H-11, H-12 and H-14 in Hicksville will be closed at the times requested for the 2018 Nassau County Fireman's Parade/Carnival, to be held from Thursday, July 12, 2018 through Sunday, July 15, 2018; and

WHEREAS, this Town Board deems this event to be an appropriate and worthwhile endeavor, and one which will benefit the residents of the Town of Oyster Bay,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are accepted and approved, and the Department of Highways is hereby authorized to provide the Hicksville Fire Department the use of one (1) show mobile from July 12, 2018 through July 15, 2018, one (1) show mobile for only Saturday, July 14, 2018 from 1:00pm to 9:00pm, six (6) portable lights, fifty (50) complete barricades, fifty (50) SORT pails, a street sweeper and a packer to be manned by a volunteer Town highway employee from the Department of Highways, and further, that the Town of Oyster Bay parking lots H-9 and H-12 in Hickville will be closed from Wednesday, July 11, 2018 at 6:00pm until Sunday, July 15, 2018 at 10:00pm, and Town of Oyster Bay parking lots H-11 and H-14 will be closed on Saturday,

July 14, 2018 from 8:00am until 10:00pm, for the 2018 Nassau County Fireman's Parade/Carnival, to be held from Thursday, July 12, 2018 through Sunday, July 15, 2018, subject to the following terms and conditions:

1. The use of all Town property and equipment shall be in conformance with the direction of the Commissioner of Highways or his duly authorized designee;
2. The said organization shall comply with all ordinances of the Town of Oyster Bay except those waived in Paragraph 4, both in its use of Town property and equipment and in the conduct of the aforedescribed activity;
3. The said organization shall file a Certificate of Insurance with the Office of the Town Clerk, indicating said organization maintains general liability insurance in the amounts of $1,000,000 with a general aggregate of 10,000,000, and naming the Town as an additional insured, in connection with the aforedescribed activity; and
4. The following sections of the Town Code are hereby waived during the period Thursday, July 12, 2018 through Sunday, July 15, 2018, in connection with the aforesaid event: Section 82-3 prohibiting public consumption of alcoholic beverages, Section 168-22, the Open Container Law, Section 168-24, prohibiting the Sale of Alcohol and Section 168-20, Solicitation of Alms, subject to compliance with NYS Liquor Authority rules and regulations.

-#-

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Highway
Public Works
Parks
Public Safety

15

TOWN OF OYSTER BAY

## Inter-Departmental Memo

May 17, 2018

**TO:** MEMORANDUM DOCKET

**FROM:** JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

**SUBJECT:** HICKSVILLE VOLUNTEER FIRE DEPARTMENT
HOSTING NASSAU COUNTY FIREMEN'S PARADE/CARNIVAL
JULY 12th THROUGH JULY 15th 2018

---

Enclosed please find a copy of the letter from Chief Robert Telender, Jr., and Tim Meyer, Parade Chairman, requesting our assistance on behalf of the Hicksville Volunteer Fire Department in hosting the Nassau County Firemen's Parade/Carnival on Thursday, July 12th, Friday, July 13th, Saturday, July 14th and Sunday, July 15th, 2018.

The Organization is also requesting Nassau County Department of Public Works to close roads for the parade/carnival.

The Highway Department will be pleased to provide fifty (50) complete barricades and fifty (50) SORT pails. This department will also provide a street sweeper and a packer to be manned by a volunteer town highway employee from within the department. Closure of Town of Oyster Bay parking lots H-9, H-11, H-12 and H-14 are also requested.

The parks department will provide various equipment as well.

The Hicksville Volunteer Fire Department is also requesting the waiver of the Town of Oyster Bay Ordinance, Chapter 82-3 (Consumption of any Alcoholic Beverages), 168-22 (Open Container), 168-24 (Sale of Alcohol) and 168-20 (Solicitation of Alms) on July 12th, 13th, 14th and 15th 2018

Also attached are a Certificate of Insurance, Endorsement Sheet and Hold Harmless to cover this event. Therefore, Town Board approval is requested.

JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT
JPB/taw
Attachments

C: Town Attorney (7) copies
Richard Lenz, P.E. Commissioner DPW
Doug Robalino, General Foreman 002
Peter Brown, Foreman 003
Steve Kelly, Sign Bureau Supervisor
Parks Department
Justin McCaffrey, Commissioner of Public Safety

# HICKSVILLE FIRE DEPARTMENT
## 125TH ANNIVERSARY COMMITTEE

Chief of Department
Robert W. Telender Jr.
1st Assistant Chief
Gary Lewis
2nd Assistant Chief
William D. Efinger
3rd Assistant Chief
Joseph DiFronzo III

Executive Committee
Ex-Captain Tim Meyer, Chairman
Ex- Chief William "Spike" Thunell Co- Chairman
Ex-Captain Gary Fippinger, Treasurer
Ex-Captain Joseph Milito, Asst. Treasurer
Ex-Captain Dennis Mulligan, Secretary
Ex-Chief Anthony Wigdzinski, BOFC Liaison

Town of Oyster Bay Highway Department
Deputy Commissioner John Bishop
Revised 4/2/2018

Dear Mr. Bishop,

We are writing this letter to clear up what we are requesting from the Town of Oyster Bay for our 125th Anniversary of the Hicksville Volunteer Fire Department. We will be hosting the Nassau County Fireman's Parade in Hicksville on Saturday, July 14, 2018. The start time is 5 PM.

We are also planning on having a carnival connected with our 125th Anniversary. We are requesting the use of Town of Oyster Bay parking lots H-9 and H-12, which are located across from our firehouse on East Marie Street and to the east of Peppercorns. H-9 is located right next to Peppercorns and H12 is on the other side of the train trestle. We are requesting the use of these parking lots starting Wednesday night, July 11, 2018 after all commuters have exited the parking lot, to allow the carnival operator time to move their equipment in, setup and be inspected. The carnival will start Thursday, July 12, 2018 and go to Sunday, July 15, 2018 at 10 PM.

We are notifying the surrounding businesses and the two churches of what we have planned. Enclosed is a copy of the letter we are sending to the businesses and churches.

We would also like to request the use of the following items to help make our celebration a success: 1 show mobile for 4-days, Thursday thru Sunday and a second show mobile for only Saturday, July 14, 2018 from 1 PM to 9 PM to use during our parade, 1 garbage truck, 1 street sweeper, 5-6 portable lights, 40 sort pails, and 100 barricades with trailer.

Thank you in advance for your consideration. If you have any questions, please contact our 125th Anniversary Chairman, Tim Meyer at tfm862@gmail.com or 516-458-2907.

Sincerely

Robert W. Telender Jr.
Chief of the Department

Cc: Ralph Raymond, T.O.B. Fire Council
Richard Lenz, Commissioner DPW
Gregory Carman, Deputy Supervisor
Terry Wulfrost, Highway Department

20 E. Marie St., Hicksville, NY 11801
516-933-6445 hfd125@hicksvillefd.com

RECEIVED
SUPERVISOR'S OFFICE
JAN 19 P 1:50
TOWN OF OYSTER BAY

# HICKSVILLE FIRE DEPARTMENT
## 125TH ANNIVERSARY COMMITTEE

***Chief of Department***
Robert Telender JR.
***1st Assistant Chief***
Gary Lewis
***2nd Assistant Chief***
William D. Efinger
***3rd Assistant Chief***
Joseph Di Fronzo III

***Executive Committee***
Ex-Captain Timothy Meyer, ***Chairman***
***Co-Chairman***
Ex-Captain Gary Fippinger, ***Treasurer***
Ex-Captain Joseph Milito, ***Asst. Treasurer***
Ex-Captain Dennis Mulligan, ***Secretary***
Ex-Chief Anthony Wigdzinski, ***BOFC Liaison***

Town of Oyster Bay Supervisor Joseph Saladino 1/12/18

54 Audrey Ave, Oyster Bay, NY 11771

Dear Supervisor Saladino

We had written you several months ago concerning the Hicksville Volunteer Fire Department celebrating our 125th Anniversary of Fire Fighting in 2018. The Hicksville Volunteer Fire Department will be hosting the Nassau County Firemen's Parade on Saturday, July 14, 2018 in Hicksville. We would like to set up a meeting as soon as possible to confirm the use of parking lots around the main firehouse at 20 East Marie Street.

The parking lot numbers we discussed were H-9 and H-12 which are across the street from our fire house (next to Peppercorns). We are requesting these parking lots be closed from Wednesday, July 11, 2018 at 6 PM till Sunday, July 15, 2018 at 10 PM so that we may have a carnival on Thursday, July 11 thru Sunday, July 15, 2018 and also have a block party on Saturday, July 14, 2018.

We also discussed two other parking lots H-11 and H-14 which are next to our fire house be closed on Saturday, July 14, 2018 starting at 8 AM till 10 PM so that we may park any fire apparatus from neighboring Fire Departments that will be attending our parade and block party.

At this meeting we would also like to talk to you about getting some Town of Oyster Bay Equipment such as show mobiles, a garbage truck, light towers, street sweeper, garbage (sort) pails, etc. We are looking to get confirmation on the above items as we have to secure insurance, and to make preparations for our 125th Anniversary celebrations. You can contact us in writing by addressing correspondence to Chief Robert Telender, Attention 125th Anniversary Committee, 20 East Marie Street, Hicksville, NY 11801 or by calling Chief Robert Telender at the Fire House 516-933-6445 Extension 101.

Thank you in advance for your consideration, and if you have any questions please contact Chief Telender.

Sincerely

Robert W Telender

Robert Telender Jr.

Chief of Department.

Tim Meyer

Tim Meyer

Chairman of 125th Anniversary Committee

20 E. MARIE STREET - HICKSVILLE, NY 11801
516-933-6445 hfd125@hicksvillefd.com

# HICKSVILLE FIRE DEPARTMENT
## 125TH ANNIVERSARY COMMITTEE

**Chief of Department**
Robert W. Telender Jr..
**1st Assistant Chief**
Gary Lewis
**2nd Assistant Chief**
William D. Efinger
**3rd Assistant Chief**
Joseph DiFronzo III

**Executive Committee**
Ex-Captain Tim Meyer, **Chairman**
Ex- Chief William "Spike" Thunell **Co- Chairman**
Ex-Captain Gary Fippinger, **Treasurer**
Ex-Captain Joseph Milito, **Asst. Treasurer**
Ex-Captain Dennis Mulligan, **Secretary**
Ex-Chief Anthony Wigdzinski, **BOFC Liaison**

Town of Oyster Bay Highway Department
Deputy Commissioner John Bishop
5/9/2018

Dear Mr. Bishop,

The Hicksville Fire Department is also requesting the waiver of the Town of Oyster Bay Ordinance, Chapter 82-3 (Consumption of any Alcoholic Beverages), 168-22 (Open Container), 168-24 (Sale of Alcohol) and 168-20 (Solicitation of Alms) on July 12th, 13th, 14th and 15th 2018.

Thank you in advance for your consideration. If you have any questions, please contact our 125th Anniversary Chairman, Tim Meyer at tfm862@gmail.com or cell 516-458-2907.

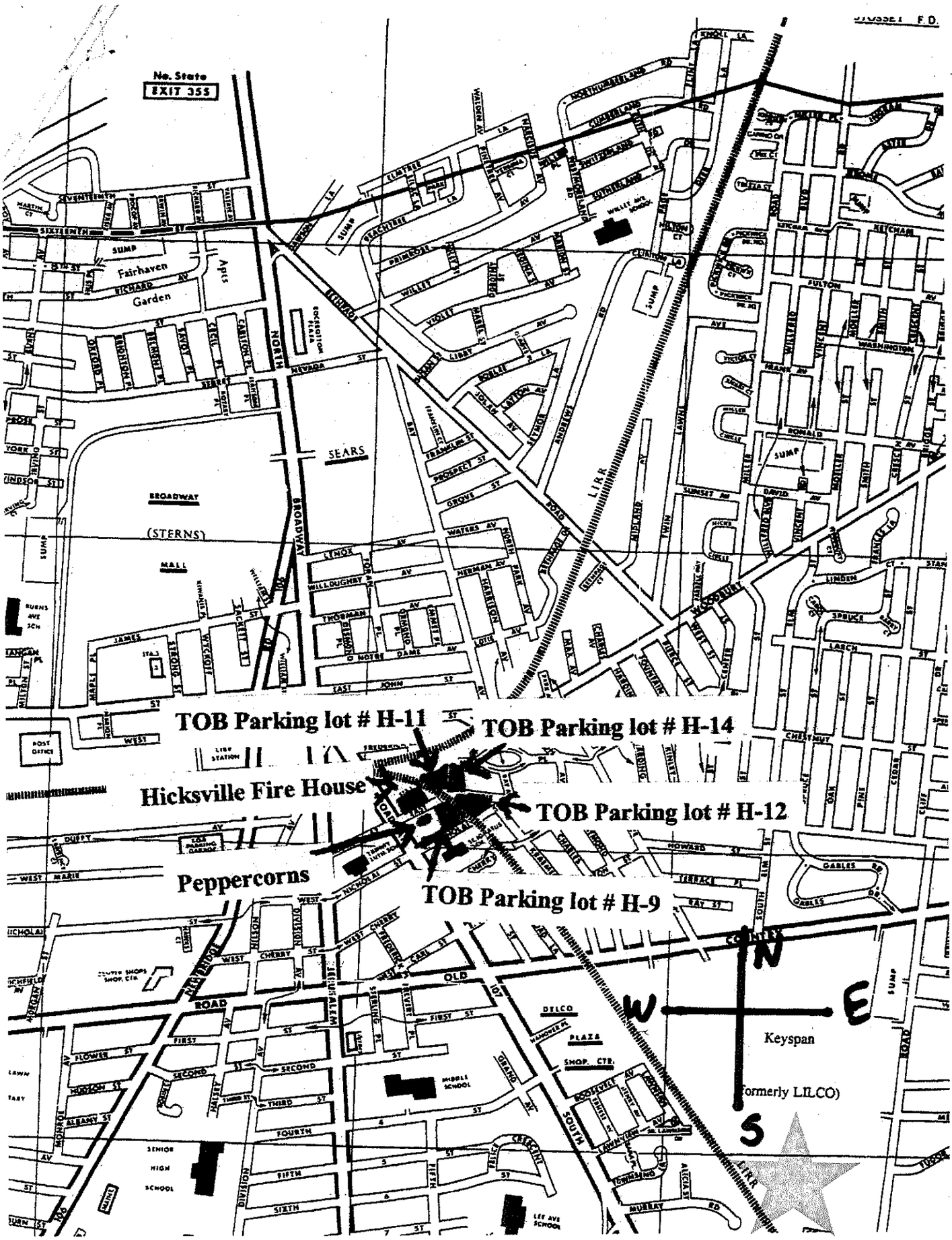
Sincerely

Robert W Telender Jr.

Robert W. Telender Jr.
Chief of the Department

Cc: Ralph Raymond, T.O.B. Fire Council
Richard Lenz, Commissioner DPW
Gregory Carman, Deputy Supervisor
Terry Wulfrost, Highway Department

20 E. Marie St., Hicksville, NY 11801
516-933-6445 hfd125@hicksvillefd.com


No. State
EXIT 35S
TOB Parking lot # H-11
TOB Parking lot # H-14
Hicksville Fire House
TOB Parking lot # H-12
Peppercorns
TOB Parking lot # H-9
N
W
E
S
Keyspan
(formerly LILCO)
SEARS
(STERNS)
MALL
BROADWAY
NORTH BROADWAY
OLD ROAD
SOUTH OYSTER BAY ROAD
LIRR
Fairhaven Garden Apts
SENIOR HIGH SCHOOL
MIDDLE SCHOOL
POST OFFICE
LIBRARY
DELCO PLAZA SHOP. CTR.

**TOWN OF OYSTER BAY**
**HIGHWAY DEPARTMENT**
150 Miller Place
Syosset, New York 11791-5699
**www.oysterbaytown.com**

(516) 677-5770
FAX (516) 677-5835

April 6, 2018

Mr. Gary Lewis
Hicksville Fire Department
20 East Marie Street
Hicksville, NY 11801

Dear Mr. Lewis:

We are in receipt of your letter concerning your 125th Anniversary and the Nassau County Fireman's Parade and Drill event on Thursday July 12th through Sunday July 15th 2018.

On behalf of Supervisor Joseph Saladino and the Highway Department, there is no objection to the Hicksville Fire Department utilizing Municipal Parking Fields H-9, H-11, H-12 and H-14 in Hicksville from Wednesday night July 11, through Sunday night July 15, 2018, for set-up , event, and clean-up.

Further, the Highway Department will be pleased to provide the Hicksville Fire Department with equipment as requested for the event.

If we may be of further assistance in this matter, you may contact Terry Wulforst at 677-5766 and best wishes for a successful event.

Respectfully,

JOHN P. BISHOP
DEPUTY COMMISSIONER, HIGHWAY DEPARTMENT

JPB/taw

# HICKSVILLE FIRE DEPARTMENT
## 125TH ANNIVERSARY COMMITTEE

**Chief of Department**
Robert W. Telender Jr.
**1st Assistant Chief**
Gary Lewis
**2nd Assistant Chief**
William D. Efinger
**3rd Assistant Chief**
Joseph DiFronzo III

**Executive Committee**
Ex-Captain Tim Meyer, **Chairman**
Ex- Chief William "Spike" Thunell **Co- Chairman**
Ex-Captain Gary Fippinger, **Treasurer**
Ex-Captain Joseph Milito, **Asst. Treasurer**
Ex-Captain Dennis Mulligan, **Secretary**
Ex-Chief Anthony Wigdzinski, **BOFC Liaison**

The Hicksville Volunteer Fire Department will be celebrating our 125th Anniversary in 2018 as an organized fire department.

To celebrate our 125th Anniversary we will be hosting the annual Nassau County Fireman's Parade on Saturday, July14, 2018 here in Hicksville. We also plan on having a 4-day carnival starting on Thursday, July 12th thru Sunday, July 15, 2018. The carnival will be held in the Town of Oyster parking lots H-9 and H-12. Parking lot H-9 is the parking lot next to Peppercorns and parking lot H-12 is the smaller parking lot on the other side of the train trestle. The parking lot H-8 which is behind the row of store on Broadway and near both churches will be open for public parking the entire time.

As per the Town of Oyster Bay we have been asked to notify you of our plans. Could you please fill out the information below so the we can return it to the Town of Oyster Bay?

I Fr. Jim Stalhalz (name) representing St. Ignatius Loyola (business)
at 129 Broadway (address) Hicksville, NY 11801, approve ✓, disapprove _____
the Hicksville Volunteer Fire Department using the above mentioned parking lots.

Rev. James J. [signature] (signature) 2/20/18

CAN HFD MARCH ON THE SOUTH-SIDE OF BROADWAY.

MY ONLY CONCERN IS THE PARADE FOR THE 5PM MASS MASS SATURDAY - JULY 14

20 E. Marie St., Hicksville, NY 11801
516-933-6445 hfd125@hicksvillefd.com

# HICKSVILLE FIRE DEPARTMENT
## 125TH ANNIVERSARY COMMITTEE

**Chief of Department**
Robert W. Telender Jr.
**1st Assistant Chief**
Gary Lewis
**2nd Assistant Chief**
William D. Efinger
**3rd Assistant Chief**
Joseph DiFronzo III

**Executive Committee**
Ex-Captain Tim Meyer, **Chairman**
Ex- Chief William "Spike" Thunell **Co- Chairman**
Ex-Captain Gary Fippinger, **Treasurer**
Ex-Captain Joseph Milito, **Asst. Treasurer**
Ex-Captain Dennis Mulligan, **Secretary**
Ex-Chief Anthony Wigdzinski, **BOFC Liaison**

Town of Oyster Bay Town Board 2/16/18

Cc: Ralph Raymond, Cc: John Bishop

Cc: T.O.B. Fire Council, CC: Terry Wulfrost

Dear Town Board

We are writing this letter to clear up what we are requesting from the Town of Oyster Bay for our 125th Anniversary of the Hicksville Volunteer Fire Department. We will be hosting the Nassau County Fireman's Parade in Hicksville on Saturday, July 14, 2018. The start time is 5 PM.

We are also planning on having a carnival connected with our 125th Anniversary. We are requesting the use of Town of Oyster Bay parking lots H-9 and H-12, which are located across from our firehouse on East Marie Street and to the east of Peppercorns. H-9 is located right next to Peppercorns and H12 is on the other side of the train trestle. We are requesting the use of these parking lots starting Wednesday night, July 11, 2018 at 6 PM, so the carnival can set up. The carnival will start Thursday, July 12, 2018 and go to Sunday, July 15, 2018 at 10 PM.

We are notifying the surrounding businesses and the two churches of what we have planned. Enclosed is a copy of the letter we are sending to the businesses and churches.

We would also like to request the use of the following items to help make our celebration a success: 1 show mobile for 4-days, Thursday thru Sunday and a second show mobile for only Saturday, July 14, 2018 from 1 PM to 9 PM to use during our parade, 1 garbage truck, 1 street sweeper, 5-6 portable lights, 40 sort pails, and 100 barricades with trailer.

Thank you in advance for your consideration, if you have any questions please contact our 125th Anniversary Chairman, Tim Meyer at tfm862@gmail.com or 516-458-2907.

Sincerely

Tim Meyer

125th Anniversary Chairman

20 E. Marie St., Hicksville, NY 11801

To Whom it may concern,

2018.02.20

Mr. Tim Meyer from the FD across the street called us to explain the coming event as below:

**What** - Carnival

**When** - 7/12 ~ 15, starting at 6pm & Sat. parade at 5pm

**Where** - it will use the big parking lot, not the small one behind the restaurant and between our 2 buildings which are located at 7-19 E. Marie St., and 24 E. Nicholai St.

FD is a great blessing to us and we are fine with the above arrangement.

Sincerely Yours,

Rev. Ihsiu Wang

Pastor of Chinese Ministries
Long Island Abundant Life Church

*For the wages of sin is death, but the free gift of God is eternal life in Christ Jesus our Lord.* -Romans 6:23

# HICKSVILLE FIRE DEPARTMENT
## 125TH ANNIVERSARY COMMITTEE

**Chief of Department**
Robert W. Telender Jr.
**1st Assistant Chief**
Gary Lewis
**2nd Assistant Chief**
William D. Efinger
**3rd Assistant Chief**
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As per the Town of Oyster Bay we have been asked to notify you of our plans. Could you please fill out the information below so the we can return it to the Town of Oyster Bay?

I James Madden (name) representing Peppercorn's (business)
at 25 E. Marie St (address) Hicksville, NY 11801, approve X, disapprove_____
the Hicksville Volunteer Fire Department using the above mentioned parking lots.

_____(signature) 2/23/18

# HICKSVILLE FIRE DEPARTMENT
## 125TH ANNIVERSARY COMMITTEE

**Chief of Department**
Robert W. Telender Jr.
**1st Assistant Chief**
Gary Lewis
**2nd Assistant Chief**
William D. Efinger
**3rd Assistant Chief**
Joseph DiFronzo III

**Executive Committee**
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As per the Town of Oyster Bay we have been asked to notify you of our plans. Could you please fill out the information below so the we can return it to the Town of Oyster Bay?

I Joe Rivera (name) representing L.I. Power Equip. (business)

at 21 (address) Hicksville, NY 11801, approve ✓, disapprove _____

the Hicksville Volunteer Fire Department using the above mentioned parking lots.

Joe Rivera (signature) 2/20/2018

20 E. Marie St., Hicksville, NY 11801

Mail Cog 5/15/18

RECD BY HIGHWAY DEPT
MAY 15 '18 PM3:48

LAURA CURRAN
NASSAU COUNTY EXECUTIVE

KENNETH G. ARNOLD, P.E.
COMMISSIONER

DEPUTY COMM/HIGHWAY

COUNTY OF NASSAU
DEPARTMENT OF PUBLIC WORKS
1194 PROSPECT AVENUE
WESTBURY, NEW YORK 11590-2723

May 10, 2018

Chief Robert Telender, Jr.
Hicksville Fire Department
20 East Marie Street
Hicksville, New York 11801

Re: Annual Nassau County Fireman's Parade
125th Anniversary Hicksville Fire Department
July 14, 2018 – Starting Time – 5:00 p.m., Hicksville

Dear Chief Telender:

The Department is in receipt of your correspondence requesting the temporary closing of County Roads, to wit, East Barclay Street, Jerusalem Avenue and Old Country Road for the purpose of the Annual Nassau County Fireman's Parade in conjunction with the 125th Anniversary of the Hicksville Fire Department on the date and time noted above.

In addition, the Department is in receipt of a requested Certificate of Insurance to indemnify Nassau County against any and all claims arising from said parade and was found to be satisfactory.

It is the Department's understanding that the Nassau County Police Department's Second (2nd) Precinct will assist the Hicksville Fire Department with temporary diversion of traffic as well as the local Fire Auxiliary Police to insure both pedestrian and vehicle safety in the give instance.

It should be noted that on Saturday, July 14, 2018, the day of the Annual Nassau County Fireman's Parade, the Nassau Inter-County Express (NICE) Bus Service on Broadway (No. 80), is not normally scheduled to run, as such, will not require a temporary diversion of said bus service.

Re: Annual Nassau County Fireman's Parade
125th Anniversary Hicksville Fire Department
July 14, 2018 – Starting Time – 5:00 p.m., Hicksville

We wish you well with the Annual Nassau County Fireman's Parade and the 125th Anniversary of the Hicksville Fire Department, and if we can be of further assistance, please contact Daniel Davis, a member of my staff, and who can be reached at 571-6885.

Very truly yours,

Kenneth G. Arnold, P.E.
Commissioner of Public Works

KGA:WSN:ac
c: Honorable Leonard Schaefer, Legislator, 14th L.D.
Honorable Rose Marie Walker, Legislator, 17th L.D.
Brian J. Schneider, Deputy County Executive
Patrick J. Ryder, Commissioner, Nassau County Police Department
Leslie Rothschild, Director, Office of Legislative Affairs
William S. Nimmo, Deputy Commissioner of Public Works
Mary Studdert, Press Secretary for Department of Public Works
Michael Fasano, Unit Head, Road Maintenance Unit
Jeff Lindgren, Traffic Engineer II
Daniel Davis, Project Manager
Precinct Clerk, NCPD 2nd Precinct, 7700 Jericho Turnpike, Woodbury, N.Y. 11797
John Bishop, Deputy Commissioner, Town of Oyster Bay Highway Department, 150 Miller Place, Syosset, N.Y. 11791
Joseph Brown, Regional Director, NYSDOT, State Office Building, 250 Memorial Veterans Highway, Hauppauge, New York 11788
Jason Mazzara, NICE, 700 Commercial Avenue, Garden City, N.Y. 11530

ACORD

# CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY): 05/09/18

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
HUBBINETTE-COWELL ASSOC INC
1003 Park Blvd, #3
Massapequa Park, NY 11762-2777

CONTACT NAME:
PHONE (A/C, No, Ext): (516)795-1330 FAX (A/C, No): (516)795-5101
E-MAIL ADDRESS: info@hubbinette-cowell.com

| INSURER(S) AFFORDING COVERAGE | NAIC # |
|---|---|
| INSURER A: AMERICAN ALTERNATIVE INS. CORP. | 19720 |
| INSURER B: FIRE DISTRICTS OF NY MUTUAL INS | 37400 |
| INSURER C: | |
| INSURER D: | |
| INSURER E: | |
| INSURER F: | |

INSURED
HICKSVILLE FIRE DISTRICT
20 EAST MARIE STREET
HICKSVILLE, NY 11801-4304
516-933-6445 X112

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| LTR | TYPE OF INSURANCE | ADDL INSD | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS | |
|---|---|---|---|---|---|---|---|---|
| A | X COMMERCIAL GENERAL LIABILITY<br>CLAIMS-MADE X OCCUR<br>GEN'L AGGREGATE LIMIT APPLIES PER:<br>POLICY PRO-JECT LOC<br>OTHER: | | Y | VFISTR2063296-09 | 09/19/17 | 09/19/18 | EACH OCCURRENCE | $ 1,000,000 |
| | | | | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) | $ 1,000,000 |
| | | | | | | | MED EXP (Any one person) | $ 5,000 |
| | | | | | | | PERSONAL & ADV INJURY | $ 1,000,000 |
| | | | | | | | GENERAL AGGREGATE | $ 3,000,000 |
| | | | | | | | PRODUCTS - COMP/OP AGG | $ 3,000,000 |
| | | | | | | | | $ |
| A | AUTOMOBILE LIABILITY<br>ANY AUTO<br>X OWNED AUTOS ONLY<br>X HIRED AUTOS ONLY<br>X SCHEDULED AUTOS<br>X NON-OWNED AUTOS ONLY | | Y | VFISTR2063296-09 | 09/19/17 | 09/19/18 | COMBINED SINGLE LIMIT (Ea accident) | $ 1,000,000 |
| | | | | | | | BODILY INJURY (Per person) | $ |
| | | | | | | | BODILY INJURY (Per accident) | $ |
| | | | | | | | PROPERTY DAMAGE (Per accident) | $ |
| | | | | | | | | $ |
| A | UMBRELLA LIAB X OCCUR<br>X EXCESS LIAB CLAIMS-MADE<br>DED RETENTION $ | | Y | VFISTR2063296-09 | 09/19/17 | 09/19/18 | EACH OCCURRENCE | $ 10,000,000 |
| | | | | | | | AGGREGATE | $ 20,000,000 |
| | | | | | | | | $ |
| B | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)<br>If yes, describe under DESCRIPTION OF OPERATIONS below | N/A | | 01FDMVF00280320-4 | 01/01/18 | 01/01/19 | X PER STATUTE OTH-ER | |
| | | | | | | | E.L. EACH ACCIDENT | $ |
| | | | | | | | E.L. DISEASE - EA EMPLOYEE | $ |
| | | | | | | | E.L. DISEASE - POLICY LIMIT | $ |
| | | | | | | | | |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
PROOF OF INSURANCE RE: 125TH ANNIVERSARY CELEBRATION - FOR USE OF SHOWMOBILE, PARKING LOTS H-9 AND H-12 AND ALL ITEMS SUPPLIED BY THE TOWN OF OYSTER BAY FROM JULY 10, 2018 THRU JULY 16, 2018. CERTIFICATE HOLDER IS NAMED AS AN ADDITIONAL INSURED AS PER FORM #VGL101.

CERTIFICATE HOLDER
TOWN OF OYSTER BAY
150 MILLER PLACE
SYOSSET, NY 11791

Reviewed By
Office of Town Attorney

CANCELLATION
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Paul A. Cowell

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POLICY NUMBER: VFISTR2063296-09 Hicksville Fire District

COMMERCIAL GENERAL LIABILITY
CG 20 26 07 04

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

# ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

| Name Of Additional Insured Person(s) Or Organization(s) |
| --- |
| Town of Oyster Bay<br>150 Miller Place<br>Syosset, NY 11791 |
| Information required to complete this Schedule, if not shown above, will be shown in the Declarations. |

**Section II – Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

A. In the performance of your ongoing operations; or

B. In connection with your premises owned by or rented to you.

RE: 125th Anniversary Celebration July 10, 2018 thru July 16, 2018.

Reviewed By
Office of Town Attorney



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(2) Provides us with written authorization to:
(a) Obtain records and other information related to the "suit"; and
(b) Conduct and control the defense of the indemnitee in such "suit".

So long as the above conditions are met, attorneys' fees incurred by us in the defense of that indemnitee, necessary litigation expenses incurred by us and necessary litigation expenses incurred by the indemnitee at our request will be paid as **SUPPLEMENTARY PAYMENTS.** Notwithstanding the provisions of paragraph 2.b.(2) of **COVERAGE A. BODILY INJURY AND PROPERTY DAMAGE LIABILITY,** such payments will not be deemed to be damages for "bodily injury" and "property damage" and will not reduce the limits of insurance.

Our obligation to defend an insured's indemnitee and to pay for attorneys' fees and necessary litigation expenses as **SUPPLEMENTARY PAYMENTS** ends when:
a. We have used up the applicable limit of insurance in the payment of judgments or settlements; or
b. The conditions set forth above, or the terms of the agreement described in paragraph f. above, are no longer met.

## SECTION II. WHO IS AN INSURED

1. If you are:
   a. An organization other than a partnership, joint venture or limited liability company, you are an insured.
   b. A partnership or joint venture, you are an insured. Your members and your partners are also insureds, but only within the course and scope of your operations.
   c. A limited liability company, you are an insured. Your members are also insureds, but only within the course and scope of your operations. Your managers are insureds, but only within the course and scope of your operations.

2. In addition to you, each of the following is an insured:
   a. **Volunteers and Employees.** Your volunteers, "employees", elected or appointed officers, directors, commissioners or trustees, but only for acts within the course and scope of their employment by you, membership with you or authorized duties on your behalf.
   b. **Medical Directors.** Physicians who are your medical directors, but only for acts within the course and scope of their medical director duties on your behalf.
   c. **Good Samaritans.** Your volunteers, "employees", elected or appointed officers, directors, commissioners or trustees while acting as a Good Samaritan independently of his or her activities on your behalf, but only when he or she encounters the scene of an emergency requiring sudden action. In no event will such person who responds to the scene of an emergency with or for any other emergency service organization be an insured.
   d. **Owners of Commandeered Equipment.** The owner of commandeered equipment other than an "auto" is an insured while the equipment is in your temporary care, custody or control and is being used as part of an "emergency operation".
   e. **Real Estate Managers.** Any person or any organization while acting as your real estate manager.
   f. **Blanket Additional Insureds.** Any person or organization required to be an additional insured under an "insured contract", if agreed to by you prior to the "bodily injury", "property damage", "personal and advertising injury", or "medical incident", but only with respect to liability arising out of your premises or operations.

Reviewed By
Office of Town Attorney


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PRODUCER COPY

**Hold Harmless Agreement for Use of Town Property and/or Equipment**

This Agreement is made this 12th day of April 2018, by Hicksville Fire Dept (Hereinafter "Organization"). Whereas, Organization desires to use Town of Oyster Bay property and/or equipment located at and/or described as all equipment on sheet from highway from 7/10/18 thru 7/16/18
50 Barricades 50 sort pails 1 sweeper 1 packer

For the event described as Nassau County Parade + Drill.
The property/equipment is need from 7/10/18 to 7/16/18.
The event for which the property and/or equipment is requested ( ) is (✓) is not a not a profit making event.

In consideration of the Town granting the Organization permission to temporarily use Town property and/or equipment, the undersigned, on behalf of the Organization, hereby agrees to assume all liability and risk of loss and shall be responsible for the supervision and welfare of all persons arriving on and using Town property and/or equipment in connection with the abovementioned event. The undersigned further hereby releases the Town of Oyster Bay, its officers, employees, servants, agents and enumerated volunteers from any liability for any injuries sustained or damages incurred and agrees to reimburse the Town for any damages arising out of the Organization's use of the Town property and/or equipment. The undersigned agrees to indemnify and hold harmless the Town, its officers, employees, servants, agents and enumerated volunteers, and to protect and defend them against any and all claims for loss and/or expense or suits for damage to persons or property, including its property, arising from its use of Town property and/or equipment.

Further, the Organization agrees to provide the Town with a copy of its general liability insurance certificate, in the amounts of $1,000,000 each occurrence, $2,000,000 general aggregate and, where appropriate, $2,000,000 products, naming the Town as additional insured. All certificated of insurance must be accompanied by an endorsement.

*I understand that the abovementioned use of Town property and/or equipment is subject to the approval of the Town Board of the Town of Oyster Bay.*

Name of Organization:
Hicksville Fire Department

Address of Organization:
20 East Marie St.
Hicksville, NY 11801

By: _____
Authorized Representative

Title: Chief

Telephone Number: 933-6444

Reviewed By
Office of Town Attorney

**DATE:** 2/23/18

**TO:** **HIGHWAY OPERATIONS**

**SUBJECT:** Hicksville Fire Department NC Parade and Drill

| | | |
|---|---|---|
| **PLEASE DELIVER TO:** | **DATE OF EVENT:** | July 12, 13, 14, & 15 |
| | | **2018** |
| **Hicksville Lot 11**<br>**Across from Headquarters** | **BARRICADES:** | **50** |
| **CONTACT:**<br>**Gary Lewis**<br>**516-815-3873** | **CONES:** | |
| | **SORT PAILS:** | **50** |
| | **PORTABLE LIGHTS:** | |
| | **SWEEPER:** | **1** |
| | **PACKER:** | **1** |
| | **DELIVER ON:** | **7/10/18** |
| | **PICKUP ON:** | **7/16/18** |

| | | |
|---|---|---|
| | XX | |
| **SWEEPING BEFORE AFFAIR IS NEEDED:** | **YES** | **NO** |

**Please be advised that when signing on receipt of Town Equipment, your organization will be held responsible for their return.**

**JOHN P. BISHOP, DEPUTY COMMISSIONER**
**HIGHWAY DEPARTMENT**

**JPB/taw**

CC: Doug Robalino, General Foreman 002
Peter Brown, Forman 003
Kevin Freiberg, Area Foreman 017
Jeff VanNostrand

Billy Fox, Sanitation
Dan Kornfeld
Public Safety Division

Meeting of June 12, 2018 Resolution No. 408-2018

Reviewed By
Office of Town Attorney

WHEREAS, the Town of Oyster Bay, the New York State Department of Environmental Resources ("NYSDEC"), and the Cornell Cooperative Extension, seek to initiate a program that will improve the water quality in the Great South Bay; and

WHEREAS, pursuant to Oyster Bay Town Code §196-18, the Town Board may set aside underground lands as a management area for the conservation, preservation, seeding and rehabilitation of shellfish. That section provides that "(n)o person shall take, interfere with or otherwise disturb shellfish within an area designated as a management area", and authorizes the Commissioner of the Department of Environmental Resources to prohibit and restrict the removal of shellfish from a management area; and

WHEREAS, in order to properly manage the program, the five (5) areas proposed by the NYSDEC for clam and oyster seeding in the Town of Oyster Bay's portion of Great South Bay must be designated as "Conservation Management Areas". As part of the program, the Town will enforce the ban on removal of shellfish in the five areas and will assist in the seeding of the designated areas and with other water quality and shellfish seeding tasks, as needed; and

WHEREAS, Neil O. Bergin, Commissioner, Department of Environmental Resources, by memorandum dated May 25, 2018, requested that the Town Board designate as a Conservation Management Area:

> *All that area of South Oyster Bay, including tributaries, creeks and canals, lying north of a line extending easterly from the northeasternmost point of land of Great Island (west of Great Island Channel and south of The Run) to the southeasternmost point of land of Goose Island (southwest of Massapequa Creek); thence continuing easterly to a point of intersection located 900 yards southeast of Unqua Point (Nassau Shores), immediately north of old Winnehook Channel (local name); and continuing easterly to a point of intersection located 900 yards southwest of Bergen point (Great South Bay, town of Babylon).*

NOW, THEREFORE, BE IT RESOLVED, that the request as hereinabove set forth is accepted and approved, and the aforedescribed area is hereby designated as a "Conservation Management Area".

-#-

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Environmental Resources
Public Safety

# Town of Oyster Bay
## Inter-Departmental Memorandum

TO: Memorandum Docket

FROM: Neil O. Bergin, Commissioner
Department of Environmental Resources

DATE: May 25, 2018

SUBJECT: Conservation Management Area Designation

---

The New York State Department of Environmental Resources in conjunction with Cornell Cooperative and the Town of Oyster Bay, Department of Environmental Resources (DER), seeks to initiate a program that will help improve the water quality in the Town of Oyster Bay portion of the Great South Bay. In order to properly manage the program, pursuant to Chapter 196 "Shellfish" Section 196-18 "Conservation Management Areas," the five areas proposed for clam and oyster seeding in the town portion of the Great South Bay must be designated by the Town Board as management areas. The New York State Department of Environmental Conservation has determined that these areas are uncertified and as such meet the criteria for a management area pursuant to the aforementioned code section. The area requested for designation as a "Management Area" is described by the New York State Department of Environmental Conservation as:

> *All that area of South Oyster Bay, including tributaries, creeks and canals, lying north of a line extending easterly from the northeasternmost point of land of Great Island (west of Great Island Channel and south of The Run) to the southeasternmost point of land of Goose Island (southwest of Massapequa Creek); thence continuing easterly to a point of intersection located 900 yards southeast of Unqua Point (Nassau Shores), immediately north of Old Winnehook Channel (local name); and continuing easterly to a point of intersection located 900 yards southwest of Bergen Point (Great South Bay, Town of Babylon).*

Because the areas are closed to shell fishing, the Town has been asked to enforce the ban and prevent illegal harvesting. The Department of Environmental Resources with the assistance of Public Safety has the resources to complete this task. In addition, the project requires the Town of Oyster Bay, Department of Environmental Resources, to assist in the seeding of the designated areas and other water quality and shellfish seeding tasks as may be needed.

Town board designation of the area noted above as a Conservation Management Area is respectfully requested.

Neil O. Bergin
Commissioner

NOB:GB:ca
Attachment
cc: Town Attorney (original with 6 copies)

§ 196-18 **Conservation management areas.**

The Town Board may set aside as a management area, Town lands underwater for the conservation, transplantation, preservation, seeding and rehabilitation of shellfish. Any area so set aside shall come under the direct supervision of the Commissioner of the Department of Environmental Resources of the Town of Oyster Bay. No person shall take, interfere with or otherwise disturb shellfish within an area designated as a management area.

A. An uncertified area shall be a management area.

B. A description of each management area and all prohibitions, restrictions and regulations with regards to the taking of shellfish from a management area shall be posted in the office of the Town Clerk.

C. Determinations by Commissioner.

(1) The Commissioner of the Department of Environmental Resources is authorized to prohibit and restrict the removal of shellfish from any management area. In making a determination as to the prohibition or restriction of the removal of any shellfish from a management area the Commissioner of the Department of Environmental Resources shall, among other things, give due consideration to the following:

(a) Whether or not the shellfish have been sufficiently purified to be suitable as food for human consumption.

(b) Whether or not the first spawning period has passed for the shellfish in the management area.

(c) Whether a minimum quantity of shellfish is available within the shellfish area for spawning until such time as desired quantities of shellfish are maintained.

(2) Whenever the Commissioner of the Department of Environmental Resources has made a determination after giving due consideration to the conditions prescribed in this section, he may open the management area with freedom of access for harvest by holders of shellfish permits and other persons duly authorized to use the management area.

D. The Commissioner of the Department of Environmental Resources shall mark a management area with appropriate monuments, stakes or boundary markers.

E. No person shall willfully injure or remove any signs, monuments, stakes or boundary markers of any kind placed for the purpose of delineating or locating a management area. The Commissioner of the Department of Environmental Resources may authorize the removal of any sign, monument, stake or boundary marker.

RESOLVED, That the Town Clerk is hereby authorized and directed to advertise a Notice of Hearing on the proposed rental of hydrants for the period July 1, 2018 – December 31, 2018 by the Town of Oyster Bay acting on behalf of Glenwood-Glen Head Fire Protection District and New York American Water Company, Inc., said Hearing to be held in the Hearing Room, Town Hall, East Building, 54 Audrey Avenue, Oyster Bay, New York, on June 26, 2018 at 7:00 o'clock p.m., prevailing time, said Notice to be advertised in

newspapers of general circulation in the Town of Oyster Bay, pursuant to the provisions of law.

-#-

Reviewed By
Office of Town Attorney
Elizabeth A. Faughnan

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller

18

# Town of Oyster Bay
# Inter-Departmental Memo

**TO** : MEMORANDUM DOCKET

**FROM** : Office of the Town Attorney

**DATE** : May 25, 2018

**SUBJECT:** July 1, 2018 – December 31, 2018 Hydrant Rental
Glenwood-Glen Head Fire Protection District and
New York American Water Company, Inc.

---

It is requested that at the June 12, 2018 Town Board Meeting the Town Board authorize the Town Clerk to advertise a Notice of Hearing for a public hearing to be held on June 26, 2018, in connection with the Town of Oyster Bay, acting on behalf of the Glenwood-Glen Head Fire Protection District and New York American Water Company, Inc.

JOSEPH NOCELLA
TOWN ATTORNEY

Elizabeth A. Faughnan

Elizabeth A. Faughnan
Deputy Town Attorney

EAF:ba
Enclosure
File 3079
cc: Town Attorney (w/7 copies)

S:\Attorney\RESOS 2018\MD & Reso\2018 Hydrant Rental-July - December GH EAF.doc

Meeting of June 12, 2018 Resolution No. 410-2018

WHEREAS, Ralph J. Raymond, Trustee of the Massapequa-Farmingdale Men's Club, Inc., One West Street, Farmingdale, New York 11735, by letter dated March 7, 2018, has requested the use of ten (10) complete barricades and use of the Massapequa Train Station parking lot M-5, for the purpose of conducting an Oldie Car Show, to be held on Saturday, June 16, 2018 from 9:00am to 4:00pm; and

WHEREAS, John P. Bishop, Deputy Commissioner, Highway Department, by memorandum dated June 5, 2018, has advised that the Highway Department has no objection to providing use of ten (10) complete barricades and use of the Massapequa Train Station lot M-5 for said event to be held on Saturday, June 16, 2018 from 9:00am to 4:00pm; and

Reviewed By
Office of Town Attorney

WHEREAS, this Town Board deems this event to be an appropriate and worthwhile endeavor, and has determined that the approval of this request will benefit the residents of the Town of Oyster Bay,

NOW, THEREFORE, BE IT RESOLVED, that the requests as hereinabove set forth are hereby accepted and approved, and the Highway Department is hereby authorized to provide the use of ten (10) complete barricades and use of the Massapequa Train Station lot M-5 to Massapequa-Farmingdale Men's Club, Inc. for its Oldie Car Show, to be held on Saturday, June 16, 2018 from 9:00am to 4:00pm, subject to the following terms and conditions:

1. The use of all Town property and equipment shall be in conformance with the direction of the Commissioner of the Highway Department or his duly authorized representative;

2. The said organization shall comply with all ordinances of the Town of Oyster Bay, both in its use of Town property and equipment and in the conduct of the aforementioned activity;

3. The said organization shall file a Certificate of Insurance with the Office of the Town Clerk, indicating said organization maintains general liability insurance, in the amounts of $1,000,000 with a general aggregate of $2,000,000 and naming the Town as an additional insured, in connection with the aforementioned activities.

#

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Highway
Public Works
Public Safety

TOWN OF OYSTER BAY

**Inter-Departmental Memo**

June 5, 2018

**TO:** MEMORANDUM DOCKET

**FROM:** JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

**SUBJECT:** MASSAPEQUA-FARMINGDALE MEN'S CLUB, INC.
OLDIE CAR SHOW

---

Enclosed please find a copy of the letter from Ralph Raymond, Trustee, requesting our assistance on behalf of the Massapequa-Farmingdale Men's Club, Inc. in conducting their Oldie Car Show on June 16, 2018 from 9 am till 4 pm.

The Highway Department can readily supply ten (10) complete barricades for the event. The Massapequa Train Station Lot M-5 in Massapequa will be utilized as well.

Also attached are a Certificate of Insurance and Endorsement Sheet to cover this event. Therefore, Town Board approval is requested.

JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

JPB/taw
Attachments

C: Town Attorney (7) copies
Richard Lenz, P.E., Commissioner DPW
Doug Robalino, General Foreman 002
Public Safety
Steve Kelly, Signs

MF

**Men: Serving Our Community**

March 7, 2018

Deputy Commissioner John Bishop,
Town of Oyster Bay Highway Department
150 Miller Place
Syosset, NY 11791

Dear Mr. Bishop,

I am sending this request on behalf of the Massapequa Farmingdale Men's Club. We are a Community based non for profit organization that's mission is to assist Families, and Children within our community.

We would like to request 10 Barricades and the use of the Massapequa Train Station Parking Lot M-5 for the purpose of conducting an oldie car show. The date would be June 16th 9am to 4pm. All proceeds from the event will go the ROCCO'S VOICE for AUTISM. Autism affects 1-68 children and is one of the fastest growing developmental disorders in the US. Autism costs a family on average of $60,000.00 per year. Rocco's Voice has identified and assisted many families within our community.

Additional insurance documents will be forwarded separate from this request. For additional information I can be reached at the number listed below.

Regards,

Ralph J Raymond

Ralph J Raymond
516-903-4349
Trustee
Massapequa Farmingdale Men's Club

MASSAPEQUA-FARMINGDALE MEN'S CLUB, INC.
*MEN: SERVING OUR COMMUNITY*
1 West Street
Farmingdale, New York 11735

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 05/21/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

| PRODUCER | CONTACT NAME: Beth Soriano | |
|---|---|---|
| AssuredPartners Northeast, LLC | PHONE (A/C, No, Ext): (631)465-4000 | FAX (A/C, No): (631)465-4005 |
| 100 Baylis Road | E-MAIL ADDRESS: beth.soriano@assuredpartners.com | |
| Suite 300 | INSURER(S) AFFORDING COVERAGE | NAIC # |
| Melville NY 11747 | INSURER A: United States Liability Ins Co | 25895 |
| INSURED | INSURER B: | |
| Massapequa-farmingdale Men'S Club Inc | INSURER C: | |
| 1 West Street | INSURER D: | |
| | INSURER E: | |
| Farmingdale NY 11735 | INSURER F: | |

**COVERAGES** **CERTIFICATE NUMBER:** CL1852109599 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE | ADDL INSD | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS | |
|---|---|---|---|---|---|---|---|---|
| A | ☒ COMMERCIAL GENERAL LIABILITY<br>☐ CLAIMS-MADE ☒ OCCUR<br>GEN'L AGGREGATE LIMIT APPLIES PER:<br>☒ POLICY ☐ PRO-JECT ☐ LOC<br>OTHER: | Y | | NPP3552683 | 04/27/2018 | 04/27/2019 | EACH OCCURRENCE<br>DAMAGE TO RENTED PREMISES (Ea occurrence)<br>MED EXP (Any one person)<br>PERSONAL & ADV INJURY<br>GENERAL AGGREGATE<br>PRODUCTS - COMP/OP AGG<br>SPLTX | $ 1,000,000<br>$ 100,000<br>$ 5,000<br>$ 1,000,000<br>$ 2,000,000<br>$<br>$ |
| | AUTOMOBILE LIABILITY<br>☐ ANY AUTO<br>☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS<br>☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY | | | | | | COMBINED SINGLE LIMIT (Ea accident)<br>BODILY INJURY (Per person)<br>BODILY INJURY (Per accident)<br>PROPERTY DAMAGE (Per accident) | $<br>$<br>$<br>$ |
| | ☐ UMBRELLA LIAB ☐ OCCUR<br>☐ EXCESS LIAB ☐ CLAIMS-MADE<br>☐ DED ☐ RETENTION $ | | | | | | EACH OCCURRENCE<br>AGGREGATE | $<br>$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY<br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N N/A<br>If yes, describe under DESCRIPTION OF OPERATIONS below | | | | | | ☐ PER STATUTE ☐ OTH-ER<br>E.L. EACH ACCIDENT<br>E.L. DISEASE - EA EMPLOYEE<br>E.L. DISEASE - POLICY LIMIT | $<br>$<br>$ |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate holder is listed as additional insured.

**CERTIFICATE HOLDER**

Town of Oyster Bay
54 Audrey Ave
Oyster Bay NY 11771

Reviewed By
Office of Town Attorney

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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**UNITED STATES LIABILITY INSURANCE GROUP**
**WAYNE, PENNSYLVANIA**

This endorsement modifies insurance provided under the following:

**COMMERCIAL GENERAL LIABILITY COVERAGE FORM**

# BLANKET ADDITIONAL INSURED ENDORSEMENT

**Section II – Who Is An Insured** is amended to include as an insured any person, entity or organization that is:

1. A franchisor under a franchise agreement with the Named Insured as franchisee relating to "your work"; or
2. A licensor under a license agreement with the Named Insured as licensee relating to "your work"; or
3. A co-owner with the Named Insured in premises used for "your work"; or
4. A majority owner with a controlling interest in the Named Insured but only with respect to liability arising out of such owner's (i) financial or operational control of the Named Insured; or (ii) ownership, maintenance or use of premises leased or occupied by the Named Insured for purposes of "your work"; or
5. A mortgagee, assignee or receiver of the Named Insured relating to "your work"; or
6. A lessor, or an agent of a lessor, under a lease agreement with the Named Insured as lessee relating to "your work"; or
7. A grantor of a permit to the Named Insured as permitee relating to "your work".
   However, if the grantor of a permit is a federal, state or local government or political subdivision, there is coverage under this endorsement only for liability arising from:
   a. The existence, maintenance, repair, construction, erection or removal of advertising signs, awnings, canopies, cellar entrances, coal holes, driveways, manholes, marquees, hoist away openings, sidewalk vaults, street banners or decorations and similar exposures; or
   b. The construction, erection or removal of elevators; or
   c. The ownership, maintenance or use of any elevators covered by this insurance; or
8. A lessor of equipment leased to the Named Insured relating to "your work"; or
9. A contributor, benefactor, or supporter who provides financial assistance to the Named Insured in connection with "your work";

but only to the extent the Named Insured is required to add such person, entity or organization as an additional insured to this policy under a written contract, written permit or written agreement relating to "your work".

Such person, entity or organization is an insured only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" that is caused, in whole or in part by your acts or omissions or the acts or omissions of those acting on your behalf in connection with "your work" while such written contract, written permit or written agreement is in effect.

Reviewed By
Office of Town Attorney

**Hold Harmless Agreement for Use of Town Property and/or Equipment**

This Agreement is made this 1 day of JUNE 2018, by MASSAPEQUA-FARMINGDALE MEN'S CLUB, INC. (Hereinafter "Organization"). Whereas, Organization desires to use Town of Oyster Bay property and/or equipment located at and/or described as MASSAPEQUA LIRR STATION PARKING LOT M-5
10 Barricades

For the event described as CAR SHOW.
The property/equipment is need from JUNE 16, 2018 to .
The event for which the property and/or equipment is requested ( ) is (X) is not a not a profit making event.

In consideration of the Town granting the Organization permission to temporarily use Town property and/or equipment, the undersigned, on behalf of the Organization, hereby agrees to assume all liability and risk of loss and shall be responsible for the supervision and welfare of all persons arriving on and using Town property and/or equipment in connection with the abovementioned event. The undersigned further hereby releases the Town of Oyster Bay, its officers, employees, servants, agents and enumerated volunteers from any liability for any injuries sustained or damages incurred and agrees to reimburse the Town for any damages arising out of the Organization's use of the Town property and/or equipment. The undersigned agrees to indemnify and hold harmless the Town, its officers, employees, servants, agents and enumerated volunteers, and to protect and defend them against any and all claims for loss and/or expense or suits for damage to persons or property, including its property, arising from its use of Town property and/or equipment.

Further, the Organization agrees to provide the Town with a copy of its general liability insurance certificate, in the amounts of $1,000,000 each occurrence, $2,000,000 general aggregate and, where appropriate, $2,000,000 products, naming the Town as additional insured. All certificated of insurance must be accompanied by an endorsement.

*I understand that the abovementioned use of Town property and/or equipment is subject to the approval of the Town Board of the Town of Oyster Bay.*

Name of Organization:
MASSAPEQUA - FARMINGDALE
MEN'S CLUB, INC.

Address of Organization:
1 WEST STREET
FARMINGDALE, NY 11735

By: [signature]
Authorized Representative

Title: PRESIDENT

Telephone Number: 516-551-8915

Reviewed By
Office of Town Attorney
[signature]

**DATE:** 3/14/18

**TO:** **HIGHWAY OPERATIONS**

**SUBJECT:** Massapequa Farmingdale Men's Club

**PLEASE DELIVER TO:**

Parking Field M-5
Massapequa

**CONTACT: Ralph Raymond**
**516-903-4349**

**DATE OF EVENT:** 6/16/18

**SNOW FENCE:**

**BARRICADES:** **10**

**SORT PAILS:**

**PORTABLE LIGHTS:**

**GENERATOR:**

**PACKER:**

**DELIVER ON:** **6/15/18**

**PICKUP ON:** **6/18/18**

| | YES | NO |
|---|---|---|
| **SWEEPING BEFORE AFFAIR IS NEEDED:** | | XX |

**Please be advised that when signing on receipt of Town Equipment, your organization will be held responsible for their return.**

**JOHN P. BISHOP, DEPUTY COMMISSIONER**
**HIGHWAY DEPARTMENT**

**JPB/taw**

CC: Doug Robalino, General Foreman 002
Jack Grandine, Regional Foreman 007
Area Foreman 020
Jeff VanNostrand
Public Safety Division
Peter Brown, Foreman 003
Dan Kornfeld

Reviewed By
Office of Town Attorney

WHEREAS, the Town of Oyster Bay desires to pursue the expansion of Ellsworth W. Allen Park located at 45 Motor Avenue, Farmingdale, Town of Oyster Bay, County of Nassau, State of New York, said premises being described as Section 48 Block 518 Lots 306,307, and 331 on the Land and Tax Map of Nassau County; and

WHEREAS, the Town Board of the Town of Oyster Bay is the Lead Agency, pursuant to Article 8 of the New York State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA), and the implementing regulations thereto at 6 NYCCR, Part 617, and the Town of Oyster Bay Environmental Quality Review Law (Chapter 110 of the Code of the Town of Oyster Bay), regarding the desired expansion; and

WHEREAS, the proposed action is classified as a Type I Action pursuant to the provisions of SEQRA; and

WHEREAS, a coordinated review was conducted pursuant to SEQRA, whereby the Full Environmental Assessment Form and preliminary proposed concept plan were circulated to other potentially involved agencies by correspondence dated April 17, 2018, which, among other things, requested if any involved agency wished to assume the responsibilities of Lead Agency for the proposed action under SEQRA; and

WHEREAS, no other involved agency expressed an interest in acting as the Lead Agency for the proposed action pursuant to SEQRA and, accordingly, the Town Board assumed the role of Lead Agency in this matter; and

WHEREAS, the Town of Oyster Bay Department of Environmental Resources, Town Environmental Quality Review Division, has submitted its "Review of Action and Recommendation for Determination of Significance", regarding the environmental impacts contemplated by said proposed action; and

WHEREAS, the "Review of Action and Recommendation for Determination of Significance" was duly made in the Town Environmental Quality Review Division's report dated June 4, 2018, with said report rendering the Division's assessment of the relevant environmental factors affected by the uses proposed by the Proposed Action and recommending that conclusions contained therein be accepted, and that same be deemed to constitute a Negative Declaration, indicating that the Proposed Action does not pose the potential for significant impacts upon the environment and that, accordingly, a Draft Environmental Impact Statement (DEIS) does not need to be prepared, that the appropriate proceedings thereon be undertaken pursuant to the Environmental Conservation Law of the State of New York and its rules and regulations pertaining thereto,

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Oyster Bay does hereby determine that the proposed expansion of Ellsworth W. Allen Park located at 45 Motor Avenue, Farmingdale, Town of Oyster Bay, County of Nassau, State of New York, said premises being described as Section 48 Block 518 Lots 306,307, and 331 on the Land and Tax Map of Nassau County, does not pose a significant threat to the environment and that a negative declaration be adopted, and be in further

RESOLVED, that the Department of Environmental Resources (DER), with the consent of the Town Board, as Lead Agency is authorized and directed to prepare and file the Environmental Notice Bulletin with New York State Department of Environmental Conservation as required for Type I Actions pursuant to SEQRA.

-#-

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Environmental Resources
Parks
Planning & Development

17

# TOWN OF OYSTER BAY

## INTER-DEPARTMENTAL MEMO

TO : Memorandum Docket

FROM : Neil O. Bergin, Commissioner
Department of Environmental Resources

DATE : May 25, 2018

SUBJECT : Negative Declaration – Ellsworth W. Allen Park Expansion Project

---

The Department of Environmental Resources will submit a Negative Declaration pursuant to Article 8 of the Environmental Conservation Law and the provisions of the New York State Environmental Quality Review Act with regards to the above captioned project in a supplemental memorandum. Therefore we recommend and request that a space be reserved at the next Town Board Meeting to be held on June 12, 2018.

Neil O. Bergin
Commissioner

c. Town Attorney with 7 copies

8

# Town of Oyster Bay
## Inter-Departmental Memorandum

TO: Memorandum Docket

FROM: Neil O. Bergin, Commissioner
Department of Environmental Resources

DATE: June 4, 2018

SUBJECT: Supplemental Memo Docket of May 29, 2018, Item #17
Negative Declaration – Ellsworth W. Allen Park Expansion Project

---

Pursuant to the provisions of the Town of Oyster Bay Environmental Quality Review (TEQR) Law, Chapter 110 of the Code of the Town of Oyster Bay, and the promulgating regulations of the State Environmental Quality Review Act (SEQRA), 6 NYCRR Part 617, the Department of Environmental Resources has completed its review of the above captioned proposed action.

Based on our review, the Department of Environmental Resources believes that the adoption of a Negative Declaration would be appropriate for the subject proposed action. Accordingly, we have prepared the attached proposed draft Negative Declaration memo/notice for consideration by the Town Board.

If the Town Board proceeds with the adoption of a Negative Declaration for this proposed action, the Department of Environmental Resources will finalize the attached document – including any revisions that may be necessary at the direction of the Town Board, as well as including the date of the Town Board's adopting Resolution on the final memo/notice – and we will then forward same for distribution and filing in accordance with the requirements of SEQRA.

The Town Board Resolution adopting a Negative Declaration can make reference to the detailed information contained in the attached proposed memo/notice.

Neil O. Bergin BY
Neil O. Bergin
Commissioner

NOB:GB:ca
Attachment
cc: Town Attorney (original with 7 copies)

**TOWN OF OYSTER BAY**
**INTER-DEPARTMENTAL MEMO**

June 4, 2018

**TO:** Joseph Nocella, Town Attorney
Carol Strafford, Director, Legislative Affairs
Thomas Sabellico, Special Counsel
Richard W. Lenz, P.E. Commissioner, Department of Public Works (DPW)
Matthew Russo, P.E. Division of Engineering, DPW

**FROM:** Neil Bergin, Commissioner, Department of Environmental Resources

**SUBJECT:** Ellsworth W. Allen Park Expansion Project; 45 Motor Avenue, Farmingdale, NY; Section 48 Block 518 Lots 306, 307, and 331 on the Land and Tax Map of Nassau County

---

Pursuant to the provisions of the Town of Oyster Bay Environmental Quality Review (TEQR) Law, Chapter 110 of the Code of the Town of Oyster Bay, and Article 8 of the New York State Environmental Conservation Law (State Environmental Quality Review Act, SEQRA) and the implementing regulations thereto at 6 NYCRR Part 617, the Department of Environmental Resources has reviewed the above captioned proposed action. Attached hereto is the TEQR report/Recommended Determination of Significance prepared by this Department in regard to the subject application.

As indicated, it is believed that sufficient information and analysis regarding relevant environmental issues have been compiled with respect to this proposed action for the purposes of the Town Board's consideration in connection with the requisite Town Board resolution. If the Town Board concurs with DER's Determination of Significance pursuant to SEQRA, DER will file the requisite information in the New York State Department of Environmental Conservation (NYSDEC) Environmental Notice Bulletin (ENB), pursuant to the provisions noted above.

Neil O. Bergin

NEIL O. BERGIN
Commissioner
Environmental Resources

Attachment

cc: (w/ attachment)
Leslie Maccarone, Commissioner, Department of Planning & Development

File: DER Dept. Files/TEQR/Town Board Actions/Allen Park

TOWN OF OYSTER BAY
DEPARTMENT OF ENVIRONMENTAL RESOURCES
29 SPRING STREET
OYSTER BAY, NEW YORK 11771-1592

Neil O. Bergin
Commissioner

(516) 677-5811
Fax (516) 677-5730
www.oysterbaytown.com

April 20, 2018

Re: **LEAD AGENCY COORDINATION REQUEST**
Ellsworth W. Allen Park Expansion Project
45 Motor Avenue
South Farmingdale, NY 11735
Nassau County Land and Tax Map: Section 48, Block 518, Lot(s) 306, 307, 331

The purpose of this correspondence is to determine, in conformance with Article 8 of the Environmental Conservation Law (State Environmental Quality Review Law, SEQRA) and the implementing regulations thereto at 6 NYCRR Part 617, the following:

1. your agency's jurisdiction in the action described below;
2. your agency's interest in assuming the responsibilities of lead agency; and
3. issues of concern which you believe should be evaluated.

Attached for your information are the following documents which the applicant has prepared with respect to the proposed action:

- Part 1 of the full Environmental Assessment Form (EAF), with attachments;
- Project Location Map; and
- Proposed Site Layout

**Proposed Action:**

The Town of Oyster Bay ("Town") has acquired approximately 22.5 acres of land ("Site") located adjacent to the existing Ellsworth W. Allen Park ("Park") which was subject to an extensive soil remediation program which removed all known contaminated soils to a depth of 10 feet below grade beyond the requirements of the New York State Department of Environmental Conservation NYCRR Part 375 Restricted Residential Soil Cleanup Objectives and the United States Department of Environmental Protection Agency Record of Decision for the site.

Since the completion of the remedial program, drainage infrastructure was installed to support the planned recreational improvements that had been developed through an extensive community outreach program, including the construction of a recharge basin and installation of leaching pools and connecting pipe. The Town is proposing to implement a project to develop this site for recreational use, utilizing a conceptual plan which meets the needs of the community while minimizing construction costs. The project will be comprised of two phases – Phase I entails installation of utilities and parking for the site and Phase II entails construction of the fields.

This project is anticipated to include the following features:

- One multi-purpose synthetic turf field, sized appropriately for high school soccer
- One Little League/Softball synthetic turf field, with natural grass outfield
- One Baseball synthetic turf field, with natural grass outfield
- One T-Ball/Challenger synthetic turf field
- Bleachers
- Baseball batting/pitching tunnels
- Restroom and Concession facility with roof observation/scorer's area
- Site and sports lighting (the Town may elect to install only the necessary conduit at this time)
- Pedestrian walking path with fitness stations
- Maintenance shed and facilities area
- Open grass field and site landscaping
- Parking area

**Location:**

The subject premises located at 45 Motor Avenue, South Farmingdale, NY.

**SEQRA Classification:**

Type I

**Town Contact Person:**

George Baptista, Deputy Commissioner
Town of Oyster Bay
Department of Environmental Resources
29 Spring Street
Syosset, NY 11771
Telephone: (516) 677-5811
Email: GBaptista@oysterbay-ny.gov

The project scope also entails the following tasks:

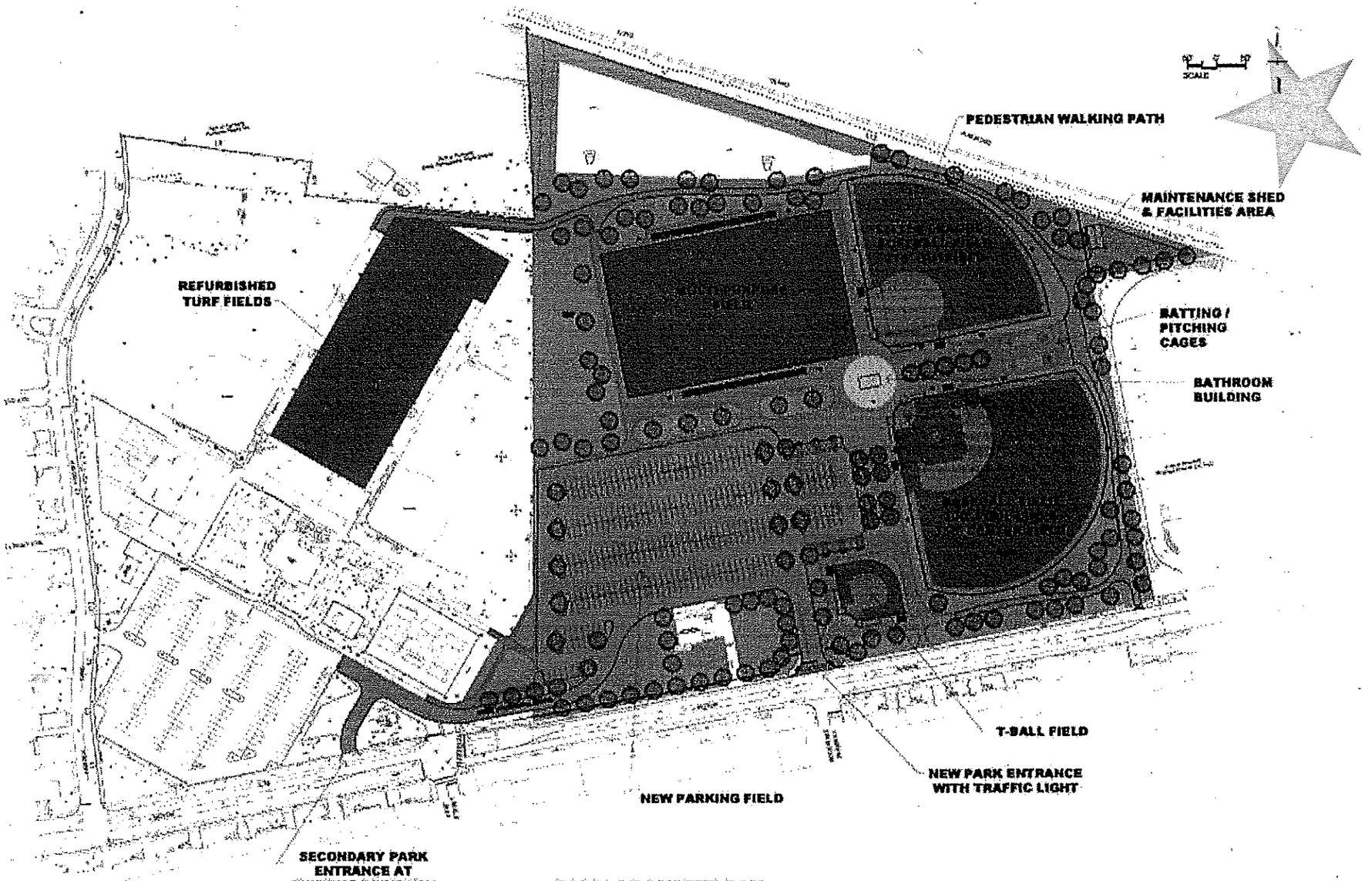
- Analyze the existing soils to determine suitability for drainage and structural support.
- Establish final grades for the site.
- Petition the Nassau County Department of Public Works for the installation of a new traffic signal to service the Site (A traffic signal warrant analysis has been provided to Nassau County and is pending approval and a traffic impact study has been prepared in order to assess potential environmental impacts).
- Coordinate the relocation of existing utilities and the installation of new utility services to support the development of the Site with the South Farmingdale Water District, Nassau County Department of Public Works, National Grid and PSE&G.
- Prepare a Stormwater Pollution Prevention Plan (SWPPP) for submission and approval by the Town Department of Planning and Development and New York State Department of Environmental Conservation.
- Revise the existing *Site Management Plan,* as necessary, to conform to the final site plan for the project which shall detail the earth moving and excavations necessary and provide a protocol for the proper handling and disposal of contaminated soil if found during the course of work.

**Permits and Approvals:**

- Nassau County DPW – Sewer Connection (received)
- Nassau County DPW – Traffic Signal Modification & Installation (submitted – pending)
- Nassau County DPW – Curb Cut (submitted – pending)
- South Farmingdale Water District – Water Service (received)
- Nassau County DOH – Water Service Backflow Preventer (received)
- NYSDEC – Stormwater (received)
- USEPA – Soil Management Plan (received as part of previous remediation efforts)

**NYSDEC Spills Remediation Database**

| Spill Number | Date Spill Reported | Spill Name | County | City/Town | Address |
|---|---|---|---|---|---|
| 8603559 | 8/29/1986 | LILCO | Nassau | FARMINGDALE | MOTOR AVE (LIBERTY SUBST) |
| 8903022 | 6/22/1989 | POSS COMPAGNA TRUCKING CO | Nassau | FARMINGDALE | 55 MOTOR AVENUE |
| 8905698 | 9/8/1989 | PARKING LOT | Nassau | SOUTH FARMINGDALE | 55 MOTOR AVENUE |
| 8905657 | 9/8/1989 | ROADWAY EXPRESS | Nassau | SOUTH FARMINGDALE | 55 MOTOR AVENUE |
| 9003415 | 6/25/1990 | 55 MOTOR AVE CORP | Nassau | SOUTH FARMINGDALE | 55 MOTOR AVENUE |
| 9105143 | 8/12/1991 | RGE INDUSTRIAL | Nassau | FARMINGDALE | 55 MOTOR AVENUE |
| 9110687 | 1/14/1992 | LIBERTY INDUSTRIAL | Nassau | SOUTH FARMINGDALE | 55 MOTOR AVENUE |
| 9214346 | 3/29/1993 | LIBERTY MOVING & STORAGE | Nassau | FARMINGDALE | 55 MOTOR AVENUE |
| 9403094 | 6/2/1994 | ADA AUTO PARTS | Nassau | FARMINGDALE | 55 MOTOR AVE |
| 9707902 | 10/4/1997 | LIBERTY SUPER FUND SITE | Nassau | FARMINGDALE | 55 MOTOR AVENUE |
| 9707903 | 10/4/1997 | LIBERTY INDUSTIAL FINISH | Nassau | FARMINGDALE | MOTOR AVENUE |
| 9708988 | 10/31/1997 | RGE CAR RENTAL | Nassau | FARMINGDALE | 55 MOTOR AVENUE |
| 9805863 | 8/11/1998 | LIBERTY INDUSTRIAL | Nassau | FARMINGDALE | 55 MOTOR AVENUE |
| 9910229 | 11/23/1999 | LIBERTY INDUSTRIAL PARK | Nassau | FARMINGDALE | 55 MOTOR AVENUE |
| 110442 | 1/31/2002 | THE COPY STORE | Nassau | FARMINGDALE | 76 MOTOR AVENUE |
| 201820 | 5/20/2002 | BEHIND THE WATER WELL | Nassau | FARMINGDALE | OFF MOTOR AVENUE |
| 411912 | 2/8/2005 | REMEDIAL SITE | Nassau | FARMINGDALE | 55 MOTOR AVENUE |
| 606536 | 9/7/2006 | UNKNOWN | Nassau | FARMINGDALE | 55 MOTOR AVENUE |
| 702974 | 6/12/2007 | LIBERTY INDUSTRIAL | Nassau | FARMINGDALE | 55 MOTOR AVENUE |
| 703318 | 6/20/2007 | SUPERFUND SITE | Nassau | FARMINGDALE | 55 MOTOR AVENUE |
| 707605 | 10/10/2007 | LIBERTY SUPERFUND | Nassau | FARMINGDALE | 55 MOTOR AVENUE |
| 709714 | 12/10/2007 | SUPERFUND SITE | Nassau | FARMINGDALE | 55 MOTOR AVENUE |
| 805635 | 8/15/2008 | WAREHOUSE - VACANT | Nassau | FARMINGDALE | 55 MOTOR AVENUE |
| 904602 | 7/21/2009 | LIBERTY INDUSTRIAL SUPERFUND | Nassau | FARMINGDALE | 55 MOTOR AVENUE |
| 1006694 | 9/21/2010 | LIBERTY INDUSTRIAL | Nassau | FARMINGDALE | 55 MOTOR AVENUE |




# TOWN OF OYSTER BAY
# ELLSWORTH W. ALLEN PARK

FARMINGDALE, NY

JANUARY 2018

LiRo ENGINEERS, INC.

*Full Environmental Assessment Form*
*Part 1 - Project and Setting*

## Instructions for Completing Part 1

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

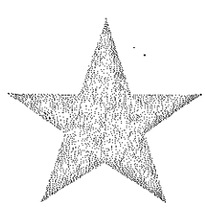
Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1is accurate and complete.

### A. Project and Sponsor Information.

| | | |
|---|---|---|
| Name of Action or Project: Expansion of Ellsworth W. Allen Park | | |
| Project Location (describe, and attach a general location map): 45 Motor Ave, South Farmingdale, NY 11735 | | |
| Brief Description of Proposed Action (include purpose or need): See Attached | | |
| Name of Applicant/Sponsor: Town of Oyster Bay Town Board | Telephone: 516-624-6300<br>E-Mail: FScalera@oysterbay-ny.gov | |
| Address: 54 Audrey Ave. | | |
| City/PO: Oyster Bay | State: NY | Zip Code: 11771 |
| Project Contact (if not same as sponsor; give name and title/role): Richard Lenz, P.E., Commissioner of DPW | Telephone: 516-677-5125<br>E-Mail:RLenz@oysterbay-ny.gov | |
| Address: 150 Miller Place | | |
| City/PO: Syosset | State: NY | Zip Code: 11791 |
| Property Owner (if not same as sponsor): SAME | Telephone:<br>E-Mail: | |
| Address: | | |
| City/PO: | State: | Zip Code: |





**B. Government Approvals**

| B. Government Approvals Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.) | | |
|---|---|---|
| **Government Entity** | **If Yes: Identify Agency and Approval(s) Required** | **Application Date (Actual or projected)** |
| a. City Council, Town Board, or Village Board of Trustees ☒ Yes ☐ No | Town Board Approval | Pending |
| b. City, Town or Village Planning Board or Commission ☐ Yes ☒ No | | |
| c. City Council, Town or Village Zoning Board of Appeals ☐ Yes ☒ No | | |
| d. Other local agencies ☐ Yes ☒ No | | |
| e. County agencies ☒ Yes ☐ No | See Attached | |
| f. Regional agencies ☐ Yes ☒ No | | |
| g. State agencies ☒ Yes ☐ No | See Attached | |
| h. Federal agencies ☒ Yes ☐ No | See Attached | |

i. Coastal Resources.
*i.* Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? ☐ Yes ☒ No
If Yes,
*ii.* Is the project site located in a community with an approved Local Waterfront Revitalization Program? ☐ Yes ☐ No
*iii.* Is the project site within a Coastal Erosion Hazard Area? ☐ Yes ☐ No

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☒ No

- **If Yes,** complete sections C, F and G.
- **If No,** proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☒ No
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☒ No
If Yes, identify the plan(s):

_____
_____
_____

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☒ No
If Yes, identify the plan(s):

_____
_____
_____

f. Does the project include new residential uses? ☐ Yes ☒ No

If Yes, show numbers of units proposed.

| | One Family | Two Family | Three Family | Multiple Family (four or more) |
|---|---|---|---|---|
| Initial Phase | | | | |
| At completion of all phases | | | | |

g. Does the proposed action include new non-residential construction (including expansions)? ☒ Yes ☐ No

If Yes,

*i.* Total number of structures 2

*ii.* Dimensions (in feet) of largest proposed structure: 15 height; 21 width; and 43 length

*iii.* Approximate extent of building space to be heated or cooled: 64 square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☒ Yes ☐ No

If Yes,

*i.* Purpose of the impoundment: See Attached project description

*ii.* If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify:

*iii.* If other than water, identify the type of impounded/contained liquids and their source.

*iv.* Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

*v.* Dimensions of the proposed dam or impounding structure: _____ height; _____ length

*vi.* Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☒ No
(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)

If Yes:

*i.* What is the purpose of the excavation or dredging?

*ii.* How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards):
- Over what duration of time?

*iii.* Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.

*iv.* Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No
If yes, describe.

*v.* What is the total area to be dredged or excavated? _____ acres

*vi.* What is the maximum area to be worked at any one time? _____ acres

*vii.* What would be the maximum depth of excavation or dredging? _____ feet

*viii.* Will the excavation require blasting? ☐ Yes ☐ No

*ix.* Summarize site reclamation goals and plan:

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☒ No

If Yes:

*i.* Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description):

- Do existing sewer lines serve the project site? ☒ Yes ☐ No
- Will line extension within an existing district be necessary to serve the project? ☐ Yes ☒ No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____

*iv.* Will a new wastewater (sewage) treatment district be formed to serve the project site? ☐ Yes ☒ No

If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- What is the receiving water for the wastewater discharge? _____

*v.* If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

*vi.* Describe any plans or designs to capture, recycle or reuse liquid waste: _____

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? ☒ Yes ☐ No

If Yes:

*i.* How much impervious surface will the project create in relation to total size of project parcel?

_____ Square feet or 7 acres (impervious surface)

_____ Square feet or 22.5 acres (parcel size)

*ii.* Describe types of new point sources. Asphalt parking and pedestrian path, concrete walkway, and building roof.

*iii.* Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

on-site stormwater management.

- If to surface waters, identify receiving water bodies or wetlands: N/A
- Will stormwater runoff flow to adjacent properties? ☐ Yes ☒ No

*iv.* Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? ☒ Yes ☐ No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? ☐ Yes ☒ No

If Yes, identify:

*i.* Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

*ii.* Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

*iii.* Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? ☐ Yes ☒ No

If Yes:

*i.* Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) ☐ Yes ☐ No

*ii.* In addition to emissions as calculated in the application, the project will generate:

- _____ Tons/year ([metric] short tons) of Carbon Dioxide ($CO_2$)
- _____ Tons/year ([metric] short tons) of Nitrous Oxide ($N_20$)
- _____ Tons/year ([metric] short tons) of Perfluorocarbons (PFCs)
- _____ Tons/year ([metric] short tons) of Sulfur Hexafluoride ($SF_6$)
- _____ Tons/year ([metric] short tons) of Carbon Dioxide equivalent of [Hydroflorocarbons] Hydroflourocarbons ([HCFS] HFCs)
- _____ Tons/year (metric) of Hazardous Air Pollutants (HAPs)

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☒No

If yes:

*i.* Provide details including sources, time of day and duration:

*ii.* Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No

Describe:

n.. Will the proposed action have outdoor lighting? ☒Yes ☐ No

If yes:

*i.* Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:

Parking lot lights approximately 25ft height, pedestrian pathway lights 14ft height, building wall rack lights, future sports field lights 60-80ft. height

*ii.* Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☒No

Describe:

o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☒No

If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:

p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products ([over 550 gallons] 185 gallons in above ground storage or any amount in underground storage )? ☐ Yes ☒No

If Yes:

*i.* Product(s) to be stored:

*ii.* Volume(s)_____ per unit time _____ (e.g., month, year)

*iii.* Generally describe proposed storage facilities:

q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☒No

If Yes:

*i.* Describe proposed treatment(s):

*ii.* Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No

r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No N/A

If Yes:

*i.* Describe any solid waste(s) to be generated during construction or operation of the facility:

- Construction: _____ tons per _____ (unit of time)
- Operation : _____ tons per _____ (unit of time)

*ii.* Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:

- Construction:
- Operation:

*iii.* Proposed disposal methods/facilities for solid waste generated on-site:

- Construction:
- Operation:

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☒ No
*i.* If Yes: explain: The proposed project will provide recreation for the community.

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☒ Yes ☐ No
If Yes,
*i.* Identify Facilities:
Ellsworth W. Allen Park - playgrounds, sports field, community center

e. Does the project site contain an existing dam? ☐ Yes ☒ No
If Yes:
*i.* Dimensions of the dam and impoundment:
- Dam height: _____ feet
- Dam length: _____ feet
- Surface area: _____ acres
- Volume impounded: _____ gallons OR acre-feet

*ii.* Dam's existing hazard classification: _____
*iii.* Provide date and summarize results of last inspection:

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No
If Yes:
*i.* Has the facility been formally closed? ☐ Yes ☐ No
- If yes, cite sources/documentation: _____

*ii.* Describe the location of the project site relative to the boundaries of the solid waste management facility:

*iii.* Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☒ Yes ☐ No
If Yes:
*i.* Describe waste(s) handled and waste management activities, including approximate time when activities occurred:
Historic Hazardous Waste generating activities have discontinued and the site has been fully remediated.

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☒ Yes ☐ No
If Yes:
*i.* Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No
☒ Yes – Spills Incidents database — Provide DEC ID number(s): See Attached
☒ Yes – Environmental Site Remediation database — Provide DEC ID number(s): 13005
☐ Neither database

*ii.* If site has been subject of RCRA corrective activities, describe control measures: See Attached

*iii.* Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☒ Yes ☐ No
If yes, provide DEC ID number(s): See Above

*iv.* If yes to (i), (ii) or (iii) above, describe current status of site(s):
Remediation Complete, subject to institutional controls.

m. Identify the predominant wildlife species that occupy or use the project site: Typical Suburban Species

n. Does the project site contain a designated significant natural community? ☐ Yes ☒ No

If Yes:

*i.* Describe the habitat/community (composition, function, and basis for designation): _____

*ii.* Source(s) of description or evaluation: _____

*iii.* Extent of community/habitat:

- Currently: _____ acres
- Following completion of project as proposed: _____ acres
- Gain or loss (indicate + or -): _____ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☒ No

[If Yes:

*i.* Species and listing (endangered or threatened): _____

*ii.* Nature of use of site by the species (e.g., resident, seasonal, transient):]

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☒ No

[If Yes:

*i.* Species and listing: _____

*ii.* Nature of use of site by the species (e.g., resident, seasonal, transient): _____]

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☒ No

If yes, give a brief description of how the proposed action may affect that use: _____

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No

If Yes, provide county plus district name/number: _____

b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☒ No

*i.* If Yes: acreage(s) on project site? _____

*ii.* Source(s) of soil rating(s): _____

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☒ No

If Yes:

*i.* Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature

*ii.* Provide brief description of landmark, including values behind designation and approximate size/extent: _____

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☒ No

If Yes:

*i.* CEA name: _____

*ii.* Basis for designation: _____

*iii.* Designating agency and date: _____

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

# Environmental Site Remediation Database Search Details

## Site Record

### Administrative Information

**Site Name:** Liberty Industrial Finishing (4 J's Co.)
**Site Code:** 130005
**Program:** State Superfund Program
Classification: 04
**EPA ID Number:**

### Location

**DEC Region:** 1
**Address:** 55 Motor Ave., Colt Industrial Park
**City:**Farmingdale Zip: 11735
**County:**Nassau
**Latitude:** 40.7254015
**Longitude:** -73.45006264
**Site Type:** LAGOON
**Estimated Size:** 30 Acres

### Institutional And Engineering Controls

**Control Type:**
Deed Restriction

**Control Elements:**
Ground Water Use Restriction
Groundwater Treatment System
Soil Management Plan
Landuse Restriction
Monitoring Plan
Site Management Plan
O&M Plan
IC/EC Plan

### Site Owner(s) and Operator(s)

**Current Owner Name:** Stop and Shop Grocery
**Current Owner(s) Address:** 575 Underhill Blvd
Syosset,NY, 11791

**Current Owner Name:** 55 Motor Avenue Company, LLC
**Current Owner(s) Address:** 459 West Main Street
Huntington,NY, 11743
**Current Owner Name:** Town of Oyster Bay
**Current Owner(s) Address:** Town Hall
Oyster Bay,NY, 11771
**Owner(s) during disposal:** LIBERTY INDUSTRIAL FINISHING PRODUCTS
**Current On-Site Operator:** LIBERTY INDUSTRIAL FINISHING PRODUCT
**Stated Operator(s) Address:** 55 MOTOR AVE.
FARMINGDALE,NY 11735

## Site Document Repository

**Name:** FARMINGDALE PUBLIC LIBRARY
**Address:** 116 MERRITT ROAD
FARMINGDALE,NY 11735

## Hazardous Waste Disposal Period

**From:** 1948 **To:** 1977

## Site Description

Location: Liberty Industrial Finishing operated at 55 Motor Avenue between 1948 and 1977. The Site is located approximately one mile south of Bethpage State Park in Farmingdale, Town of Oyster Bay, Nassau County, New York. Site Features: The Site is the former location of an aircraft parts manufacturing and metal-finishing facility that began its operation in the early 1930's. From 1940 to 1944, the federal government and private corporate interests utilized the Site to develop and maintain production of materials needed for World War II. The Site includes a 30-acre property located at 55 Motor Avenue. The property is bordered by the Long Island Railroad to the north, Motor Avenue to the south, Main Street to the east and a small town park, Ellsworth Allen Park, to the west. The surrounding area is primarily residential with several commercial establishments on the major roads. Current Zoning/Uses: The Site can be divided into a western portion (Tax Lot 327 which is generally unpaved and limited activity) and an eastern portion (Tax Lots 331 and 332), each about 15 acres in size. Site operations in the western portion have ceased. The Plume A groundwater treatment system is located on the western portion. Tax Lot 332, 7 ½-acres in size, of the eastern portion of the Site has been redeveloped and is paved over with a large-scale grocery/retail store and adjacent parking lot which was completed in May 2010. Now that the soils and subsurface features cleanup selected in the 2002 ROD have been completed, the Town will construct recreational facilities and establish the new community park on the western portion. The Town notified EPA that it would acquire the western 7.5-acre portion (Central Sub-Parcel) of the Eastern Parcel (which is adjacent to the Western Parcel), for further expansion of the Ellsworth

MCLs (e.g., 5 ug/L for cadmium, 50 ug/L for Chromium, and 5 ug/L for TCE, cis-1,2-DCE, and PCE). USEPA will evaluate any need for expansion of the groundwater treatment network to meet these MCLs.

## Site Health Assessment

People are not drinking contaminated groundwater because the area is served by a public water supply that is not affected by this contamination. Since residual contamination is found at depth, it is not expected that people will come into contact with contaminated soils or groundwater. People may come in contact with contaminants present in the Pond 2 sediments while entering or existing the pond during recreational activities. Volatile organic compounds in the groundwater or soil may move into the soil vapor (air spaces within the soil), which in turn may move into overlying buildings and affect indoor air quality. This process, which is similar to the movement of radon gas from the subsurface into the indoor air of buildings, is referred to as soil vapor intrusion. A passive sub-slab depressurization system (system that ventilates/removes the air beneath the building) has been installed in the building on the eastern portion of the site to prevent the indoor air quality from being affected. Because the central and western portion of the site is vacant, the inhalation of site-related contaminants due to soil vapor intrusion does not represent a concern in this portion of the site in its current condition. However, the potential exists for the inhalation of site contaminants due to soil vapor intrusion for any future on-site redevelopment and occupancy. Environmental sampling indicates soil vapor intrusion is not a concern for off-site buildings.

For more Information: E-mail Us

Return To Results

Refine This Search

# *Full Environmental Assessment Form*
## *Part 2 - Identification of Potential Project Impacts*

**Part 2 is to be completed by the lead agency.** Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency **and** the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "**Yes**" to a numbered question, please complete all the questions that follow in that section.
- If you answer "**No**" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

**1. Impact on Land**
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) ☐ NO ☑ YES
*If "Yes", answer questions a - j. If "No", move on to Section 2.*

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|---|---|---|
| a. The proposed action may involve construction on land where depth to water table is less than 3 feet. | E2d | ☑ | ☐ |
| b. The proposed action may involve construction on slopes of 15% or greater. | E2f | ☑ | ☐ |
| c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface. | E2a | ☑ | ☐ |
| d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material. | D2a | ☑ | ☐ |
| e. The proposed action may involve construction that continues for more than one year or in multiple phases. | D1e | ☑ | ☐ |
| f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides). | D2e, D2q | ☑ | ☐ |
| g. The proposed action is, or may be, located within a Coastal Erosion hazard area. | B1i | ☑ | ☐ |
| h. Other impacts: None | | ☑ | ☐ |

| | | | |
|---|---|---|---|
| l. Other impacts: none | | ☑ | ☐ |

**4. Impact on groundwater**

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) ☑NO ☐YES

*If "Yes", answer questions a - h. If "No", move on to Section 5.*

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|---|---|---|
| a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells. | D2c | ☐ | ☐ |
| b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: | D2c | ☐ | ☐ |
| c. The proposed action may allow or result in residential uses in areas without water and sewer services. | D1a, D2c | ☐ | ☐ |
| d. The proposed action may include or require wastewater discharged to groundwater. | D2d, E2l | ☐ | ☐ |
| e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated. | D2c, E1f, E1g, E1h | ☐ | ☐ |
| f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer. | D2p, E2l | ☐ | ☐ |
| g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources. | E2h, D2q, E2l, D2c | ☐ | ☐ |
| h. Other impacts: | | ☐ | ☐ |

**5. Impact on Flooding**

The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) ☑NO ☐YES

*If "Yes", answer questions a - g. If "No", move on to Section 6.*

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|---|---|---|
| a. The proposed action may result in development in a designated floodway. | E2i | ☐ | ☐ |
| b. The proposed action may result in development within a 100 year floodplain. | E2j | ☐ | ☐ |
| c. The proposed action may result in development within a 500 year floodplain. | E2k | ☐ | ☐ |
| d. The proposed action may result in, or require, modification of existing drainage patterns. | D2b, D2e | ☐ | ☐ |
| e. The proposed action may change flood water flows that contribute to flooding. | D2b, E2i, E2j, E2k | ☐ | ☐ |
| f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade? | E1e | ☐ | ☐ |

| | | | |
|---|---|---|---|
| e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect. | E3c | ☐ | ☐ |
| f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____ | E2n | ☐ | ☐ |
| g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site. | E2m | ☐ | ☐ |
| h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____ _____ | E1b | ☐ | ☐ |
| i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides. | D2q | ☐ | ☐ |
| j. Other impacts: _____ _____ | | ☐ | ☐ |

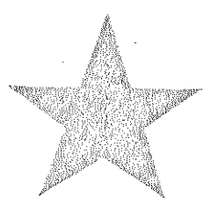
**8. Impact on Agricultural Resources**

The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) ☑NO ☐YES

*If "Yes", answer questions a - h. If "No", move on to Section 9.*

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|---|---|---|
| a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System. | E2c, E3b | ☐ | ☐ |
| b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc). | E1a, E1b | ☐ | ☐ |
| c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land. | E3b | ☐ | ☐ |
| d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District. | E1b, E3a | ☐ | ☐ |
| e. The proposed action may disrupt or prevent installation of an agricultural land management system. | E1 a, E1b | ☐ | ☐ |
| f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland. | C2c, C3, D2c, D2d | ☐ | ☐ |
| g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan. | C2c | ☐ | ☐ |
| h. Other impacts: _____ | | ☐ | ☐ |





| | | | |
|---|---|---|---|
| d. Other impacts: _____ | | ☐ | ☐ |
| e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3: | | | |
| i. The proposed action may result in the destruction or alteration of all or part of the site or property. | E3e, E3g, E3f | ☐ | ☐ |
| ii. The proposed action may result in the alteration of the property's setting or integrity. | E3e, E3f, E3g, E1a, E1b | ☐ | ☐ |
| iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting. | E3e, E3f, E3g, E3h, C2, C3 | ☐ | ☐ |

**11. Impact on Open Space and Recreation**

The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.
(See Part 1. C.2.c, E.1.c., E.2.q.)

☑ NO ☐ YES

*If "Yes", answer questions a - e. If "No", go to Section 12.*

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|---|---|---|
| a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat. | D2e, E1b E2h, E2m, E2o, E2n, E2p | ☐ | ☐ |
| b. The proposed action may result in the loss of a current or future recreational resource. | C2a, E1c, C2c, E2q | ☐ | ☐ |
| c. The proposed action may eliminate open space or recreational resource in an area with few such resources. | C2a, C2c E1c, E2q | ☐ | ☐ |
| d. The proposed action may result in loss of an area now used informally by the community as an open space resource. | C2c, E1c | ☐ | ☐ |
| e. Other impacts: _____ | | ☐ | ☐ |

**12. Impact on Critical Environmental Areas**

The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)

☑ NO ☐ YES

*If "Yes", answer questions a - c. If "No", go to Section 13.*

| | Relevant Part I Question(s) | No, or small impact may occur | Moderate to large impact may occur |
|---|---|---|---|
| a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA. | E3d | ☐ | ☐ |
| b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA. | E3d | ☐ | ☐ |
| c. Other impacts: _____ | | ☐ | ☐ |

| | | | |
|---|---|---|---|
| d. The proposed action may result in light shining onto adjoining properties. | D2n | ☑ | ☐ |
| e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions. | D2n, E1a | ☑ | ☐ |
| f. Other impacts: overall increase of site lighting as compared to existing land use | | ☑ | ☐ |

**16. Impact on Human Health**
The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) ☐ NO ☑ YES
*If "Yes", answer questions a - m. If "No", go to Section 17.*

| | Relevant Part I Question(s) | No,or small impact may occur | Moderate to large impact may occur |
|---|---|---|---|
| a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community. | E1d | ☑ | ☐ |
| b. The site of the proposed action is currently undergoing remediation. | E1g, E1h | ☑ | ☐ |
| c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action. | E1g, E1h | ☑ | ☐ |
| d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction). | E1g, E1h | ☑ | ☐ |
| e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health. | E1g, E1h | ☑ | ☐ |
| f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health. | D2t | ☑ | ☐ |
| g. The proposed action involves construction or modification of a solid waste management facility. | D2q, E1f | ☑ | ☐ |
| h. The proposed action may result in the unearthing of solid or hazardous waste. | D2q, E1f | ☑ | ☐ |
| i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste. | D2r, D2s | ☑ | ☐ |
| j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste. | E1f, E1g E1h | ☑ | ☐ |
| k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures. | E1f, E1g | ☑ | ☐ |
| l. The proposed action may result in the release of contaminated leachate from the project site. | D2s, E1f, D2r | ☑ | ☐ |
| m. Other impacts: None - site has undergone extensive remediation and safeguards are in place. | | ☑ | ☐ |

Agency Use Only [IfApplicable]

Project: Ellsworth W. Allen Park Expansion

Date: 6/4/2018

# *Full Environmental Assessment Form*
# *Part 3 - Evaluation of the Magnitude and Importance of Project Impacts*
# *and*
# *Determination of Significance*

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

See Inter-Departmental Memo prepared by the Department of Environmental Resources, TEQR Division, dated 6/4/2018 and subsequent "Review of Action and Recommended Determination of Significance" TEQR Report, dated 6/4/2018 prepared for the proposed action.

## Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☑ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☑ Part 1 ☑ Part 2 ☑ Part 3

**TOWN OF OYSTER BAY**
**DEPARTMENT OF ENVIRONMENTAL RESOURCES**
**DIVISION OF ENVIRONMENTAL QUALITY REVIEW**

**REVIEW OF ACTION AND**
**RECOMMENDED DETERMINATION OF SIGNIFICANCE**

June 4, 2018

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The Town of Oyster Bay Department of Environmental Resources (DER), Town Environmental Quality Review (TEQR) Division has reviewed the above referenced application pursuant to Article 8 of the New York State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA), and the implementing regulations thereto at 6 NYCCR, Part 617, and the Town of Oyster Bay Environmental Quality Review Law (Chapter 110 of the Code of the Town of Oyster Bay). The following report summarizes DER's TEQR findings regarding the subject application.

**Applicant:** Department of Public Works, Town of Oyster Bay

**Title of Project:** Ellsworth W. Allen Park Expansion

**Description of Proposed Action:** The Town of Oyster Bay ("Town") has acquired approximately 22.5 acres of land ("Site") located adjacent to the existing Ellsworth W. Allen Park ("Park"). The site was subject to an extensive soil remediation program which removed all known contaminated soils to a depth of 10 feet below grade beyond the requirements of the New York State Department of Environmental Conservation NYCRR Part 375 Restricted Residential Soil Cleanup Objectives and the United States Department of Environmental Protection Agency Record of Decision for the site. Contaminants historically found at the site included Benzo(a)pyrene, Dibenzo(a,h)anthracene, cadmium and polycyclic aromatic hydrocarbons. The site was then backfilled with clean fill.

The Site currently contains an operating groundwater treatment facility under the supervision of the USEPA. Part of the underground recharge piping runs under proposed elements of this project. A copy of the *Excavation Findings in Preparation for Site Development* report and *Site Management Plan* for the remedial work are available for review at the Division of Engineering office. The Town may allow the South Farmingdale Water District to discharge into the existing recharge basin. Potential enlargement of the basin to meet anticipated flowrates will be studied and addressed as necessary, and/or the Town may require that the recharge basin be partitioned to separate the multiple discharges. Any existing remediation infrastructure including recharge piping, pumps, underground electric and underground controls will remain as part of this project, portions of which will be modified to facilitate the work. This facility's effluent drainage system will be coordinated with the proposed development to ensure future operation.

Since the completion of the remedial program, drainage infrastructure was installed to support the planned recreational improvements that had been developed through an extensive community outreach program, including the construction of a recharge basin and installation of leaching pools and connecting pipe. The Town is proposing to implement a project to develop this site for recreational use, utilizing a conceptual plan which meets the needs of the community while minimizing construction costs.

This project will include the following features:

- One multi-purpose synthetic turf field, sized appropriately for high school soccer
- One Little League/Softball synthetic turf field, with natural grass outfield
- One Baseball synthetic turf field, with natural grass outfield
- One T-Ball/Challenger synthetic turf field

- Bleachers
- Baseball batting/pitching tunnels
- Restroom and Concession facility Sports lighting (the Town may elect to install only the necessary conduit at this time)
- Pedestrian walking path
- Maintenance shed and facilities area
- Open grass field
- Parking area
- Landscaping
- Site Lighting

The project scope also entails the following tasks:

- Analyze the existing soils to determine suitability for drainage and structural support.
- Establish final grades for the site.
- Petition the Nassau County Department of Public Works for the installation of a new traffic signal to service the Site (A traffic signal warrant analysis has been provided to Nassau County and is pending approval and a traffic impact study has been prepared in order to assess potential environmental impacts).
- Coordinate the relocation of existing utilities and the installation of new utility services to support the development of the Site with the South Farmingdale Water District, Nassau County Department of Public Works, National Grid and PSEG-LI.
- Prepare a Stormwater Pollution Prevention Plan (SWPPP) for submission and approval by the Town Department of Planning and Development and New York State Department of Environmental Conservation.
- Revise the existing *Site Management Plan,* as necessary, to conform to the final site plan for the project which shall detail the earth moving and excavations necessary and provide a protocol for the proper handling and disposal of contaminated soil if found during the course of work.

**Possible Permits and/or Approvals Required:**

- Oyster Bay Town Board – Town Board Approval
- Nassau County DPW – Sewer Connection (received)
- Nassau County DPW – Traffic Signal Modification & Installation (submitted – pending)
- Nassau County DPW – Curb Cut (submitted – pending)
- South Farmingdale Water District – Water Service (received)
- Nassau County DOH – Water Service Backflow Preventer (received)
- NYSDEC – Stormwater (received)
- USEPA – Soil Management Plan (approval received as part of previous remediation and site restoration efforts)

**Location of Proposed Action:** Ellsworth W. Allen Park
45 Motor Avenue, East Farmingdale, NY

**SEQRA Classification:** TYPE I

**Type of Review:** Coordinated

**Lead Agency:** Town of Oyster Bay Town Board

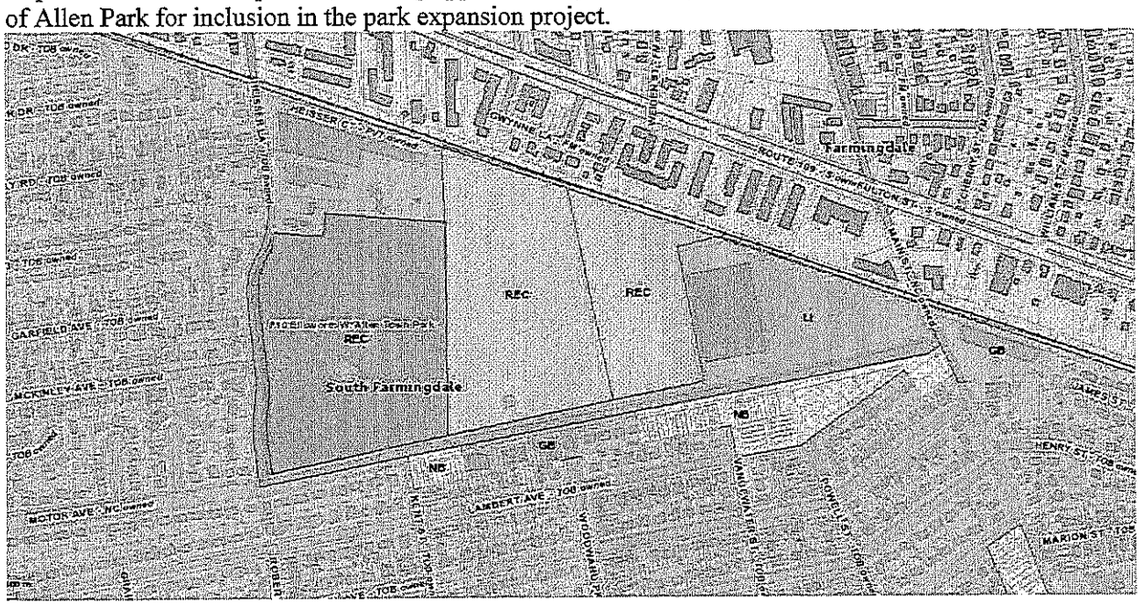
**Contact Person:** Town of Oyster Bay Department of Environmental Resources
29 Spring Street
Oyster Bay, NY 11771
Attention: Julia Schneider, telephone: (516) 677-5748

**Documents Prepared and/or Reviewed:**

- New York Full Environmental Assessment Form (EAF) Part 1 (with attachments), dated 2/28/2016;
- *Traffic Impact Study* Report for Ellsworth W. Allen Park, dated May 21, 2018
- *Second Five-Year Review for Liberty Industrial Finishing Site*, prepared by EPA, dated July 2017
- *Site Management Plan*, prepared by LiRo Engineers, dated February 2018;
- Ellsworth W. Allen Park Expansion "Master Plan" sheet, dated January 2018;
- Ellsworth W. Allen Park Traffic Signal Warrant Analysis, prepared by LiRO Engineers, dated March 29, 2018.

The environmental review of this application also included multiple meetings, emails and telephone conferences to obtain the information needed in order to perform a comprehensive and holistic environmental review of the proposed action. The following is a summary of DER's analysis of the relevant environmental parameters with regard to the subject application, based on the information contained in the documents enumerated above.

**Zoning and Land Use** – Ellsworth W. Allen Park in Farmingdale currently comprises approximately 16 acres at the northeast corner of the intersection of Motor Avenue and Heisser Lane. The Site is located in the Town of Oyster Bay, County of Nassau, New York. The Site is bounded by the Long Island Rail Road tracks to the north, Motor Avenue to the south, Main Street to the east, and Ellsworth Allen Park to the west. The Town of Oyster Bay acquired by condemnation approximately 21.5 acres of the former Liberty Industrial Finishing Site, adjoining Allen Park to the east, for the specific purpose of expanding the park. The remaining approximately 9 acres at the easternmost end of the former Liberty site has been redeveloped with a Stop & Shop supermarket. The Town also performed condemnation proceedings to acquire two additional parcels, totaling approximately one acre, on Heisser Lane to the immediate north of Allen Park for inclusion in the park expansion project.



The existing park and proposed expanded area is within a Town of Oyster Bay Recreational Zone and the proposed use is consistent with the current zoning. As the proposed use is intended to serve the needs of the community and is compatible with surrounding land uses, it is anticipated that the proposed action will not have a significant adverse impact on land use and zoning.

**Traffic, Parking, and Pedestrian Impacts** – A Traffic Impact Study and Traffic Signal Warrant Analysis were prepared for the proposed project. Meetings and correspondence with the applicant, traffic and engineering consultants, and Town staff culminated in a comprehensive and through review regarding traffic, parking and pedestrian impact analysis. The below information is a brief summary of the analysis that resulted in the TEQR recommendation as it relates to same.

Traffic data were collected and analyzed for the Traffic Impact Study (TIS) to establish the existing conditions and demands. This included traffic volume counts, spot speed measurements, field inventories and observations. The data collected were reviewed, summarized and tabulated, and were utilized to conduct the traffic signal warrant analysis and to determine any potential significant impacts of the proposed development.

**Study Methodology**

The following tasks were conducted to accomplish the goals of the TIS:

1. Background research was conducted and aerial maps and related documents were reviewed.
2. Site visits were conducted to observe the prevailing traffic conditions in the study area.
3. The proposed site access driveway at Motor Avenue/Woodward Parkway was analyzed as the key intersection, as it will experience the maximum number of project-generated trips.
4. Field inventories were made of traffic control devices and number and direction of travel lanes at and near the key intersection.
5. Automatic Traffic Recorder (ATR) machine counts were collected continuously for a period of one week at all approaches of the key intersection.
6. Spot speed data were collected in both directions along Motor Avenue, in the vicinity of the key intersection, to determine the prevailing operating speeds.
7. Based on the aforementioned data, traffic signal warrant analyses were conducted in accordance with the MUTCD guidelines.
8. Manual turning movement counts at the key intersection of Motor Avenue and Woodward Parkway, collected on a weekday during the morning (7:00 – 9:00 AM) and evening (4:00 – 6:00 PM) peak periods, were obtained from Nassau County Department of Public Works (NCDPW) and utilized in the study.
9. Based on the ATR and manual turning movement counts, existing traffic volumes were established at the key intersection. These volumes were utilized in analyzing the traffic conditions without the proposed development.
10. Trip generation and assignment analyses were conducted to estimate the traffic to be generated by the proposed development and its assignments through the key intersection and adjacent roadways during the peak hours analyzed. 11. Project-generated trips assigned through the key intersection were added to the existing volumes to establish and analyze the future traffic conditions with the proposed project.
12. Intersection capacity and level of service (LOS) analyses were conducted using Synchro to analyze the traffic operating conditions with and without the proposed project during the weekday AM and PM and Saturday midday peak hours.
13. Analysis results for the traffic conditions with and without the proposed project were compared to determine the potential impacts of the proposed development.
14. TIS report prepared to summarize and present the study methodology, data, analysis results and conclusions.

**Roadway Network**
Ellsworth W. Allen Park is located along the north side of Motor Avenue. Motor Avenue is a two-way east-west arterial, with one travel lane in each direction and an additional two-way left turn lane in the vicinity of Woodward Parkway intersection. Woodward Parkway is a two-way north-south street, which terminates at Motor Avenue from the south, making a "T" intersection. Woodward Parkway generally has one lane in each direction and additional turning lanes at certain intersections. At the northbound approach to the Motor Avenue intersection, Woodward Parkway has two travel lanes including one right turn lane and one left turn bay. The proposed Park access driveway will form the fourth leg of the intersection from the north, with two southbound lanes to facilitate exiting traffic.

**Key Intersection**
The intersection of Motor Avenue at Woodward Parkway/Proposed Park Driveway was analyzed to determine the potential project-related traffic impacts. This intersection is expected to experience the maximum increase in traffic due to the proposed project.

**Traffic Volumes**
Automatic Traffic Recorder (ATR) machines were installed at all approaches of the Motor Avenue and Woodward Parkway intersection to monitor and record vehicular counts for a period of one week from Sunday (February 11, 2018) to Saturday (February 17, 2018). The data collected were reviewed and summarized and were utilized in the traffic signal warrant analysis presented below. In addition, manual turning movement counts collected at the intersection of Motor Avenue and Woodward Parkway were obtained from NCDPW. These counts were collected on a weekday morning (7:00 – 9:00 AM) and evening (4:00 – 6:00 PM) peak periods. These counts, along with the aforementioned recent ATR counts, were utilized to establish the weekday AM and PM and Saturday midday peak hour volumes at the key intersection for the capacity and LOS analysis discussed below. Traffic volume data were reviewed, summarized and tabulated, and are available at the offices of DER and DPW.

**Spot Speed Data**
To monitor and record prevailing vehicular speeds along Motor Avenue, manual spot speed data were collected using a radar gun on Wednesday, February 14, 2018 during off-peak hours (9AM – 1PM). During the survey, eastbound and westbound traffic speeds were recorded separately along Motor Avenue approaching the Woodward Parkway intersection. In each direction, a statistically significant number of readings were recorded. Standard industry guidelines were followed and data were recorded under dry daylight conditions. Spot speed data were reviewed, tabulated and summarized, and using frequency distribution curves, 85$^{th}$ percentile operating speeds were calculated for each direction along Motor Avenue. The spot speed data indicate that the 85th percentile speeds along Motor Avenue are 43 MPH and 46 MPH in the eastbound and westbound directions, respectively. These operating speeds were utilized in the traffic signal warrant analysis, following the MUTCD guidelines.

The plan also proposes a new Park access driveway on Motor Avenue, opposite Woodward Parkway. Under the existing conditions, Motor Avenue and Woodward Parkway make a 3-legged "T" intersection controlled by a stop sign at its minor approach of Woodward Parkway, which terminates at the intersection from the south. The proposed Park access driveway will make the intersection 4-legged. The study was conducted to perform a traffic signal warrant analysis for the intersection of Motor Avenue and Woodward Parkway, as well as to determine any potential significant traffic impacts due to the proposed development of the Park. Traffic data were collected and analyzed and field inventories and observations were made to conduct the traffic study. A traffic signal warrant analysis was conducted based on the guidelines set forth by the Federal Manual of Uniform Traffic Control Devices and its New York State Supplement (MUTCD). According to the guidelines, a traffic signal is warranted under the existing conditions at the intersection.

The proposed Park expansion and the proposed access driveway will increase traffic demands at the intersection. Therefore, installation of a traffic signal is recommended at the intersection. It should be noted that while traffic will increase at this intersection, this is not anticipated to produce a significant adverse impact. Signalized intersection capacity analyses were conducted with and without the additional project-generated traffic to determine any significant impacts due to the prosed development. The TIS indicates that based on the analysis and data, the key intersection will have ample capacity to accommodate the additional traffic to be generated by the proposed development. The intersection will continue to operate at satisfactory levels, and no significant traffic impacts are anticipated due to the proposed project. Parking needs will be sufficiently accommodated based on the proposed recreational uses at the site and have been incorporated into the proposed action. Also, it should also be noted that the proposed project includes a series of pedestrian walkways and crosswalks and will improve access and community connectivity to the park.

**Soils and Topography** – A SPDES General Permit for Stormwater Discharges from Construction Activity will be required for the proposed project and all necessary erosion and sediment control measures will be utilized to ensure that the Stormwater Pollution Prevention Plan and best management practices provided within that document will be utilized on site. The site is not expected to be susceptible to erosion after the completion of construction. Based on the forgoing, it is not anticipated that there will be significant adverse environmental impact to soils and topography as a result of the proposed project.

Further, as previously mentioned, a Site Management Plan has been prepared for the proposed action and the site has an extensive history of soil remediation as document in the EPA Five Year Review of the Liberty Industrial Finishing Site. Both documents are available for review at the Department of Environmental Resources and were considered in DER's recommendation that there will not be a significant adverse impact to soils and topography as a result of the proposed action.

It should be noted that the main elements of the 2002 ROD include excavation and disposal of contaminated on-Site soils, removal of contaminated materials from underground storage tanks and other subsurface features, excavation and disposal of contaminated sediments within Pond A, implementation of a monitoring program for the remainder of the ponds within Massapequa Preserve, construction and operation of pump-and-treat systems for Plume A, implementation of a groundwater monitoring program, and ICs to prevent access to groundwater and maintain land use. All of these remedial components have been implemented and groundwater and sediment operation, maintenance, and monitoring activities are ongoing.

The full pump and treat construction was completed in 2009/2010 to include off-Site recovery wells; pulse pumping was initiated in 2012. Pulse pumping does not appear to be pulling a higher rate of mass from the aquifer except for two possible exceptions at RW-3A for cadmium and RW- 7 for total chromium where increasing trends are shown following the onset of pulse pumping. On-Site/property boundary monitoring wells show that VOCs have nearly reached remedial goals with the exception of one monitoring well in the UGA (MW-7A). Maximum Site-wide VOC concentrations are found downgradient of the property in an area known as the mid-field in the MA (MW-11C and MW-11D). The maximum TCE concentration of 160 µg/l was detected in MW-11D during this review period. While concentrations have varied historically, MW-11C and MW-11D have shown a decreasing trend during this review period. In addition, periodic monitoring of the six sentinel wells has not detected any Site-related Plume A or Plume B contamination, indicating that the on-Site GRS pumping and treatment is operating as intended and the plumes are stable.

Site-wide cadmium and chromium concentrations are lower than historic levels but recent concentration trends have varied depending on the monitoring well. Maximum cadmium and chromium concentrations are found in the mid-field area, but in the UGA rather than the MA where maximum VOCs reside. Mid-

field monitoring wells showing maximum Site-wide cadmium and chromium concentrations in 2015 were RW-6 (1,030 µg/l) and MW-17B (269 µg/l), respectively. Both of these wells are depicted to be within the capture zone of the mid-field UGA recovery wells so the plumes should not migrate outside the current extent of contamination, but will continue to be monitored to ensure this does not occur.

The remedy has eliminated exposure to ecological receptors through the excavation and off-Site disposal of the contaminated sediment in Massapequa Creek. The enhanced monitoring program involving periodic sediment and surface water chemistry and the toxicity testing for the lower ponds was last conducted in November 2014. The review of the April 2015 Post-Remediation Pond Sampling Report indicates that the surface water sampling did not indicate any exceedances of the New York State Ambient Water Quality Standards and sediment sampling and analysis did not show an impact to biota based on sediment toxicity testing. All ICs have been implemented at the Liberty site and the ESD, which was published by EPA in July 2012, notified the public of the change in the permitted use from commercial-industrial to recreational for the Central Parcel.

**Flora and Fauna** – The proposed action will occur in an area that has been previously disturbed and remediated. Soil disturbance and construction activities would only disturb generalist species indicative of natural succession in suburban environments. The site plan includes significant landscape plantings and site improvements. None of the vegetation would be considered ecologically significant, nor would any of the fauna that may inhabit the subject property where disturbance is proposed. Any displaced birds or small mammals (squirrels, rabbits, meadow voles, etc.) would constitute an insignificant ecological impact; therefore, no significant adverse impacts to ecological resources will result of the proposed project.

**Surface Waters** – The subject property does not contain any mapped wetlands, and is not located in close proximity to such resources. The proposed development includes the installation of stormwater drainage infrastructure providing on-site storage for runoff. Further, as previously indicated the impervious area will be decreased as a result of the proposed project. The regraded areas will direct stormwater to a series of catch basins; increased landscaping along with existing pervious surfaces will also be utilized to manage stormwater runoff. The site is not located in a floodzone, therefore there is no need to further mitigate potential flooding impacts on site or onto adjacent properties and roadways. In summation, there are no significant adverse environmental impacts associated with potential adverse impacts to natural surface water resources as a result of the proposed project.

**Groundwater** The Site currently contains an operating groundwater treatment facility under the supervision of the USEPA. Part of the underground recharge piping runs under proposed elements of this project. A copy of the *Excavation Findings in Preparation for Site Development* report and *Site Management Plan* for the remedial work are available for review at the Division of Engineering office. The Town may allow the South Farmingdale Water District and EPA-managed groundwater treatment facility to discharge into the existing recharge basin. Potential enlargement of the basin to meet anticipated flowrates will be studied and addressed as necessary, and/or the Town may require that the recharge basin be partitioned to separate the multiple discharges. Any existing remediation infrastructure including recharge piping, pumps, underground electric and underground controls will remain as part of this project. This facility's effluent drainage system will be coordinated with the proposed development to ensure future operation. Since the completion of the remedial program, drainage infrastructure was installed to support the planned recreational improvements that had been developed through an extensive community outreach program, including the construction of a recharge basin and installation of leaching pools and connecting pipe. The proposed facility will discharge sewage to the existing Nassau County sewer line which serves the site, thereby avoiding potential groundwater quality impacts that may be associated with the use of subsurface sewage disposal systems.

According to the Site Management Plan (SMP) prepared for the Site:

**Inspections**

The 2002 Agreement at Paragraph 20 and the BFPP Statute provide rights of access to the USEPA and others for inspections and other appropriate purposes. The 2002 Agreement can be viewed at the Department of Environmental Resources of Department of Public Works (Appendix C in the SMP). Such access may include sampling, monitoring, and operations and maintenance to the on-site groundwater treatment system and potential remedial efforts should additional impacts be discovered onsite during future site development activities. The Town will provide access in accordance with these requirements.

**Notifications**

The 2002 Agreement and the BFPP Statute provide for notification of the USEPA in a variety of circumstances. In the 2002 Agreement, at Paragraph 25 the Town agreed to comply with notice requirements under any applicable laws and, in addition, agreed to immediately notify USEPA of releases or threatened releases of hazardous substances at or from the Site which constitute an emergency or may present an immediate threat to the public or the environment. The 2002 Agreement is included as Appendix C. The Town will provide notifications in compliance with these requirements and any other applicable laws. For example, reportable quantities of petroleum product shall be reported to the NYSDEC spills hotline. Paragraphs 2.2 and 2.2.1 provide for notice in emergency circumstances in satisfaction of the additional notice requirement noted above.

**Cooperation with the USEPA and the SWDs**

The 2002 Agreement Paragraph 25, and the BFPP Statute provide for cooperation between the Town and the USEPA, the SWDs, and others in connection with any future remediation of ROD violations, ongoing groundwater remediation, and in general with the USEPA's ongoing oversight. The 2002 Agreement is included as Appendix C. The Town will comply with these requirements, which include cooperation with any further remediation of ROD exceedances which may be conducted by the SWDs in the future, and other activities which the USEPA may direct in the course of its continuing oversight.

The Town will cooperate with the USEPA and SWDs to insure compliance with land use and restrictions and institutional controls for the Site. As noted previously, while the Town may conduct remediation of residual impacts going forward, the Town does not waive the SWDs obligation to conduct the cleanup and bear its costs if in the Town's discretion it believes the contamination encountered is sufficiently significant. The Commissioner of Parks will manage the Town's compliance with the foregoing and may designate appropriate Town employees or consultants to work with the USEPA to that end.

Further, according to the EPA Second Five Year Review conducted in July, the following information should be noted: Site historical operations on the Western Parcel and Central Parcel have ceased and these parcels are presently vacant except for the groundwater treatment system on the southwestern portion of the Western Parcel. The Eastern Parcel has been redeveloped and is paved over with a large-scale grocery/retail store and adjacent parking lot that was completed in May 2010.

There are no private drinking wells in the vicinity of the Site. People living near the Site obtain their drinking water from local water utilities; the water utilities routinely test their supplies to ensure compliance with State and federal drinking water standards. In 1998, EPA and the Massapequa Water District (MWD) and the South Farmingdale Water District (SFWD) joined in a collaborative effort and installed six "sentinel" monitoring wells between the Site property and downgradient public drinking water wells. These sentinel wells serve as an early warning system to indicate whether any plume of contamination is beginning to migrate towards the water supply well fields. Periodic monitoring of these sentinel wells by the local water districts has not detected any Site-related contamination.

**Special Groundwater Protection Area (SGPA)/Critical Environmental Area (CEA)** – The subject property is not located in or substantially contiguous to the SGPA or in any other area designated as a CEA by the Town of Oyster Bay.

**Air Quality, Odors, Noise, and Lighting** – The proposed project does not entail a use that would be associated with significant generation of odors, adverse impacts to air quality or noise and specific considerations and adjustments have been made in order to ensure that outdoor lighting does not adversely impact neighboring residents. Any exterior lighting installed for the proposed project will be required to be of shielded design, so as to minimize illumination impacts to neighboring properties. There are no significant adverse environmental impacts regarding air quality, odors, noise and lighting.

**Water Usage and Sewage Generation** – There will be a minor increase in water usage and sewage generation rates as a result of the proposed project. The proposed project entails Water Service Connection to South Farmingdale Water District and Nassau County Department of Health backflow prevention approval. Sanitary wastewater typically is generated at approximately the same rate as domestic water consumption, which is not expected to increase to levels that would cause an adverse impact. All such wastewater generated at this location is discharged to the Nassau County sewer connection which serves the site, and conveyed to the County's Cedar Creek facility on the south shore of the Town of Hempstead (hamlet of Wantagh) for treatment and effluent discharge to the Atlantic Ocean.

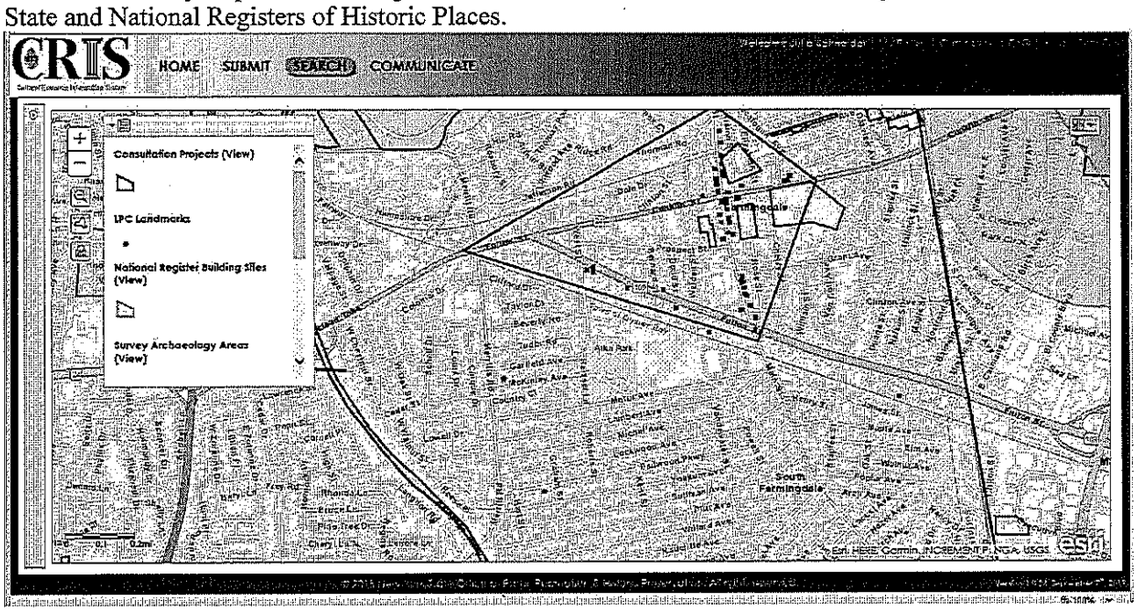
**Solid Waste Generation** – There will be an increase in solid waste generation rates at the site as a result of the intensified land use and temporarily as a result of construction activity. Solid wastes generated as a result of the proposed action will be collected for disposal at existing solid waste management facilities, as occurs with the existing current practices. Recycling is required as per Town Code.

**Other Community Services** – As the proposed project is intended to serve the needs of the community and has been designed based on the culmination of extensive community outreach, the proposed project is not anticipated to impose significant additional demand on other community services (e.g., police, fire, etc.) at the subject location. The proposed action does not entail the generation of school children who would require the services of the School District. Further is should be noted that the Town conducted a series of meetings to ensure that the community's needs were being met and that there would not be an adverse impact as a result of the proposed project. The Town's recent outreach efforts include the following:

- South Farmingdale Fire Department – DPW Meeting - January 29, 2018
- South Farmingdale Water District- DPW Meeting – January 17, 2018
- Nassau County Department of Health - Permitting discussions by LiRo
- Nassau County Department of Public Works – Sanitary Engineering (Sewer Service) – Permitting discussions by LiRo
- Nassau County Department of Public Works -Division of Traffic (Curb Cut, Traffic Signal) – Permitting discussions by LiRo
- Farmingdale Baseball – Meeting with league representatives – October 15, 2017
- Farmingdale Football Hawks - Meeting with league representatives – October 15, 2017
- Farmingdale Police Athletic League - Meeting with league representatives – October 15, 2017
- Farmingdale Soccer - Meeting with league representatives – October 15, 2017
- Concerned Citizens of Farmingdale – Community Meeting - March 1, 2018

**Aesthetic Resources** – The proposed site does not contain any significant aesthetic value and would benefit from the aesthetic improvements inherent in the proposed project. Additionally, the area of proposed disturbance provides no significant viewshed or aesthetic value. The applicant has conducted numerous meeting with the community in order to develop a plan that incorporates enhanced aesthetics while meeting the park needs as communicated to the Town. Therefore, there are no significant adverse environmental impacts anticipated as a result of the proposed project as it pertains to aesthetic resources.

**Historic and Archaeological Resources** – The subject property is previously disturbed and contains no historic or archaeologically resources of significance. The SHPO CRIS database was reviewed and there are no historically significant resources or even, "undetermined" properties on or substantially contiguous to the site that could have potentially been impacted by the proposed action. Thus, the proposed action will not adversely impact archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.




**Open Space and Recreation** – The subject property has been designed to provide the needed public open space and recreation areas in the subject area. Far from adversely impacting open space and recreational opportunities, the purpose of the proposed project to to provide additional opportunities for community enjoyment and participation in open space and recreation.

**Energy** – The subject action entails connection to existing utilities. The proposed facility expansion will involve an incremental increase on energy demand, which will be moderated by the implementation of energy conservation measures required under the New York State Building Code.

**Public Health and Safety** – The USEPA-directed remedial action for soil and surface features to cleanup standards specified in the Record of Decision (ROD) has been completed. The Western and Central Parcels have both been remediated to the same ROD criteria. As the ROD directed remedial actions are complete and the Site transitions from Superfund remediation of a contaminated site to ordinary park construction and operations at a remediated site, many of the special site requirements developed for the Superfund work are unnecessary and inappropriate and generally no longer apply. At the same time, it is possible that some residual contamination may be encountered during park construction and operations. Accordingly, a Site Management Plan (SMP), dated February 26, 2018 was prepared to establish appropriate procedures for park construction and operation, including timely investigation and response if evidence of contamination is encountered. The SMP is intended to (1) ensure the safety of the park, (2)

protect park workers and the community, (3) comply with the Town's obligations under the 2002 Agreement and the BFPP Statute as noted above, and (4) preserve the Town's protections from liability. The major features of the SMP, as set forth below, may be broadly characterized as follows.

- Park workers will be trained in the history of contamination and remediation at the Site and recognition of evidence of possible Site contamination in compliance with Occupational Health and Safety Organization (OSHA) Hazard Communication (29CFR 1910.1200) and Safety Training (29CFR 1926.21) Standards. If evidence of contamination is discovered, immediate notification will be made to an Environmental Professional as described in the SMP.
- The Town of Oyster Bay Commissioner of Parks (Public Works?) will designate one or more experienced Environmental Professionals who are familiar with the site history and have appropriate training.
- The Environmental Professional will be trained (e.g., Professional Engineer or OSHA 40-hour Hazardous Waste Operations and Emergency Response Training (HAZWOPER)) to evaluate environmental hazards and handle environmental emergencies at the Site.
- The Environmental Professional will evaluate any and all reports of contamination and manage the Town's response in consultation with appropriate Town officials. In the interest of safety and efficiency, incidental contamination will be handled using simplified procedures set forth below. While they are simplified in comparison to the site-specific procedures employed under the ROD for investigation and remediation of a contaminated Superfund site, the procedures under this SMP are appropriate for a public park on a fully remediated site and compliant with applicable laws and requirements.
- In cases involving ROD exceedances, incidental contamination would otherwise have been the responsibility of the Settling Work Defendants (SWDs) and handled in accordance with the ROD. While the Town will generally assume responsibility for investigations of and response to contamination under this SMP, if ROD exceedances are encountered which the Town in its discretion deems sufficiently significant, the Town retains its right to refer such ROD violations to the USEPA and SWDs for remediation in accordance with the ROD.
- The Town will comply with applicable federal, state, and local requirements for park construction and operations and with the specific requirements of the 2002 Agreement and the BFPP Statute, which may exceed those requirements in some respects, for example as to institutional controls, notice, cooperation or access.
- The Commissioner of Parks (Public Works?), in consultation with appropriate Town officials, will manage the Town's implementation of the Site Management Plan and compliance with its obligations and may designate Town employees or consultants to work with EPA on specific matters as may be appropriate.

The Town intends for compliance with the SMP to constitute reasonable steps with respect to hazardous substances at the Site in satisfaction of applicable federal, state, and local laws and regulations and the Town's obligations under both the 2002 Agreement and the BFPP Statute. Based on the forgoing, it is anticipated that the proposed project will not have a significant adverse environmental impact on public health and safety.

**Community Growth and Character** – The proposed project will not result in population growth and is in character with the existing land use, zoning and overall community character in the project vicinity. The proposed project will be an asset to the community and is consistent with the community character and development of the appropriately zoned parcel.

**CONCLUSION AND RECOMMENDATION** – If the Town Board concludes that the foregoing information fully addresses the relevant environmental issues, such that it is determined that the proposed action does not pose the potential for significant environmental impacts, the Board should adopt a **Negative Declaration**, either as part of the approval or via a separate document for the proposed action. In either case, the Negative Declaration should cite the present memorandum as the basis for the SEQRA determination.

If it is decided that modifications are necessary in order to provide additional mitigation with respect to anticipated environmental impacts, the Negative Declaration should identify said modifications and the reasons thereto, in addition to citing the present memorandum, as the basis for the SEQRA determination.

The requirements of SEQRA can be fulfilled by the filing of the Negative Declaration in the Environmental Notice Bulletin. Should the Board adopt the Negative Declaration and direct DER to file the necessary paperwork, DER will carry out this task and the SEQR process will have been completed in accordance with Article 8 of the New York State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA), and the implementing regulations thereto at 6 NYCCR, Part 617, and the Town of Oyster Bay Environmental Quality Review Law (Chapter 110 of the Code of the Town of Oyster Bay).

Reviewed By
Office of Town Attorney

Meeting of June 12, 2018 Resolution No. 412-2018

WHEREAS, Joseph Nocella, Town Attorney, and Matthew M. Rozea, Deputy Town Attorney, by memorandum dated May 30, 2018, advised that the Town Board previously authorized the Town, by Resolution No. 810-2005, adopted on November 15, 2015, to enter into negotiations to sell certain real property abutting the northerly side of certain premises located on Joyce Lane, Woodbury, New York; and

WHEREAS, the Town Board, by Resolution No. 563-2006, adopted on June 27, 2006, established sales prices for the aforementioned parcels of real property and authorized the sale of such parcels to property owners who expressed interest in the purchase of the parcels; and

WHEREAS, in August, 2014, the owners of 23 Joyce Lane, Woodbury, New York first expressed interest in purchasing one of the Joyce Lane parcels, which transaction closed on January 21, 2015, with a $16,000 payment being made to the Town; and

WHEREAS, in April, 2018, the Office of the Town Attorney was contacted by counsel for the estate of the owners of 23 Joyce Lane regarding the need to correct the Deed that was provided relative to the January 21, 2015 closing and, in connection with that work, the Office of the Town Attorney determined that Resolution No. 563-2006 should be amended to include parcels that were not contemplated for sale at the time Resolution No. 563-2006 was adopted; and

WHEREAS, Joseph Nocella, Town Attorney, and Matthew M. Rozea, Deputy Town Attorney, by the aforementioned memorandum, recommended and requested that the Town Board amend Resolution 563-2006 to include the following four parcels, as follows, with all other terms and conditions remaining the same:

| **PROPERTY OWNER (SEC., BLK., LOT)** | **MAP PARCEL LABEL OF ABUTTING PORTION OF JOYCE LANE BUFFER** | **SALE PRICE OF ABUTTING PORTION OF JOYCE LANE BUFFER** |
|---|---|---|
| 15, 175, 38 | G | $16,000.00 |
| 15, 175, 35 | K | $16,000.00 |
| 15, 175, 34 | L | $16,000.00 |
| 15, 175, 31 | O | $16,000.00 |

WHEREAS, Joseph Nocella, Town Attorney, and Matthew M. Rozea, Deputy Town Attorney, by the aforementioned memorandum, further recommend and request that the Town Board ratify the January 21, 2015 sale of Parcel G (Section 15, Block 175, Lot 38) to the owners of 23 Joyce Lane,

NOW, THEREFORE, BE IT RESOLVED, That the recommendations and requests hereinabove set forth are accepted and approved, and Resolution 563-2006 is amended as herein set forth, the January 21, 2015 sale of Parcel G (Section 15, Block 175, Lot 38) is hereby ratified and approved.

-#-

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller

# Town of Oyster Bay
# Inter-Departmental Memo

**TO** : Memorandum Docket

**FROM** : Office of the Town Attorney

**DATE** : May 30, 2018

**SUBJECT:** Amendment to Resolution No. 563-2006

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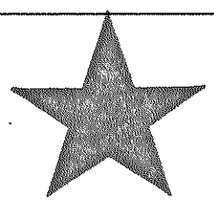
Resolution No. 810-2005, adopted on November 15, 2005, authorized the Town to enter into negotiations to sell and convey title to certain parcels of real property that abut the northerly side of certain premises located on Joyce Lane, Woodbury, New York (the "Joyce Lane Buffer"). Thereafter, the Town Board, by Resolution No. 563-2006, adopted on June 27, 2006, established prices for the parcels that comprise the Joyce Lane Buffer, and authorized the sale of those parcels to those residents who previously expressed interest in their purchase. A price of $16,000 was established for all of the 4,000 sq. ft. parcels. On March 30, 2007, fifteen of the parcels were sold.

In August, 2014, the owners of 23 Joyce Lane first expressed interest in purchasing the 4,000 sq. ft. parcel abutting their property. A Contract of Sale was executed, and the transaction closed on January 21, 2015 with a $16,000 payment being made to the Town, consistent with the terms of Resolution No. 563-2006.

In April, 2018, this Office received an inquiry from counsel for the current owners of 23 Joyce Lane, who sought a correction deed for the parcel that was conveyed on January 21, 2015. The title company has requested that the Town Board, by resolution, authorize the execution of the correction deed. Our research of the Town's files indicates that four parcels were omitted from Resolution 563-2006, as the owners of the abutting property had not expressed an interest in purchase of the Joyce Lane Buffer parcels at the time Resolution No. 563-2006 was adopted, although the price of all of the 4,000 sq. ft. parcels had been established.

Accordingly, this Office recommends and requests that Resolution No. 563-2006 be amended to now include the following four parcels:

| **PROPERTY OWNER (SEC., BLK., LOT)** | **MAP PARCEL LABEL OF ABUTTING PORTION OF JOYCE LANE BUFFER** | **SALE PRICE OF ABUTTING PORTION OF JOYCE LANE BUFFER** |
|---|---|---|
| 15, 175, 38 | G | $16,000.00 |
| 15, 175, 35 | K | $16,000.00 |
| 15, 175, 34 | L | $16,000.00 |
| 15, 175, 31 | O | $16,000.00 |



Further, this Office recommends and requests that the Town Board ratify the January 21, 2015 conveyance of Parcel G. All other terms and conditions of Resolution No. 563-2006 shall remain the same.

A proposed resolution for Town Board consideration is attached hereto.

JOSEPH NOCELLA
TOWN ATTORNEY

Matthew M. Rozea
Deputy Town Attorney

MMR:mmr
Attachments
cc: Town Attorney (w/7 copies)

S:\Attorney\RESOS 2018\MD & Reso\Amend 563-2006 (Joyce Lane Buffer).docx

Reviewed By
Office of Town Attorney

Meeting of June 12, 2018 Resolution No. 413-2018

WHEREAS, a bill was recently introduced in The State Legislature, that is, Assembly Bill A6320, to grant Danielle Galasso, an employee of the Town of Oyster Bay, a retroactive membership date in the New York State and Local Employees' Retirement System; and

WHEREAS, Assembly Bill A6320, submitted by Hon. Michael A. Montesano, Member of State Assembly, 15th District, requires a Home Rule Request from the Town of Oyster Bay; and

WHEREAS, The Town Board is supportive of such measure,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board of Oyster Bay hereby supports Assembly Bill A6320 as it relates to granting Danielle Galasso, an employee of the Town of Oyster Bay, a retroactive membership date in the New York State and Local Employees' Retirement System; and be it further

RESOLVED, That the Supervisor, or his designee, and the Town Clerk are hereby authorized to sign the appropriate number of Home Rule Request forms in support of Assembly Bill A6320, as discussed above; and be it further

RESOLVED, That the Town Clerk shall forward a copy of this resolution to the New York State Senate, and to the New York Assembly.

#

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Human Resources

20

# Town of Oyster Bay
# Inter-Departmental Memo

**TO** : MEMORANDUM DOCKET

**FROM** : Office of the Town Attorney

**DATE** : May 31, 2018

**SUBJECT:** Home Rule Request to grant a retroactive membership date in NYS Employees' Retirement System to Danielle Galasso

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By Resolution No. 180-2017, adopted on April 4, 2017, the Town Board supported New York State Assembly Bill A6320, submitted by Assemblyman Michael A. Montesano, to grant Danielle Galasso, an employee of the Town of Oyster Bay, a retroactive membership date in New York State and Local Employees' Retirement System, and authorized the execution of a Home Rule Request form.

By Resolution No. 362-2017, adopted on June 20, 2017, the Town Board supported New York State Senate Bill S5743, submitted by Senator Carl Marcellino, to grant Danielle Galasso, an employee of the Town of Oyster Bay, a retroactive membership date in New York State and Local Employees' Retirement System, and authorized the execution of a Home Rule Request form.

Both Home Rule Request forms were forwarded to New York State Assembly and Senate. However, the state legislature closed the 2017 session without acting on the above referenced bills. Assemblyman Montesano has requested that the Town Board execute new Home Rule Request forms in support of Assembly Bill A6320 and Senate Bill S5743. It is requested and recommended that Town Board evidence its support for Assembly Bill A6320 and Senate Bill S5743 and authorize the Supervisor, or his designee, and the Town Clerk to sign the appropriate Home Rule Request forms and have same forwarded together with a copy of Resolutions authorizing the same to New York State Assembly and Senate.

In light of the time sensitivity of this matter, it is requested that this matter be placed on the Town Board Calendar for the June 12, 2018 Board Meeting.

JOSEPH NOCELLA
TOWN ATTORNEY

Thomas M. Sabellico
Special Counsel

TMS:ss
cc: Town Attorney (w/7 copies)

Reviewed By
Office of Town Attorney

Meeting of June 12, 2018

Resolution No. 414-2018

WHEREAS, a bill was recently introduced in The State Legislature, that is, Senate Bill S.5743, to grant Danielle Galasso, an employee of the Town of Oyster Bay, a retroactive membership date in the New York State and Local Employees' Retirement System; and

WHEREAS, Senate Bill S.5743, submitted by Senator Carl Marcellino, requires a Home Rule Request from the Town of Oyster Bay; and

WHEREAS, The Town Board is supportive of such measure,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board of Oyster Bay hereby supports Senate Bill S.5743 as it relates to granting Danielle Galasso, an employee of the Town of Oyster Bay, a retroactive membership date in the New York State and Local Employees' Retirement System; and be it further

RESOLVED, That the Supervisor, or his designee, and the Town Clerk are hereby authorized to sign the appropriate number of Home Rule Request forms in support of Senate Bill S.5743, as discussed above; and be it further

RESOLVED, That the Town Clerk shall forward a copy of this resolution to the New York State Senate, and to the New York Assembly.

#

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 Alesia | Aye |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Human Resources

20

# Town of Oyster Bay
# Inter-Departmental Memo

**TO** : MEMORANDUM DOCKET

**FROM** : Office of the Town Attorney

**DATE** : May 31, 2018

**SUBJECT:** Home Rule Request to grant a retroactive membership date in NYS Employees' Retirement System to Danielle Galasso

---

By Resolution No. 180-2017, adopted on April 4, 2017, the Town Board supported New York State Assembly Bill A6320, submitted by Assemblyman Michael A. Montesano, to grant Danielle Galasso, an employee of the Town of Oyster Bay, a retroactive membership date in New York State and Local Employees' Retirement System, and authorized the execution of a Home Rule Request form.

By Resolution No. 362-2017, adopted on June 20, 2017, the Town Board supported New York State Senate Bill S5743, submitted by Senator Carl Marcellino, to grant Danielle Galasso, an employee of the Town of Oyster Bay, a retroactive membership date in New York State and Local Employees' Retirement System, and authorized the execution of a Home Rule Request form.

Both Home Rule Request forms were forwarded to New York State Assembly and Senate. However, the state legislature closed the 2017 session without acting on the above referenced bills. Assemblyman Montesano has requested that the Town Board execute new Home Rule Request forms in support of Assembly Bill A6320 and Senate Bill S5743. It is requested and recommended that Town Board evidence its support for Assembly Bill A6320 and Senate Bill S5743 and authorize the Supervisor, or his designee, and the Town Clerk to sign the appropriate Home Rule Request forms and have same forwarded together with a copy of Resolutions authorizing the same to New York State Assembly and Senate.

In light of the time sensitivity of this matter, it is requested that this matter be placed on the Town Board Calendar for the June 12, 2018 Board Meeting.

JOSEPH NOCELLA
TOWN ATTORNEY

Thomas M. Sabellico
Special Counsel

TMS:ss
cc: Town Attorney (w/7 copies)

Reviewed By
Office of Town Attorney
Elizabeth A. Loughran

Meeting of June 12, 2018 Resolution No. 415-2018

WHEREAS, the Town Board of the Town of Oyster Bay, by Resolution No. 507-1998, adopted on July 7, 1998, did heretofore establish a policy for the maintenance of inventory and the disposal of the Town's surplus personal property; and

WHEREAS, Joseph Nocella, Town Attorney, and Thomas M. Sabellico, Special Counsel, by memorandum dated June 12, 2018, requested and recommended that said policy be replaced; and

WHEREAS, no statute prescribes a procedure for the sale of unneeded Town personal property, and therefore, there is no statutory mandate that such property be sold only after public advertisement for sealed bids or advertisement for public auction; however, in order to fill a fiduciary duty, the method of sale adopted should be one which is designed to bring the best price or maximum benefits and may include sale by either auction, private negotiation, or competitive bidding,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation and request as hereinabove set forth are hereby accepted and approved and Resolution No. 507-1998 is hereby rescinded; and be it further

RESOLVED, That the care and custody of all personal property of the Town assigned to a particular department of the Town shall be the responsibility of the head of said department, and all personal property of the Town not assigned to a particular department of the Town shall be the responsibility of the Commissioner of the Department of General Services; and be at further

RESOLVED, That the Commissioner of the Department of General Services is hereby designated Property Manager of the Town's personal property and he or she shall be responsible for maintaining an inventory control of all such items; and be it further

RESOLVED, That every department head shall, on a form and in a manner designated by the Commissioner of the Department of General Services and the Town Comptroller, submit in writing to the Commissioner of the Department of General Services an inventory of all such property assigned to his or her department or under his or her care and custody; and be it further

RESOLVED, That in cooperation with the Town Comptroller, the Commissioner of the Department of General Services shall maintain and keep a record of the Town's personal property, based upon the data supplied to the Department of General Services by each department head, as well as from such other sources as may be available, and the Town Comptroller shall furnish to the Commissioner of the Department of General Services a fixed asset record, which shall be updated periodically, all in a manner as prescribed by the Comptroller of the State of New York; and be it further

RESOLVED, That the Town of Oyster Bay does hereby adopt the following policies and procedures to be followed, which authorize the Commissioner of the Department of General Services to dispose of those items of Town property deemed surplus:

1. When a Town department head deems it necessary to dispose of any Town personal property, he or she shall notify the Commissioner of the Department of General Services, in writing, giving a full description of each item, including its condition, age, original cost, if known, and its estimated current market value;

2. The Commissioner of the Department of General Services shall evaluate and determine the feasibility of reassigning any such personal property to another Town department where there is a valid and useful need for same. If the item has a substantial monetary value, arrangements may be made with the respective department heads and, with the approval of the Town Comptroller, said property inventory record will be transferred using a disposition form transferring from the department disposing of said property to the department acquiring said property;

3. Where it is determined that there is no valid and useful need for personal property in any Town department, the Commissioner of the Department of General Services shall declare such personal property to be surplus property and shall proceed to determine an estimated fair market value of the item, to the best of his or her ability, utilizing trade manuals, used equipment manuals, and any other available evaluation sources or methods. The estimate obtained, indicating the source, will be documented as part of the disposition record;

4. If the estimated value of the item to be disposed of is $10,000.00 or greater, the item to be disposed of shall be advertised by the Commissioner of the Department of General Services, upon Town Board approval, for competitive bid sale or public auction, including on-line auction. If the estimated value of the item to be disposed of is less than $10,000.00, the Commissioner of the Department of General Services, upon Town Board approval, may advertise the item for competitive bid sale or public auction, including on-line auction. If an item is being offered for sale by bid or auction, the minimum price shall be the estimated value as determined by the Commissioner of the Department of General Services;

5. If the estimated value of the item to be disposed of is less than $10,000.00, the Commissioner of the Department of General Services may sell such item directly to a party making the highest offer, provided that the Commissioner has prepared a written offer for sale

and has received a written offer to purchase from at least three parties, and the Town Board approves accepting said offer;

6. A good faith effort shall be made to obtain three offers to purchase. If the Town is unable to obtain three offers, the attempts made shall be documented and become part of the disposition record. In no event shall the inability to obtain the three offers to purchase be a bar to the disposition;

7. Whenever any disposition is awarded to other than the highest dollar offeror, the reasons such an award furthers the purpose of the Town as set forth hereinabove shall be documented by the Commissioner of the Department of General Services and be maintained as part of the disposition record;

8. If an item or items to be disposed of are being replaced by an item or items from the same manufacturer, and the manufacturer is willing to accept the item or items being disposed of for a credit towards the purchase of the new item or items ("trade-in") the Commissioner of the Department of General Services may dispose of the item or items by trade-in, without requiring competitive bid, public auction, or three written offers, provided that in the discretion of the Commissioner of the Department of General Services, the credit for the trade-in is a fair and reasonable amount for the estimated value of the item or items being disposed of; and

9. Whenever any item is reassigned, sold or disposed of, the Commissioner of the Department of General Services shall notify the Town Comptroller, so that the Towns master inventory records will be kept current.

-#-

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 Alesia | Nay |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
General Services

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# Town of Oyster Bay
# Inter-Departmental Memo

**TO** : MEMORANDUM DOCKET

**FROM** : Office of the Town Attorney

**DATE** : May 31, 2018

**SUBJECT:** Surplus Property

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The Towns Surplus Policy has not been updated since July 7, 1998 when Resolution No. 507-1998 was adopted.

It is the recommendation of this office that the Surplus Policy be replaced so the Town may take advantage of new opportunities to dispose of surplus property.

It is the request of this office that this matter be placed on the June 12, 2018 Town Board calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Thomas M. Sabellico
Special Counsel

TMS:ss
Enclosure
cc: Office of the Town Attorney (with 7 copies)

WHEREAS, by Resolution No. 854-2017, adopted on December 12, 2017, the Town Board authorized and directed LiRo Engineers, Inc., to provide on-call engineering services in connection with Contract No. PWC07-18, On-Call Engineering Services Relative to Civil Engineering, for a two (2) year contract term, from January 1, 2018 through December 31, 2019; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memoranda dated April 6, 2018 and April 18, 2018, provided the Town Board with scope of work to be performed by LiRo Engineers, Inc., including the development of new Municipal Solid Waste (MSW) and single-stream recycling routes, for licensing of the routing software with necessary training; and

Reviewed By
Office of Town Attorney

WHEREAS, Commissioner Lenz requested that the Town Board authorize LiRo Engineers, Inc., to use Routesmart Technologies, Inc., as a sub consultant to perform the route development analysis; and

WHEREAS, by letter dated March 28, 2018, LiRo Engineers, Inc., has advised the Town that the cost for these services will not exceed $145,000.00; and

WHEREAS, funds in the amount of $145,000.00 to satisfy said engineering costs are available in Account No. DER SR05 8160 44800 000 0000; and

WHEREAS, Commissioner Lenz further requested that the Town Board authorize LiRo Engineers, Inc., under Contract No. PWC07-18, and Routesmart Technologies, Inc., as a sub-consultant, to perform the above services and requested that the Comptroller be directed to issue an encumbrance order for this purpose,

NOW, THEREFORE, BE IT RESOLVED, that under Contract No. PWC07-18, On-Call Engineering Services Relative to Civil Engineering, LiRo Engineers, Inc., is hereby authorized to use Routesmart Technologies, Inc., as a sub-consultant to perform the route development analysis; and be it further

RESOLVED, that the Comptroller is hereby authorized and directed to issue an encumbrance order in an amount not to exceed $145,000.00, for LiRo Engineers, Inc., for Contract No. PWC07-18, with funds to be drawn from Account No. DER SR05 8160 44800 000 0000.

-#-

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 Alesia | Nay |
| Councilwoman Johnson | Nay |
| Councilman Imbroto | Aye |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller
Public Works
Environmental Resources

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# TOWN OF OYSTER BAY

## INTER-DEPARTMENTAL MEMO

APRIL 18, 2018

TO : MEMORANDUM DOCKET

FROM : RICHARD W. LENZ, P.E., COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

SUBJECT : SUPPLEMENTAL DOCKET MEMO TO ITEM NO. 31
DOCKET OF APRIL 10, 2018
ON-CALL CONSULTANT SERVICE REQUEST AND USE OF SUB-CONSULTANT
CONTRACT NO. PWC07-18
CIVIL ENGINEERING
ACCOUNT NO.: DER SR05 8160 44800 000 0000

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In furtherance to Item No. 31 of the docket of April 10, 2018, The consultant, LiRo Engineers, Inc., has been approved by the Commissioner of Public Works to provide technical services under On-Call Contract No. PWC07-18 by Resolution No. 854-2017 for the subject project. Funds have been made available by the Director of Finance.

Attached is a letter dated March 28, 2018 from LiRo Engineers, Inc. regarding the scope of work to be performed in an amount not to exceed $145,000.00. Services to be provided include the development of new MSW and single-stream recycling routes, for licensing of the routing software with necessary training..

Attached is an availability of funds in the amount of $145,000.00 to satisfy said engineering costs from the Office of the Director of Finance indicating that funds are available in Account No. DER SR05 8160 44800 000 0000.

Further, it is requested that LiRo Engineers, Inc. be authorized to use, as sub-consultant, Routesmart Technologies, Inc., to perform the route development analysis.

It is hereby requested that the Town Board authorize, by Resolution, LiRo Engineers, Inc. under Contract No. PWC07-18, On-Call Technical Assistance Relative to Civil Engineering, and requests that the Comptroller be directed to issue an encumbrance order for this purpose, and that Routesmart Technologies, Inc. be authorized as a sub-consultant.

RICHARD W. LENZ, P.E.
COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL/JCT/MR/lk

Attachment

cc: Office of the Town Attorney (w/7 copies)
Steven Ballas, Comptroller
Neil Bergin, Commissioner/Environmental Resources
Daniel Pearl, Deputy Commissioner/DPW
Kathy Stefanich, Administrative Division/DPW

PWC07-18 LIRO DOCKET MSW ROUTING P2 FUNDS SUPP

# ON-CALL CONSULTANT SERVICE / REQUIREMENTS CONTRACT
# REQUEST FOR AVAILABILITY OF FUNDS

Requesting Division/Department PUBLIC WORKS/ENV. RESOURCES

**THIS SECTION TO BE COMPLETED BY DEPARTMENT ADMINISTERING ON-CALL CONSULTANT CONTRACT**

Contract Number PWC07-18

Contract Period 1/1/2018 - 12/31/2019

Consultant/Contractor LIRO ENGINEERS, INC.

Discipline CIVIL ENGINEERING

Total Authorization $162,318.88

Resolution No. 854-2017 Date 12/12/2017

Funded To Date $17,318.88

Amount Requested $145,000.00

Account To Be Used DER SR05 8160 44800 000 0000

If Capital Account, State The Related Contract Number:

Description Of Work

*If a Capital Account is used and work is not related to a Capital Project, specify the nature of the requested service that qualifies it as a Capital Expense.*

MSW AND SINGLE STREAM RECYCLING COLLECTION ROUTING

ROUTE DEVELOPMENT ANALYSIS AND SOFTWARE LICENSE & TRAINING

Work To Be Completed In Contract Period: *Yes* [X] *No* [ ]

*A "No" response will require Town Board authorization to extend the contract period.*

Required Insurances Are In Effect: *Yes* [X] *No* [ ]

*A "No" response will prevent further processing of this form.*

Required 50% Performance Bond For This Request In Effect: *Yes* [ ] *No* [ ] *N/A* [X]

Amount of Bond $

**Requesting Division/Department**

Signature

Title DEP. COMMISSIONER

Date 4·18·2018

**DPW Approval**

Only To Be Executed By The Commissioner

Signature

Title **Commissioner of Public Works**

Date 4/18/18

**THIS SECTION TO BE COMPLETED BY THE DIRECTOR OF FINANCE**

Amount Requested 145,000.00

Unemcumbered Balance 194,681.12

Is The Account To Be Used Consistent With The Nature Of Work Listed Above? *Yes* [X] *No* [ ]

Signature

Date 4/18/18

# TOWN OF OYSTER BAY

## WORK ORDER

*This Section To Be Completed By The Department Of Public Works*

Work Order No. _____ E.O. No. _____

Contract Start 1/1/2017

Contract No. PWC07-18 Contract End 12/31/2019

Commencement Date 1/1/2018

**No claim shall be paid for work performed prior to the Commencement Date**

Vendor Name and Address

LIRO ENGINEERS, INC.

3 AERIAL WAY

SYOSSET, NEW YORK 11791

Requesting Town Department PUBLIC WORKS & ENVIRONMENTAL RESOURCES

Contact MATTHEW RUSSO, P.E. Phone 516-677-5719

Description of Work to be Performed (Attach Detail If Necessary)

MSW & SINGLE STREAM RECYCLING COLLECTION ROUTING

ROUTE DEVELOPMENT ANALYSIS AND SOFTWARE LICENSE & TRAINING

**This work order shall not exceed $** 145,000.00

*Please notify the above mentioned contact person 48 hours prior to commencing any work.*

**Requesting Division/Department**

Signature _____

Title DEP. COMMISSIONER

Date 4-18-2018

**Department Of Public Works Approval**

Only To Be Executed By The Commissioner

Signature _____

**Commissioner of Public Works**

Date 4/19/19

**LiRo Engineers, Inc.**
A LiRo Group Company
Three Aerial Way, Syosset, NY 11791 Telephone 516.938.5476 Facsimile 516.937.5421

March 28, 2018

Richard W. Lenz, PE
Commissioner
Department of Public Works
Town of Oyster Bay
150 Miller Place
Syosset, NY 11791

Re: Proposal for Phase 2 – Town-wide Single Stream Routing;
Contract No. PWC07-18, On-Call Civil Engineering

Dear Commissioner Lenz,

The Town of Oyster Bay has utilized computerized routing for almost thirty years for the creation of sanitation and recycling routes, under the concept of "two crews–two services". With the advent of single stream routing and the use of common shared equipment, ***the Town has elected to move to "one crew-two services"***. In order to accomplish this goal, the current Town routes need to be adjusted.

Phase 1 of the Project, the requirement to build the routing dataset, has been successfully completed. This scope of work entails Phase 2, which is the creation of required routes. Working in conjunction with LiRo, our subconsultant Routesmart Technologies will develop efficient and optimized routes for the Town.

Scope of Work

The project is to generate new residential and recycling routes for the Town of Oyster Bay. The objective is to create 45 trash routes and 15 recycling routes for servicing approximately 115,000 households. The goals include generating new residential trash and recycling routes with single packer vehicles.

Town crews will complete one trash route, empty vehicle and complete one recycling route. Trash routes will use 950 homes per route target, 60 lbs collected per location and 20,000 lb vehicle capacity. Recycling routes will use 1,300 homes per route target, 25 lbs per location and 10,000 lb vehicle capacity.

Service day changes to the residents are not desired. Routes will be developed to preserve existing sanitation and recycling zones and corresponding service day. The existing GIS based service locations, sanitation districts, SORT zones, and facility locations created in Phase 1 of the project will be used.

LiRo will balance route territories and sequence routes so that each route has the same amount of workload based on time, with the following parameters: 1) Serve both sides of a residential street, 2) Service time per stop will be 30 seconds, and 3) 5 am start time for all vehicles. Route summary reports and driving directions for each route (PDF format for local printing) will be provided.

LiRo will conduct one (1) review of a five (5) route sample prior to the finalization of the routing scenario. We strongly recommend that the Town drive these routes and scrutinize operational constraints based on this sample.

Once final routes are delivered, rework will require a separate scope of work and budget based on edits that may be requested. Our proposed fee includes the use of HERE street data to support the project. No end-user licensing of the HERE data is included via this project effort.

Routesmart will perform all routing work remotely. RouteSmart and Town of Oyster Bay will use WebEx video conferencing to review results. LiRo personnel will be local and will be on-site to assist the Town during the route review. Should the Town request Routesmart personnel be on-site, travel & expenses will be billed as incurred. This is not anticipated to occur.

Fees

The fee for the above services is a ***lump sum of $ 70,000.*** Work will be invoiced in accordance with the terms and conditions of our On-Call Civil Engineering Contract with the Town.

Phase 3 of the project, which is the long term maintenance of the routes, will include the Town acquiring an up to date license of RouteSmart software and the training of Town staff. For budget purposes, we recommend that the Town allocate ***$75,000 for Phase 3*** of the project.

Please ***indicate your acceptance*** of this proposal by signing below and returning a copy to the undersigned.

If you have any questions or concerns regarding this proposal, please contact me or Richard Annitto at (516) 746-2350. Thank you for this opportunity to be considered to assist the Town with our services.

Sincerely,
**LiRo Engineers, Inc.**

Michael P. Rennard, PE
Vice President

Authorization to Proceed – Phase 2

| | |
|---|---|
| _____ | $_____ _____ |
| Name and Title | Fee |
| _____ | _____ |
| Signature | Date |

*cc: J. Tassone - TOB*

CORRECTED COPY

Meeting of December 12, 2017

Resolution No. 854-2017

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memoranda dated November 27, 2017 and December 4, 2017, advised that on September 27, 2017, the Department of Public Works issued a Request for Proposals for Engineering Services relative to Civil Engineering, in the Town of Oyster Bay, Nassau County, New York, in accordance with the specifications contained in Contract No. PWC07-18; and

WHEREAS, in response to that Request for Proposals, fifteen (15) responses were timely received by the Department of Public Works, Division of Engineering; and

Reviewed By Office of Town Attorney

WHEREAS, Commissioner Lenz, by said memoranda, stated that after review of the Division of Engineering's preliminary recommendations and in conjunction with the current workload, the Department has selected Nelson & Pope Engineers & Land Surveyor, PLLC, D&B Engineers & Architects, P.C., Holzmacher, McLendon & Murrell, P.C., deBruin Engineering, P.C., Lockwood, Kessler & Bartletts, Inc., LiRo Engineers, Inc., John Grillo, Architect, P.C., Savik & Murray, a Division of DCAK-MSA Architecture & Engineering, P.C. The evaluation and selection process was performed in compliance with the requirements of Guideline 9 of the Town of Oyster Bay Procurement Policy; and

WHEREAS, the Department of Public Works requested that the Town Board authorize the Department of Public Works to enter into an agreement with Nelson & Pope Engineers & Land Surveyor, PLLC, D&B Engineers & Architects, P.C., Holzmacher, McLendon & Murrell, P.C., deBruin Engineering, P.C., Lockwood, Kessler & Bartletts, Inc., LiRo Engineers, Inc., John Grillo, Architect, P.C., Savik & Murray, a Division of DCAK-MSA Architecture & Engineering, P.C., to provide Engineering Services relative to Civil Engineering, in accordance with the specifications contained in Contract No. PWC07-18, for a two (2) year term commencing on January 1, 2018 through December 31, 2019

NOW, THEREFORE, BE IT RESOLVED, That the recommendations as hereinabove set forth are accepted and approved, and the Department of Public Works is hereby authorized to enter into Contract No. PWC07-18 with Nelson & Pope Engineers & Land Surveyor, PLLC, D&B Engineers & Architects, P.C., Holzmacher, McLendon & Murrell, P.C., deBruin Engineering, P.C., Lockwood, Kessler & Bartletts, Inc., LiRo Engineers, Inc., John Grillo, Architect, P.C., Savik & Murray, a Division of DCAK-MSA Architecture & Engineering, P.C., in accordance with the provisions thereunder, for a two (2) year term, commencing on January 1, 2018 through and including December 31, 2019.

#

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 Alesia | Absent |
| Councilwoman Johnson | Aye |
| Councilman Imbroto | Absent |
| Councilman Hand | Aye |

cc: Supervisor
Town Attorney
Comptroller (2)
Public Works

# TOWN OF OYSTER BAY

## INTER-DEPARTMENTAL MEMO

APRIL 6, 2018

TO: MEMORANDUM DOCKET

FROM: RICHARD W. LENZ, P.E., COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

SUBJECT: ON-CALL ENGINEERING SERVICE REQUEST
RELATIVE TO CIVIL ENGINEERING
CONTRACT NO. PWC07-18
SUPPLEMENTAL MEMO TO FOLLOW

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The Division of Engineering is compiling the necessary paperwork for an on-call consultant service request authorization for Civil Engineering. Additional information will be provided by supplemental docket memo.

It is hereby requested that a space be reserved at the Town Board meeting of April 24, 2018 for the Town Board to act on a request for authorization under Contract No. PWC07-18, On-Call Engineering Services Relative to Civil Engineering.

RICHARD W. LENZ, P.E.
COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL/JCT/MR/lk

Attachment

c: Office of the Town Attorney (w/7 copies)
Steven Ballas, Comptroller
Neil Bergin, Commissioner/Environmental Resources
Daniel Pearl, Deputy Commissioner/Environmental Resources
Kathy Stefanich, Administrative Division/DPW

PWC07-18 LIRO DOCKET ROUTING P2 FUNDS RESERVE